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County Hall
Rhadyr
Usk
NP15 1GA

Friday, 25 November 2022

Notice of meeting

Licensing and Regulatory Sub Committee

Monday, 5th December, 2022 at 2.00 pm,
Council Chamber, County Hall, The Rhadyr USK and remote attendance

AGENDA

Item No	Item	Pages
1.	Apologies	
2.	Declaration of Interests	
3.	Application for a Premises License - Raglan Service, Station, High Street , Raglan	1 - 70

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru

Public Information

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Watch this meeting online

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Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Application for a Premises Licence for Raglan Service Station, High Street, Raglan
DIRECTORATE: Social Care and Health
MEETING: Licensing & Regulatory Sub-Committee
Date to be considered: 5th December 2022
DIVISION/WARDS AFFECTED: Priory Ward, Raglan

1. PURPOSE:

To consider an application for a Premises Licence under the Licensing Act 2003 for a premises licence for Raglan Service Station, High Street, Raglan. Due to representations received against the licence application, the Local Authority are required to hold a hearing to consider the application. A copy of the application with plans provided by the applicant is attached as Appendix A. Photos of the surrounding grounds of the premises are attached as Appendix B.

2. RECOMMENDATION(S):

2.1 It is recommended that members consider and determine the application referred to in 3.1 below, based on the information provided;

2.2 Members of the sub-committee may determine:-

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

3. KEY ISSUES

3.1 A new application for a premises licence under the Licensing Act 2003 was received from Kajanthan Nagaratnam of 5 Church Street, Rhymney for the following:-

Alcohol Sales – off the premises

- Monday to Sunday 00:00hrs – 23.59hrs

Opening Hours

Monday to Sunday 00:00hrs – 23.59hrs

3.2 The applicant has described the premises as a convenience store with a small petrol station.

The applicant within their operating schedule has outlined their arrangements under the four licensing objectives. Namely, The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the The Protection of Children from Harm.

General

The premises will be managed and controlled by a responsible person at all times. The Designated Premises Supervisor will be on the premises or contactable during the operating hours.

The prevention of Crime and Disorder

CCTV this is able to capture images without any blind spot, particularly outside under conditions of low lighting will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous/old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

Public Safety

The management will take part in local neighbourhood watch or similar schemes.

The prevention of public Nuisance

Single cans or bottles of beers and ciders or plastic cups to accompany purchases of alcohol are not be sold. A list of persons that cause issues will be maintained by the premises and the management will not serve alcohol or tobacco products to these individuals at any time. This list can be populated by the management or any other responsible authority.

The protection of children from harm

All staff members who serve alcohol will be trained in the prevention of underage sales to a level commensurate with their duties. All such training will be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training will be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation will be available for inspection on request by an officer from one of the responsible authorities.

A challenge 25 policy will be operated by the premises with notices informing customers of the policy. The only forms of acceptable identification shall be a photographic driving licence, a valid passport, a recognised form of photographic identification incorporating the PASS logo. Notices will be displayed in the premises stating this.

All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.

An incident/refusals book will be maintained at the premises and made available to any of the appropriate authorities on request.

- 3.3 The applicant has a statutory duty to send copies of his/her premises application to the 'Responsible Authorities' namely Heddlu Gwent Police, South Wales Fire Service, The Local Health Board, Immigration. Plus the following departments of Monmouthshire County Council, Environmental Health section, Social Services, Planning, Licensing and Trading Standards departments. To assist applicants the Licensing Section also circulate a copy of the application and plan to the Responsible

Authorities by email, and this was completed. A notice also has to be circulated in a local newspaper within the area of the premises by the applicant and this notice was included in the Abergavenny Chronicle.

A public notice was also displayed at the premises to enable businesses and residents to make a representation. The application is also advertised via the Council's website, which gives details on how a person can make a representation and this was carried out by the Licensing Authority.

3.4 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, as follows;

- CCTV shall be installed at the premise. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place.
- The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority and any other authorised person.
- The correct time and date will be generated onto both the recording and the real time image screen;
- If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
- The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
- There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.
- The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a month ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
- The Premises Licence Holder shall operate and maintain an up-to-date incident book, detailing the time/date/individual involved /incident that has taken place. This shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a month ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
- The premises shall operate a Challenge 25 policy and signage will be displayed to indicate this is in operation. The age check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
- Fully documented staff training, to include training on the Premises Licence conditions as well as the premises' Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, at a minimum every 6 months. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them. This can be made for inspection by any Responsible Authority under the Licensing Act 2003.

Heddlu Gwent Police removed their representations after the applicant agreed to accept all of the conditions provided above.

3.5 The Licensing Section submitted the following representation under the ground of Prevention of Public Nuisance, Prevention of Crime and Disorder and Public Safety:

To include the following condition

- The entrance door to the shop will be closed to customers between the hours of 12.00 midnight and 05.00 hours daily. Any sales between these hours will be made through the night pay window.

Where alcohol is being sold, The Licensing Act 2003 requires a Designated Premises Supervisor (DPS), who will have day to day responsibility for the running of the premises. It does not require the DPS to be on the premises at all times when alcohol is being sold as it is recognised this will physically be impossible. Furthermore, every premises licence has a mandatory condition that deals with the ban of the sale of alcohol below the cost of duty plus VAT (minimum unit price). As such, the Licensing Officers requested the following removal of the following conditions and stated the reasons why they should be removed

- The DPS will be on the premises or contactable at all times (not realistic for a 24 hour licence, could be sleeping, become unwell or on holiday etc..) A DPS is not required to be at the premises for 24 hours a day.
- Single Bottles / Cans not to be sold (limiting stock to multipack only, no need for this in my opinion. Often see mixer alcohol cans or larger single bottles of alcohol on sale at off licence) The sale of single or multipack will not undermine the licensing objectives.

The Licensing Section removed their representations 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 as above

3.6 No other representations were received from the remaining statutory consultees, referred to in 3.3 above.

3.7 Representations were also received from other persons. Copies of the representations are attached as Appendix C. Below is an overview of the representations that can be 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 applicant has provided the following in response:

This premises is due for a full refurbishment, it will take a couple of months for us to complete all the works including CCTV and other safety measures. Premises will be in operations for 24hours and 7 days a week therefore we will be taking number of measures to prevent any disturbance.

- We will install a dimmable lighting system where we can adjust the brightness to avoid light pollution. Also lights in the forecourt will be facing downward.

- There will be no delivery during late hours or early mornings
- We will install a latest Tannoy System, with the adjustable sound levels and the sound will be audible only for a few meters from these system
- We will provide adequate bins for customers to dispose their rubbish.
- The premises is not going to be busy during the late hours, we don't have that level of customer base. Also, during the late hours we are not expecting more than two customers at any point of time. We also have an ample parking space within our boundary to accommodate our customers.
- There is a significant amount of investment is going into this business both for the renovation and for the modern equipment's. This business relies on our neighbours and our customers for the survival. Therefore, we will never jeopardise any of this by causing inconvenience to our neighbourhood.

3.8 All objectors referred to in 3.7 above were informed of the applicant agreeing to the additional conditions and the removal of two conditions, which are covered within the Act itself following an agreement with the Police and Licensing. However, the objectors still wished to pursue their representations and the matter be put before a hearing with the Licensing and Regulatory Sub-Committee.

3.9 Representations made under the Licensing Act 2003 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.

Objections that do not relate to the licensing objectives should be disregarded.

3.10 When considering their decision members are asked to consider the licensing objectives guidance. Sections 2.1 – 2.21 of the Home Office revised guidance issued in April 2018 under section 182 of the Licensing Act 2003 are attached as appendix D.

3.11 In accordance with 9.2 of the Home Office Guidance issued under Section 182 of the Licensing Act 2003. A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

4. REASONS:

4.1 The determination of an application is to be considered in accordance with Section 18 of the Licensing Act 2003.

4.2 In section 9.4 of the Guidance issued under section 182 of the Licensing Act 2003, the Secretary of State recommends that, a representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

4.3 In section 9.12 of the Guidance issued under section 182 of the Licensing Act 2003 states each responsible authority will be an expert in their respective field, and in

some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective.

- 4.4 In section 13.10 of the Guidance issued under Section 182. It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance.
- 4.5 Monmouthshire County Council's Policy issued 1st July 2020 sets out its views on the four licensing objectives in Sections 10-13 Appendix E.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

Heddlu Gwent Police, South Wales Fire Service, Home Office (Immigration) and the following departments from Monmouthshire County Council, namely, Environmental Health, Social Services, Planning, Trading Standards, Licensing and the Local Health Board

7. BACKGROUND PAPERS:

[Licensing Act 2003](#)

[Guidance issued under Section 182 of the Licensing Act 2003 dated April 2018](#)

Monmouthshire County Council's Statement of Licensing Policy dated 1st July 2020.

8. AUTHOR:

Samantha Winn
Licensing Officer

CONTACT DETAILS:

Tel: 01633 644221

Email: samanthawinn@monmouthshire.gov.uk



Monmouthshire
Application for a premises licence
Licensing Act 2003

For help contact
licensing@monmouthshire.gov.uk
 Telephone: 01673 735420 or 01291 635711

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently in Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

[Redacted]

* Family name

[Redacted]

* E-mail

sterlingpetroleum@hotmail.com

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:


Applying as a business or organisation, including as a sole trader

Applying as an individual


A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name		<input type="text"/>
* Street		<input type="text"/>
District		<input type="text"/>
* City or town		<input type="text"/>
County or administrative area		<input type="text"/>
* Postcode		<input type="text"/>
* Country		<input type="text"/>

Agent Details

* First name		<input type="text"/>
* Family name		<input type="text"/>
* E-mail		<input type="text"/>
Main telephone number		<input type="text"/>
Other telephone number		<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text" value="06103860"/>
Business name	<input type="text" value="Preradic@hotmail.co.uk"/>
VAT number	<input type="text" value="-"/> <input type="text" value="None"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Director"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name		
Street		
District		
City or town		
County or administrative area		
Postcode		
Country		

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name	Raglan Service Station
Street	High street
District	
City or town	Raglan
County or administrative area	Usk
Postcode	NP15 2DY
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	9,900

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address.

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

Building number or name

Street


District

City or town

County or administrative area

Postcode

Country



Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes.

No

E-mail

sterlingpetroleum@hotmail.com

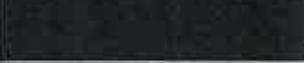
Telephone number

Other telephone number

Date of birth



Nationality



Right to work share code

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/ /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Convenience store with a small petrol station

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous pages...

Will you be providing recorded music?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A


State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

	<input type="text"/>
	<input type="text"/>
	<input type="text"/>

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)



PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="23:59"/>

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="23:59"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="23:59"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="23:59"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="23:59"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="23:59"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

- The premises will be managed and controlled by a responsible person at all times.
- The Designated Premises Supervisor will be on the premises or contactable during the operating hours.

b) The prevention of crime and disorder

- CCTV that is able to capture images without any blind spot, particularly outside under conditions of low lighting will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous/old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request

c) Public safety

- The management will take part in local neighbourhood watch or similar schemes

d) The prevention of public nuisance

- Single cans or bottles of beers & ciders or plastic cups to accompany purchases of alcohol are not to be sold
- A list of persons that cause issues will be maintained by the premises and the management will not serve alcohol or tobacco products to these individuals at any time. This list can be populated by the management or any other responsible authorities.

e) The protection of children from harm

- All staff members who serve alcohol will be trained in the prevention of underage sales to a level commensurate with their duties. All such training will be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training will be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation will be available for inspection on request by any of the responsible authority.
- A Challenge 25 policy will be operated by the premises with notices informing customers of the policy. The only forms of acceptable identification shall be a photographic driving licence, a valid passport, a recognised form of photographic identification incorporating the PASS logo. Notices will be displayed in the premises stating this
- All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.
- An Incident/Refusals Book will be maintained at the premises and made available to any of the appropriate authorities on request

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- **A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.**
- **A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.**
- **A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.**
- **A current immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**
- **A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.**
- **Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.**
- **Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-**
 - **evidence of the applicant's own identity – such as a passport,**
 - **evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and**
 - **evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:**
 - (i) **working e.g. employment contract, wage slips, letter from the employer,**
 - (ii) **self-employed e.g. contracts, invoices, or audited accounts with a bank,**
 - (iii) **studying e.g. letter from the school, college or university and evidence of sufficient funds; or**
 - (iv) **self-sufficient e.g. bank statements.**

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) **any page containing the holder's personal details including nationality;**
- (ii) **any page containing the holder's photograph;**
- (iii) **any page containing the holder's signature;**
- (iv) **any page containing the date of expiry; and**
- (v) **any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.**

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific regulated entertainments please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- **Dance:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- **Cross activity exemptions:** no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,305.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000-14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/monmouthshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

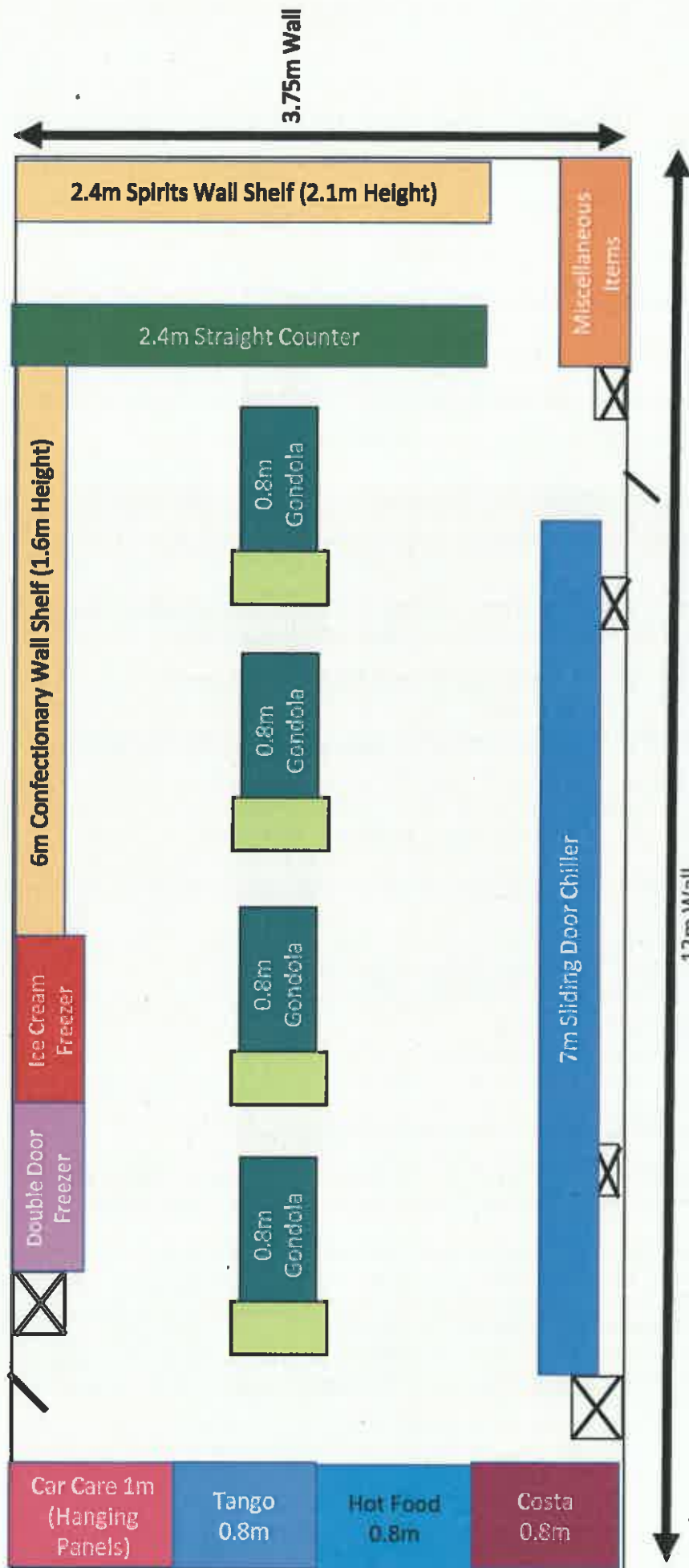
N.B.: Each Gondola has an end panel bay on the side without a promotion bay. Also, each Gondola has 0.8m of space from all sides of the gondola for customers to walk through. Furthermore, the floorplan is not exactly to scale.



Beams



Promotion Bays



Raglan Service Station
 High Street,
 Raglan Usk,
 NP15 2DY.

APPENDIX











MONMOUTHSHIRE
COUNTY
COUNCIL

19 OCT 2022

Monmouthshire Licensing Authority
Licensing Act 2003

PUBLIC PROTECTION
ABERGAVENTNY OFFICE **REPRESENTATION FORM FROM OTHER PERSONS**

This representation is made by an Other Person

Your name/organisation name/name of body you represent (see note 3)	[REDACTED]
Organisation name/name of body you represent (if appropriate) (see note 3)	[REDACTED]
Postal and email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Raglan Service Station
Address of the premises you are making a representation about	High Street, Raglan

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder Prevention of Crime and disorder: This relates to any crime, disorder or anti-social behaviour related to the management of the premises.		<p>There are already 4 premises (2 shops – NISA and Post Office, 2 public houses – Beaufort Hotel / Ship Inn) within 100m of this property that serve alcohol and 2 others within ½ mile (Cripple Creek / Raglan Country Estate).</p> <p>Given that the main crime statistics for the area are for Anti-social behaviour and public order offences (UKCrimeData) and the links between ASB, public offences and alcohol, I do question the need for another established serving alcohol in such a close vicinity to others.</p>
Public safety		
To prevent public nuisance Prevention of public nuisance: This can relate to hours of operation, noise and vibration, noxious smells, light pollution and litter.		<p>We already have huge issues with parking with people using the NISA and Post-Office but always relieved that these close at 6 and no longer have traffic and car parking outside our house. Both of these shops have a car park however, most people choose not to use them and park on the street instead as it is more accessible. I would predict the same happening with the new shop. Our cars have been damaged 5 times in 3 years due to the traffic parking outside our house. [REDACTED] and there is noise associated with the garage (petrol pumps deliveries, engine noise, car maintenance</p>

	<p>works) the previous garage opened at reasonable hours meaning that there was some relief from the noise. I am concerned about the 24hr element of the traffic coming and going and potential of noise. [REDACTED]</p> <p>[REDACTED] both demanding jobs. We worry about how this will impact on our children's sleep as bedroom is facing the main road (noise and light directly into facing windows), and the impact on other children in the village with the impact of extra traffic (fumes and potential for accidents). We hoped that the Council would move towards reducing the flow of traffic through Raglan village given the serious accidents that have occurred at the junctions, however, should this licensing be agreed it will inevitably increase.</p>
<p>To protect children from harm</p>	

<p>Please suggest any conditions that could be added to license to remedy your representation or other suggestions you would like the Licensing Sub committee to take into account. **</p>	<p>As stated, I think the issue of added traffic to the area and parking is a huge problem on a road that already comes to a standstill at times due to traffic build up. Offering parking has not helped (example of parking to rear of Post Office) and people still use the main road as preferred parking area.</p> <p>I think it also important to consider environmental impact of 24 hour use of a garage such as continuous noise, fumes and air pollution.</p>
--	---

Signed: [REDACTED] Date: 17/10/2022

NOTES

1. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the statutory period of 28 days from the date the application was displayed on the premises of the date given to the public notice in a local newspaper or other local publication.
3. These can only relate to the four licensing objectives.
4. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider representations that you have made.

5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing committee, which will be publicly available. Names will only be withheld from the Committee report at your request.

6. Please return this form when completed to:

**MONMOUTHSHIRE LICENSING SECTION
Abergavenny Community Education Centre
Old Hereford Road
Abergavenny
NP7 6EL**

Tel: 01873 735420

Email: licensing@monmouthshire.gov.uk

Re. licensing application Raglan Garage, High St. Raglan

MONMOUTHSHIRE
COUNTY
COUNCIL

26 OCT 2022

PUBLIC PROTECTION
ABERGAVENTNY OFFICE

25th October 2022

Dear Sirs,

I understand that the new owners of the former Ford Garage on the High Street in Raglan have submitted a licensing application to enable the sale of alcohol off premises 24/7.

I am very concerned about this application and feel this is highly inappropriate for the location of the premises.

The site is surrounded on all sides by residential properties in the middle of a peaceful village.

Most other commercial ventures on the High St. are closed by 6:30pm, with the exception of the Raglan Fryer which closes at 9pm, and the two Public Houses. The earliest opening time is 7am. This means that traffic flow through the village is minimal in the evening, and overnight the roads are very quiet.

I feel there is really no justification for 24/7 opening hours. The services on the A40, with all the facilities it offers, is already open 24/7 and is easily accessible and ideally placed less than two miles from Raglan.

My concerns, therefore, are that the proposed opening hours would be disruptive and detrimental to the village and people of Raglan, bringing far more late night and weekend traffic into the village. The issues of noise, light and litter pollution and the potential problems that easy access to alcohol can create could easily become a major problem, affecting the pleasant and peaceful atmosphere of this lovely village.

Yours faithfully

Re-licensing application for
Raglan Garage, High St, Raglan

MONMOUTHSHIRE
COUNTY
COUNCIL

26 OCT 2022

PUBLIC PROTECTION
ABERGAVENTNY OFFICE

25th October 22

Dear Sir

I am writing to oppose the 24/7 licensing hours applied for by the new owners of Raglan Garage.

I cannot see any reasonable justification for permitting the off licence sale of alcohol from a premises in a small rural village like Raglan on a 24/7 basis.

In addition to all the noise of traffic at all hours in the village I have particular concern for the amount of litter that is generated in areas where shops are open after dark. As a regular litter picker, on behalf of the Council, in Raglan and across the county I have personally witnessed this. It was just the same when the service station 1 mile outside of Raglan started doing takeaways 24/7.

I would therefore ask that the hours permitted are more in keeping with a premises in the centre of a residential area in a rural village

Kind regards

04 NOV 2022

Monmouthshire Licensing Authority
Licensing Act 2003

PUBLIC PR
ABERGA

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name/organisation name/name of body you represent (see note 3)	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	
Contact telephone number	

Name of the premises you are making a representation about	Central Garage High Street Raynes
Address of the premises you are making a representation about	as above

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	<input checked="" type="checkbox"/>	If 24 hour opening will cause more people about with cause more crime & disorder.
Public safety	<input type="checkbox"/>	As that are double yellow lines bordering the premises traffic will cause more parking problems
To prevent public nuisance	<input type="checkbox"/>	
To protect children from harm	<input type="checkbox"/>	

Please suggest any conditions that could be added to license to remedy your representation or other suggestions you would like the Licensing Sub committee to take into account.	
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Monmouthshire Licensing Authority

Licensing Act 2003

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name/organisation name/name of body you represent (see note 3)	[REDACTED]
Organisation name/name of body you represent (if appropriate) (see note 3)	Resident of Raglan
Postal and email address	[REDACTED] [REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	The Garage
Address of the premises you are making a representation about	High Street, Raglan

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	The ability to purchase alcohol 24hrs a day especially from a property that sells fuel, could increase and encourage drinking and driving by irresponsible individuals
Public safety	NO	The ability to purchase alcohol 24hrs a day especially from a property that sells fuel, could increase and

		encourage drinking and driving by irresponsible individuals
To prevent public nuisance	NO	The ability to purchase alcohol 24hrs a day especially from a property that sells fuel, could increase and encourage drinking and driving by irresponsible individuals
To protect children from harm	NO	Extreme drinking by individuals can result in aggravated abuse of children

Please suggest any conditions that could be added to license to remedy your representation or other suggestions you would like the Licensing Sub committee to take into account. **	No, It is a bad plan that could increase traffic into our village and destroy the rural environment of the place
--	--

Signed: Date: 03/11/2002

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name/organization name/name of body you represent (see note 3)	County Councillor Penny Jones
Organisation name/name of body you represent (if appropriate) (see note 3)	Monmouthshire County Council
Postal and email address	County Hall, Usk
Contact telephone number	

Name of the premises you are making a representation about	Raglan Service Centre
Address of the premises you are making a representation about	High St Raglan, Monmouthshire

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes or No	Yes
To prevent crime and disorder		A place for people to gather during the evening/night. An opportunity to come into the High St which is not a thoroughfare, on pretext of 'finding garage for sale of alcohol' (A large Service Strn on A449 about 2miles away)
Public safety		Risk of encouraging the sale of alcohol after the pubs have shut and encouraging public disorder and abusive behaviour towards public. Car parking on a congested and narrow road.
To prevent public nuisance		As above – risk of public disorder from selling alcohol over a 24hr period. CCTV will not deter. Probability of extra litter despite placements of bins. Also risk of increased noise during late evening and the night. Light pollution for residents.
To protect children from harm		Encouraging all public to come into a village on pretext of going to shop. Increased risk of drug taking/selling.

Please suggest any conditions that could be added to license to remedy your representation or other suggestions you would like the Licensing Sub committee to take into account. **	That the sale of alcohol is kept within the parameters of closing times of local businesses, such as the fish and chip shop which closes at 9pm - at the latest.
--	--

**Signed: Penny Jones -County Councillor for Raglan Ward
Date: 08.11.22**

NOTES

- 1. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.**
- 2. This form must be returned within the statutory period of 28 days from the date the application was displayed on the premises of the date given to the public notice in a local newspaper or other local publication.**
- 3. These can only relate to the four licensing objectives.**
- 4. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider representations that you have made.**
- 5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing committee, which will be publicly available. Names will only be withheld from the Committee report at your request.**
- 6. Please return this form when completed to:**

**MONMOUTHSHIRE LICENSING SECTION
Abergavenny Community Education Centre
Old Hereford Road
Abergavenny
NP7 6EL**

Tel: 01873 735420

Email: licensing@monmouthshire.gov.uk

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name/organisation name/name of body you represent (see note 3)	Raglan Community Council
Organisation name/name of body you represent (if appropriate) (see note 3)	Raglan Community Council
Postal and email address	Ty-Nant, Old Trap Road, Gilwern, Monmouthshire, NP7 0HW clerk@raglancc.org.uk
Contact telephone number	07770 41 73 55 or 07974 56 44 06

Name of the premises you are making a representation about	Raglan Service Station
Address of the premises you are making a representation about	Raglan Service Station, High Street, Raglan, NP15 2DY.

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		<p>The applicant has indicated that CCTV will be in operation to capture images. If CCTV will be in operation to deter any crime or disorder in and around the premises, then image retention should be for period of at least 1 calendar month so the images can be reviewed as appropriate by the Licensing Authority and any other authorised person.</p> <p>Signs that would need to be installed may detract from the Conservation area.</p> <p>If the retention of images is collected the correct time and date should be generated onto both the recording and the real time image.</p> <p>To allow images to be captured this may need</p>

		<p>extra floodlighting in those locations that will have a detrimental effect on private dwellings in and around the premises. The business is in the conservation area of Raglan.</p> <p>Consideration should be given to s103 of the Clean Neighbourhoods and Environmental Act 2005. Statutory nuisance: lighting.</p>
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<p>Public safety</p>	<p>Concern must be expressed about the number of people congregating outside the premises, could cause a concern for public safety.</p> <p>Concern has been expressed that growing up in families where alcohol misuse is a problem can have negative impacts which could persist long into adulthood. It's been reported that 14% of adults have been exposed to alcohol misuse during childhood.</p> <p>Reducing adverse childhood experiences can reduce levels of harmful drinking by 35% and that fits with the Well-being of Future Generations Act.</p> <p>Welsh Government has stated that Wales should have an environment and society in which healthy choices are the easy choices.</p> <p>Welsh Government states by 2030 Welsh Government would like to have changed social norms about the acceptability of a range of health harming behaviours. For example, to reduce alcohol-related deaths, the Welsh Government introduced a minimum unit price for alcohol in Wales in 2019.</p> <p>Welsh Government believes this will reduce alcohol consumption among the lowest income group by around 6% and reduces death among the heavy drinkers in routine/manual occupations.</p> <p>By granting a 24-hour licence, that would appear to be going against the Welsh Government policy and well-being projections.</p>
<p>To prevent public nuisance</p>	<p>The applicant is applying to be open for 24 hours. This will have detrimental effect on the street scene due to the light pollution from the forecourt lights during the times of darkness, and the</p>

	<p>extended times of darkness during the winter months.</p> <p>Concern must be expressed on the extra noise and pollution made by more vehicles using the services that will be open 24 hours.</p> <p>Concern must also be expressed with unaccountable noise and vibration. The former use of the garage was a petroleum forecourt and car sales room.</p> <p>The proposed application is going to create more traffic movements in and around the High Street and the village itself.</p> <p>The application has shown no provision for off street parking. The forecourt access is inside a bend on the high street where currently traffic movements can be difficult to manoeuvre, due to delivery vehicles and large agricultural vehicles using the high street daily.</p> <p>With the lack of off-street parking the members of the public could find vehicles causing a nuisance by parking on the public footway in this location and could cause residents to walk on the highway.</p> <p>With the business being opening 24 hours this would cause a public nuisance with noxious or obnoxious smells and pollution:</p> <p>If the business is permitted to open 24 hours this will create further concern with litter on the high street. This can be from the wrapping from goods purchased or the disposal of beverage tins be it, alcohol, or soft drinks.</p>
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<p>To protect children from harm</p>	<p>With regards to protecting children and vulnerable adults, the law does provide specific protection for children, such as making it illegal for children under 18 to buy alcohol.</p> <p>However, a person over the age of 18 can purchase alcohol for a minor. The applicant has indicated that a register will be maintained. But concern must be expressed how this will be managed outside the boundaries of the business, and the effect this could have on other services that support the community.</p>
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<p>Please suggest any conditions that could be added to license to remedy your representation or other suggestions you would like the Licensing Sub committee to take into account. **</p>	<p>Raglan Community Council express concern and make the following observations to include in any consent the Licensing Subcommittee may consider.</p> <p>The trading hours should be restricted to 05:00 hrs to 21:00 hrs Monday to Saturday and Sunday 08:00 hrs to 16:00 hrs</p> <p>The sale of alcohol is restricted to the hours of 08:00 hours to 21:00 hours Monday to Saturday and Sunday 08:00 hrs to 16:00 hrs</p> <p>The above trading hours would be equivalent to other premises selling alcohol in the village.</p> <p>The premises may have received consent to open unlimited hours. The business is an established business as a garage, filling station and car show room with shop facility. The proposed application is proposing the business extends the opening hours past the current and historical business use hours.</p> <p>Consideration should be considered under s103 of the clean neighbourhoods and environmental</p>
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Act 2005. **Statutory nuisance: lighting:** which has been amended.

s79 of the Environmental Protection Act 1990 lists the statutory nuisances in that section which includes "*artificial light emitted from premises so as to be prejudicial to health or a nuisance*".

This has the effect of subjecting nuisance lighting to the statutory nuisance regime in Part 3 of the Environmental Protection Act 1990.

It is evident by granting consent to open the business for 24 hours this will have an adverse effect on the Local Environment and the Well-being of residents who live close to the business due to the increase of light pollution relating to the extended opening hours.

If consent is granted a condition should be included that the business provides street collection bins in the local area or make a financial contribution to litter picking in the village. Another option would be to provide personnel to collect litter and other debris in its place.

Signed: *Adrian Edwards*
on behalf of Raglan Community Council

Date: 27 October 2022

2. The licensing objectives

Crime and disorder

- 2.1** Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2** In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3** Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4** The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5** Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- **Fire safety;**
- **Ensuring appropriate access for emergency services such as ambulances;**
- **Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);**
- **Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;**
- **Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);**
- **Ensuring appropriate and frequent waste disposal, particularly of glass bottles;**
- **Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and**
- **Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).**

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10** Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11** Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12** "Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13** The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of

¹ s 177 of the 2003 Act now only applies to performances of dance.

5 | Revised Guidance issued under section 182 of the Licensing Act 2003

those premises should be.

- 2.14** Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance.

- 2.15** The 2008 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16** Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2008 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17** Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18** As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19** Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

10. Prevention of crime and disorder

Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.

The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority's 'Model Pool of Conditions' when considering an application.

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
- Are Security Industry Authority (SIA) door staff employed and what checks are made to the validity of the SIA licence? What records are kept of SIA checks, search policy, entrance policy, restriction of patrons using outside areas, such as smoking areas, employment times of SIA and their training?
- Is there ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
- Is there a clear drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored. Are areas or surfaces designed to prevent the likelihood of drug use at the premises?

- Has the use of plastic or toughened glass for serving of alcohol been considered, will glass bottles be handed over the bar? Are there restrictions of drinks being taken outside?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?

The Licensing Authority recognise that although Gwent Police and other criminal justice services suffer the greatest resource burden from preventable alcohol related crime and disorder the health system is also impacted. Preventable alcohol-related attendances and admissions have a negative impact on limited NHS resources, staff and other patients. Physical injury and the psychological impacts from violent incidents directly affect the health and wellbeing of individuals, their family, friends and work colleagues, our public service staff and licensed premise staff who deal with these incidents, and the local community. Responsible Authorities will work together, sharing all available local data, and will use NHS sources of data to promote this licensing objective.

The Authority will endeavour to reduce crime and disorder throughout the County in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.

Monmouthshire County Council, through agencies working together and sharing information aim to identify and prevent sexual exploitation, modern slavery and human trafficking. Licence holders can help as they may become aware or come into contact with such victims. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders, and staff employed in licensed premises, are in an ideal position to help protect people.

Modern slavery and human trafficking is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude and compulsory labour. The licence holder and staff who work in licensed premises should look for and ask themselves the following;

- Has the person got any physical signs of abuse or neglect? Deprived of food, water, sleep, medical care or other life necessities?
- You see worrying behaviour towards someone.
- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak when spoken directly?

- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement? Can they freely contact friends and family? Do they have limited social interaction?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim bonded by debt, or in a situation of dependence?

If there are concerns the licence holder are to report the matter to Modern Day Slavery helpline on 08000 121 700 or visit the website <https://www.modernslaveryhelpline.org/report> or can report to Licensing on 01873 735420 or e-mail licensing@monmouthshire.gov.uk. If someone is in immediate danger to call the Police on 999.

In addition, all staff who are employed in the UK must have the right to work in the UK. Employing someone illegally without carrying out the prescribed checks can lead to robust sanctions against the licence holder.

11. Prevention of public nuisance

Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. It is therefore important that in considering the promotion of this licensing objective, Licensing Authorities and Responsible Authorities focus on the effect of the licensable activities at the specific premises on these parties which may be disproportionate and unreasonable

The definition of what may be considered as a potential or actual 'public nuisance' is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to 'public nuisance' are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises.

The Licensing Authority recognise that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being.

The Licensing Authority recognise the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases.

Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.

Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or**
- extended opening hours are proposed.**

The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert

over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licenceholder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application, wherever reasonably practicable. These Authorities will be able to provide advice in respect of appropriate control measures that may be put in place, and included in the operating schedule, to mitigate the potential risks of public nuisance occurring.

The Well-being of Future Generations (Wales) Act 2015, Noise & Soundscape Management.

The Well-being of Future Generations (Wales) Act 2015 (hereinafter referred to as the WFG Act 2015) places a duty on Local Authorities including the Licensing Authority to embody sustainable development principles aimed at achieving seven prescribed well-being goals as part of its fundamental operation; this includes the delivery of its Licensing function. One of the cornerstone areas of consideration is the management of noise and its impact on health and well-being.

The Statutory Licensing guidance issued under Section 182 of the Licensing Act 2003 does not currently provide any reference to how operationally Licensing Authorities are to have regard to the requirements of the WFG Act 2015 specifically as it may relate to the promotion of the Licensing Objective, the Prevention of Public Nuisance. It is clear however in the Welsh Government's 'Noise and Soundscape Action Plan 2018-2023' that there is recognition of the impact of noise. The Licensing Authority will have regard to this action plan when determining applications (please refer to section 17 Integrating strategies below).

12. Public safety

The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events. Applicants are advised to seek advice from various

organisations, such as the Monmouthshire health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.

The Regulatory Reform (Fire Safety) Order 2005 introduced a requirement that any person responsible for the management of a premises must make a suitable and sufficient assessment of the risks, to which persons may be exposed for the purpose of identifying the general fire precautions, which need to be taken. Therefore no conditions may be imposed on an authorisation where it directly relates to fire safety. It is expected therefore that authorisation holders will conduct a thorough risk assessment which is regularly reviewed and updated. The risk assessment should be retained at the premises and be available upon request by any authorised officer of the Council.

Where an applicant identifies an issue with regard to public safety, which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety.

Depending on the individual style and characteristics of the premises and/or events, the following issues may be relevant:

- The number of people attending the premises/safe capacity levels, (factors may include access and egress, flow around premises, comfort levels, seating provisions, dance areas, accessibility to bars, etc);
- The age, condition, design and layout of the premises, including the means of escape in case of an emergency;
- The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;
- Customer profile (e.g. age, disability etc.);
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.
- Electrics and heating as part of the risk assessment.

The following examples of control measures are considered to be important and should be taken into account by applicants in their Operating Schedule, having regard to the particular type of premises and/or activities -

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;

- Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises;
- Adoption of best practice guidance (Assistance can be obtained by contacting such Environmental Health, Fire Safety and HSE).
- Provision of effective CCTV in and around premises;
- Implementation of crowd management measures;
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.
- Appropriate First Aid facilities and staff training on when to administer/ not administer First Aid.

The authority recommends that specialists, e.g. qualified safety officer, should be consulted to assist with an assessment of public safety issues, (excluding fire safety as such a risk assessment is a mandatory requirement).

Heddlu Gwent Police promotes the use of polycarbonate drinking vessels to reduce injuries caused either deliberately or accidentally from glass drinking vessels. The Council supports this initiative and would advise any applicant or authorisation holder that toughened glass often lose their tempering through repeated use, and should consider the introduction of solely polycarbonate or plastic drinking vessels. Where premises are associated with crime and disorder, the Council may also advocate that open glass bottles for consumption on the premises should not be permitted and that contents are decanted before serving to customers, the purpose being to reduce any incidents where bottles may be used as weapons.

The Licensing Authority recognise that there are links between public safety and health, for example injuries suffered in licensed premises that need medical treatment. Falls are a contributor to alcohol related hospital attendances and admissions.

Considering and noting issues relating to public safety in responses to a licensing application can be an effective way of addressing these issues through conditions being placed on a licence, or, in more extreme cases a licence not being granted. The Health Board, as a Responsible Authority, may be able to provide evidence of prevalence, costs and impacts of public safety issues as appropriate.

13. Protection of children from harm

Nothing in this statement of policy shall limit or require access of children to premises unless there is an overriding requirement of necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this policy.

With the exception of the restrictions specified in Section 145, the 2003 Act does not prohibit children from having free access to any licensed premises. However, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.

The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual premises or club.

The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

The Chief Officer Social Care and Housing for the authority will be consulted on issues relating to protecting children from harm.

Safeguarding children is everyone's responsibility. Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background. Child sexual exploitation involves perpetrators grooming youngsters and using their powers and it can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older partner, having sex in return for attention, gifts, money, alcohol and cigarettes. Violence, coercion and intimidation are common forms of exploitation, with some vulnerable children being given drugs or made to sell drugs and/or are forced to be part of county lines network.

Hotels, bars and restaurants, late night takeaways, off licences or other licensed premises may come into contact with such children. This Authority encourages those premises to look out for signs of possible exploitation. Licence holders and staff should look for and ask themselves the following -

- Does a child appear to be in a relationship with an older person?
- Does the child appear to be under the influence of alcohol or drugs?
- Is the hotel booking done by an adult, who is trying to conceal they are with a young person?
- Numerous adults and young people coming to a hotel who do not appear to have a reason for being there, or high levels of visitors to a

guest room. With guests moving in and out of the premises at unusual times.

- Guests arriving and asking for specific rooms number without knowing the name of the person the room is booked under.

For safeguarding children the Council do not support contactless check in systems (virtual reception) whereby no members of staff will have interaction with the customers at a hotel.

If there are concerns the licence holder and staff are to report the matter to either Monmouthshire Safeguarding on 01291 635669 or Police Safeguarding on 01495 745409. If someone is in immediate danger to call the Police on 999.

The Licensing Authority recognise that compared to adults, children and young people are at higher risk of harm in relation to alcohol use and consumption, and the health impacts can be higher where they happen. Children and young people are also more vulnerable to certain harms in licensed settings. Furthermore, earlier take up of regular drinking increases lifetime risks of alcohol-related harms.

Children and young people have multiple vulnerabilities related to the impact that alcohol can have on their health and development. They have higher levels of vulnerability and risk associated with being on licensed premises that need to be considered and appropriately addressed in licensing policies, practices and processes. A significant impact from a child or young person suffering illness, injury or dependence as a result of access to alcohol and licensed premises is likely to fall to the Health Board.

The Licensing Authority also recognise the serious impact of parental alcohol misuse on children at every age, and the long-term consequences (i.e. adverse childhood experiences). There is potential for lower levels of harmful parental alcohol consumption having a beneficial impact on reducing childhood adversity in the home environment (e.g. reductions in violence, in particular domestic abuse).

Evidence demonstrates that young people are more vulnerable than adults to the adverse effects of alcohol due to a range of physical and psycho-social factors. As such, initiatives to prevent the sale and supply of alcohol to children are supported.

13.9

The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection of children is met.

To support the age-verification process the Authority strongly recommended that premises have the following measures in place to ensure age verification for sales -

- That 'Challenge 25' is supported as part of the age verification scheme established. The scheme should require the production of evidence of age from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in age verification schemes and proxy sales, where a person attempts to buy alcohol for a person under 18. Records of such training shall be retained on the premises and made available for inspection by authorised officers.
- That an incident log be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by authorised officers.
- That a personal licence holder shall be on the premises at all times that alcohol is supplied.
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.