

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Sub Committee held
at Council Chamber, County Hall, The Rhadyr USK on Monday, 5th December, 2022 at
2.00 pm**

PRESENT: County Councillors: Tony Easson (Chair)
County Councillors: Sue Riley and Dale Rooke

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Ben Davies	Solicitor
Samantha Winn	Licensing Officer
Wendy Barnard	Democratic Services Officer

APOLOGIES:

None

1. Declaration of Interests

No declarations of interest were made.

2. Application for a Premises License - Raglan Service, Station, High Street , Raglan

The Chairman welcomed everyone to the meeting and introduced Members of the Sub Committee and the attending officers. The Principal Licensing Officer explained the protocol for the meeting.

- The Applicant attended in person and was accompanied by a Licensing Agent and Area Manager.
- Principal Licensing Officer
- Licensing Officer
- County Councillor. P Jones, Ward Member for Raglan
- Clerk of Raglan Community Council
- Two members of the local community.

All confirmed sight of the report and the committee procedure. The applicant confirmed he was happy to continue without any legal representation. Time limits for speaking would be adjusted due to the number of objectors.

The Licensing and Regulatory Sub Committee considered an application for a Premises Licence under the Licensing Act 2003 for a premises licence for Raglan Service Station, High Street, Raglan.

Members of the sub-committee were asked to determine whether: -

- To grant the licence with the conditions specified in the application
- To grant the licence with the conditions the Council considers appropriate for the promotion of the licensing objectives

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- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as premises supervisor
- To reject the application

The applicant has described the premises as a convenience store with a small petrol station. The Application was originally for:

- Alcohol Sales – off the premises - Monday to Sunday 00:00hrs – 23.59hrs
- Opening Hours - Monday to Sunday 00:00hrs – 23.59hrs

Mediation between the Licensing Department and the Applicant resulted in an offer to amend the application to 6am until midnight.

Representations were received against the application from Heddlu Gwent Police on the grounds that the application, in its original form, could undermine the Licensing Objectives. The Police requested the applicant agree to accept conditions relating to CCTV, recording of incidents and refusal logs, staff training and challenge 25. Heddlu Gwent Police removed their representations after the applicant agreed to accept all of the conditions required.

The Licensing Section submitted a representation under the ground of Prevention of Public Nuisance, Prevention of Crime and Disorder and Public Safety as detailed in the Officer's report. This was removed after the applicant agreed to accept the additional condition relating to the use of a night pay window and the removal of the conditions relating to the DPS and the type of goods being sold.

Representations were received from other persons linked to the 4 main licensing objectives:

- Entice people to congregate outside the premises
- Light pollution
- Noise from the increase in traffic
- Cause noxious or obnoxious smells and pollution
- Create litter
- Proxy sales
- Noise from the increase in customers to the premises

The Committee noted the Applicants responses to these representations in the officer's report.

The Committee noted that Representations must be made under the four key licensing objectives, namely:-

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm.

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The Committee carefully listened to and considered the submissions of those objecting to the application. In summary, the key objections related to the following:

- Encouraging increased traffic into Raglan at inappropriate times of the day, causing traffic congestions, parking problems and issues for pedestrians and impacting on the resident's and their family's quiet enjoyment of their homes.
- The 24hour nature of the business which was not in character for Raglan and was not required.
- Light pollution beyond normal business hours in Raglan.
- Noise and air pollution from the premises due to increased traffic.
- Increase in litter form the premises.
- Encouraging increased consumption of alcohol contrary to health guidelines.
- The development of the premises not in keeping with a conservation area.
- Issues in relation to Planning.

The Applicant through the Licensing Agent made the following submissions:

- The applicant confirmed that they wished to work with the community as their primary customer base and did not wish to disturb and upset members of the community.
- The applicant confirmed they would develop the site sensitively and had invested significant amounts of money in the site to meet the high standards of the licence conditions to meet the licensing objectives. This included sensitive lighting that can be dimmed, a low level tannoy system, sufficient bins for rubbish and tills that assisted and prompted in ID checking in relation to age restricted sales.
- The applicant confirmed that they run approximately 15 sites and are experienced in managing this type of business.
- The applicant noted the concerns of the objectors and agreed to reduce their opening hours to 6am to 11pm between Monday to Sunday and to restrict deliveries between 09:00 and 17:00 during the day. The Applicant stated they did not intend to open 24hours a day and also did not expect large numbers of customers late at night.
- The applicant noted that although there were concerns, which they acknowledge, no evidence had been produced to substantiate the objections. No objections had been raised by Environmental Health in terms of lighting or noise and that the applicant had worked with other responsible bodies in terms of conditions.
- The Applicant also stated, if they do not comply with their licence or fail address concerns raised, the review process could be used to address concerns.

The Committee considered the representations made and the four key licensing objectives. The Chair confirmed during the meeting that the Licensing Committee were

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not able to consider planning issues and that Planning had not raised any objections to the application during the consultation.

The Committee considered the report of Licensing Officer and the evidence provided at the meeting and asked questions.

The Committee considered the information provided by the applicant within the report, additional correspondence and noted the representations from the Applicant through his agent and area manager.

The Committee paid very careful attention to the issues raised by those objecting to the application both in writing and at the hearing. In particular, the Committee noted the concerns raised by those objecting to the Application in respect of the four licensing objectives.

The Committee asked the questions they felt relevant to make a decision.

In reaching the decision, the Committee had regard to the following:

- Submissions of the applicant;
- Submissions from those objecting to the application
- The additional conditions agreed with Gwent Police and the Licensing Department.

In taking into account all of the above matters, relevant legislation and guidance and all the relevant circumstances of the application, the Committee did not consider there were sufficient reasons, having regard to the 4 Licensing objectives, not to grant the licence. The Committee also noted the reduction in opening times offered by the applicant and the restriction on delivery times.

The committee decided, to grant the application with the following conditions:

- The supply of Alcohol/opening times to be permitted between the hours of 06:00 to 23:00, Monday to Sunday.
- The Delivery of good to the premises to be restricted between the hours of 09:00 – 17:00, Monday to Sunday.
- The Committee stated the premises licence holder to engage with the Responsible Authorities, which includes Planning.

There may be an appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

The applicant will receive written confirmation of this decision within 5 working days.

The meeting ended at 3.55 pm