

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Wednesday, 18 June 2025

## Notice of meeting

## County Council

**Thursday, 26th June, 2025 at 2.00 pm,  
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA**

## AGENDA

*Prayers will be said prior to the Council meeting at 1.45pm. All members are welcome to join the Chair for prayers should they wish to do.*

Item No	Item	Pages
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Chair's Announcement	1 - 2
4.	To confirm the minutes of the meeting held on the 15th May 2025	3 - 16
5.	Reports to Council	
5.1.	Licensing Act 2025 Policy Statement	17 - 112
5.2.	Separation of licensing functions	113 - 124
5.3.	Appointments to Outside Bodies	125 - 128
5.4.	Shape and Leadership Structure of Monmouthshire County Council	129 - 150
6.	Motions to Council	
6.1.	Submitted by County Councillor Meirion Howells  This Council notes the growing problem of roadside litter across Monmouthshire, much of which is the result of litter being discarded from	

moving vehicles.

Therefore this Council resolves that the Cabinet Member for Climate Change :

- Formally write to the Welsh Government, specifically the Minister for Climate Change, requesting that legislation be introduced to enable the prosecution or fining of the registered keeper when litter is thrown from a vehicle.
- Request that the Welsh Government provide appropriate guidance and resources to local authorities to support effective enforcement of such measures.

**6.2. Submitted by County Councillor Frances Taylor**

Following the Comprehensive Spending Review announcement which does not appear to include the relief lines upgrade, that this Council utilise its position as a key stakeholder in the Burn's Southeast Wales sustainable travel prospectus to ensure that all partners are clear that Magor station is not only unique, but also cost effective, offers mitigation to the climate emergency and can be delivered now, as it is not dependent on the relief lines upgrade.

That this council urgently writes formally and steps up its lobbying of all relevant decision makers, Department for Transport, Welsh Government, Transport for Wales, and Network Rail to ensure that Magor Station is recognised as a quick win and is delivered immediately and without delay with the CSR funding.

**7. Member Questions**

**7.1. From County Councillor Meirion Howells to County Councillor Ian Chandler, Cabinet Member for Social Care, Safeguarding and Accessible Health Services**

Can the Cabinet Member give an update on progress made to implement the recommendations from the review into My Day My Life, and the associated accessibility improvements that were to be made to the Melville Centre for the Arts in Abergavenny and the Overmonnow Learning Centre in Monmouth?

**7.2. From County Councillor Paul Pavia to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment**

Could the administration please provide an update on the implementation of the HGV weight restrictions on the M48 Severn Bridge?

**7.3. From County Councillor Paul Pavia to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment**

Could the administration please provide an update on the discussions held with national governments and Network Rail regarding investments in improvements to Chepstow Railway Station?

**7.4. From County Councillor Alistair Neill to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment**

Would the Cabinet Member please provide an update on plans for the permanent engineering works required to restore the chain bridge at Kemeys Commander to full working order including removal of the temporary 7.5T

weight restriction.

**7.5. From County Councillor Rachel Buckler to County Councillor Laura Wright, Cabinet Member for Education**

Would the cabinet member make a statement on the breadth of choice in subjects for key stage 5 pupils at Chepstow School?

**7.6. From County Councillor Fay Bromfield to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment**

Can the cabinet member please provide me with an update on the issue of speeding Llangybi?

**7.7. From County Councillor Jill Bond to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment**

Mobility scooters are of great benefit to people with disabilities and mobility restrictions in Monmouthshire. Please can you set out how the Council is helping mobility scooter users to stay safe within our communities?’

**7.8. From County Councillor Christopher Edwards to County Councillor Laura Wright, Cabinet Member for Education**

Can the Cabinet Member for Education inform council of any proposed future investment the current administration intends to make in both Chepstow School and The Dell Primary School (in their current form), which has remained an unanswered question since full council met in January 2025.

**7.9. From County Councillor Christopher Edwards to County Councillor Paul Griffiths, Deputy Leader and Cabinet Member for Planning and Economic Development**

Can the Cabinet Member provide an update on the Welsh Transport Appraisal Guidance (WelTAG) Study that was commissioned to look at the potential design for improvements at High Beech roundabout in Chepstow.

**7.10. From County Councillor Martin Newell to County Councillor Ian Chandler, Cabinet Member for Social Care, Safeguarding and Accessible Health Services**

What discussions have you had about plans for a new ambulance station in Monmouth?

**7.11. From County Councillor Richard John to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment**

By the end of 2025, how much will the council have spent on fencing above Clydach?

**7.12. From County Councillor Martin Newell to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment**

How can we best help our residents that have overgrown trees from adjoining MHA properties overhanging and damaging their privately owned properties whilst staying within the rules set in MCCs tree policy?

<b>7.13.</b>	<p><b>From County Councillor Louise Brown to County Councillor Laura Wright, Cabinet Member for Education</b></p> <p>Will the Home to School Transport Policy Consultation for 2026/7 be delayed, as not covered on the People Scrutiny Committee agenda of the 17<sup>th</sup> of June 2025?</p>	
<b>7.14.</b>	<p><b>From County Councillor Louise Brown to County Councillor Laura Wright, Cabinet Member for Education</b></p> <p>Will the administration comment on how effectively it feels it has supported the leadership and functioning of the Standing Advisory Council for RE/RVE(SACRE/SAC)?</p>	
<b>7.15.</b>	<p><b>From County Councillor Tony Kear to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment</b></p> <p>Usk bridge has had a grade 2 listing since 1954 having commenced construction in 1746 and now repeatedly hit by HGVs. Can the Cabinet Member please advise over the past 10 years how many times has the bridge been damaged, the cost of repairs, how many reparation claims were made by MCC against haulage firms and how much has been reclaimed?</p>	
<b>7.16.</b>	<p><b>From County Councillor Tony Kear to County Councillor Catrin Maby, Cabinet Member for Climate Change and the Environment</b></p> <p>In light of the recent announcement that Monmouthshire County Council will receive a share of £5million of Welsh Government funding to refurbish, improve and create play spaces across the county, what consideration has the Cabinet Member given to improving the play facilities at Usk Island which have been damaged by heavy flooding from the adjacent river Usk?</p>	
<b>8.</b>	<p><b>Next Meeting - Thursday 17th July 2025</b></p>	

**Paul Matthews**

**Chief Executive / Prif Weithredwr**

# MONMOUTHSHIRE COUNTY COUNCIL CYNGOR SIR FYNWY

## THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillor Rachel Buckler	Devauden;	Welsh Conservative Party
County Councillor Laura Wright	Grofield;	Welsh Labour/Llafur Cymru
County Councillor Tony Kear	Llanbadoc & Usk;	Welsh Conservative Party
County Councillor Catrin Maby	Drybridge;	Welsh Labour/Llafur Cymru
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor Ian Chandler	Llantilio Crossenny;	Green Party
County Councillor Sara Burch	Cantref;	Labour and Co-Operative Party
County Councillor Alistair Neill	Gobion Fawr;	Welsh Conservative Party
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Mary Ann Brocklesby	Llanelly Hill;	Labour and Co-Operative Party
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Jane Lucas	Osbaston;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Peter Strong	Rogiet;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Paul Griffiths	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Jackie Strong	Caldicot Cross;	Welsh Labour/Llafur Cymru
County Councillor Rachel Garrick	Caldicot Castle;	Labour and Co-Operative Party
County Councillor Maria Stevens	Severn;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Angela Sandles	Magor East with Undy;	Labour and Co-Operative Party
County Councillor Ben Callard	Llanfoist & Govilon;	Welsh Labour/Llafur Cymru
County Councillor John Crook	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Tomos Dafydd Davies	Llanfoist & Govilon;	Welsh Conservative Party
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Louise Brown	Shirenewton;	Welsh Conservative Party
County Councillor Lisa Dymock	Portskewett;	Welsh Conservative Party
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Christopher Edwards	St. Kingsmark;	Welsh Conservative Party
County Councillor Martyn Groucutt	Lansdown;	Welsh Labour/Llafur Cymru
County Councillor Simon Howarth	Llanelly Hill;	Independent Group
County Councillor Richard John	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor David Jones	Crucorney;	Independent Group
County Councillor Penny Jones	Raglan;	Welsh Conservative Party
County Councillor Malcolm Lane	Mardy;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Martin Newell	Town;	Welsh Conservative Party
County Councillor Paul Pavia	Mount Pleasant;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Frances Taylor	Magor West;	Independent Group

County Councillor Tudor Thomas  
County Councillor Armand Watts  
County Councillor Ann Webb

Park;  
Bulwark and Thornwell;  
St Arvans;

Welsh Labour/Llafur Cymru  
Welsh Labour/Llafur Cymru  
Welsh Conservative Party

## Public Information

### Access to paper copies of agendas and reports

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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 adequate notice to accommodate your needs.

### Public Speaking at Full Council

Members of the public may register to ask a question of the members of cabinet at full council meetings. There is no facility for the public to register to speak as part of the debate of an item on the agenda at full council meetings. The total time allocated for all questions at a meeting of full council is 15 minutes.

No more than one question is permitted per questioner at a meeting of full council and questions will be asked in the order that they are submitted.

In order to submit a question at a full council meeting, notice must be given in writing or by email to the head of democratic services no later than midnight three working days before the day of the meeting with each question providing the name and address of the questioner.

Questions may be rejected if the question;

- Is not about a matter for which the council has responsibility or which affects the county
- Is defamatory, frivolous or offensive
- Is substantially the same question which has been put at a meeting of full council in the past 6 months
- Requires the disclosure of confidential or exempt information

Where a person is not able to ask the question to full council in person, the chair may decide to read the question out on their behalf, instruct a written response be provided or choose to not deal with the question in their absence. Those who do ask a question in person will be entitled to one supplementary question which must arise out of the original question or the reply. The chair may reject a supplementary question on these grounds.

Any questions that cannot be dealt with at the meeting due to exceeding the time limit for public questions will be dealt with by a written response.

# Aims and Values of Monmouthshire County Council

## Our purpose

- to become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

## Objectives we are working towards

- Fair place to live where the effects of inequality and poverty have been reduced;
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency;
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop
- Safe place to live where people have a home where they feel secure in;
- Connected place where people feel part of a community and are valued;
- Learning place where everybody has the opportunity to reach their potential

## 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.





## Report for Council 31<sup>st</sup> May – 22<sup>nd</sup> June

Saturday 31 <sup>st</sup> May 7.30 p.m.	Risca Male choir 90 <sup>th</sup> Anniversary Little Mill Village Hall
Tuesday 3 <sup>rd</sup> June 11 a.m.	Citizenship Ceremony Registrars Office
Friday 6 <sup>th</sup> June 12 p.m.	Playmakers Conference Caldicot Leisure Centre
Saturday 6 <sup>th</sup> June 6 p.m.	Alzheimer Concert Caldicot Choir Hall
Tuesday 10 <sup>th</sup> June 5 – 7 p.m.	Changing Faces of Chepstow Chepstow Museum
Thursday 19 <sup>th</sup> June 12 p.m.	Royal Ascot Charity Day Chepstow Racecourse
Friday 20 <sup>th</sup> June 1 p.m.	BEM Award Presentation St Mary's Church, Magor
Sunday 22 <sup>nd</sup> June 3 p.m.	Usk Town Mayor Civic Service St Mary's Church, Usk

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# Public Document Pack Agenda Item 4

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of County Council held  
on Thursday, 15th May, 2025 at 2.00 pm**

**PRESENT:** County Councillor Peter Strong (Chair)  
County Councillor Martyn Groucutt (Vice Chair)

County Councillors: Rachel Buckler, Laura Wright, Tony Kear, Catrin Maby, Jan Butler, Ian Chandler, Sara Burch, Alistair Neill, Mary Ann Brocklesby, Fay Bromfield, Jane Lucas, Emma Bryn, Meirion Howells, Paul Griffiths, Jackie Strong, Rachel Garrick, Maria Stevens, Steven Garratt, Angela Sandles, Ben Callard, John Crook, Tomos Davies, Dale Rooke, Sue Riley, Jayne McKenna, Jill Bond, Louise Brown, Lisa Dymock, Tony Easson, Christopher Edwards, Martyn Groucutt, Simon Howarth, Richard John, David Jones, Penny Jones, Malcolm Lane, Phil Murphy, M. Newell, Paul Pavia, Maureen Powell, Frances Taylor, Tudor Thomas, Armand Watts and Ann Webb

### **OFFICERS IN ATTENDANCE:**

Peter Davies	Deputy Chief Executive and Chief Officer for Resources
Jane Rodgers	Chief Officer for Social Care, Safeguarding and Health
Nicola Perry	Senior Democracy Officer
Matthew Gatehouse	Chief Officer People, Performance and Partnerships.
Geraint Edwards	Head of Litigation and Deputy Monitoring Officer
Deb Hill-Howells	Head of Decarbonisation, Transport and Support Services
Craig O'Connor	Chief Officer, Place

#### **1. Declaration Of Interest**

None.

#### **2. To elect a Chair of Council for the Civic Year 2025/26**

The Chair of Council, County Councillor Su McConnel opened the meeting and took the opportunity to thank Council for the opportunity of representing the Council.

Group Leaders took the opportunity to address Council expressing thanks to County Councillor McConnel for her year in office as Chair.

It was proposed by County Councillor Mary Ann Brocklesby, and seconded by County Councillor Paul Griffiths, that County Councillor Peter Strong be elected as Chair of Monmouthshire County Council for the Civic Year 2025/26.

County Councillor Richard John proposed that County Councillor Ann Webb be elected as Chair of Monmouthshire County Council for the Civic Year 2025/26. Seconded by County Councillor Alistair Neill.

Upon being put to a recorded vote it was agreed to elect County Councillor Peter Strong as Chair. County Councillor Strong made and signed the Declaration of Acceptance of Office and thanked Members for their support. He thanked Council for the opportunity and introduced County Councillor Jackie Strong as his consort for the year in office.

# MONMOUTHSHIRE COUNTY COUNCIL

## Minutes of the meeting of County Council held on Thursday, 15th May, 2025 at 2.00 pm

NAME	Cllr Strong	Peter	Cllr Ann Webb	Abstain
Councillor J BOND	√			
Councillor M A BROCKLESBY	√			
Councillor F BROMFIELD			√	
Councillor L BROWN			√	
Councillor E BRYN			√	
Councillor R BUCKLER			√	
Councillor S BURCH	√			
Councillor J BUTLER			√	
Councillor B CALLARD	√			
Councillor I CHANDLER	√			
Councillor J CROOK	√			
Councillor T DAVIES			√	
Councillor L DYMOCK			√	
Councillor A EASSON	√			
Councillor C EDWARDS			√	
Councillor M. NEWELL			√	
Councillor S GARRATT	√			
Councillor R GARRICK	√			
Councillor P GRIFFITHS	√			
Councillor M GROUCUTT	√			
Councillor S.G.M. Howarth			√	
Councillor M HOWELLS	√			
Councillor R JOHN			√	
Councillor D. W. H. Jones			√	
Councillor P. Jones			√	
Councillor T KEAR			√	
Councillor M LANE			√	
Councillor J LUCAS			√	
Councillor C MABY	√			
Councillor S MCCONNEL	√			
Councillor J MCKENNA			√	
Councillor P MURPHY			√	
Councillor A NEILL			√	
Councillor P PAVIA			√	
Councillor M POWELL			√	
Councillor S RILEY	√			
Councillor D ROOKE	√			
Councillor A SANDLES	√			
Councillor M STEVENS	√			
Councillor J STRONG	√			
Councillor P STRONG	√			
Councillor F TAYLOR			√	
Councillor T THOMAS	√			
Councillor A WATTS	√			
Councillor A WEBB			√	
Councillor L WRIGHT	√			

### 3. To appoint a Vice-Chair of Council for the Civic Year 2025/26

# MONMOUTHSHIRE COUNTY COUNCIL

## Minutes of the meeting of County Council held on Thursday, 15th May, 2025 at 2.00 pm

The Chair welcomed nominations for Vice-Chair of Council. It was proposed by County Councillor Paul Griffiths and seconded by County Councillor Mary Ann Brocklesby that County Councillor Martyn Groucutt be appointed as Vice Chair of the County Council for the Civic Year 2025/26.

County Councillor Richard John proposed, seconded by County Councillor Frances Taylor, that County Councillor David Jones be appointed as Vice Chair of the County Council for the Civic Year 2025/26.

Upon being put to a recorded vote it was resolved that County Councillor Martyn Groucutt be appointed as Vice Chair. County Councillor Groucutt made and signed the Declaration of Acceptance of Office. He thanked Council for their support and introduced Maggie Harris as his consort for the year.

NAME	Cllr Martyn Groucutt	Cllr David Jones	Abstain
Councillor J BOND	√		
Councillor M A BROCKLESBY	√		
Councillor F BROMFIELD		√	
Councillor L BROWN		√	
Councillor E BRYN		√	
Councillor R BUCKLER		√	
Councillor S BURCH	√		
Councillor J BUTLER		√	
Councillor B CALLARD	√		
Councillor I CHANDLER	√		
Councillor J CROOK	√		
Councillor T DAVIES		√	
Councillor L DYMOCK		√	
Councillor A EASSON	√		
Councillor C EDWARDS		√	
Councillor M. NEWELL		√	
Councillor S GARRATT	√		
Councillor R GARRICK	√		
Councillor P GRIFFITHS	√		
Councillor M GROUCUTT	√		
Councillor S.G.M. Howarth		√	
Councillor M HOWELLS	√		
Councillor R JOHN		√	
Councillor D. W. H. Jones		√	
Councillor P. Jones		√	
Councillor T KEAR		√	
Councillor M LANE		√	
Councillor J LUCAS		√	
Councillor C MABY	√		
Councillor S MCCONNEL	√		
Councillor J MCKENNA		√	
Councillor P MURPHY		√	
Councillor A NEILL		√	
Councillor P PAVIA		√	
Councillor M POWELL		√	
Councillor S RILEY	√		

# MONMOUTHSHIRE COUNTY COUNCIL

## Minutes of the meeting of County Council held on Thursday, 15th May, 2025 at 2.00 pm

Councillor D ROOKE	√		
Councillor A SANDLES	√		
Councillor M STEVENS	√		
Councillor J STRONG	√		
Councillor P STRONG	√		
Councillor F TAYLOR		√	
Councillor T THOMAS	√		
Councillor A WATTS	√		
Councillor A WEBB		√	
Councillor L WRIGHT	√		

### 4. To confirm the minutes of the meeting held on the 10th April 2025

The minutes of the meeting held on 10<sup>th</sup> April 2025 were approved and signed by County Councillor Su McConnel.

### 5. To elect a Leader of the County Council and to receive notification of Leader delegations (appointments to Cabinet)

County Councillor Steven Garratt nominated County Councillor Mary Ann Brocklesby as Leader of the Council for the year 2025/26. This was seconded by County Councillor Tudor Thomas.

County Councillor Alistair Neill nominated County Councillor Richard John as Leader of the Council for the year 2025/26. This was seconded by County Councillor Lisa Dymock.

Upon being put to a recorded vote County Councillor Mary Ann Brocklesby was appointed Leader.

Cabinet Appointments were announced as:

- County Councillor Paul Griffiths - Deputy Leader and Cabinet Member for Economy and Sustainable Livelihoods.
- County Councillor Ben Callard – Cabinet Member for Resources.
- Councillor Laura Wright – Cabinet Member for Education.
- County Councillor Ian Chandler – Cabinet Member for Social Care, Safeguarding and Accessible Health Services.
- County Councillor Catrin Maby – Cabinet Member for Climate Change and Environment.
- County Councillor Angela Sandles – Cabinet Member for Equalities and Engagement.
- County Councillor Sara Burch - Cabinet Member for Rural Affairs, Housing & Tourism

NAME	Cllr Brocklesby	Cllr John	Abstain
Councillor J BOND	√		
Councillor M A BROCKLESBY	√		
Councillor F BROMFIELD		√	
Councillor L BROWN		√	
Councillor E BRYN			√
Councillor R BUCKLER		√	
Councillor S BURCH	√		
Councillor J BUTLER		√	
Councillor B CALLARD	√		
Councillor I CHANDLER	√		

# MONMOUTHSHIRE COUNTY COUNCIL

## Minutes of the meeting of County Council held on Thursday, 15th May, 2025 at 2.00 pm

Councillor J CROOK	√		
Councillor T DAVIES		√	
Councillor L DYMOCK		√	
Councillor A EASSON	√		
Councillor C EDWARDS		√	
Councillor M. NEWELL		√	
Councillor S GARRATT	√		
Councillor R GARRICK	√		
Councillor P GRIFFITHS	√		
Councillor M GROUCUTT	√		
Councillor S.G.M. Howarth		√	
Councillor M HOWELLS	√		
Councillor R JOHN		√	
Councillor D. W. H. Jones		√	
Councillor P. Jones		√	
Councillor T KEAR		√	
Councillor M LANE		√	
Councillor J LUCAS		√	
Councillor C MABY	√		
Councillor S MCCONNEL	√		
Councillor J MCKENNA		√	
Councillor P MURPHY		√	
Councillor A NEILL		√	
Councillor P PAVIA		√	
Councillor M POWELL		√	
Councillor S RILEY	√		
Councillor D ROOKE	√		
Councillor A SANDLES	√		
Councillor M STEVENS	√		
Councillor J STRONG	√		
Councillor P STRONG	√		
Councillor F TAYLOR		√	
Councillor T THOMAS	√		
Councillor A WATTS	√		
Councillor A WEBB		√	
Councillor L WRIGHT	√		

[https://www.youtube.com/live/WkLkR5Kd\\_zk?si=9SHkHNRTcYtiGtNW&t=68](https://www.youtube.com/live/WkLkR5Kd_zk?si=9SHkHNRTcYtiGtNW&t=68)

### 6. Representation of Political Groups Review

[https://www.youtube.com/live/WkLkR5Kd\\_zk?si=pSxEYyhn8NO8ai66&t=1804](https://www.youtube.com/live/WkLkR5Kd_zk?si=pSxEYyhn8NO8ai66&t=1804)

The Cabinet Member for Equalities and Engagement presented the report in order for Council to review the representation of different political groups on the bodies to which the Council makes appointments.

**Council resolved to accept the recommendation:**

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of County Council held on Thursday, 15th May, 2025 at 2.00 pm

That the Council approves the report as a review under Section 15 of the Local Government and Housing Act 1989 and to allocate ordinary committees with the numbers as indicated below representing political balance:

Committee	Welsh Labour	Welsh Conservatives	Independent Group	Green Independent Group
Scrutiny (9) *(x4)	16	15	3	2
Licensing & Regulatory (12)	6	5	1	0
Planning (16)	7	7	1	1
Democratic Services (12)	5	5	1	1
Governance & Audit (8) (excluding lay members)	4	3	1	0
Appointments (5)	2	2	1	0
Aggregate Entitlement (89)	40	37	8	4

#### 7. Appointments to Committees

[https://www.youtube.com/live/WkLkR5Kd\\_zk?si=bbpV\\_uFkzQVpOUvg&t=1914](https://www.youtube.com/live/WkLkR5Kd_zk?si=bbpV_uFkzQVpOUvg&t=1914)

The Cabinet Member for Equalities and Engagement presented the report in order to appoint committees together with their membership and terms of reference in accordance with the Council's Constitution.

In order to provide clarity around the appointment of the chair of Democratic Services Committee, the Chief Executive provided the following amendment which was moved by Councillor John and seconded by Councillor Murphy:

*This council agrees to set aside para 10.3.3 of our constitution and elect a chair of DSC in accordance with the provisions of the LG Wales Measure 2011 as set out in para 3.12 therein.*

**Council resolved to accept the recommendations and the above motion:**

**That the committees be appointed together with their membership as set out in the report, and their terms of reference attached as appendices.**

**That Council appointed County Councillor Lisa Dymock as Chair of Democratic Services Committee.**

#### 8. Outside Bodies Report

[https://www.youtube.com/live/WkLkR5Kd\\_zk?si=cF0HKT0c\\_KQ5wFzn&t=2668](https://www.youtube.com/live/WkLkR5Kd_zk?si=cF0HKT0c_KQ5wFzn&t=2668)

The Cabinet Member for Equalities and Engagement presented the report for Council to appoint representatives to serve on outside bodies.



## **MONMOUTHSHIRE COUNTY COUNCIL**

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**Council resolved to accept the recommendation:**

**That Council notes the appointments made at its 2024 AGM for the term of Council and confirms or amends the appointments that require annual renewal as well as confirming appointments to new positions.**

#### **9. Members Motions**

##### **10. Submitted by County Councillor Lisa Dymock**

[https://www.youtube.com/live/WkLkR5Kd\\_zk?si=ZxoeWUh59Tin4uei&t=2803](https://www.youtube.com/live/WkLkR5Kd_zk?si=ZxoeWUh59Tin4uei&t=2803)

County Councillor Lisa Dymock presented the motion that this Council:

*Notes with concern the impending ban on HGVs crossing the M48 Severn Bridge and the implications for local haulage firms.*

*Calls on the Welsh Government and Monmouthshire County Council to urgently assess the current and projected traffic impacts at Junction 23A M4 to Magor as a result of the M48 Severn Bridge restrictions and bring forward costed proposals to improve the road infrastructure at and around Junction 23A Magor to ensure traffic can be safely and effectively managed.*

*Calls on the Welsh and UK Governments to work at pace on a medium-term solution to reintroduce controlled HGV movements on the M48 Severn Bridge as soon as possible.*

Seconded by County Councillor Richard John.

County Councillor John Crook submitted an amendment:

*We call on WG to urgently progress the Burns Commission recommendation to construct a link road between the M48 and the B4245 to reduce congestion on the J23a Magor Interchange.*

Seconded by County Councillor Angela Sandles.

The amendment was accepted by Councillor Dymock and debate ensued.

**Upon being put to a vote the motion was carried.**

##### **11. Submitted by County Councillor Frances Taylor**

[https://www.youtube.com/live/WkLkR5Kd\\_zk?si=QYAS6-KNxjHX-Gnk&t=6833](https://www.youtube.com/live/WkLkR5Kd_zk?si=QYAS6-KNxjHX-Gnk&t=6833)

County Councillor Frances Taylor presented the motion:

*That this Council recognises that direct payments are intended to improve choice, control and independence, and is committed to ensuring that those who meet the eligibility criteria as set out in the Social Services and Wellbeing Act 2014, are provided with the necessary support to access direct payments should they wish, in a timely manner.*

Seconded by County Councillor Simon Howarth.

## MONMOUTHSHIRE COUNTY COUNCIL

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Upon being put to a vote the motion was carried.

#### 12. Member Questions

#### 13. From County Councillor Simon Howarth to the Cabinet Member for Climate Change and the Environment

*Would the cabinet member be able to offer a full explanation to the public of this county as to the 7ft galvanised fence installed on the mountain side at Pwllde National parks and also the buffer to the world heritage site? Whilst it was installed for road safety it's one off the worst cases of open countryside abuse I've ever encountered, and the residents of Clydach also feel let down as no contact was made with their representatives or the farming community.*

The Cabinet Member responded that officers were consulting with residents on options for reducing the visibility of the fence. It was understood that 17 residents had contacted the Council following a public meeting to share potential solutions. The fence is there to ensure no-one is standing on the road should a collapse of the rock face happen as there is a danger to life if the road is left open. The rock face is being surveyed at the end of May and a scoping exercise for moving the road is ongoing, however this is an unlikely solution. Previous attempts to secure the area, including gates, concrete barriers, signage and Heras fencing have all been vandalized which is why a substantial fence was needed. The safety of visitors and residents remains a priority, and the deterioration of the road has been a discussion between the Council and local community over an extended period. Frustrations of the community were recognised, and a solution was being sought to reduce the visibility of the fence but ensure safety for all. The Head of Service has apologised at the public meeting for the lack of communication.

As a supplementary Councillor Howarth expressed disappointment in the response and asked if the Cabinet Member would issue an apology? The Cabinet Member explained that this was not a political decision but a necessary officer decision which the officer has apologised for not consulting on beforehand.

#### 14. From County Councillor Simon Howarth to the Cabinet Member for Climate Change and the Environment

*Does the cabinet member Catrin Maby believe that litter bins in our towns and villages, and also highways, play an integrated part in keeping our communities clean, tidy and most important lead by example?*

The Cabinet Member agreed that litter bins matter and need to be in the right place to be effective. As a litter picker herself she appreciates the 400+ litter picking volunteers across the county.

As a supplementary Councillor Howarth asked why litter bins were being removed and not replaced without members, the public and local councillors being informed.

The Cabinet Member responded that she was only aware of one bin being removed by a resident in Councillor Howarth's ward. She asked that Councillor Howarth contact her with details of litter bins that needed replacing.

#### 15. From County Councillor Meirion Howells to the Cabinet Member for Planning and Economic Development

*Could you provide an update on the progress and any findings of the recent county-wide parking review? In particular to Usk, where there is genuine concern in my joint ward of*

## **MONMOUTHSHIRE COUNTY COUNCIL**

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*Llanbadoc and Usk from businesses, residents, surrounding villagers and town commuters. Could you please advise on the current status, any proposed changes, and the expected timeline for the conclusions of the review to be published?*

The Cabinet Member responded that he had received a draft report from the consultants on the county wide review, and the report makes no recommendations for changes in those towns which currently have no parking charges. Those towns include Usk, Caldicot, Magor and Raglan. Instead, the report recommends that we undertake town by town engagement with businesses, residents and town councils to test the case for any further change. He looked forward to working with Llanbadoc and Usk members to consider how this engagement may be conducted.

As a supplementary Councillor Howells welcomed the good news and hoped the outcomes of the review would be made available to members. He asked if the review made any suggestions on how to improve traffic enforcement?

The Cabinet Member responded that the responsibility for enforcement was recently transferred from the police to local authorities, but with no increase in funding. This has created challenges in recruiting and retaining a full team to undertake enforcement. Action is being taken, and we will be monitoring the performance which follows. He added that Usk residents will note the challenge of funding enforcement when there is no funding stream from parking charges.

#### **16. From County Councillor Richard John to the Cabinet Member for Resources**

*How many households in Monmouthshire have secured a council tax exemption since 2022?*

The Cabinet Member responded with figures for each year ending 31<sup>st</sup> March:

- In 2022, against 43,881 council tax accounts, there were 1080 exemptions.
- In 2023, against 43,682 council tax accounts, there were 1307 exemptions.
- In 2024, against 44,007 council tax accounts, there were 1142 exemptions.
- In 2025, against 44,294 council tax accounts, there were 1105 exemptions.

The figures range from 2.46% to a high of 2.98%

Exemptions include those who are severely mentally impaired, care givers, empty and unfurnished properties and properties undergoing structural repair.

As a supplementary Councillor John referred to family in Trellech who had purchased a property at the end of 2023, and had applied for an exemption for 6 months while the property was being decorated. They were advised that they could not have a council tax exemption because the previous owner had used up the 6 months exemption allowance. He asked if the Cabinet Member could raise this in discussion with colleagues at a WLGA level and discuss with WG ministers the future of council tax.

The Cabinet Member asked for the information to be sent to him, and he agreed to investigate further.

#### **17. From County Councillor Tomos Davis to the Cabinet Member for Resources**

*To ask the Cabinet Member to respond to the UK Government's decision to withdraw funding for the Western Gateway partnership.*

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The Leader explained that the UK Government announced in the October 2024 budget its intention to withdraw funding for PAN regional partnerships, including the Western Gateway Partnership. MCC is not directly invested in, or engages with, the Western Gateway Partnership. The Leader sits on the board as a representative of CCR and funding to support the Western Gateway Partnership goes through CCR. While the decision could be seen as disappointing it has not affected the commitment of local authorities or regional bodies to continue to work together and pursue joint ventures which benefit all our businesses and citizens. Notably the recommendations of the Severn Estuary Commission are being taken forward jointly by CCR and the West of England Combined Authorities. Currently, a memo of understanding is being draft to formalise partnership between WECA and CCR focused on shared interest to improve transport links, capitalise opportunities to promote greener, sustainable growth across our regions and the Leader will be meeting with WECA's newly elected Mayor to take the conversation forward.

As a supplementary Councillor Davis asked the Leader to reassure members that she will use her office to hold her Labour Government colleagues at Westminster to account to ensure that the UK Government's devolution and growth agenda benefits the whole of the UK and doesn't abruptly stop at the Severn Bridge. He also asked what further steps she could take to advocate for further and deeper cross border economic partnership which benefits the residents of Monmouthshire.

The Leader responded that she is absolutely committed to ensuring that regional growth and our own growth is linked to the industrial strategy of the UK Government and that of the Welsh Government. She has spoken to the Welsh office and visited Westminster to appear before the select committee to discuss the need for cross border partnership and the work with CCR. A meeting with the Welsh Secretary has been secured to talk through how as a Council we can contribute and benefit from the growth agenda.

#### **17.1. From County Councillor Tomos Davis to the Leader of the Council**

Withdrawn.

#### **18. From County Councillor Lisa Dymock to the Cabinet Member for Equalities and Engagement**

*Please can you provide an update on the armed forces event being hosted by the council, including any details about the schedule, participants, and public engagement and access?*

The Cabinet Member welcomed the opportunity to highlight the event information. On Saturday 28<sup>th</sup> June we will host National Armed Forces Day which allows the opportunity to show support for those who make up the armed forces community. It a free event at Caldicot Castle, open to the whole community but capacity is limited and free tickets are available to book in advance.

- The site opens at 11am and the event runs to 4pm.
- Ajax tank.
- A display by the RAF Falcons.
- A band of the RAF Regiment.
- A flypast from a Spitfire.
- Representations from The Royal British Legion; SAFFA; and Help for Heroes.
- Activities for Young People.
- Musical performances and demonstrations

Town Councils have agreed to provide free coach travel to the event for their residents to ensure accessibility.

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Volunteers are still needed.

In terms of engagement and promotion, the Community Development team have been distributing flyers and posters, which have been made available to all members. Roadside banners have been installed in key locations. There has been promotion across various media outlets. Those unable to access tickets online were encouraged to go along to community hubs where help is available. Officers are working on mitigating impact on the local community with regards to transport.

As a supplementary Councillor Dymock wished to discuss in more depth the accessibility for elderly residents, adding that newspaper adverts would be key.

#### **19. From County Councillor Lisa Dymock to the Cabinet Member for Equalities and Engagement**

*Given the vital role our leisure centre plays in supporting the community's health and wellbeing, what is the council doing to urgently secure funding for Caldicot Leisure Centre and its refurbishment to ensure residents have access to high quality, accessible facilities that encourage active and healthy lifestyles?*

The Cabinet Member recognised the vital role of Caldicot Leisure Centre and assured that maintaining accessible leisure facilities is a priority for the Council. A full-scale refurbishment would be ideal, funding remains a significant challenge. Major investments must align with the broader placemaking plan currently underway, which aims to regenerate the high street and, in time, enhanced leisure opportunities.

The Council has already made significant investments in Caldicot Leisure Centre to improve the experience for users and will continue to do so. Recent and ongoing improvements include:

- Installations of LED energy efficient flood lights.
- New swimming pool covers.
- Switch from tank fed to mains fed water for better pressure.
- Upgraded chemical treatment for the pool.
- A fully refurbished multi-use games area with floodlit basketball court.
- A new dedicated indoor cycling studio.

A business case is being developed to upgrade the fitness suite. Retaining the user base is essential and there has been a steady increase in membership. The centre also hosts the Friday night positive futures initiative, supported by Police and Crime Commissioner, using sport to engage young people. Early feedback showing a reduction in antisocial behaviour.

Any future investment decision would need to be taken in line with the Council's Capital Strategy and the competing demands on the Council's resources.

As a supplementary Councillor Dymock expressed that the team at Caldicot Leisure Centre were exceptional. She referred to the skate park and asked what is happening in terms of repair works.

The Cabinet Member recognised the need for repair at Caldicot skate park and advised that this would be considered when money becomes available. Currently the park is clear, drains unblocked and usable.

## MONMOUTHSHIRE COUNTY COUNCIL

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#### **20. From County Councillor Rachel Buckler to the Cabinet member for Rural Affairs, Housing & Tourism**

*The lifeblood of rural hamlets and villages are often the community assets such as local public houses. They are a vital part of knitting together our communities and preventing rural isolation. A thriving rural pub is like a beacon of hope and hospitality. They are an essential way for friends and neighbours to keep in touch, have local get together and keep rural communities alive. When they close, as has The Star on the Hill at Llanvihangel Tor-y-Mynydd, it devastates the area. Would the Cabinet member for Rural Affairs please commit to gathering together an MCC led community asset team that local communities can access for advice and help on how to go about a community led bid to be able to buy their local public house for the benefit of all?*

The Cabinet Member had visited the place in question and could see that the church and pub were the twin anchors of the community so was sad to see that the Star on the Hill had closed. It would be a great achievement if it could be saved and join the 150 community-owned pubs around the country. She added that it would be great to strengthen the support MCC offers to community enterprise, but we were not able to recruit a new team, but we do have the expertise within the Community Development Team which would be the first point of contact for anybody wanting to set up a new facility. GAVO would also be a point of contact as part of their role is to broker specialist expertise. The Plunkett Foundation provide support through rural community enterprises. She urged those interested to join 'The Pub is the Hub' network of community pubs around the country. She wished them success and looked forward to hearing more.

#### **21. From County Councillor Fay Bromfield to the Cabinet Member for Climate Change and the Environment**

*What is the cabinet members position on the loss of Prime agricultural land for energy generation?*

The Cabinet Member explained that the challenge is to find a balance between the need to extend renewable energy generation and the need to protect agricultural land. He added that we owe it to future generations to provide both energy security and food security. His view was that we need to find a balance and not seek a fixed position for or against energy generation. We should undertake, through the planning process, a case-by-case appraisal of any planning application to extend energy generation. It was understood that in Councillor Bromfield's ward a planning application may soon be submitted to WG and was likely to be of sufficient scale to be referred to WG for determination. MCC will be asked for information, and we have been firm with a view that there should be an environment impact assessment. When WG considers the application, it will invite comments from all who have an interest, and if that occurs the Cabinet Member would encourage all local members, residents and communities to submit their views at that time.

As a supplementary Councillor Bromfield was disappointed with the response and referred to a contradiction in WG policies. She asked the Cabinet Member again that should this come forward as a planning application will the administration take the side of her residents who are deeply concerned.

The Cabinet Member stated that when the appraisal takes place it will include many factors and he would seek to ensure that it includes the scale of the proposal; visual impacts; impact on habitat, biodiversity, landscape. On the basis of that appraisal the Council will submit comments on the application.

#### **22. From County Councillor Fay Bromfield to the Cabinet Member for Climate Change and the Environment**

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*Thank you to the highways officer for their work on speeding in Llangybi. However, data from recent years shows limited impact, Can the Cabinet Member outline any permanent solutions being considered to effectively reduce speeds and improve safety for residents and all road users?*

The Cabinet Member recognised the measures already undertaken and understood the challenge of knowing what physical measures would be acceptable. She suggested that the first thing to do is to ask Go Safe to return to a meeting as that may be the faster and more efficient way solution.

As a supplementary Councillor Bromfield referred to the tragic death in the area, and asked the Cabinet Member to attend public meetings and listen to residents, to identify permanent traffic calming measures. She asked that the Cabinet Member arrange a Member Seminar with Go Safe.

The Cabinet Member agreed to the suggestions.

#### **23. From County Councillor Martin Newell to the Cabinet Member for Climate Change and the Environment**

*Please could you provide an update regarding Goldwire Lane in Monmouth that is subject to an Experimental Traffic Regulation Order (ETRO) that restricts driving to residents, visitors, deliveries, and emergency services?*

The Cabinet Member advised that the consultation period had recently ended. The data to date would be reviewed shortly and decision would be made on how best to move forward. There has been positive and negative feedback, and it was important to that the outcome protects the safety for all road users. It was noted that emergency vehicles were not restricted from that route.

As a supplementary Councillor Newell, asked that, before a final decision is made, would the Cabinet Member meet with residents to listen to arguments on both sides.

The Cabinet Member agreed to review all options.

#### **24. From County Councillor Frances Taylor to the Cabinet Member for Social Care, Safeguarding and Accessible Health Services**

*Could the cabinet member clarify how many residents await a social work assessment and give an indication of how long are they waiting, and the longest wait times?*

The Cabinet Member took the opportunity to highlight the progress made over the last year. In the year 2024 to 2025 we had approximately 3500 referrals into the service and for those that went on to full assessment, the average waiting time between referral and assessment was 27 days. In March 2025 we completed 347 social care needs assessment for adult service users and those assessments were undertaken by the three integrated service teams in North, South and Central Monmouthshire, the community mental health team and community learning disability team. As of yesterday, across the five teams there were 107 adults waiting for a social care need assessment which is a significant reduction on previous years. However, the objective is to drive waiting times down even lower by continuing with the actions being taken. 24 of the 107 adults have been waiting for no more than 14 days; and a further 36 people who

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have been waiting between 15 and 30 days; 46 who have been waiting 31 and 90m days; and 1 who has to wait over 90 days.

People are not seen on the order they come onto the list. They are triaged so that the most critical case is seen first, re-prioritising waiting lists on a daily basis. Safeguarding and critical hospital discharges are given top priority.

Anxieties around waiting times were recognised and help with this, including preventative information and advice, is available.

#### **25. From County Councillor Frances Taylor to the Cabinet Member for Climate Change and the Environment**

*Could the cabinet member please provide an update on the potential impact on the Junction with the M4 at Magor in relation to the proposed introduction of the Severn Bridge 7.5t weight Limit?*

The Cabinet Member agreed to ensure that members are kept informed as information becomes available.

#### **26. To exclude Press and Public**

Council resolved to exclude press and public.

#### **27. Appointment of Members of the Monmouthshire Standing Advisory Council (SAC) for Religion, Values and Ethics**

The Cabinet Member for Education presented the report to appoint members of the Monmouthshire Standing Advisory Council (SAC) for Religion, Values and Ethics for a four-year period.

**Upon being put to a vote Council resolved to accept the recommendation:**

**That the applicants set out in Appendix 1 be appointed as members of the Monmouthshire SAC for a term of four years with effect from 15<sup>th</sup> May 2025.**

#### **28. Next Meeting - Thursday 26th June 2025**

Noted.

**The meeting ended at 18:50pm**



## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Licensing Act 2025 Policy Statement

**DIRECTORATE:** Social Care & Health

**MEETING:** Full Council

**Date to be considered:** 26<sup>th</sup> June 2025

**DIVISION/WARDS AFFECTED:** All Wards

### 1. PURPOSE:

- 1.1 To consider the proposed 'Licensing Act 2003 Policy Statement 2025', as previously debated by the Licensing and Regulatory Committee, and attached as Appendix A.

### 2. RECOMMENDATION(S):

- 2.1 Members approve the updated Licensing Policy statement for adoption by Monmouthshire County Council, to come into force on 1<sup>st</sup> July 2025 (Attached as Appendix A).

### 3. KEY ISSUES

- 3.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. It has been nearly five years since the last policy was approved at Full Council on 4<sup>th</sup> June 2020 and this report sets out the procedure and proposed, updated, policy statement prior to consideration at Full Council.
- 3.2 Before determining its policy for the next five year period a full consultation must take place, with representations with the following:-
- The Chief Officer of Police for the licensing authority's area,
  - The Fire Authority for that area,
  - Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
  - Such persons as the licensing authority considers to be representatives of holders of club premises certificates issued by that authority,
  - Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
  - Such other persons as the licensing authority considers to be representatives of businesses and residents in its area.
- 3.3 The revised policy was considered by the Licensing and Regulatory Committee on 28<sup>th</sup> January 2025, prior to it being released for consultation. The consultation required in 3.2 above was duly carried out, with it ending and comments received up until Friday, 15<sup>th</sup> March 2025.
- 3.4 Aneurin Bevan UHB – Public Health Team provided amended statistics to be included in Section 7 of this policy. No further comments have been received. The Licensing and Regulatory Committee at its meeting held on 25<sup>th</sup> March 2025 again reviewed the proposed policy following consultation

- 3.5 Amendments to the revised policy (attached as Appendix A) is highlighted in red. The Policy has taken into account any legal changes and integrating strategies through such changes. The Policy provides an update of the implications of Alcohol and Drug Harm within Monmouthshire provided by Public Health. This in turn will highlight the need for licensee to put measures in place and to work in partnership with Statutory Officers under the Act. Guidance is given within the Policy on best practice for the following
- Prevention of Crime and Disorder, which includes CCTV, security, drug and weapon policies, use of toughened glass, underage schemes and prevention of sexual exploitation, modern slavery and human trafficking.
  - Prevention of Public Nuisance, which includes partnership working, highlighting the negative impact that uncontrolled litter, waste and street fouling can have and what is expected of licence holders to prevent this. The policy also refers to the workplace recycling requirements now in place. The policy also refers to the Public Spaces Protection Orders/
  - Public Safety, which includes the promotion of the adoption of Martyn's Law in licensed premises to ensure licensed premises are adequately prepared for and equipped to respond in the event of a terrorist incident. The policy signpost licence holders to the free ACT (Action Counters Terrorism) awareness counter terrorism training courses for licensed premises and for venue operators. Along with crowd safety and large scale events.
  - Protection of Children from Harm, this includes safeguarding advice and underage sales. Along with proxy sales and the employment of children.
- 3.6 The Authority must have regard to the Home Office Guidance issued under section 182 of the Licensing Act when making and publishing its policy. Departure from this Guidance issued by the Home Office could give rise to an appeal or judicial review.
- 3.7 The revised policy for Monmouthshire County Council must be published and in place for commencement on 1<sup>st</sup> July 2025. A review of the policy was conducted with Licensing Officers of Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport.

#### **4. REASONS:**

- 4.1 The policy is necessary to guide consistent decisions and takes account of guidance.
- 4.2 There is a need to take account of collaborative approaches
- 4.3 To ensure that applications with no relevant information to consider can be dealt with without unnecessary delay.
- 4.4 To enforce the provisions of the Licensing Act 2003 effectively.

#### **5. RESOURCE IMPLICATIONS:**

No resource implications identified.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

The 'Integrated Impact Assessment Document' is attached as Appendix B.

#### **7. CONSULTEES:**

Newport City Council, Blaenau Gwent County Borough Council, Torfaen County Borough Council, Caerphilly County Borough Council.

**8. BACKGROUND PAPERS:**

[Licensing Act 2003](#)

[Revised Guidance issued under section 182 of the Licensing Act 2003 – Home Office, dated February 2025](#)

**9. AUTHOR:**

Linda O’Gorman

Principal Licensing Officer

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monmouthshire  
sir fynwy

# **Licensing Act 2003 Draft Policy Statement 2025**

Revision 1<sup>st</sup> July **2025**

Further information can be obtained from:

Licensing Section

Monmouthshire County Council

**County Hall**

**The Rhadyr**

**Usk**

**NP15 1GA**

Tel: 01873 735420

Email: [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)

Website: [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)

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## **1. Introduction**

- 1.1 The Licensing Act 2003 requires the Council, in fulfilling its role as the Licensing Authority, to publish a “Licensing Policy” that sets out the policies the council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This is that statement of policy prepared in accordance with the provisions of the 2003 Act and the latest version of Home Office Guidance issued under section 182 of the Act.
- 1.2 Monmouthshire County Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Throughout the document, the Council will be referred to as the Licensing Authority, where appropriate to prevent confusion between this role and the other functions carried out by the Council.
- 1.3 This policy sets out how applications for licences, which are required by the Licensing Act 2003, will be considered by the Licensing Authority.
- 1.4 In developing this licensing policy, the advice of bodies such as Local Government (LG), the Welsh Local Government Association (WLGA) and various trade associations have been taken into account wherever possible. Where appropriate, the Policies of other Gwent authorities have also been taken into account, in order to achieve uniformity wherever possible and to help ensure the integration of the various policies over a wider geographical area. Other Corporate policies adopted by the Council have also been taken into account, and these will be referred to throughout this document as appropriate.
- 1.5 The Equalities Act 2010 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. The applicant shall have regard to this legislation. However, the Licensing Authority will not use licensing to pursue such issues, other than where supported by legislation and accepted good practice.
- 1.6 Monmouthshire County Council has a legal obligation to comply with all legislation that promotes equality it has a policy in place to promote equality to all. The Planning and Public Protection Service Area has its own equalities framework which is available for inspection on our website. Licensing of persons and premises under the Licensing Act 2003 will actively promote equality of service and enforcement to all members of the community.

- 1.7 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The Licensing Authority will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.
- 1.8 Each application will be considered on its individual merits, and in the light of this Policy
- 1.9 The Licensing Authority acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.
- 1.10 The licensing policy will not seek to regulate matters which are provided for in any other legislation and will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc.
- 1.11 The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities in Monmouthshire throughout their opening hours and to promote live music, dance, theatre, etc. for the wider cultural benefit of the community.
- 1.12 This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within five years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time. However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

## **2. Profile of the County**

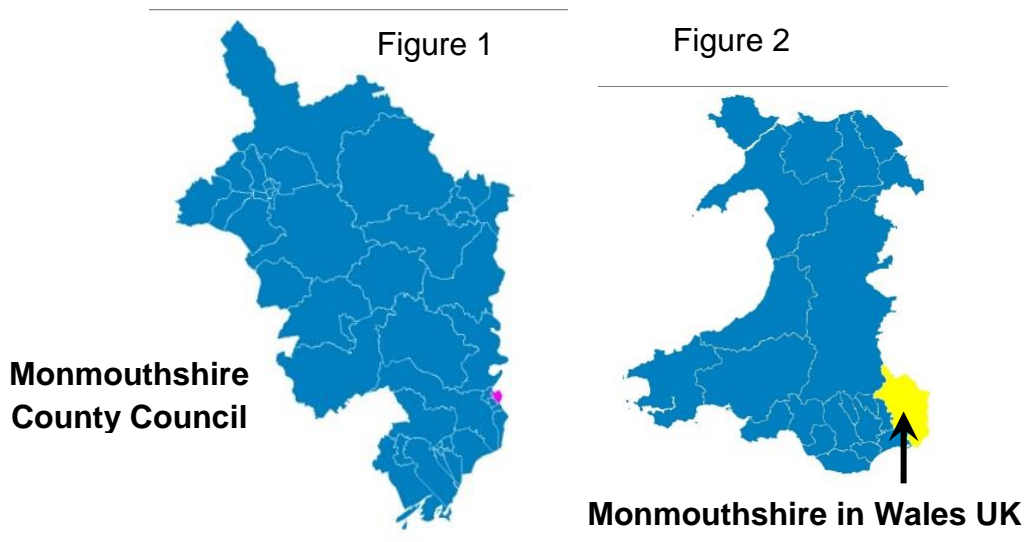
### **The County of Monmouthshire**

The Monmouthshire County has a population of approximately 93,886 and is mainly rural in character. The five main towns of Monmouth, Abergavenny, Caldicot, Chepstow and Usk are surrounded by numerous villages, each with their own individual character.

There are a few major concentrations of premises in the County providing Regulated Entertainment and/or the retail of sale of alcohol. There are a few private clubs; a cinema and several premises which have late night extensions. However, mobile cinema showings are now active in the County. We have a few theatres in Monmouthshire. Other local venues such as village, community and school halls also provide many of the locations for cultural activities. Several open air concerts/shows provide for the larger cultural events.

There are many public houses in the County outside of the main Towns, many of these in the small, rural villages which provide the focal point for community life. In other cases this focal point may be provided by small stores and shops that sell alcohol. The main late night refreshment premises are located in the main Towns.

Because of the rural nature of the County, premises and events licensed under the Licensing Act 2003 provide an essential contribution to the local economy, through tourism and cultural development.



### **3. Licensing Committee**

- 3.1 The Council will appoint a Licensing Committee in accordance with its constitution.
- 3.2 A Licensing Committee shall establish Sub-Committees (panels) consisting of three Members of the Committee, to consider applications where representations have been received from any person and/or Responsible Authorities.
- 3.3 The Licensing Committee will also sit to determine applications not associated with the Licensing Act 2003, such as taxi and private hire vehicle licensing.

- 3.4 In the interests of good governance, where a Councillor who is a Member of a Licensing Committee or a Licensing Sub-Committee has had a direct or indirect pecuniary or personal interest in any matter before them they will be disqualified from any involvement in the decision-making process affecting the premises licence. A Councillor will not sit on a Sub-Committee to consider an application within their 'Ward'.
- 3.5 The Licensing Sub-Committee will refer to the Licensing Committee any matter it is unable to deal with because less than three members are able to consider the matter before the Sub-Committee.
- 3.6 The Licensing Committee shall refer to the 'Licensing Authority' [the Council], any matter it is unable to deal with because less than the quorum of three Members are able to consider the matter before the Committee.
- 3.7 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied with reasons for the decision. A summary of the decision is notified to the parties to the hearing, a target time of three days, to be displayed on the Council's website, or as soon as possible thereafter, where it will form part of the statutory licensing register.
- 3.8 The Council's Licensing Officers will deal with all licence applications where either no relevant representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 3.9 A periodic report will be made to Licensing Committee on the exercise of delegated powers.
- 3.10 The Council will ensure that members and relevant officers are appropriately trained to carry out their duties under the Act.
- 3.11 Matters in respect of the Licensing Act 2003 are to be dealt with as specified in the council's scheme of delegation under its constitution.

#### **4. Fundamental principles**

- 4.1 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions may be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.

- 4.2 When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.3 In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from the licensed premises, including:
- Planning controls;
  - On-going measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
  - Designation of parts of the County of Monmouthshire as places where alcohol may not be consumed publicly;
  - Regular liaison with police on law enforcement issues regarding disorder and antisocial behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises;
  - The power of the police, other responsible authority or interested party to seek a review of the licence or certificate.

## **5. Zoning and licensing hours**

- 5.1 Paragraph 10.13 to 10.15 of the Government's current Section 182 Guidance states that:

### *Hours of Trading*

*"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application"*

*10.14 “Where there are objections to an application to extend hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested. Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons based on the licensing objectives, for restricting those hours.”*

- 5.2 When dealing with licensing hours, the Licensing Authority recognises the requirement that each application will be dealt with on its individual merits. Nonetheless, whilst the Licensing Authority does not wish to unduly inhibit the continuing development of a thriving and safe evening and night-time local economies which are important for investment and employment locally. The Authority considers that it is vital to create an appropriate balance between the economic needs of licensed premises and the rights of local residents to be able to enjoy a reasonable degree of peace and quiet at noise-sensitive times and other persons not experience early fall out of the night-time economy. To this end, the Licensing Authority is prepared to consider identifying zones in its area where hours of operation for licensable activities will be fixed. This will be applied in the event of representations being made upon an application unless the Licensing Sub-Committee is persuaded that it would not be appropriate to apply them in the circumstances of the application.
- 5.3 The Licensing Authority notes that the Government’s Section 182 Guidance states that “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours”. However, because of the problems experienced in some local communities in Monmouthshire arising from the availability of alcohol for sale at local shops for consumption off the premises this Licensing Authority has decided that it will not adopt this general position but instead will expect applicants and licence-holders to trade alcohol at hours which are appropriate to their particular local environment. Therefore applicants should very carefully consider the hours they seek when devising their operating schedule and it is recommended to discuss such application with the appropriate Responsible Authorities.
- 5.4 In the event that applications are submitted which have not demonstrated that appropriate alcohol trading hours have been properly considered, it is likely that representations will be made by the relevant responsible authorities and the public. This will delay the determination of the application and result in it being referred to a Licensing Sub-Committee for determination.

- 5.5 Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the application or licence very carefully and arrive at a decision regarding hours. Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence.
- 5.6 For example, in local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours.
- 5.7 Later hours will generally be more appropriate within the town centres than other areas of the County due to the developed infrastructure in respect of managing a late night economy for example CCTV network, increase access to public transport, cleaning services and more visible enforcement presence. Nevertheless, many areas of the towns are now developing into hybrid environment with increase of café, recreation and housing in the towns.
- 5.8 The licensing authority will generally expect hours to be appropriate for the locality. Where there are relevant representations, it will be for the sub-committee to determine if they agree with any characterisation of an area when considering an application before them, taking into account the information provided to them as well as applying their own local knowledge.
- 5.9 Hours will not be reduced as a bargaining tool to compromise; the starting point for the application is not important – it is the outcome that must be appropriate for the promotion of the licensing objectives. Applicants are strongly encouraged to apply for the hours they intend to operate, and it may be that not applying for (unwanted) later hours might reduce the likelihood of objections against the application. The licensing authority will not consider the fact that other premises in the vicinity already have similar hours as a justification for granting similar or extended hours.

While the quality of the venue and the operator will be an important consideration generally and may be a relevant consideration in justifying the appropriateness of a later terminal hour, it is often beyond the capacity of the operator to control the impact of customers once they have left the premises. The lateness of the terminal hour for the premises will often be a contributory factor in the risk of intoxication and potential for disturbance, and so licensed hours may be reduced to avoid: The likelihood of nuisance, Peaks of dispersal. The licensing authority will also be mindful of the risk of staggered closing times leading to 'migratory



drinking' and problems on the streets as patrons move from closed bars to open ones.

#### 5.10 **Drinking up time / cooling down time**

Even though the traditional drinking up time was not carried over into the Act, the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period. During this time music volume may be reduced, customers may finish their drinks and make arrangements for transportation from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce any potential negative impact on the area.

### 6. **Commercial demand**

- 6.1 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Licensing Authority. These matters would be a specific consideration for the local Planning Authority taking into account the demands of the licensed trade and market demands

### 7. **Alcohol Harm**

- 7.1 Chief Medical Officer Guidelines recommend that “to keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis”.

The evidence base for the negative impact of alcohol use on health and well-being is strong. Alcohol use has been identified as a causal factor in more than 200 medical conditions, including liver and heart diseases, stroke, dementia, foetal alcohol spectrum disorder and several cancers, including liver, mouth, breast and bowel. It can have a negative effect on our mental health and emotional wellbeing, increases our risk of accidents and injury and can have long-term social implications. Alcohol can pose additional risks for young people, including negatively impacting their cognitive and social development.

Harms associated with alcohol can also include, amongst other concerns, increased risk of violent crime, sexually transmitted infections and road traffic collisions.

Alcohol is a major cause of death and illness in Wales. Using data from the Office for National Statistics (ONS) and Digital Health Care Wales (DHCW), Public Health Wales (PHW) notes:

- In 2023/24 in Wales, there were 12,236 alcohol-specific hospital admissions and 52,177 alcohol-attributable hospital-admissions.
- In 2023, there were 683 alcohol-related deaths and 562 alcohol-specific deaths registered in Wales. This represents an increase of 10.5 and 15.6 per cent respectively compared to the previous year.

7.2 The World Health Organisation (WHO) recognises there is scientific consensus that communities encounter more problems when alcohol is more available.

While on-premise and off-premise alcohol sales may result in different types of harms for different reasons, research has repeatedly shown that the economic, geographical and temporal availability of alcohol has a significant effect on the level of alcohol related harms, including health harms.

It has shown that the range of times and days alcohol is available for sale has a significant impact on the harms caused by alcohol. The geographical ease of access also has an impact, as shown by a large body of research into outlet density. Research conducted in 2017 demonstrated that actively enforced Licensing policies lead to a reduction in alcohol-related hospital admissions. These are all factors that are influenced by local licensing frameworks and operational and enforcement approaches to licensing.

7.3 Research has demonstrated that the most effective and cost-effective approach to tackle the harms from alcohol use is to reduce the affordability, availability of and access to alcohol. The World Health Organisation has identified limiting alcohol establishment density as an effective, evidence-based means of reducing the harms and inequity associated with alcohol. Similarly, Public Health Wales considers reducing the availability of and access to alcohol as key to reducing alcohol related health harms.

These harms are not experienced equally by people across Wales. In 2022-2023, PHW notes the proportion of all patients admitted for alcohol-specific conditions who lived in the 10 per cent of most deprived areas in Wales was 2.8 times higher than those from the least deprived areas. This is despite the adult populations in these areas often consuming similar to or less alcohol than those in less deprived areas. WHO states that alcohol establishments also tend to be more heavily concentrated in more deprived areas, which may then also experience more of the related social and environmental harms.

7.4 The intent of the Licensing Act 2003 is to regulate the supply of alcohol. Licensing is therefore the key mechanism by which the availability of alcohol can be regulated, through regulating the times and days of the week alcohol can be sold, premises which can supply alcohol and the conditions of sale.

7.5 Monmouthshire County Council recognises the significant negative impact on the health of our residents caused by alcohol, which is reflected in hospital admissions and deaths from alcohol related illnesses and injuries (see below).

Levels of alcohol use by both adults and young people in Monmouthshire are the highest in Gwent and amongst the highest in Wales. National Survey for Wales age-standardised data for 2021-22 and 2022-23, shows that in Monmouthshire:

- 24.2% of persons aged 16+ self-reported an average weekly alcohol consumption above guidelines. The average is 16.8% for the Aneurin Bevan Health Board area, and 16.4% for Wales.
- 20.3% of persons aged 16+ self-reported hazardous average weekly alcohol consumption and 3.8% reported drinking to harmful levels. The averages for Aneurin Bevan are 14.5% and 2.2% respectively, and for Wales are 13.9% and 2.5% respectively.
- 13.1% of persons aged 16+ self-reported an average weekly alcohol consumption of none. The average for Aneurin Bevan is 18.8% and the average for Wales is 17.9%.

School Health Research Network data shows that in Monmouthshire in 2023:

- 40% of males aged 11-16 reported drinking alcohol. This is significantly higher than the figure for Wales (33.8%).
- 41.1% of females aged 11-16 reported drinking alcohol. This is significantly higher to the figure for Wales (37.1%).

There were 994 alcohol-attributable hospital admissions per 100,000 population (EASR) in Monmouthshire in 2023-2024. The rate has decreased by 6% since 2018-2019 data. The Wales rate is 1,001, which is a decrease of 18% since 2018-2019.

There were 208 alcohol-specific hospital admissions per 100,000 population (EASR) in Monmouthshire in 2022-2023. The rate has decreased by 28% since 2018-2019 data. The Wales rate is 258, which is a decrease of 25% since 2018-2019.

Despite these decreases, alcohol-specific deaths have increased. There were 33 alcohol-specific deaths in Monmouthshire between 2021 and 2023. This is an age standardised rate of 10.5 deaths per 100,000 population (over a rolling 3-year aggregate). This rate increased from 9.4 for 2019 to 2021. The Wales rate for 21-23 was 16.

While the above rates of alcohol harms in Monmouthshire are below national averages, all alcohol-specific hospital admissions and deaths are preventable.

- 7.6 Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community, **which is especially important in areas of higher alcohol consumption and areas of higher deprivation**. For examples of licensing conditions that can promote health and wellbeing reference can be made to Monmouthshire County Council's 'Model Pool of Conditions'.
- 7.7 In addition, the Licensing Authority expects applicants to consider the impact their premise may have on **sensitive locations and** people vulnerable to alcohol use, in particular **to education facilities**, children and young people and **to alcohol treatment facilities and people with alcohol use disorders**. Commissioned alcohol treatment services are set within the communities they serve. The availability of alcohol in near proximity to treatment services can create specific issues for treatment providers **and recipients, such as increased cravings**. The Licensing Authority expects applicants to consider and mitigate the harm by including licensing conditions when their premise is close to the location of treatment services, and areas where children and young people may congregate, such as schools, youth clubs and parks.

## 8. Drugs

- 8.1 **The harms from drug misuse are numerous, and not restricted to health harms. Welsh drug death levels were at their highest ever level in 2018-19 with deaths from drug poisoning having increased by 78% over the last 10 years. Drug deaths appear to be increasingly occurring in people using drugs on a recreational basis.**
- 8.2 **The UK's drug market is rapidly evolving, with common street drugs continuing to increase in strength and purity, and an ever-widening array of substances in circulation. Licensing has a role in reducing the harms from drug misuse in the Night Time Economy and our licensed premises.**
- 8.3 Where there are issues of concern the Licensing Authority will expect to see evidence that the drug policy has been implemented and reviewed.
- 8.4 Within the context of promoting the licensing objectives for preventing crime and disorder and ensuring public safety, the Licensing Authority expects applicants and licensees to:
- Take all reasonable steps to prevent the entry of drugs into licensed premises
  - Take all reasonable steps to prevent drugs changing hands within the premises

- Train staff to recognise understand the signs of drug misuse in people so that practical steps can be taken to deal with instances that occur
  - Have appropriately trained staff to deal with drug related incidents
  - Display appropriate drug safety awareness information to customers
  - Provide a first aid room and first aid equipment, including a defibrillator in larger venues
  - Deploy staff trained to assist with medical incidents
  - Implement an appropriate banning policy
  - Drug swabbing
  - Searches of the premises
  - Physical measures to deter drug use on the premises
  - Signage and welfare information in the venue
- 8.5 At the request of Gwent Police, licensed premises would be required to seize, retain and document any drugs found, with a clear audit trail and a process for surrender in compliance with Gwent Police written policy. Furthermore, in the interest of Crime and Disorder, Gwent Police would also require licensed premises to allow the use of the ION Track machine on their premises to assist with identifying the areas where illegal drugs may be used at the venue.
- 8.6 The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises. However, it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the crime and disorder licensing objective. The licensing authority expects all licence holders to actively support this aim in the way that they plan, manage and operate premises.
- 8.7 If relevant representations are received to an application for grant or variation of a licence special conditions may be imposed to support the prevention of the illegal supply or use of controlled drugs. Advice on conditions will be sought from the police or any other relevant organisation involved in the control of controlled drugs or the support and/or treatment of drug users.
- 8.8 In premises where drug misuse is problematic and where any responsible authority or other person apply for a review of the licence, the licensing authority will consider this as being very serious and will give appropriate consideration to the full range of options available, including suspension and revocation of the licence in accordance with the statutory guidance issued by the secretary of state. The licensing authority recognises that each case is individual and will be decided on its own facts and specific merits.
- 8.9 Promoting personal safety

Monmouthshire is committed to ensuring Monmouthshire is a safe and welcoming County for everyone, regardless of their gender, ethnicity, sexuality, beliefs or background. Unfortunately, this is not always the case. The increase in report of drink spiking nationally and the demand for welfare and police service indicates that there is still significant partnership work to further develop Monmouthshire's night time economy to improve actual and perceived safety to all visitors, residents and those who work in the County at night.

This policy aims to ensure that vulnerability and personal safety is an important consideration in decision-making in the night-time and late-night economy throughout the County. The licensing authority will keep the prevalence, prevention and reporting of sexual harassment and misconduct and gender based violence under review.

Operators are strongly encouraged to develop harm-reduction policy for their business and ensure sufficient measures to protect and provide support to customers in spiking and vulnerability incidents.

We aim to promote best practices, including the [Night Time Industry Association \(NTIA\) standards of good practice](#) for dealing with spiking and having a duty of care for customers (see steps to promote the Licensing Objectives) as well as integrate with other safety-related initiatives in the County.

The Licensing Authority will actively promote campaigns which help to remove risks to vulnerable people who visit or work in licensed premises. Examples of this would be the 'a safe place' scheme and the 'ask for Angela' schemes. Licensing Officers seek to work closely with licence holders to encourage positive engagement with such campaigns and to help promote and explain the importance of keeping the public safe.

## **9. Licensing Objectives**

9.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are:

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

- 9.2 It is recognised that the licensing function is not the primary method of securing the delivery of these objectives. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, Health Board, Immigration, Safer Monmouthshire Group, local businesses, licensees and local people towards the promotion of the objectives.

## **10. Prevention of crime and disorder**

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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?

10.5 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.

10.6 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.

10.7 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](mailto: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**

- 11.1 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
- 11.2 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.

Clearly licensed premises have a responsibility under the Public Nuisance objective to clear up litter/rubbish caused by customers in the near vicinity of the licensed premises. Premises are advised to undertake regular litter picks and provide adequate bins for their customers. Applicants will be encouraged to demonstrate in their Operating Schedule what suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance including litter.

Licensed premises of all types can potentially cause public nuisance from litter and Waste. [In Wales the law has changed, relating to proper waste collection and disposal for recycling.](#) There is a 'duty of care' to ensure any waste is properly contained and controlled while in the operator's possession, and that it is collected by a reputable waste carrier. The Licensing Act does not duplicate this law, but licence holders will need to apply good waste management practice in order to prevent public nuisance. Uncontrolled litter, waste and street fouling is unsightly and can lead to a negative image of the area. It can cause offensive odour, may attract rats and insects and therefore be a public health risk, it may cause people to slip, trip and injure themselves, and it may harm the reputation of the licence holder's business. Typical examples of litter, waste and street fouling that may cause problems include take-away packaging and food dropped by customers, wind-blown waste and litter from refuse storage areas, discarded and broken bottles, glasses and cans, promotional leaflets (flyers) and posters, cigarette ends and chewing gum discarded by customers and people who have consumed too much alcohol urinating and vomiting in the street.

Steps should be taken to prevent fly posting and litter problems arising from the distribution of flyers advertising the premises or events at the premises. The applicant should endeavour to reduce the use of promotional leaflets and only hand flyers directly to the public. Flyers should not be left on vehicle windscreens. Ensure a litter bin is near to the distribution point and clear discarded flyers afterwards. The applicant should also remove any graffiti and fly posting from their surfaces as soon as it appears.

- 11.3 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.

- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 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 licence-holder 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.

- 11.8 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.

11.9 **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.

- 11.10 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**

- 12.1 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.

- 12.2 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.
- 12.3 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.
- 12.4 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.

12.5 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).

12.6 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.

12.7 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.

## 12.8 Martyn's Law

The Terrorism (Protection of Premises) Act 2025, also known as Martyn's Law, received Royal Assent on Thursday 3 April 2025. The Primary Governing Authority for the Act is the Security Industry Authority (SIA). This Act delivers the Government's manifesto commitment to strengthen the security of public premises and events. It is expected that Licence premises fully comply with the future Guidance and Regulations.

To promote the adoption of Martyn's Law free ACT (Action Counters Terrorism) awareness counter terrorism training courses for licensed premises for venue operators, Designated Premises Supervisors, and those in managerial positions are strongly encourage to be undertaken by licensed premises.

Further details regarding Martyn's Law can be found within the Home Office and Security Authority websites. <https://www.gov.uk/government/news/martyns-law-to-ensure-stronger-protections-against-terrorism-in-public-places>

### Crowd Safety

Venues should have a clear policy for managing large crowds, such as during concerts or sporting events. This may include implementing a capacity limit, managing entry and exit points, and having staff members trained in crowd control techniques.

## 13. Protection of children from harm

- 13.1 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.
- 13.2 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.
- 13.3 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.

- 13.4 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.
- 13.5 The Chief Officer Social Care and Housing for the authority will be consulted on issues relating to protecting children from harm.
- 13.6 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.

- 13.7 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).

- 13.8 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

#### Proxy Sales:

Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol, and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage. Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

#### Employment of Children:

A child is not permitted to sell alcohol or in the case of a club supply alcohol unless it has been authorised by a responsible person, as such a child should never be left alone to serve alcohol. Authorisation is not required if a child is waiting on a table where alcohol is part of a table meal. A permit is required from Monmouthshire's Education Welfare Services for children being employed, contact [educationwelfare@monmouthshire.gov.uk](mailto:educationwelfare@monmouthshire.gov.uk) . Refer to the [National Network for Children in Employment and Entertainment](#) for more information.

## **14. Rights of representations**

- 14.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. In this way, those with a right to make representations or objections are able to fully assess the factors that may affect them.
- 14.2 Relevant representations may be made by a responsible authority, other persons or organisations representing them, but they should state whether they are making a representation on their own behalf or on behalf of another person.
- 14.3 Amendments to the Act has inserted the term 'other person' to replace 'interested party' as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:-
- Residents living near the premises
  - Persons with an interest in the premises or locality
  - Local councillors
  - Businesses with an interest in the premises or locality.
  - Organisations with an interest in the locality, premises or licensable activities.

The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

- 14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object

to any application will therefore need to state whether they are doing so on the grounds of:

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

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.

14.6 Petitions may be accepted if the Authority believes all those that signed the petition understood the implications of what they were signing. Please refer to 29.24 below for further guidance.

## **15. Responsible authorities**

15.1 The Licensing Act 2003 as amended specifies who is responsible authorities that may make representations on applications or apply for the review of a premises licence or club premises certificate, and they are:

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The local weights and measures authority
- The Director of Social Services and the body representing matters relating to the protection of children from harm, currently the Local Safeguarding Children Board
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
- The Local Health Board (Aneurin Bevan University Health Board)
- The Licensing Authority (The Council)
- Immigration (Home Office Immigration Enforcement)

## **16. Other persons**

- 16.1 Changes to the Licensing Act 2003 by virtue of the Police Reform and Social Responsibility Act 2011 have now removed the test of “vicinity” from the 2003 Act and as a consequence, the categories of “interested party” no longer exist.
- 16.2 Therefore, any person is able to make representations in relation to certain types of applications as an “Other Person” However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

## **17. Integrating strategies**

- 17.1 The Secretary of State’s Guidance to the Licensing Act 2003 states that the Licensing Authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council’s aims for a safe and vibrant night time economy. Other pieces of legislation may impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 an in relation to the promotion of the four licensing objectives:

### **Crime and Disorder Act 1998**

This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

### **The Anti-Social Behaviour, Crime and Policing Act 2014**

This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas where anti-social behaviour such as street drinking will be prohibited. The Act also gives powers to the local authority and police to

close licensed premises where nuisance and anti-social behaviour is taking place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.

#### Immigration Act 2016

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder. They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premises. This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late night refreshment licence. The offence of employing people at licensed premises who have no right to work in the UK is also now listed in the Secretary of State's guidance under Section 11.27 which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance. This Act clearly supports and actively promotes the licensing objective of preventing crime and disorder and the licensing authority will work with colleagues in the Immigration service and Gwent Police to enforce this.

#### Human Rights Act 1998

The Council has a duty under the European Convention on Human Rights to protect both the rights of resident to privacy and family life (Article 8), and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol). This promotes the need for the licensing authority to reach a balance between these two principles when making decisions.

#### Equality Act 2010

The Act places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who shared a protected characteristic and those that do not. Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the licensing authority will have regard to this due to the goal of ensuring that the night time economy is safe and accessible to all. Other legislation that the Licensing Authority will consider -

#### Well-being of Future Generations (Wales) Act 2015

This Act requires Local Authorities in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems, such as poverty, health inequalities and climate change. The Act clearly supports and actively promotes the licensing objectives. This Act links specifically to the prevention of crime and disorder and public nuisance. It recognises that there is a need to create appropriate soundscapes – the right acoustic environment in the right time and place. The Local Authority will consider the management of noise and soundscapes and in particular the five ways of working contained under this Act namely, i) Long term – the importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs, ii) Integration, iii) Involvement, iv) Collaboration and v) Prevention. Welsh Government has produced a ‘Noise and Soundscape Action Plan for 2018-2023’  
<https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

Conservation of Habitats & Species Regulations (2017) and Site of Special Scientific Interest (SSSI) notified under The Wildlife and Countryside Act 1981 (as amended)

Owners and occupiers of land on which an event takes place where the land in question is included within a Site of Special Scientific Interest (SSSI) notified under The Wildlife and Countryside Act 1981 (as amended) are advised to seek advice from Natural Resources Wales (NRW) prior to commencement of the event. Prior written consent from NRW will be required for operations or activities deemed potentially damaging to the designated features of the Site unless otherwise part of a management agreement prepared in accordance with relevant legislation. Failure to obtain any necessary consent and to abide by its conditions without reasonable excuse may be an offence.

A person organising, facilitating or attending an event who without reasonable excuse intentionally or recklessly destroys or damages the designated feature(s) of a SSSI or intentionally or recklessly disturbs the designated fauna of a SSSI may be committing an offence. This offence may apply to damage or disturbance that occurs on land outside of the event boundary. Event organisers are advised to contact NRW for advice prior to commencement of the event.

Natural Resources Wales / Sites of special scientific interest (SSSI): responsibilities of owners and occupiers

NRW can be contacted on 0300 065 3000.

The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:-

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences.

- 17.2 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate or proportionate to impose the same or similar duties on the premises licence holder or club. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are appropriate to promote the licensing objectives that appropriate and proportionate conditions will be attached to a licence.
- 17.3 Other Local Authority and Government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them.
- 17.4 It is the Local Authority's intention that it will, through its Licensing Committee monitor how these matters, set above, impact on the Authority's licensing and other functions, in order that it may seek to co-ordinate and integrate its licensing function with other relevant strategies.
- 17.5 In respect of cultural strategies the Licensing Authority will, for example through periodic consultation with local Leisure and Cultural Services officers, consider whether the provision of live music and cultural activities and entertainments are being deterred by local licensing requirements. Where there is any indication that this is the case, the Licensing Authority may consider investigating how the situation might be reversed, and may if necessary in the light of such investigations consider a revision to the Statement of Licensing Policy.

### **Relationship with Planning Process**

- 17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.



However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

- 17.7 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible.
- 17.8 The Licensing Authority wishes to emphasise that the granting by the Licensing & Regulatory Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
- 17.9 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The Licensing and Planning regimes involve consideration of different (albeit related) matters.
- 17.10 The Licensing Authority will avoid treating licensing applications as a re-run of planning applications, and will not normally:
- cut-across decisions taken by the Local Authority Planning Committee or following appeals decisions taken by that Committee; or
  - impose licensing conditions where the same or similar conditions have been imposed on a planning consent.
- 17.11 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 17.12 Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law (and vice versa where the licensing hours finish earlier than the planning permission).

## **18. Personal alcohol licence**

- 18.1 The Council recognises it has very little discretion in the granting of a personal licence. In general provided an applicant is aged 18 or over, is entitled to work in the UK, has an approved qualification, has not had a personal licence forfeited within 5 years of this application and does not have relevant criminal convictions

or civil penalty received after 6 April 2017 for immigration matters, the application must be granted.

- 18.2 Individuals applying for a personal licence must be entitled to work in the UK. Licences must not be issued to people who are illegally present in the UK who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating the carrying on of a licensable activity.
- 18.3 Where an applicant's immigration permission to live and work in the UK is time-limited, a personal licence may be issued but will become invalid when the immigration permission expires. In the event that the Home Office cuts short or ends a person's immigration permission, any personal licence issued in respect of an application made on or after 6 April 2017 will automatically lapse.
- 18.4 If an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence or foreign offence comparable to an immigration offence, the licensing authority is required to notify the Secretary of State for the Home Department (through Home Office Immigration Enforcement).
- 18.5 If an applicant has a relevant conviction the Police can oppose the application. If an applicant has been issued with an immigration penalty or convicted of a relevant immigration offence on or after 6 April 2017, the Home Office may object to the application. When an objection is lodged a hearing must be held.
- 18.6 Applicants with unspent convictions for relevant offence as set out in the Regulations made under the Act are encouraged to first discuss their application with the Council's Licensing Officer and/or the Police.
- 18.7 At a hearing in respect of an objection to the granting of a personal licence, or the revocation of an existing licence, the Council will consider carefully whether the grant of, or continuation of, the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The Council will only grant the application, if it is satisfied that doing so will promote this objective.
- 18.8 Prevention of crime is both an objective of the Licensing Act 2003 and a responsibility of the Council under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist in the prevention of crime. Granting a licence to a

person with a relevant criminal record could undermine rather than promote the crime prevention objective.

- 18.9 From 6 April 2017 the Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences. This is a discretionary power and may be undertaken when a licensing authority becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty on or after 6 April 2017. The decision must be made by the Licensing Committee or sub-committee and they may revoke the licence or suspend it for a period up to 6 months.

#### 18.10 **Designated Premises Supervisor**

- 18.11 The Licensing Authority expects the Designated Premises Supervisor to carry out the day to day management activities of the premises. This is in line with the expectations of the Section 182 guidance. Where a Designated Premises Supervisor is not able to satisfactorily show they are able to do this, we will invite the Premises Licence Holder to appoint an appropriate alternative person.

- 18.12 After the appointment of a Designated Premises Supervisor, if problems arise relating to their performance, the police can at any stage seek a review of a Premises Licence on any grounds relating to the licensing objectives. The licensing authority will not normally impose conditions related to management competency of Designated Premises Supervisors, except where it is considered appropriate that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder, public safety and public nuisance.

- 18.3 In exceptional circumstances, the police may object to an individual being appointed as a Designated Premises Supervisor. Following an objection by the police, if the licensing authority is satisfied that the appointment of a person as a Designated Premises Supervisor would undermine the crime prevention licensing objective, the policy is to refuse the appointment or to remove them as the Designated Premises Supervisor in circumstances where they are already in post.

## 19. **Premises licence**

- 19.1 A premises licence is granted in respect of any premises, other than a private members club or similar type premises, authorised for one or more licensable activities, such as the supply of alcohol, late night refreshment or regulated entertainment.

- 19.2 There are some exemptions for the requirement of a licence and they include the exhibition of films for educational or promotional reasons, films shown as part of an exhibition, amplified live and recorded music to audiences of less than 500 people between the hours of 8.00 am and 11.00 pm. Applicants are advised to contact the licensing authority on other exemptions for further guidance.
- 19.3 Where alcohol is supplied, a Designated Premises Supervisor, who must be the holder of a personal licence, must be nominated to authorise the sale of alcohol at the premises.
- 19.4 Premises licences are issued to individuals over the age of 18 years who carry on, or propose to carry on, a business which involves the use of the premises for licensed activities. In addition, charities, health service bodies, educational institutions and persons of other prescribed descriptions may apply for a premises licence.
- 19.5 A licence may be issued subject to conditions, which must be complied with at all times whilst the premise is being used for licensable activities during the times specified in the licence. Failure to comply with the terms and conditions of a licence or if licensable activities are carried out without a premises licence, may result in a fine, which is unlimited or a term of imprisonment of up to 6 months, or both.
- 19.6 Fees for licences are based on the rateable value of a premises and although licences are usually issued for an indefinite period, an annual fee is payable.
- 19.7 It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority.

## **20. Club premises certificate**

- 20.1 A qualifying club, industrial and provident society, friendly society and miners welfare institute that satisfies the criteria specified in part 4 of the Licensing Act 2003 may provide licensable activities for its members and guests of a member that are authorised by a club premises certificate (CPC).
- 20.2 A CPC only authorises the use of a premises for the benefit of its members and their guests and cannot be used to provide licensable activities to non-members. If the premises are to be used to provide licensable activities for non-members

an additional authorisation will be required. This may be a premises licence (PL) or a temporary event notice (TEN).

20.3 A premises operating under the authorisation of a CPC enjoy special privileges. If a club premises operate under the authorisation of a PL or TEN the privileges do not apply. The privileges include; restricted rights of entry, no need to have a qualified person authorising sales of alcohol. Other considerations would be different taxation rules, advice should be sought from HMRC.

20.4 It is an expectation that the CPC holder will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority

#### 20.5 “Shadow Licences”

Nothing within the 2003 Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person. (Section 2, Licensing Act 2003). The Section 182 Guidance further provides at paragraph 8.19 “There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence already held.” Shadow licences may occur where for example a landlord seeks to protect the Premises Licence by creating a “shadow licence” where the licence is operated by a tenant. Shadow licence are usually created on the same terms as the existing premises licence. When granting a licence on a premises that already holds a premises licence, the responsible authorities may seek to add conditions to the additional licence, that mirror the current premises licence.

Responsible authorities are also able to review the shadow licence whenever the original licence is under review. It must always be clear to the responsible authorities as to which licence is in operation to avoid two individuals trading within the same licensed area at the same time under different premises licences.

## 21. Temporary Event Notices

21.1 Temporary Event Notices (TENs) can be used to allow licensable activities to be carried out on a one-off or occasional basis. They are the most appropriate type of authorisation for small-scale, one-off events, such as community, school and charity fundraising events, at which it is intended to:

- sell or supply alcohol;
- provide regulated entertainment; or
- sell hot food/drink between 11 pm and 5 am.

- 21.2 If posted, a TEN must be sent to the relevant licensing authority, to the Police and the local authority exercising environmental health functions at least ten working days before the event. If sent electronically, the Licensing Authority will consult with the relevant consultees on behalf of the applicant.
- 21.3 The Police or authority exercising environmental health functions may intervene to restrict the event or prevent the event taking place. They may agree a modification of the TEN directly with the TEN user. When giving a TEN, the premises user should consider the promotion of the four licensing objectives.
- 21.4 There are two types of TEN, a standard TEN and a late TEN. A standard notice is given no later than ten working days before the event to which it relates and a late notice is given not before nine and not later than five working days before the event. The period excludes the day the notice is received and the first day of the event. Late TENs are intended to assist premises users who are required to submit a notification at short notice for reasons outside their control.
- 21.5 The Police and authority exercising environmental health functions have a period of three working days from when they are given the notice to object to it on the basis on any of the four licensing objectives.
- 21.6 If an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary.
- 21.7 If an objection notice is received in relation to a late TEN, the notice will not be valid and the event will not be permitted to go ahead as there is no scope for a hearing or for any existing licence conditions to be applied to the notice.
- 21.8 A number of limitations are imposed on the use of TENs by the Licensing Act 2003. Notice givers are advised to contact the licensing authority for further advice.
- 21.9 The Licensing Authority recommends that anyone wishing to submit a Temporary Event Notice, particularly where this involves the provision of regulated entertainment, gives as much notice to the Authority as possible, to ensure that proper advice can be given and any anticipated issues resolved in a planned and timely manner. Whilst notices can legally be submitted with 10 working days or a late notice in 5 working days prior to the event taking place, a period of 12 weeks is recommended for larger events.

- 21.10 The Licensing Authority may notify the Council's Event Safety Advisory Group (ESAG) of any Temporary Event Notices involving the provision of regulated entertainment. This Panel brings together the various enforcement bodies that may be responsible for enforcement in respect of an event, along with any applicants and other organisers, and allows agreement to be reached regarding the way that the event will be organised etc. It is recommended that all applicants submitting a Temporary Event Notice go through the Events Panel when drawing up their Notice, and the Events Panel will be of particular assistance to charities, community and voluntary groups, and other event organisers who may not have access to legal advice or technical knowledge.

It is recommended that ESAG is contacted in adequate time to factor in the possibility of objections to a licence or temporary event and the hearing timescale. As such, it is recommended that ESAG be contacted for events under 500 people, 24 working days before the event and 68 working days before the event for events over 500. This is recommended where alcohol, regulated entertainment and/or late night refreshment is taking place.

- 21.11 External areas and outdoor events will normally be restricted to 08.00 – 22.00hrs unless the applicant can demonstrate the comprehensive control measures have been implemented that ensure the promotion of the licensable objectives, in particular the public nuisance objective.

#### 21.12 Large Scale Events

These are events that are temporary but more than 499 people are expected to attend. Much larger crowds may be attracted to large-scale events and the risk to public safety and to crime and disorder, as well as public nuisance, may be considerable. The licensing authority and all other statutory consultees, should be given the earliest opportunity, notice of such major events to discuss operating schedules with the organiser, prior to a formal application being submitted. It is the responsibility of the event organiser / applicant to provide the licensing authority and all other statutory consultees, at the earliest opportunity, notice of such major events. This will enable discussion about operating schedules prior to a formal application being submitted. It is expected that the applicant will consider how their event will take place safely and how it will impact on the surrounding area. For large events such as festivals the licensing authority will expect to receive an event management plan to be submitted with their application for a licence. An event management plan should be a working document to include information which outlines how the premises will be run during the event.

## 22. Sale and supply of alcohol

- 22.1 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or cause of disorder and disturbance then, subject to representations from the police and other responsible authorities, a limitation on licensing hours may be appropriate.
- 22.2 Licensed premises authorised under the Act for the sale and/or supply of alcohol must consider their responsibilities with regard to who they supply with alcoholic drinks, in particular:
- The sale to persons under the age of 18 years
  - The sale to persons who are delivering to persons under the age of 18 years
  - The sale to persons who are drunk
- 22.3 The Licensing Authority actively encourages that the sale or supply of alcohol should terminate at least thirty minutes before the closing time of the premises. This provides a suitable 'wind down' period and a slower dispersal of customers. **A longer wind down period would be expected for large events.**
- 22.4 The council recommend that any licensed premises that is authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. **Written** records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons.

## 23. Regulated entertainment

- 23.1 Schedule 1 to the 2003 act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities, which are not and therefore exempt from the regulated entertainment regime. (Applicants are strongly advised to review Home Office Section 182 Guidance of the Licensing Act 2003 regarding Regulated Entertainment).

The descriptions of entertainment activities licensable under the 2003 Act are:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;



- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance; and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or performance of dance.

To be licensable, on or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- Take place in the presence of a public audience, or
- Where that activity takes place in private, be the subject of a charge made with a view to profit.

## 23.2 **Public Audience**

For the purpose of regulated entertainment, the term “audience” refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present and that the purpose of the licensable activity is (at least in part) intended to entertain any person present. The audience will not include performers, together with any person who contributes technical skills in substantial support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties.

More than one entertainment activity (or single activity, more than one performance or event) can be held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, their taking place in separate rooms or on separate floors. However, organisers will have to ensure that audiences do not grow or migrate, so that the audience exceeds the relevant limit for any one performance or event at any time. If there is the possibility of audience migration, it might be easier and more flexible to secure an appropriate authorisation.

## 23.3 **Overview of circumstances in which entertainment activities are not licensable**

There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 is not required. This Policy cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- Activities which involve participation as acts of worship in a religious context;
- Activities in places of public religious worship;
- Education – teaching students to perform music or to dance;
- The demonstration of a product – for example, a guitar – in a music shop;
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to make a profit;
- Morris dancing (or similar);
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)

#### 23.4 **Deregulatory changes where a licence is not required**

As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- **Plays:** no licence is required for performances between 08.00 and 23.00 on any day, if the audience do not exceed 500.
- **Dance:** no licence is required for performances between 08.00 and 23.00 on any day, if the audience do 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 the consent to the screening from a person who is responsible for the premises and (b) ensures that such screening abides by age classification ratings.

- **Indoor sporting events:** no licence is required for an event between 08.00 and 23.00 on any day, if the audience do not exceed 1000.
- **Boxing or wrestling entertainment:** no licence is required for a contest exhibition or display of Greco-Roman wrestling, or freestyle between 08.00 and 23.00 on any day, if the audience do not exceed 1000.
- **Live unamplified music:** No licence is required for a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- **Live amplified music:** No licence is required for a performance of amplified live music between 08.00 and 23.00 on any day
  - on premises authorised to sell alcohol for consumption on the premises, if the audience do not exceed 500.
  - In a workplace that does not have a licence, if the audience do not exceed 500.
  - 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 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 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 the premises, if the audience do not exceed 500.
  - 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.
  - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience do 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.
- **Cross Activity Exemptions:** No licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - 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.

- Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school and
- 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.

If organisers are uncertain as to audience size or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation.

Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that required an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

## 23.5 **Circumstances in which entertainment activities are no longer licensable**

### **Local Authorities, hospital healthcare providers and school proprietors: cross entertainment activity exemption**

No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08.00 and 23.00 on any day provided that:

- For entertainment provided by, or on behalf of, a local authority it takes place on premises in which that authority has relevant property interest, or is in lawful occupation.
- For entertainment provided by, or on behalf of, a health care provider, providing it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is in lawful occupation; and
- For entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

The policy cannot give examples of every eventuality where entertainment is not licensable under this exemption through being provided “by or on behalf of”. It will depend on the facts in each case.

However, the following are examples of activities that are not usually considered to be licensable under this exemption:

- Any entertainment activity hosted by a local authority on their own premises where there is a significant relationship between the local authority and the provider of the entertainment (e.g. principal and agent);
- Any entertainment activity organised on a local authority’s behalf on that local authority’s premises by a cultural trust in discharge of a local authority’s discretionary power to arrange entertainment provision and support for the arts, including festivals and celebrations.
- Any entertainment activity organised by a healthcare provider on their own hospital premises in partnership with a hospital charity.
- Any entertainment event on school premises organised by the Parent Teacher Association (PTA) to benefit the school.

It is for the local authority, health care provider or school proprietor to determine whether, and on what basis, they can (or wish) to provide entertainment activity under this exemption, including consideration of issues around fundraising, profit making, governance or use of public funds. However a pure hire of premises by a third party does not constitute the provision of an entertainment event “on behalf of” a local authority, healthcare provider, or school proprietor and nor does commercial entertainment which the local authority merely facilitates through providing a public space.

All the terms used in this exemption such as “local authority”, “health care”, “health care provider”, “hospital”, “school”, “school premises”, “school proprietor”, “domestic premises” and “relevant property interest” are defined in the 2014 Order.

### **Local authority, hospital and school premises: third party music entertainment**

No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08.00-23.00 on any day provided that;

- It is performed in front of an audience of no more than 500 people; and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the local authority, health care provider or school proprietor (as appropriate) for

that entertainment to take place. It is for these “trusted providers” to determine whether, or not, they wish to make their premises available for music entertainment by a 3rd party and on what terms they deem it appropriate.

### **Community premises: music entertainment**

No licence is required for a performance of live music or the playing of recorded music on community premises, between 08.00-23.00 on any day provided that;

- The community premises are not authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises;
- The music entertainment is in the presence of an audience of no more than 500 people and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

### **Community premises: exhibition of film**

No licence is required for an exhibition of a film on community premises between 08.00-23.00 on any day providing that

- The film entertainment is not provided with a view to a profit
- The film entertainment is in the presence of an audience of no more than 500 people
- The admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by BBFC or relevant licensing authority regarding the admission of children and
- A person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises

Under this exemption, one condition is that the film entertainment is not being provided with a view to profit. An entry charge does not of itself make the film entertainment licensable; it is whether the organiser intended to make a profit (that includes raising money for charity). A charge or contribution that is made

solely to cover the costs of the film screening is consistent with 'not being provided with a view to profit'. The 'not with a view to profit' condition applies solely to the activity of exhibiting the film under this exemption. A charge with a view to making a profit may legitimately be levied for any other activity or event that is distinct from film admission, such as the provision of refreshments, film talks, or a social event.

This community film exemption is also conditional on those responsible having in place operating arrangements that ensure that the age rating for the film is implemented by means of a suitable child admission policy. How this is achieved is a matter for the organisation or social group exhibiting the film. For example, they may operate a membership subscription scheme which pays for entry to all titles in a season and is limited to adults. It could be a children's film club with a policy of only showing films that are suitable for all by being rated 'U' by the BBFC. Alternatively, the organisers could sell tickets to the public and ensure that children are only permitted to attend in accordance with any age rating for the film – i.e. a door admissions policy linked to proof of age.

### **Travelling Circuses**

Where types of entertainment are present in a performance by a travelling circus they will not be licensable provided that certain qualifying conditions are met. The qualifying conditions are;

- The entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- The entertainment takes place between 08.00hrs and 23.00hrs on the same day;
- The entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- The travelling circus has not been located on the same site for more than 28 consecutive days.

### **Live Music**

Live music is licensable -

- Where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- Where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;

- Where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- Where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people; or
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review.

In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

### **Key terms used in relation to live music**

Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.



A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.

A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.

### **Recorded Music**

No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable

- Where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- Where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- Where the playing of recorded music takes place at a relevant licensed premises in the presence of an audience of more than 500 people; and
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

### **Plays and Dance**

No licence is required for a performance of a play or dance to the extent that certain qualifying conditions are satisfied. However a performance of a play or dance remains licensable;

- Where the performance takes place before 08.00 or after 23.00 on any day; or
- Where the performance takes place in the presence of an audience of more than 500 people.

### **Indoor Sport**

No licence is required for an indoor sporting event to the extent that certain qualifying conditions are satisfied. However an indoor sporting event remains licensable;

- Where the performance takes place before 08.00 or after 23.00 on any day; or
- Where the event takes place in the presence of more than 1000 spectators.

## 23.6 **Licence Conditions**

### **Live Music or Recorded Music**

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- If the music is amplified, it takes place before an audience of no more than 500 people; and
- The music takes place between 08.00 and 23.00 on the same day.

Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect)

These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

### **Beer Gardens**

Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.

Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace. **As, such the plan of the beer garden must be included in order to show the workplace area.**

Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note that the exemption in paragraph 12B does not apply to the playing of recorded music.

However, a licensing authority may, where justified, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

### **Plays, dance and indoor sport**

Where qualifying conditions are satisfied, any current licence condition that relates to a performance of a play or dance, or an indoor sporting event for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect.

Where, however, these non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may

nevertheless apply to the non-licensable activities in the circumstances set out above.

Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

In almost all cases where a performance of dance is potentially licensable as both the provision of relevant entertainment (under the 1982 Act) and regulated entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- The premises are not licensed as a sex entertainment venue under the 1982 Act, and
- Relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any such occasion.

### **Boxing or wrestling entertainment and conditions relating to combined fighting sports**

An indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and any contest, exhibition or display that combines boxing or wrestling with one or more martial arts (‘combined fighting sports’) is – whether indoors or not – a boxing or wrestling entertainment.

Where a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an ‘indoor sporting event’, the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.

A contest, exhibition or display of Greco-Roman wrestling, or of freestyle wrestling, between two participants (regardless of their sex) does not require a licence provided that certain qualifying conditions are met. They are that:

- It takes place in the presence of no more than 1,000 spectators;
- It takes place between 08.00 and 23.00 on the same day; and
- It takes place wholly inside a building and the spectators present at that entertainment are accommodated wholly inside that building.

### **23.7 Conditions relating to other non-licensable activities**

If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, could create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.

Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers on an 'open-mic' night (which encompasses more than just live music), if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor at certain times, where the presence of customers in close proximity who had been consuming alcohol on the premises had led to serious disorder. In the first instance it is for the licensing authority to satisfy itself that a particular condition is appropriate and lawful in each case.

### **23.8 Incidental music**

The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act. 16.58 The incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is

required, as it takes place between 08.00 and 23.00 on the same day and before an audience which does not exceed the relevant limit. This is because such an activity is no longer a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment, such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required.

Whether or not music is “incidental” to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume or the music disrupt or predominate over other activities, or could it be described as ‘background’ music.

Conversely, factors which would not normally be relevant in themselves include:

- The number of musicians, e.g. an orchestra providing incidental music at a large exhibition;
- Whether musicians are paid;
- Whether the performance is pre-arranged; and
- Whether a charge is made for admission to the premises.

In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether music is “incidental” in the individual circumstances of any case.

## **23.9 Removing licence conditions**

On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises

certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

### 23.10 **Busking**

Busking or street performance is the practice of performing in public spaces for money. Performances are not limited to music or singing and can take the form of a wide range of activities that people find entertaining.

Busking is generally not licensable under the 2003 Act as

- It often occurs in a place that is not a premises made available (at least in part) for the purposes of providing entertainment.
- The entertainment is usually incidental to another activity, such as shopping or sightseeing, as there are few circumstances in which anyone would go out specifically to watch buskers; and
- Any unamplified live music is not licensable between 08.00 and 23.00.

Monmouthshire has a busking policy on where it would be appropriate to carry out such activity and this can be found at [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)

### 23.11 **Incidental Film**

An exhibition of a film within the meaning of paragraph 15 of Schedule 1 to the 2003 Act is not regulated entertainment if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.

The incidental film exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08.00 and 23.00 on the same day before an audience which does not exceed the relevant limit. Such activities would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act

This means that, while any exhibition of moving pictures cannot be incidental to a boxing or wrestling entertainment, such film displays may be within the scope of the incidental film exemption for an indoor sporting event or performance of a play or dance for which no licence is required.

Whether or not an exhibition of moving pictures is “incidental” to another activity will depend on the facts of each case. In considering whether or not film is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of an exhibition of moving images will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. This would mean that if the BBFC or the relevant licensing authority has given an age rating to a film, video, or music video, then to qualify for the “incidental film” licensing exemption, the admission of children to the premises will need to be restricted in accordance with the appropriate age rating. But that is one aspect of one relevant factor. Other factors to consider in assessing whether film is incidental might include some or all of the following:

- Is the film the main, or one of the main, reasons for people attending the premises and being charged?
- Is the film advertised as the main attraction?
- Does the screening of the film predominate over other activities, or could it be described as ‘background’ images?
- Does the appearance of moving pictures within another entertainment activity, for which no licence is required (e.g. a performance of a play or dance), undermine the promotion of the licensing objectives?

#### **23.12 Entertainment activity provided as part of childcare**

Entertainment activity that is provided as part of childcare will generally not be licensable. This includes entertainment activity in a nursery or private home. In addition, paragraph 5 of Schedule 1 to the 2003 Act includes a licensing exemption for an exhibition of a film where the main purpose is to provide education. Education will generally include all forms of pre-school child and day care. Furthermore, an exhibition of a film, or the playing of live or recorded music, will generally be incidental to the activity of childcare and so the incidental music and film exemption in paragraph 7 of Schedule 1 will also apply. This will generally be the case for any entertainment activity organised as part of wraparound childcare, including breakfast clubs, after school clubs or holiday clubs linked to the child’s school or based in the local community.

#### **23.13 Child Performers**

Child performance legislation requires that a licence must be obtained from a child’s home local authority before a child can take part in certain types of



performance and activities. A licence may be required whether or not any payment is made for the child to perform. The deregulation of entertainment licensing does not alter the regulations on when children can take part in performances. For further information on the licence for Child Performers contact the Monmouthshire's Education Welfare Services for children [at educationwelfare@monmouthshire.gov.uk](mailto:educationwelfare@monmouthshire.gov.uk) . Refer to the [National Network for Children in Employment and Entertainment](#) for more information.

## **24. Administration**

The council's licensing team administer all aspects of the Licensing Act 2003, including applications, representations and requests for assistance and advice. The council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries. Application information and forms can be downloaded from our website. The licensing teams can be contacted by any of the following means:-

	Licensing Section
	Monmouthshire County Council
	County Hall
	The Rhadyr
	Usk
	NP15 1GA
E-mail:	<a href="mailto:licensing@monmouthshire.gov.uk">licensing@monmouthshire.gov.uk</a>
Tel:	01873 735420
Fax:	01633 644878
Web:	<a href="http://www.monmouthshire.gov.uk/licensing">www.monmouthshire.gov.uk/licensing</a>

## **25. Application procedures**

- 25.1 Prospective applicants are strongly recommended to seek pre-application advice. Advice on the application process will be given, but at no stage will the Licensing Authority complete the application form on behalf of an applicant. The council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries. In addition the website can be used to search existing licences to view activities, times and conditions and is available at [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)

- 25.2 In accordance with the Provision of Services Regulations 2009, electronic application facilities for premises licences are available and may be found on GOV.UK or [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing). Electronic applications for other categories of licence and authorisations are also available on these sites. Applications made in electronic form or via GOV.UK will be sent to the responsible authorities by the licensing authority. If the applicant submits their application in writing, they will remain responsible for copying it to the responsible authorities.
- 25.3 Details of applications are available via the Monmouthshire County Council website at [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)
- 25.4 Applications for all licences and authorisations available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee(s) and all other required information, by the Licensing Authority and the relevant responsible authorities.
- 25.5 Where electronic applications are made, the application will be taken to be 'given' when the applicant has submitted a complete application form and submitted the fee.
- 25.6 **The Responsible Authorities are:**

Responsible Authority	Contact details
Licensing Authority	Licensing Monmouthshire County Council County Hall, The Rhadyr, Usk NP15 1GA . <a href="mailto:licensing@monmouthshire.gov.uk">licensing@monmouthshire.gov.uk</a>
Environmental Health Authority	Environmental Health – Public Health Monmouthshire County Council County Hall, The Rhadyr, Usk NP15 1GA. <a href="mailto:environmentalhealth@monmouthshire.gov.uk">environmentalhealth@monmouthshire.gov.uk</a>
Health and Safety	Environmental Health – Commercial Team Monmouthshire County Council County Hall, The Rhadyr, Usk NP15 1GA. <a href="mailto:environmentalhealth@monmouthshire.gov.uk">environmentalhealth@monmouthshire.gov.uk</a>
Trading Standards	Trading Standards Monmouthshire County Council County Hall, The Rhadyr, Usk NP15 1GA. <a href="mailto:tradingstandards@monmouthshire.gov.uk">tradingstandards@monmouthshire.gov.uk</a>
Child Protection Authority	Child Protection Co-ordinator Children's Services, Monmouthshire County County Hall, The Rhadyr, Usk NP15 1GA.

	<a href="mailto:jessicascarisbrick@monmouthshire.gov.uk">jessicascarisbrick@monmouthshire.gov.uk</a>
Planning Authority	Planning Monmouthshire County Council, <b>County Hall, The Rhadyr, Usk NP15 1GA.</b> <a href="mailto:planning@monmouthshire.gov.uk">planning@monmouthshire.gov.uk</a> (For applications in the Brecon Beacons area you will need to submit the application to Planning Services, Brecon Beacons National Park Authority, Plas y Ffynnon, Cambrian Way, Brecon LD3 7HP. <a href="mailto:planning.enquiries@beacons-npa.gov.uk">planning.enquiries@beacons-npa.gov.uk</a> )
Heddlu Gwent Police	The Licensing Department, East LPA Licensing, Newport Central Police Station, 1-3 Cardiff Road, Newport NP20 2EH. <a href="mailto:licensingeast@gwent.police.uk">licensingeast@gwent.police.uk</a>
South Wales Fire & Rescue Service	South Wales Fire & Rescue Service, Forest View Business, Llantrisant, Pontyclun CF72 8LX. <a href="mailto:safetysouth@southwales-fire.gov.uk">safetysouth@southwales-fire.gov.uk</a>
Public Health	Executive Director of Public Health – Alcohol Licensing Lead, Aneurin Bevan Gwent Public Health Team, St Cadocs Hospital, Headquarters Building, Lodge Road, Caerleon NP18 3XQ. <a href="mailto:publichealth.aneurinbevan@wales.nhs.uk">publichealth.aneurinbevan@wales.nhs.uk</a>
Home Office (Immigration Enforcement)	Home Office Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon CR9 2BY. <a href="mailto:alcohol@homeoffice.gsi.gov.uk">alcohol@homeoffice.gsi.gov.uk</a>
Vessels only	The Consultee is dependent on the waterway that that licence is requested within the County and as such refer to <a href="mailto:licensing@monmouthshire.gov.uk">licensing@monmouthshire.gov.uk</a> for assistance on who to consult.

25.7 The steps for consideration of licensing application, a licensing variation and a club premises certificate are:

- a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing).
- b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary).

- c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data.
- d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives.
- e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

#### 25.8 Conditions on a licence:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Should not replicate offences set out in the 2003 Act or other legislation;
- Should be proportionate, justifiable and capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format.

#### 25.9 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected. Licences must not be issued to

people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Authority must be satisfied that an applicant has the right to work in the UK, to demonstrate that the applicant has permission to be in the UK and that they are permitted to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.

- 25.10 A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example if they are subject to an immigration restriction that does not permit them to work.

## **26. Operating schedule**

- 26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.
- 26.2 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.
- 26.3 The Licensing Authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the Licensing Authority and other Responsible Authorities prior to submitting them.
- 26.4 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that

issues such as public safety and the prevention of crime and disorder will be addressed in detail

26.5 The operating schedule must be set out on the prescribed form and include a statement of the following:-

- Full details of the licensable activities to be carried on at and the intended use of the premises;
- The times during which the licensable activities will take place;
- Any other times when the premises are to be open to the public;
- Where the licence is only required for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises or both;
- The steps which the applicant proposes to promote the Licensing Objectives.

26.6 For some premises, it is possible that no measures will appropriate to promote one or more of the Licensing Objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be:

- Precise and enforceable
- Be unambiguous
- Not to duplicate other statutory provisions
- Be clear in what they intend to achieve, and
- Be appropriate, proportionate and justifiable.

26.7 To assist applicants the authority, please refer to the Authority's Model Pool of Conditions. It should be noted the Model Pool of Conditions does not form any part of this policy and the guidance and examples of control measures are simply given to assist applicants in preparing operating schedules and the on-going running of a licenced premises. The Model Pool of Conditions is not exhaustive and is not to be regarded in any way as standard conditions or mandatory requirements.

## **27. Conditions**

- 27.1 The Licensing Act 2003, as amended, imposes a number of mandatory conditions on licences. The council has the power to impose additional conditions if they consider that they are appropriate for the promotion of the licensing objectives.
- 27.2 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises, activities and/or events provided at the premises. The policy does not provide for any standard, general or blanket conditions, and will not impose disproportionate and burdensome requirements.
- 27.3 Applicants may offer conditions in the operating schedule as part of their application; the council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.
- 27.4 The council recognise that they can only impose conditions where relevant representations are received and it is considered appropriate for the promotion of the licensing objectives. Where a responsible authority gives evidence that it is appropriate to impose specific conditions the request will be considered by the council who may suggest the wording of the condition to ensure that it is clear, relevant and enforceable.
- 27.5 When attaching conditions, the council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing costs of a substantial nature, that are not in proportion to the risks.

## **28. Applications where representations are received**

- 28.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 28.2 Representations must be made to the Licensing Authority within the statutory period of 28 days beginning on the day after the relevant application is received by the Licensing Authority. Representations must be made in writing.

- 28.3 Representations can be made either be in support of an application or to express objections to an application being granted. However the Licensing Authority can only accept “relevant representations.” A representation is “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
- 28.4 An example of a representation that would not be relevant would be a representation from a local business person about the commercial damage that competition from a new licensed premise would do to their own business. On the other hand, a representation by a business person that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.
- 28.5 In other words, representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.
- 28.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a Responsible Authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.
- 28.8 Responsible authorities are a group of public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. A full list of contact details for the responsible authorities is provided on the Licensing Authority’s website.
- 28.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each Responsible Authority to determine when they have appropriate grounds to do so.
- 28.10 The Licensing Authority recognises that every Responsible Authority can make representations relating to any of the four Licensing Objectives. However the Licensing Authority would normally expect representations about the promotion of individual Licensing Objectives to come from the most relevant Responsible Authority with expertise in that particular area. For example the Licensing Authority would expect representations about the prevention of crime and



disorder to come primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

- 28.11 The Licensing Authority recognises that the police should be its main source or advice on matters relating to the promotion of the crime and disorder licensing objective, but also may be able to make relevant representations with regards to the other Licensing Objectives if they have evidence to support such representations.
- 28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.
- 28.13 The Licensing Authority recognises Monmouthshire County Council children's services as being the body that is competent to advise it on the licensing objective of the protection of children from harm.
- 28.14 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions.
- 28.15 For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.
- 28.16 As a result of the Police Reform and Social Responsibility Act 2011, the Licensing Authority is also now a Responsible Authority and can therefore make representations if it deems it appropriate to do so.
- 28.17 However the Licensing Authority will not normally act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so.
- 28.18 Such parties can make relevant representations to the Licensing Authority in their own right, and the Licensing Authority expects them to make representations themselves where they are reasonably able to do so.

- 28.19 The Licensing Authority also expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other Responsible Authority. Each Responsible Authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other Responsible Authority.
- 28.20 In cases where a Licensing Authority is also acting as Responsible Authority in relation to the same process, the Licensing Authority will seek to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities.
- 28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 28.22 The Licensing Authority will also reject as invalid, any representations from other persons that are deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 28.23 Decisions as to the validity of representations will normally be made by officers of the Licensing Authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 28.24 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:
- We ask that the organiser of the petition identify himself or herself as a central point of contact. We may need to make contact in order to verify certain matters if we are unable to do this it could invalidate the petition.
  - Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.

- Full names and addresses must be supplied
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.

We will not write to each signatory separately, but instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, the Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we receive is an important consideration when making a decision.

- 28.25 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the authority's corporate complaints procedure. A person may also challenge such a decision by way of judicial review.
- 28.26 Where a notice of a hearing is given to an applicant, the Licensing Authority is required to provide the applicant with copies of the relevant representations that have been made.
- 28.27 The Licensing Authority will normally provide copies of the relevant representations to the applicant in full and without redaction. However in exceptional circumstances, where a person satisfies the Licensing Authority that they have genuine reasons to fear intimidation or violence if their personal details, such as name and address, are divulged to the applicant, the copies of the representations may be redacted accordingly.
- 28.28 In such circumstances the Licensing Authority will still provide some details to the applicant (such as street name or general location within a street), so that the applicant can fully prepare their response to any particular representation.
- 28.29 Alternatively persons may wish to contact the relevant Responsible Authority or their local Councillor with details of how they consider that the Licensing Objectives are being undermined so that the Responsible Authority can make representations on their behalf if appropriate and justified.
- 28.30 Further guidance on making representations is provided on the Licensing Authority's website.

## **29. Exercise and delegation of functions**

- 29.1 The Licensing Act 2003 requires local authorities to act as the Licensing Authority and to set up a Licensing Committee to be responsible for all matters relating to the Licensing Act 2003. The Licensing Committee further delegate to Licensing Sub Committees (Panels), or by one or more officers acting under delegated authority.
- 29.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers. The Licensing Authority, when acting as a Responsible Authority commenting on Licence applications, will have separate roles for officers. One member of staff will be required to administer the application and another member of staff will act as the Responsible Authority making comments on the application.
- 29.3 The Schedule below sets out the presumed delegation of functions and decisions. Notwithstanding this presumption of delegation, the Council reserves the right to refer any matter to the Licensing Committee or sub-committee.

29.4 **Schedule of delegation of licensing functions and decisions**

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee (panels)</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application for provisional statement		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary premises licence/club premises certificate		If a relevant representation	If no relevant representation made or

		made and not withdrawn	representation withdrawn
Application to vary designated premises supervisor		If a police objection	All other cases
Application for a minor variation			All cases
Application to vary a licence on a community premises to include alternative licence condition		If police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Determination of a police or environmental health objection to a temporary event notice		In all cases if not withdrawn.	
Suspension of licences following non-payment of annual fees			All Cases

## **30. Reviews of licences**

30.1 The Council can only review a licence where it is alleged by a “responsible authority”, or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. Only responsible authorities or other persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence; and determine its outcome at a hearing where an evidential basis for allegations made will be submitted. It views particularly seriously applications for the review of any premises licence which involves the:

- use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the storage or sale of stolen goods;
- the police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance;
- serious risk to public safety have been identified and the management is unable or unwilling to correct;
- Serious risk to children.

30.2 The Licensing Sub-committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making their decision.

30.3 The licensing sub-committee will consider all of the sanctions available to it provided for in the Act and guidance, including taking no action if appropriate. In cases where a licensing objective is seriously undermined, that revocation of the licence, even in the first instance, will be considered where appropriate to ensure the licensing objectives are promoted.

- 30.4 In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be seriously considered where appropriate to ensure the licensing objectives are promoted.

## **31. Cumulative Impact Assessment**

- 31.1 Under the Licensing Act 2003, Licensing Authorities have the power to introduce a cumulative impact policy where there is evidence showing that a significant number of licensed premises concentrated in one area has led to an increase in; Crime and disorder, Public nuisance or to both. Where adopted, a Cumulative Impact Policy creates a rebuttable presumption that applications for new premises licences, or club premises certificates or variations, that are likely to add to the existing cumulative impact will normally be refused
- 31.2 The Statutory Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Policy these include -
- a) Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm
  - b) Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - c) If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
  - d) Identify the boundaries of the area where problems are occurring
  - e) Consult with those specified by Section 5(3) of the Licensing Act and subject to the outcome of that consultation, include and publish details of any special policy in the licensing policy statement.
- 31.3 In April 2018, Section 141 of the Policing and Crime Act 2018 introduced a new Section 5A to the Licensing Act 2003 relating to Cumulative Impact Assessments (CIA). Before an Impact assessment area can be introduced the Authority must give reasons why they are considering a CIA, what part(s) they are considering to be a CIA and whether it considers the CIA applies to all licences or those of a particular kind. As such, the Authority must conduct a thorough assessment and if a CIA is introduced it must be reviewed at least every 3 years.
- 31.4 Having taken into account the Statutory Guidance, an assessment in line with 31.3 above and guidance from Gwent Police, it has been determined to remove Chepstow's Cumulative Impact area from its licensing policy.

31.5 The licensing authority recognises there are a number of existing measures available that are relevant to tackling unlawful and anti-social behaviour associated with licensed premises, including:

- Planning controls
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- The confiscation of alcohol from adults and children in designated areas
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issue of fixed penalty notices
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale) – Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a disturbance.
- Robust conditions on the licence promoting the four licensing objectives.
- The power of the police, or other responsible authorities or any person to seek a review of the licence or certificate.
- Regular monthly Responsible Authority meetings, for interested parties to comment on, and providing an action plan, when dealing with problematic premises and areas.



## **32. Public Spaces Protection Orders**

- 32.1 The Antisocial Behaviour, Crime Policing Act 2014, commenced in October 2014, and introduced the Public Spaced Protection Order (PSPO). A PSPO is designed to prevent individuals or groups committing antisocial behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality and the behaviour is or likely to have, a detrimental effect on the quality of life of those in the locality and the behaviour is or likely to be persistent or continuing in nature.

Recommendations to the Committee. The Committee is asked to (i) Consider the appropriateness of the conditions of the PSPO's and alterations made. (ii) Decide if the Committee wishes to make any comments or recommendations in relation to the conditions of the PSPO's and alterations made, and be unreasonable. The powers to make an Order rest with the local authorities, in consultation with the Police, Police and Crime Commissioner and other relevant bodies who may be impacted upon by the Order.

The PSPO sets out that the consumption of alcohol in public place have had or are likely to have a detrimental effect on the quality of life of those in the locality described within the restricted area or is likely such activities will be carried out within that area and have such an effect. Applicants wishing to apply for a licence in the PSPO area or in close proximity to the PSPO will need to demonstrate within their application how the effects of the licence will not have an adverse effect of the PSPO.

Full details of the order(s) can be found on the [Council Website](#)

## **33. Early morning restriction orders**

- 33.1 The Authority considered the implications this would have on the night time economy and recognise that the restriction would apply to alcohol sales and not entertainment. It looked at the balance of providing a vibrant community and the negativity of alcohol related crime and disorder and anti-social behaviour. It also looked at the current measure in place to deal with such matters.
- 33.2 An EMRO restricts the time within which alcohol can be supplied. Alcohol supply can be prohibited between 0000-0600 and applies to Premises Licences, Club Premises Certificates and Temporary Event Notices. There are no exceptions save that which authorise supply of alcohol to residents with overnight accommodation via minibars and room service;

- 33.3 The Authority considered all of the above and resolved not to adopt an EMRO at its Full Council meeting held on 26<sup>th</sup> September 2013. However, the Authority will consider this approach if at any point it becomes appropriate and necessary and will conduct a full consultation before the provision is considered

## **34. Hearings**

- 34.1 Applications for licences and certificates will be determined following consultation with relevant responsible authorities. Where no representations are received, they will be issued administratively by the Licensing Team, however, contentious applications must be referred to the Council's Licensing Sub-Committee (panel) for determination, unless it is agreed by all parties that a hearing is not necessary.
- 34.2 The period of notice of a hearing that must be given to all relevant parties, and the information which may be disclosed, varies depending on the type of application, subject to regulations. A Licensing Sub-Committee (panel) of three Elected Members will determine a contentious application and will either grant a licence, grant a licence with amendments or refuse an application. Any party can appeal against the Council's decision to a Magistrates' Court.
- 34.3 At any time during the period of a licence, any responsible authority or other person can ask for the review of a licence or certificate. All review applications will be determined by the Licensing Sub-Committee.

## **35. Appeals**

- 35.1 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 of the Act. Other than in the case of personal licences, an appeal has to be made to the local Magistrates' Court. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the licensing authority which has considered the application (or any part of it) is situated.
- 35.2 An appeal has to be instigated by giving notice of the appeal by the appellant to  
The Clerk to the Justices,  
Newport Magistrates' Court  
Usk Way  
Newport  
Gwent  
NP20 2GE

Within a period of 21 days beginning with the day on which the appellant was notified by the Council of the decision appealed against.

35.3 On determining an appeal, the Court may:

- dismiss the appeal
- substitute any other decision which could have been made by the Council or
- remit the case to the Council to dispose of it in accordance with the direction of the Court.

The Court may make such order as to costs as it thinks fit.

35.4 In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which decisions has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 182 Implementing the determination of the Magistrates' Courts

35.5 Where appropriate, the Licensing Authority will provide applicants and objectors etc. with information concerning their rights of appeal.

35.6 Where appropriate, the Licensing Authority will provide applicants and objectors etc. with information concerning their rights of appeal.

## **36. Implementing the determination of the Magistrates' Court**

36.1 As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action [for example, as a result of an on-going Judicial Review]. The Act provides for no further appeal against the determination of the Magistrates' Courts.

## **37. Enforcement**

37.1 The Licensing Authority has established joint enforcement protocols with the police and other enforcing authorities. These protocols will provide for the

targeting of agreed problem and high-risk premises, but with a lighter touch being applied to low-risk premises, which are shown to be well run.

- 37.2 The Licensing Authority intends that enforcement visits will be made to licensed premises as appropriate, to ensure that any conditions imposed as part of the licence are being complied with. These visits may be either proactive planned inspections based on the risk presented by the premises, history of non-compliance etc., or reactive visits as a result of complaints.
- 37.3 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained. For more information on the Council's Corporate Enforcement Policy refer to <https://www.monmouthshire.gov.uk/app/uploads/2013/06/Corporate-Enforcement-Policy-Final.pdf>
- 37.4 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

## **38. Fees Generally**

- 38.1 All fees are currently set by statute and the council is obliged to charge the fees as detailed in the Fees Regulations.
- 38.2 The Police Reform and Social Responsibility Act 2010 have provisions to give councils to set their fees locally, however at this time the relevant sections have not been commenced. When commenced the councils will calculate fees to recover the costs of the service and then consult on their implementation before asking the Licensing Committee to approve any change.

## **39. Annual Fees for Premises Licences and Club Premises Certificates**

- 39.1 The Licensing Act 2003 and regulations made under the Act set out requirements for annual fees and require that the fee is paid on the due date which is every year on the anniversary of the original grant of the licence. The fee is currently set by regulations, however amendments made by the Police Reform and Social Responsibility Act 2010 will when commenced give the

council the ability to set fees locally to recover costs associated with the administration and compliance of the Act.

#### **40. Licence suspension for non-payment of annual fee**

- 40.1 Amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2010 give councils the power to suspend premises licences and club premises certificates where the annual fee required by regulations is not paid.
- 40.2 The council will suspend any licence or certificate where the required fee is not paid by the 'due date', which is annually on the anniversary of the date that the licence was first granted. The council will follow the below procedure:-
- 40.3 Upon notification/discovery that an annual fee is not paid, the council will give notice to the licence/certificate holder, in writing,
- that the licence/certificate will be suspended 14 days from the date of the notice.
  - It will also state that the suspension will not become effective if the fee is paid prior to the suspension date.
  - If an administration error is claimed, the suspension date may be 21 days from the due date; or the date of suspension on the 14 day notice, whichever is later.
  - A copy of the notice will also be served on the designated premise supervisor/premises manager if they are not the premises licence holder.
- 40.4 If the fee is not paid by the date specified on the notice the licence/certificate will be deemed suspended. The licence/certificate holder and DPS/Manager will be immediately notified of the suspension becoming effective, and informed that the premises may no longer offer any licensable activities until such time as the fee is paid and the suspension lifted. When the full payment is made the council will immediately lift the suspension, and confirm this in writing.
- 40.5 Where a licence/certificate is suspended and licensable activities are provided the council will consider prosecuting the provider for offences under section 136 of the Licensing Act 2003.

#### **41. Late night levies**

- 41.1 A Late Night Levy (LNL) is an optional power, introduced by the Police Reform and Social Responsibility Act which allows Licensing Authorities (LAs) to raise

a contribution towards the costs of policing the night time economy (NTE) by charging a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole borough and also applies to all on- and off-licences. TENs are not included.

41.2 The Authority considered the benefits of a busy night time economy as many residents are either employed within this sector or enjoy the vibrant, social entertainment it provides. They further considered the balance of this to the negative impact the night time economy may bring along with the financial restraints if a levy is adopted.

41.3 The Authority considered all of the above and resolved not to adopt a Levy at its Full Council meeting held on 26<sup>th</sup> September 2013. However, the Authority will consider this approach if at any point it becomes appropriate and necessary and will conduct a full consultation before the provision is considered.

## **42. Further Information**

*Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:*

*The Licensing Section  
Monmouthshire County Council*

*County Hall*

*The Rhadyr*

*Usk*

*NP15 1GA*

*Tel: 01873 735420*

*E-mail: [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)*

*Website: [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)*



## Integrated Impact Assessment document

(incorporating Equalities, Future Generations, Welsh Language and Socio Economic Duty)

<b>Name of the Officer</b> Linda O’Gorman / Jane Rodgers  <b>Phone no:</b> 01633 644214 <b>E-mail:</b> <a href="mailto:lindaogorman@monmouthshire.gov.uk">lindaogorman@monmouthshire.gov.uk</a>	<b>Please give a brief description of the aims of the proposal</b>  To consider the Council’s Licensing Act 2025 Policy Statement
<b>Name of Service area</b>  Licensing	<b>Date</b>  28 <sup>th</sup> April 2025

1. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

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Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Neutral		
Disability	Neutral		
Gender reassignment	Neutral		
Marriage or civil partnership	Neutral		
Pregnancy or maternity	Neutral		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Race	Neutral		
Religion or Belief	Neutral		
Sex	Neutral		
Sexual Orientation	Neutral		

## 2. The Socio-economic Duty and Social Justice

The Socio-economic Duty requires public bodies to have due regard to the need to reduce inequalities of outcome which result from socio-economic disadvantage when taking key decisions This duty aligns with our commitment as an authority to Social Justice.

	Describe any positive impacts your proposal has in respect of people suffering socio economic disadvantage	Describe any negative impacts your proposal has in respect of people suffering socio economic disadvantage.	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
<b>Socio-economic Duty and Social Justice</b>	It seeks to improve prosperity through employment, tourism and culture		



### 3. Policy making and the Welsh language.


How does your proposal impact on the following aspects of the Council's Welsh Language Standards:	Describe the positive impacts of this proposal	Describe the negative impacts of this proposal	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts
<b>Policy Making</b>  Effects on the use of the Welsh language,  Promoting Welsh language  Treating the Welsh language no less favourably	Neutral		
<b>Operational</b>  Recruitment & Training of workforce	N/A		
<b>Service delivery</b>  Use of Welsh language in service delivery  Promoting use of the language	N/A		





**4. Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Alcohol and entertainment along with late night refreshment can add a vibrancy and wealth to the County. However, we also need to consider the negative impact of alcohol related anti-social behavior. The policy concentrates on measures that are available through legislation, partnership working to deal with crime and disorder, prevention of public nuisance, public safety and protection of children from harm. These are the licensing objectives under the Licensing Act 2003	A range of measures is highlighted in the policy to mitigate the negative impact of this licensing regime.
<b>A resilient Wales</b> Maintain and enhance biodiversity and land, river and coastal ecosystems that support resilience and can adapt to change (e.g. climate change)	N/A	
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	The policy recognizes the benefits of licensed venues for job opportunities and progression. But also, looks at the problematic impacts of alcohol related illness, crime and fear of crime and also the health implications of nuisance, pollution and harm to children.	As Above
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	The policy addresses measures that can be taken by licensees and statutory partners to work towards a cohesive and attractive community and promoting the ethos of the Act to have a café culture.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local	The proposal has a positive impact by working with licensees and further partnership working. The policy provides advice on how the Council will	

<b>Well Being Goal</b>	<b>Does the proposal contribute to this goal? Describe the positive and negative impacts.</b>	<b>What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?</b>
social, economic and environmental wellbeing	discharge their functions under the Licensing Act 2003 and other Integrated Strategies.	
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	N/A	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	As above	

How has your proposal embedded and prioritised the sustainable governance principles in its development?

<b>Sustainable Development Principle</b>	<b>Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.</b>	<b>Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?</b>
 <p>Balancing short term need with long term and planning for the future</p>	Integrating strategies will look at the long-term effects of licences when dealing with permissions for alcohol sales, entertainment and late night restaurants and takeaways. Looking at the infrastructure of the area when dealing with applications and enforcement.	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Working together with other partners to deliver objectives</p>	<p>Working in partnership with a number of agencies for example, Police, Fire Service, Public Health, Immigration, Environmental Health, Trading Standards, Social Services and Planning. This is required under the Act.</p>	
 <p>Involving those with an interest and seeking their views</p>	<p>As above.</p>	
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>As above.</p>	
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>As above.</p>	

**6. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?**

	<b>Describe any positive impacts your proposal has</b>	<b>Describe any negative impacts your proposal has</b>	<b>What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?</b>
Safeguarding	The Protection of Children from Harm is a Licensing Objective under the Licensing Act 2003 and as such, all decisions made and how the Authority will discharge its functions will consider this objective.		
Corporate Parenting			

**7. What evidence and data has informed the development of your proposal?**

<p>Working closely with neighbouring Authorities namely, Torfaen County Borough Council, Caerphilly County Borough Council, Blaenau Gwent County Borough Council and Newport City Council. Also working closely and the provision of data from Public Health, Police and Environmental Health in the drafting of this revised Policy.</p> <p>Public Health Wales provided statistics within Section 7 of the Policy relating to alcohol harm within the County of Monmouthshire. This strengthens the need to put measures in place and to have a policy that is consistent and has collaborative approach. The policy will be proportionate in that it will enforce the provisions of the Licensing Act 2003 effectively whilst ensuring that applications with no relevant information to consider can be dealt with without unnecessary delay. Public Health also gave a Gwent perspective of alcohol harm which assisted Gwent Authorities in a uniformed approach to their policies, where practicable, as follows;</p> <p>County Councils in Gwent recognise the significant negative impact on the health of our residents caused by alcohol, which is reflected in hospital admissions and deaths from alcohol related illnesses and injuries (see below).</p> <p>In National Survey for Wales age-standardised data for 2021-22 and 2022-23, Gwent, served by Aneurin Healthy Board, had the second highest level of adults consuming alcohol above low-risk guidelines in Wales. Figures range from 14.70 in Powys Teaching Health Board, to 18.52 in Cardiff and Vale UHB.</p> <p>The survey shows that in Gwent:</p> <ul style="list-style-type: none"> <li>16.8% of persons aged 16+ self-reported an average weekly alcohol consumption above guidelines. This ranges from 12.3% in Newport, to 24.2% in Monmouthshire. The average is 16.4% for Wales.</li> </ul>
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- 14.5% of persons aged 16+ self-reported hazardous average weekly alcohol consumption and 2.2% reported drinking to harmful levels. This ranged from 11.3% and 1% respectively in Newport, to 20.3% and 3.8% in Monmouthshire. The averages for Wales are 13.9% and 2.5% respectively.
- 18.8% of persons aged 16+ self-reported an average weekly alcohol consumption of none. This ranged from 13.1% in Monmouthshire to 22.3% in Blaenau Gwent. The average for Wales is 17.9%.

School Health Research Network data shows that in 2023 in Gwent:

- 35.6% of males aged 11-16 reported drinking alcohol. This is significantly higher than the figure for Wales (33.8%).
- 37.6% of females aged 11-16 reported drinking alcohol. This is not significantly different to the figure for Wales (37.1%).

PHW's Annual Profile for Substance Misuse shows that in 2023-2024:

- Using a person-based broad measure, alcohol-attributable hospital admissions per 100,000 population (European Age Standardised Rate/EASR) for residents in Gwent ranged from 994 in Monmouthshire to 1341 in Blaenau Gwent. The Wales rate was 1001.
- Alcohol-specific hospital admissions per 100,000 population (EASR) for residents in Gwent ranged from 208 in Monmouthshire to 366 in Blaenau Gwent. The Wales rate was 258.

The above rates have decreased since the 2019-2020 data. Despite this, alcohol-specific deaths have increased in Gwent. ONS data shows there were 288 alcohol-specific deaths in Gwent between 2021 and 2023 (over a rolling 3-year aggregate). This number increased from 260 for 2020 to 2022, and from 217 in 2019 to 2021. The age-standardised alcohol-specific death rate per 100,000 populations between 2021 and 2023 (over a 3-year aggregate) ranged from 10.5 in Monmouthshire to 22.5 in Blaenau Gwent. The rate for Wales was 16.0.

The data shows alcohol-related health inequalities, as areas of lower deprivation consume higher levels of alcohol but experience lower levels of alcohol related harms.

**8. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of licensing policy every five years. This is the revised policy. The policy of adopted will be implemented and will be reviewed.

**9. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

What are you going to do	When are you going to do it?	Who is responsible
--------------------------	------------------------------	--------------------

Incorporate changes to the revised Licensing Act Policy 2025.	By 01/07/2025	

**10. VERSION CONTROL:** The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	Full Council	26/06/2025	
	Commencement of Licensing Act Policy	01/07/2025	

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**SUBJECT:** Separation of licensing functions

**MEETING:** Full Council

**DATE:** 26<sup>th</sup> June 2025

**DIVISION/WARDS AFFECTED:** All

## 1. PURPOSE

- 1.1 To provide members with details of the proposed arrangements to reconfigure the functions of the existing Licensing and Regulatory Committee as set out in the report.

## 2. RECOMMENDATION

- 2.1 It is recommended that members:

- a) approve that the existing Licensing and Regulatory Committee be abolished;
- b) approve the establishment of two new Committees, each comprising of the same members and the same Chair and Vice-Chair as each other, to be titled the Licensing and Gambling Committee and the Taxi and Regulatory Committee ("the Committees") respectively;
- c) approve that the functions of the existing Licensing and Regulatory Committee be divided between two newly constituted Committees, such functions and delegations being as set out in the terms of reference for each Committee, attached to this report at Appendices 1 and 2;
- d) instruct the Monitoring Officer to amend the Constitution to reflect the above changes.

## 3. KEY ISSUES

- 3.1 The Council currently discharges all of its licensing and regulatory functions via the Licensing and Regulatory Committee and its Sub-committee. The arrangements have been reviewed following consideration of legal advice and guidance that in order to strengthen our governance arrangements, the functions under the Licensing Act 2003, the Gambling Act 2005 and the Public Health (Wales) Act 2017 should be discharged by their own Licensing and Gambling Committee (or a Sub-committee of said Committee where appropriate), and that all other functions should be discharged by a separate committee and Sub-committee), albeit with the same members.

- 3.2 Due to the Licensing Act 2003's prescriptive requirements as to what functions can be discharged by a committee constituted under that Act, the operation of two separate Committees as outlined above is standard practice across local government in England and Wales. By operating separate Committees as proposed, the Council will be able to maintain its effective governance arrangements.
- 3.3 This proposals were considered by the Licensing and Regulatory Committee on 20<sup>th</sup> May 2025 where they were approved subject to approval at Full Council. It is proposed that two separate Committees, with respective Sub-committees, are set up as follows.

#### Licensing and Gambling Committee

- 3.4 The Licensing and Gambling Committee will be responsible for all matters regulated by the Licensing Act 2003, Gambling Act 2005 and Part 4 Public Health (Wales) Act 2017 and which do not fall within the responsibility of Full Council or of a committee other than itself. It is proposed that this Committee be named the Licensing and Gambling Committee, with the terms of reference for this Committee as set outlined in Appendix 1.
- 3.5 The following licensing functions are reserved to Full Council:
- (a) any function conferred on the licensing authority by **section 5** of the Licensing Act 2003 (statement of licensing policy);
  - (b) the functions of making, and varying or revoking, an order under **section 172A** of the Licensing Act 2003 (early morning alcohol restriction order);
  - (c) any function conferred on the licensing authority under section 166 of the Gambling Act 2005 (resolution not to issue a casino licence)
  - (d) the prescribing of gambling licensing fees under section 212 of the Gambling Act 2005;
  - (e) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005, in accordance with section 284 of the Gambling Act 2005;
  - (f) the designation of authorised persons in accordance with section 304 of the Gambling Act 2005;
  - (g) prosecutions by the licensing authority in accordance with section 346 of the Gambling Act 2005;
  - (h) any function conferred on the licensing authority by section 349 of the Gambling Act 2003 (three-yearly gambling licensing policy).
- 3.6 Where the Authority has referred to a committee other than the Licensing and Gambling Committee a matter which relates to a licensing function of a licensing authority and to a function of the authority which is not a licensing function, the licensing function is to be discharged by that other committee (section 7(5)(a) of the Licensing Act 2003).

- 3.7 The functions that go to the full Licensing and Gambling Committee will be the recommendation of policies fee setting under the Licensing Act 2003 and training.
- 3.8 The Committee may delegate the exercise of functions in relation to individual applications to a Sub-committee or to an officer in accordance with the terms of reference.
- 3.9 The Sub-committee will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted. All other matters are to be delegated to authorised officers in accordance with current delegations.

The Licensing and Gambling Committee may regulate its own procedure and that of Sub-committees, subject to any regulations in relation to the conduct of hearings, access to public and publicity.

#### Taxi and Regulatory Committee

- 3.10 The Taxi and Regulatory Committee will be responsible for discharging those licensing activities which are not governed by the Licensing Act 2003 or Gambling Act 2005, and which do not fall within the responsibility of Full Council. The terms of reference for this Committee can be found at Appendix 2.
- 3.11 The functions in the first instance will go to a full Taxi and Regulatory Committee which will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted, the adoption of policies, fee setting and training. All other matters are to be delegated to authorised officers in accordance with current delegations. The Committee may delegate the exercise of functions in relation to individual applications to a Sub-committee or to an officer as appropriate.
- 3.12 The Taxi and Regulatory Committee may regulate its own procedure and that of sub-committees, subject to any regulations in relation to the conduct of hearings, access to public and publicity.

#### Membership and political balance

- 3.13 Whilst the two Committees will be separately constituted, the proposed Licensing and Gambling Committee does not need to be politically balanced (although it can be) as it is not a committee created under the Local Government Act 1972. However, the Taxi and Regulatory Committee does have to be politically balanced. For the sake of continuity, it is proposed that the Committees be comprised of the same members. The effect of this will be that both committees will be politically balanced.

#### Committee meetings

- 3.14 The proposals will not increase the frequency of committee or sub-committee meetings. If there are items relevant to both Committees arising on the same day, this can be dealt with by both Committees (or their Sub-committees) meeting on the same day, one after the other, with separate

agendas being published.

**4. RESOURCE IMPLICATIONS**

None. Any additional costs will be absorbed within our existing licensing budget.

**5. CONSULTEES**

Chief Officer, Law & Governance (Monitoring Officer)  
Head of Litigation & Deputy Monitoring Officer  
Chief Officer Social Care, Safeguarding

**6. AUTHOR AND CONTACT DETAILS**

Linda O’Gorman – Principal Licensing Officer

**7. BACKGROUND PAPERS**

Appendix 1 – Licensing and Gambling Committee and Sub-Committee  
Terms of Reference  
Appendix 2 – Taxi and Regulatory Committee and Sub-Committee  
Terms of Reference

## APPENDIX 1

### LICENSING AND GAMBLING COMMITTEE

#### Terms of Reference

1. To discharge the functions of a Licensing and Gambling Committee as required by the Licensing Act 2003, the Gambling Act 2005 and Part 4 Public Health (Wales) Act 2017 and not otherwise reserved to full Council or to another committee, and to authorise, approve or determine any enforcement matters under the said Acts;

#### POWERS DELEGATED TO THE COMMITTEE

All those matters referred to in paragraph 1 above, including a power to delegate to a Sub-committee or officer the power to determine matters within the Committee's Terms of Reference.

The following licensing functions are reserved to full Council:

- any function conferred on the licensing authority by section 5 of the Licensing Act 2003 (statement of licensing policy);
- the functions of making, and varying or revoking, an order under section 172A of the Licensing Act 2003 (early morning alcohol restriction order);
- any function conferred on the licensing authority under section 166 of the Gambling Act 2005 (resolution not to issue a casino licence);
- the prescribing of gambling licensing fees under section 212 of the Gambling Act 2005;
- making an order disapplying section 279 or section 282(1) of the Gambling Act 2005, in accordance with section 284 of the Gambling Act 2005;
- the designation of authorised persons in accordance with section 304 of the Gambling Act 2005
- prosecutions by the licensing authority in accordance with section 346 of the Gambling Act 2005;
- any function conferred on the licensing authority by section 349 of the Gambling Act 2003 (three-yearly gambling licensing policy).

Where the Authority has referred to a committee other than the Licensing and Gambling Committee a matter which relates to a licensing function of a licensing authority and to a function of the authority which is not a licensing function, the licensing function is to be discharged by that other committee (section 7(5)(a) of the Licensing Act 2003).

The functions that go to the Full Licensing and Gambling Committee will be the recommendation of policies , fee setting under the Licensing Act 2003 and training.

The Committee may delegate all other licensing functions within its remit to its Sub-committee or to officers as appropriate.

The Sub-Committee will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted. All other matters to be delegated to authorised officers.

The Licensing and Gambling Committee may regulate its own procedure and that of sub-committees, subject to any regulations, in relation to the conduct of hearings, access to public and publicity.

The Licensing and Gambling Sub-committee (which deals with Licensing Act 2003, Gambling Act 2005 and Part 4 Public Health (Wales ) Act 2017) shall consist of three members. The quorum for the Licensing and Gambling Sub-committee shall be three, one of which must be either the Chair or Vice Chair of the Licensing and Gambling Committee. The Licensing and Gambling Committee does not need to be politically balanced.

Members serving on the Licensing and Gambling Sub-committee will be drawn in rotation from the whole of the Licensing and Gambling Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit;

The current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Licensing and Gambling Committees or its Sub-committee, subject to a requirement on the Committee or Sub-committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.

#### **POWERS DELEGATED TO OFFICERS**

<b>Power</b>	<b>Delegated to</b>
<b>Licensing Act 2003</b>  (i) to consider and, where appropriate, determine the following applications:  (1) application for personal licence with unspent convictions; (2) application for a Minor Variation; (3) request to be removed as designated premises supervisor;	Chief Officer Social Care and Health

<p>(ii) to consider and, where appropriate, determine the following applications where no police or other relevant representation is made:</p> <ul style="list-style-type: none"> <li>(1) application for personal licence;</li> <li>(2) application to dis-apply the requirement for a designated premises supervisor at community premises;</li> <li>(3) application for premises licence/club premises certificate;</li> <li>(4) application for provisional statement;</li> <li>(5) application to vary premises licence/club premises certificate;</li> <li>(6) application to vary designated premises supervisor;</li> <li>(7) application for transfer of premises licence;</li> <li>(8) application for interim authorities</li> </ul> <p><b>Gambling Act 2005</b></p> <p>(No delegations have been made to specific officers under the Gambling Act 2005)</p> <p><b>Public Health (Wales) Act 2017</b></p> <p>Section 61(1) - Power to designate an individual performing a special procedure to be licensed.</p> <p>Section 65(2) - Power to issue a refusal notice for a special procedure licence</p> <p>Section 65(3) - Power to issue a Special Procedures Licence where all the applicable licensing criteria is met.</p> <p>Section 66(3&amp;6) - Power to issue a refusal notice for a special procedure licence (in the case of a relevant offence)</p> <p>Section 67 - Power to renew a Special Procedures Licence where all the applicable licensing criteria is met.</p> <p>Section 68 - Power to issue a revocation notice for a special procedure licence</p>	<p>Chief Officer Social Care Health Head of Public Protection Principal EHO Principal Licensing Officer</p> <p><i>The officers specified are authorised officers for the purposes of Sections 98 to 107, Public Health (Wales) Act 2017 and shall have the power to nominate any supplementary officers as appropriate.</i></p>
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<p>Section 70(1) - Power to issue an approval certificate for a premises or vehicle.</p> <p>Section 70(1) - Power to renew an approval certificate for a premises or vehicle.</p> <p>Section 70(1) - Power to refuse an approval certificate for a premises or vehicle.</p> <p>Section 72(4) - Power to take reasonable steps for bringing a voluntary termination notice to the attention of appropriate persons.</p> <p>Section 77(2) - Power to issue a stop notice.</p> <p>Section 78(1) - Power to issue a remedial action notice in respect of a Special Procedures Licence.</p> <p>Section 79(1) - Power to issue a remedial action notice in respect of an Approved Premises Certificate.</p> <p>Section 80(2) - Power to issue a completion certificate in respect of a Special Procedure Licence or an Approved Premises Certificate.</p> <p>Section 97 - Power to carry out enforcement action and consultation in respect of intimate piercing.</p> <p>Schedule 3 Paragraph 15(3) - Power to issue a warning notice.</p>	



## **APPENDIX 2**

### **TAXI AND REGULATORY COMMITTEE**

#### **TERMS OF REFERENCE**

1. To discharge on behalf of the Council all matters relating to the grant, refusal, issue, revocation, cancellation and suspension of licences or permits and without prejudice to the generality of the foregoing to discharge these functions.

The functions that go to the full Taxi and Regulatory Committee will be the adoption of policies, fee setting and training.

The Committee may delegate the exercise of its functions to a Sub-committee or officers as appropriate.

The Committee will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted. These applications will by default be determined by the full Committee. The Committee may at its discretion delegate the determination of such applications to its Taxi and Regulatory Sub-committee. All other matters are to be delegated to authorised officers.

The Taxi and Regulatory Committee may regulate its own procedure and that of sub-committees, subject to any regulations, in relation to the conduct of hearings, access to public and publicity.

The functions referred to in 1 above are in respect of:

Private Hire Operators.

Private Hire and Hackney Carriage Drivers.

Private Hire Vehicles.

Hackney Carriage

Hypnotism

Lottery Registrations

Street Collections.

House-to-House Collections.

Street Trading.

Sex Shops & Sexual Entertainment Venues.

Burials in Public Cemeteries.

Reservoirs.

Dangerous Wild Animals.

Animal Boarding Establishments.

Guard Dogs.

Performing Animals.

Zoos.

Camping Sites.

Caravan Sites.

Pleasure Boats.

Filling Materials.

Riding Establishments.

Charities for Disabled Persons and War Charities.

Explosives.

Fireworks.

Petroleum.

Marriage & Civil Partnerships.

Those matters set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 , Part 4 Public Health (Wales ) Act 2017 Special Procedure Practitioner licences or delegated separately under Part 3 of the Council's Constitution.

Such other matters as may from time to time under statute or practice fall to be considered by the Council in a quasi-judicial manner, other than employment appeals or grievances in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under Part 3 of the Council's Constitution.

#### POWERS DELEGATED TO THE COMMITTEE

All those matters listed above, including a power to delegate to a Sub-committee the power to determine matters within the Committee's Terms of Reference.

#### POWERS DELEGATED TO OFFICERS

Power	Delegated to
In relation to the hackney carriage and private hire licensing functions, the determination of applications for drivers' licences where they are unproblematic and/or reveal minor traffic offences and/or the applicants had not received any additional convictions/endorsements since the previous licences were issued	Chief Officer Social Care Health
To determine (including imposition of conditions) application for a Pleasure Boat Licence pursuant to s 94 Public Health Amenities Act 1907;	Chief Officer Social Care Health
The authority to grant, refuse or vary licenses in respect of riding establishments	
Under the Mobile Homes (Wales) Act 2013, to issue site licences with conditions, as	Chief Officer Social Care Health

necessary; to serve the site owner a fixed penalty notice and/or compliance notice; to take emergency action; and the power to enter the site;	
Under the Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008) and Regulations made under the 1984 Act to enter premises (Sections 61 and 62) and to sign any notice, order or other document which the authority are authorised or required by or under this Act to give, make or issue (Section 59);	Chief Officer Social Care Health
Under the Petroleum Consolidation Act 1928 to grant or vary petroleum licences;	Chief Officer Social Care Health
To approve applications and issue licences under the Scrap Metal Dealers Act 2013 in cases where no relevant information needs to be considered.	Chief Officer Social Care Health Principal Licensing Officer  <i>This power to approve applications and issue licences may be exercised by a deputy or other persons duly authorised by the Principal Licensing Officer, including Senior Licensing Officers.</i>
In consultation with appropriate member, to authorise the issue of the following licences and, where necessary, enforce the legislation relating to licences: (i) for the breeding of dogs; (ii) for caravan sites; (iii) for milk and dairies; (iv) for pet animals (other than dogs); (v) under the Animal Boarding Establishment Act 1963 for riding stables; (vi) for scrap metal dealers; (vii) for hairdressers; (viii) under the Poultry Meat (Hygiene) Regulations; (ix) for performing animals; (x) for dangerous wild animals; (xi) for zoos;	Chief Officer Social Care Health
In consultation with the local member, where appropriate, to authorise the issue of licences and permits etc., under, and where necessary enforce, the following Acts or the legislation relating to the specified matters: (i) Street Collection Permits; (ii) Licences for House to House Collections; (iii) Public Collections under the Charities Act 1992;	Chief Officer Social Care Health

The Taxi and Regulatory Sub-committee shall consist of three members. The quorum for the Taxi and Regulatory sub-committee- is three, one of which must be the Chair or Vice Chair

of the Taxi and Regulatory Committee. The Taxi and Regulatory Committee needs to be politically balanced.

Members serving on the Taxi and Regulatory Sub-committee will be drawn in rotation from the whole of the Taxi and Regulatory Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit.

The current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Taxi and Regulatory Committee or its sub-committee, subject to a requirement on the Committee or Sub-committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.

## MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b>	<b>APPOINTMENTS TO OUTSIDE BODIES</b>
<b>MEETING:</b>	<b>County Council</b>
<b>DATE:</b>	<b>26 June 2025</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All</b>

### **1. PURPOSE:**

- 1.1 To appoint representatives to serve on outside bodies.

### **2. RECOMMENDATIONS:**

- 2.1 That Council notes the new appointments highlighted below and included in the full list of appointments at appendix A.

### **3. REASONS:**

- 3.1 The Council is required to appoint members to sit on outside bodies and represent the interests of the Council with various stakeholders and partners.
- 3.2 Due to a number of changes in the roles councillors were appointed to at the AGM in May 2025, there are subsequent changes to the appointments to outside bodies that are to be approved by Council.
- 3.3 In summary, the changes to the appointments from the AGM are:
- Councillor Riley replacing Councillor Wright on the Institute of Welsh Affairs, Welsh Centre for International Affairs and the Abergavenny Educational Foundation of King Henry VIII Governors
  - Councillor Groucutt replacing Councillor J Strong on the Gwent Association of Voluntary Organisations
  - Councillor Wright replacing Councillor Groucutt on the Educational Achievement Service as the appointment is reserved for the Cabinet Member for Education.

### **4. RESOURCE IMPLICATIONS:**

- 4.1 In most cases members will be able to claim travel allowances from the County Council. In some cases these expenses are payable by the appropriate outside body.

### **5. CONSULTATION:**

Monitoring Officer  
Group Leaders

### **6. BACKGROUND PAPERS:**

List of Appointments to Outside Bodies

7. **AUTHOR:** John Pearson – Local Democracy Manager  
johnpearson@monmouthshire.gov.uk

**MCC Representation on Outside Bodies (May 2025)**

No.	Body / Organisation	Term of Office	Source of Expenses	No. of Reps	Councillor Appointed	Date Apointed
A	Category A - Regional/National					
1	Brecon Beacons National Park Authority	Term of Council	National Park	1	Simon Howarth	19/05/22
2	Oldbury Power Station Stakeholder Group	Term of Council	Council	1	John Crook	19/05/22
3	Gwent Police and Crime Panel	Term of Council	Police & Crime Commissioner	2	Tony Easson / Tony Kear	19/05/22
4	Joint Council for Wales	1 year	Council	2 (plus 1 sub)	Phil Murphy / Ben Callard	19/05/22
5	Gwent Internal Drainage District Engagement Group	Term of Council	Drainage Board	9	Tony Easson / John Crook / Jan Butler / Emma Bryn / Cabinet Member for Climate Change & Environment	04/01/24
6	Cardiff Capital Region Joint Cabinet Committee	1 year		2	Leader / Deputy Leader	19/05/22
7	Regional Transport Authority	1 year		1	Catrin Maby	19/05/22
8	Local Governemnt Association	1 year	LGA	2	Leader / Deputy Leader	19/05/22
9	Local Government Association - Rural Commission	1 year	LGA	2	Steven Garratt / Sue Riley	19/05/22
10	Wye Valley AONB Joint Committee	Term of Council	Council	4	Dale Rooke / Steven Garratt / Ann Webb / Emma Bryn	19/05/22
11	Welsh Local Government Association	Term of Council	WLGA	2	Leader / Deputy Leader	19/05/22
12	WLGA Executive Board	Term of Council	Council	1	Leader	19/05/22
13	Welsh Centre for International Affairs	Term of Council	Council	1	Sue Riley	26/06/25
14	Institute of Welsh Affairs	Term of Council	Council	1	Sue Riley	26/06/25
15	Reserve Forces and Cadets Association for Wales	Term of Council		1	Lisa Dymock	19/05/22
16	South East Wales Strategic Planning Group	Term of Council	Council	2	Sara Burch / Chair of Planning	19/05/22
17	Welsh Books Council	Term of Council	Council	1	Emma Bryn	19/05/22
18	Scrutiny Champions Wales Network	Term of Council	Council	1	Tony Easson	19/05/22
19	Living Levels Partnership Board	Term of Council	Council	2	Catrin Maby / Frances Taylor	19/05/22

No.	Body / Organisation	Term of Office	Source of Expenses	No. of Reps	Councillor Appointed	Date Apointed
B	Category B - Joint Committees (Appointments made by Cabinet)					
1	Gwent Archives Joint Committee	Term of Council	Council	2	Peter Strong / Fay Bromfield	19/05/22
2	Gwent Joint Cremation Committee	Term of Council	Council	2	Angela Sandles / Malcolm Lane (must be at least 1 CM)	19/05/22
3	National Joint Committee for the National Adoption Service and Foster Wales	Term of Council	Council	1	Cabinet Member for Social Care	01/05/24
4	Prosiect Gwyrdd Joint Committee	Term of Council	Council	2	Catrin Maby / Rachel Garrick	19/05/22

No.	Body / Organisation	Term of Office	Source of Expenses	No. of Reps	Councillor Appointed	Date Apointed
C	Category C - Joint Committees and Local Authority Companies (appointments made by Council)					
1	Aneurin Bevan Community Health Council	Term of Council	Council	3	Jill Bond / Jan Butler	19/05/22
2	Aneurin Bevan Local Health Board - Stakeholder Reference Group	Term of Council	Council	1	Maria Stevens	19/05/22
3	Education Achievement Service	Term of Council	Council	2	Laura Wright (CM for Education) / Paul Griffiths	15/05/25
4	EAS Audit & Risk Assessment Committee	Term of Council	Council	2	Chair and Vice Chair of P&O Scrutiny	19/05/22
5	SRS Public	Term of Council	Council	1	Cabinet Member for Resources	19/05/22
6	YPrentis	Term of Council	Council	1 Member and 1 Officer	Paul Griffiths	12/12/24
7	CS Foundry Board	Term of Council	Council	1	Paul Griffiths	19/05/22

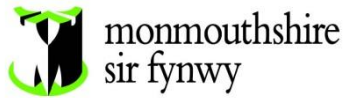
No.	Body / Organisation	Term of Office	Source of Expenses	No. of Reps	Councillor Appointed	Date Apointed
D	Category D - Voluntary Organisations					
1	Monmouthshire and Brecon Canal Working Group	Term of Council	Council	1	Dale Rooke	19/05/22
2	Wales Council for the Blind	Term of Council	Council	2	Sue Riley / Jan Butler	19/05/22

No.	Body / Organisation	Term of Office	Source of Expenses	No. of Reps	Councillor Appointed	Date Apointed
E	Category E - Local Interest					
1	Monmouthshire County Citizens Advice Bureau	Term of Council	Council	2	Jackie Strong / Phil Murphy	19/05/22
2	The Palmer Centre	Term of Council	Council	3	Armand Watts / Sue Riley / Paul Pavia	19/05/22
3	Raglan Community Centre Committee	Term of Council	Council	1	Penny Jones	19/05/22
4	Monmouth School and Haberdashers' Monmouth School for Girls	Term of Council	Council	1	Steven Garratt	19/05/22
5	Abergavenny Educational Foundation of King Henry VIII- Governors	Term of Council	Council	5	Martyn Groucutt / Ben Callard / Malcolm Lane / Jan Butler / Sue Riley	19/05/22
6	Wye Navigation Advisory Committee	Term of Council	Council	1	John Crook	19/05/22
7	Pratts Charity, Mathern	4 years from appointment	Council	2	Lousie Brown / Phil Murphy	19/05/22
8	Monmouthshire Local Access Forum	Term of Council	Council	1	Tony Easson	01/05/25

No.	Body / Organisation	Term of Office	Source of Expenses	No. of Reps	Councillor Appointed	Date Apointed
F	Category F - Other					
1	Gwent Association of Voluntary Organisations	Term of Council	Council	1	Martyn Groucutt	26/06/25
2	Armed Forces Champion	Term of Council	Council	1	Peter Strong	19/05/22
3	LGBTQ+ Champion	Term of Council	Council	1	Ian Chandler	19/01/23

South East Wales Corporate Joint Committee		Term of Office	Source of Expenses	No. of Reps	Councillor Appointed	Date Apointed
1	CJC Governance and Audit Sub-Committee			1	Non-Executive - John Crook	16/05/24
2	CJC Regional Transport Sub-Committee			1	Cabinet Member for Transport - Catrin Maby	16/05/24
3	CJC Strategic Development Sub-Committee			1	Cabinet Member for Planning - Paul Griffiths	16/05/24
	CJC Joint Overview & Scrutiny Committee	Term of Council		2	Armand Watts (Primary Member) & Jan Butler (Deputy Member)	16/05/24





**SUBJECT: Shape and Leadership Structure of Monmouthshire County Council**  
**MEETING: Council**  
**DATE: 26/06/2025**  
**DIVISION/WARDS AFFECTED: ALL**

## **1. PURPOSE**

- 1.1** To set out a refreshed permanent Strategic Leadership Team design and organisation structure for the Council.
- 1.2** To improve the operational and delivery capability of the organisation through a clear permanent design that aligns accountability and responsibility within balanced directorate portfolios that lend themselves well to officer development opportunity across the Council without compromising current delivery.

## **2. RECOMMENDATIONS**

That Council:

- 2.1** Notes the revised strategic leadership team design and organisation structure proposed by the Chief Executive set out in sections 4 and 5 below and supplemented at Appendix 1 in accordance with paragraphs 14.2.1 – 14.2.3 of the Council Constitution.
- 2.2** Agrees to the creation of the permanent positions of Chief Officer Infrastructure and Chief Officer Place and Community Wellbeing.
- 2.3** Agrees to the deletion of the posts Chief Officer Communities and Place, and Chief Officer Customer, Culture and Wellbeing.
- 2.4** Agrees to the positions set out in paragraph 2.2 above, being advertised within the Council to all officers on Head of Service grades, as Tier 4 positions with a pay grade up to £93k. This approach satisfies paragraph 36.1.3 of the Council Constitution.
- 2.5** Authorises the Monitoring Officer to update the Council's Constitution to reflect changes to Chief Officer delegations brought about by agreeing to the above recommendations.

## **3 BACKGROUND**

- 3.1** Members will recall that when the Chief Officer for Place and Infrastructure left the Council in September 2024, a decision was made to introduce an interim officer

leadership structure to ensure continuity whilst giving the Leader and Chief Executive time to reflect on the best configuration going forward. This coincided with the short-term absence of the Chief Executive and subsequent departure of the Chief Officer Communities and Place in March 2025. This paper and the attached appendix set out the changes now proposed on a permanent basis.

## **4 KEY ISSUES**

**4.1** The organisation has a clear purpose and a clear strategy, both of which are codified in the Community and Corporate Plan. The resource envelope within which the Council operates continues to be challenging and is not conducive to new activities that do not directly contribute to the agreed priorities of the organisation. The next period will be characterised by assessing progress on these priorities and their impact rather than adding to them. The leadership and shape of the organisation must align with this and remain affordable. The reintroduction of permanent leadership arrangements will bring with it a degree of certainty. The opportunity to realign directorates to contemporary challenges, without introducing unnecessary turbulence, is a timely one to take.

**4.2** Change usually brings with it disruption. Managed badly it can be demotivating and lead to a fall in performance levels. Research literatures are littered with examples of grand reforms that withered away and added little. The dividend derived from reform must be greater than the premium paid. Change for improvement should always be the goal, not change for change's sake. Pace, thoughtfulness and openness applied equally, introduce good conditions for change.

**4.3** The proposals that follow are not radical. They take account of the organisation's current context and set out opportunities to strengthen arrangements in a meaningful way, without compromising direction and without introducing unnecessary turmoil. Importantly they have regard for financial realities and suggest a material saving in budgetary terms of circa £100k in financial year 2025/26 that is recurrent.

### **4.4 Departmental Structure**

- (a) One new Directorate, Place and Community Wellbeing will be created and a second, Infrastructure, will be confirmed as permanent.
- (b) The Directorates of Communities and Place and Customer, Culture and Wellbeing will be deleted.
- (c) A small Unit working directly to the Chief Executive incorporating Community Development, Communication, Engagement, Strategic Part and whole authority change will be formed. This WILL NOT have Directorate status.

#### **4.5 Strategic Leadership Team**

- (a) It is proposed to make permanent the interim Strategic Leadership positions of Chief Officer Infrastructure and Chief Officer Place, with the latter redesignated Chief Officer Place and Community Wellbeing. They will both be advertised internally and available to all Heads of Service to put themselves forward. Both positions will interview before Full Council. In the event Council determines there not to be a candidate suitable for appointment, an external exercise will be run. Both positions are graded at Tier 4 within the senior leadership structure approved by Council at its meeting in April 2025.
- (b) The post of Chief Officer Communities and Place and the post of Chief Officer Customer, Culture and Wellbeing will be deleted from the establishment.
- (c) Leadership savings of £170k were built into the 2025/26 Budget. It is expected that these permanent changes and associated consequential impacts, will free a further sum of circa £100k as a saving or to invest in front line delivery.

#### **4.6 Customer, Culture and Wellbeing**

- (a) It is intended to delete the Customer, Culture and Wellbeing Directorate and distribute the service areas into three main areas of the organisation as set out below.
- (b) MONLIFE, a component of the directorate, was originally built as a service cluster to provide a necessary critical mass for the successful establishment of a TRUST model. Ultimately Council decided that the case for a Trust model, specifically the value it created, was not made. The design principle is therefore no longer valid.
- (c) It is proposed, at least in the short-term, to continue with the brand MONLIFE, on public facing, income generating services. It does have recognition with customers. It does not feel like a good use of public money to be changing boards on the sides of buildings.

#### **4.7 Disaggregation model**

- (a) The Youth Service will move to the Children, Learning, Skills and Economy Directorate led by Will McLean. The Youth Service has a strong fit with our schooling and wider learning agenda. It is a straightforward move. The Service Head welcomes this move. Interim changes which saw Economy, Employment, Skills and Business Development move to this Directorate are now confirmed as permanent changes.
- (b) Leisure, Countryside and Culture will move to a new Directorate, Place and Community Wellbeing. Place-making, whilst a bit of a clumsy term is widely appreciated as an attempt to plan improvements and delivery with the individuals,

neighbourhoods, and communities it is going to serve. This is starting to come to fruition through the ongoing development of 'Place Plans' for larger towns. Aligning many of the primary community service delivery areas (Leisure, Sports, Play, Environment, Arts, Culture, Community Hubs) enhances the opportunity for integrated thinking to be brought into play in what is done, not just what is planned to be done.

- (c) The Business Support Team previously embedded in MONLIFE will move to the Place and Community Wellbeing Directorate.
- (d) Active Travel will move to the Infrastructure Directorate. Our recently appointed Head of Transport carried responsibility in this service area and will continue to do so.
- (e) Community Development, Engagement and Communications will be led directly by the Chief Executive as part of a small newly formed Unit. Telling a clear story of what matters to the Council and amplifying this repeatedly through outstanding communication and public relations is always a challenge for complex organisations. Recognising and committing to a clear programme of building capability within partners and communities and sharing decision-making with others is now recognised by many political leaders, commentators, and practitioners as a key in building contemporary public service. It is not easy work. A county such as Monmouthshire with atypical social capital to draw on should be able to do this well. All 46 elected members need to be supported in this. Without a steady hand, it can be disruptive. Equally it is important Councillors in their Ward role feel that they have a route into the organisation that hears their local issues. The Service Heads welcome this move.

## **5 OTHER CHANGES**

### **5.1 Housing**

- (a) It is proposed that Housing will become part of the Social Care, Safeguarding and Health Directorate. The largest proportion of its work centres on assisting citizens when they are vulnerable either through ongoing personal need or through an event that places them into crises. The individuals involved tend to have multiple needs and often they cross service areas. This move should strengthen a more integrated response for many. In other areas of work, Housing works very closely with Environmental Health colleagues, who form part of the Public Protection Service within this Directorate.
- (b) The Head of Housing, Rural Development and Strategic Partnerships will move to the newly formed Chief Executives Unit. She will focus high level whole authority coordination on partnerships such as Marches Forward and Cardiff Capital Region. In addition, she will offer leadership to a developing programme of whole authority change, beyond structural change. She will oversee the movement of all Housing

functions to the Social Care Directorate and Rural Development to the new Place and Community Wellbeing Directorate. The pace of these movements will be carefully managed to avoid any performance dips.

## **5.2 School Catering**

Proposed to move from Place (as was) to the Infrastructure Directorate.

## **5.3 Flooding**

Proposed to move from Place (as was) to the Infrastructure Directorate.

## **5.4 Strategic Operations**

This small but important business support team will move from Community and Place (now deleted) to the Resources Directorate under the line management of the Deputy Chief Executive who will determine their subsequent deployment. Interim changes which saw whole authority procurement, building cleaning and Health and Safety move to the Resources Directorate are confirmed as permanent changes.

## **EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING)**

**6.1** Most of the changes within this paper are in the gift of the Chief Executive to make within his delegated powers. However, they have been developed after significant engagement across the organisation, particularly with key officers impacted. The changes have been welcomed.

**6.2** The changes proposed are at a leadership level. They are designed to recognise the operating context of the organisation and ensure that we have the right capability and capacity in place to advance the priorities set out in the Community and Corporate Plan and the Council's Wellbeing priorities. Key areas of community development are being brought closer to the heart of the organisation with the intention of improving integration. The alignment with future generations commitments is strong and the core arrangements to promote safeguarding and corporate parenting are not disturbed.

## **7. OPTIONS APPRAISAL**

**7.1** Council will be aware that there are many options on how to design an organisation. A Council is undeniably complex, and there is a need to continue to deliver well as changes are introduced to improve things further. It is the Chief Executives view that the proposals for consideration marry these competing demands. Changes have been made arising from consultation across the organisation, and these improvements have strengthened the proposal put forward in this report.

**7.2** The proposal has been developed with a very clear understanding of the financial environment. It is important that the organisation continues to reflect on the overall cost of its officer cadre, including leadership costs. Members will note that the proposal before you, seeks to reduce rather than increase cost.

## **8. RESOURCE IMPLICATIONS**

**8.1** £177,000 was removed from the leadership cost of the organisation as part of the approved budget for financial year 2025/26. This proposal will add a further recurrent revenue saving of circa £100,000 which will begin to be realised in 2025/26.

## **9. CONSULTEES**

Cabinet

Strategic Leadership Team

All officers of the Council

Professional Associations (Trade Unions)

## **10. Background papers**

A paper circulated to all staff of the Council is attached as Appendix 1. Very similar papers were circulated separately to all Councillors and trade union representatives.

## **11. Author**

Paul Matthews, Chief Executive

## **12. CONTACT DETAILS**

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## **APPENDIX 1**

**SUBJECT: Shape and Leadership Structure of Monmouthshire County Council  
A Paper for Key Officers**

**DATE: 12/06/2025**

**DIVISION/WARDS AFFECTED: ALL**

### **1. BACKGROUND**

**1.1** You will recall that when the Chief Officer for Place and Infrastructure left the Council in September 2024, a decision was made to introduce an interim officer leadership structure to ensure continuity whilst giving the Leader and Chief Executive time to reflect on the best configuration going forward. This coincided with the short-term absence of the Chief Executive and subsequent departure of the Chief Officer Communities and Place in March 2025. This paper sets out the changes now proposed on a permanent basis.

### **2. INTRODUCTION**

**2.1** The organisation has a clear purpose and a clear strategy, both codified in the Community and Corporate Plan. The resource envelope within which the Council operates continues to be challenging and is not conducive to new activities that do not directly contribute to the agreed priorities of the organisation. The next period will be characterised by assessing progress on these priorities and their impact rather than adding to them. The leadership and shape of the organisation must align with this and remain affordable. The reintroduction of permanent leadership arrangements will bring with it a degree of certainty. The opportunity to realign directorates to contemporary challenges, without introducing unnecessary turbulence, is a timely one to take.

**2.2** Change usually brings with it disruption. Managed badly it can be demotivating and lead to a fall in performance levels. Research literatures are littered with examples of grand reforms that withered away and added little. The dividend derived from reform must be greater than the premium paid. Change for improvement should always be the goal, not change for change's sake. Pace, thoughtfulness and openness applied equally, introduce good conditions for change.

**2.3** The proposals that follow are not radical. They take account of the organisation's current context and set out opportunities to strengthen arrangements in a meaningful way, without compromising direction and without introducing unnecessary turmoil. Importantly they have regard for financial realities and suggest a material saving in budgetary terms of circa £100k in financial year 2025/26 that is recurrent.



### **3 HEADLINE CHANGES**

#### **3.1 Departmental Structure**

- (a) One new Directorate, Place and Community Wellbeing (interim leadership Craig O'Connor) will be created and a second, Infrastructure, (interim leadership Debra Hill-Howells) will be confirmed as permanent.
- (b) The Directorates of Communities and Place (Frances O'Brien) and Customer, Culture and Wellbeing (Ian Saunders) will be deleted.
- (c) A small Unit working directly to the Chief Executive incorporating Community Development, Communication, Engagement, Strategic Partnerships and whole authority change will be formed. This WILL NOT have Directorate status.

#### **3.2 Strategic Leadership Team**

- (a) It is proposed to retain the interim Strategic Leadership positions of Chief Officer Infrastructure and Chief Officer Place, with the latter redesignated Chief Officer Place and Community Wellbeing. They will both be advertised internally and available to all Heads of Service to put themselves forward. Both positions will interview before Full Council. In the event Council determines there not to be a candidate suitable for appointment, an external exercise will be run. Both positions are graded at Tier 4 within the senior leadership structure approved by Council at its meeting in April 2025.
- (b) The post of Chief Officer Communities and Place (Frances O'Brien) and the post of Chief Officer Customer, Culture and Wellbeing (Ian Saunders) will be deleted from the establishment.
- (c) Leadership savings of £170k were built into the 2025/26 Budget. It is expected that these permanent changes and associated consequential impacts, will free a further sum of circa £100k as a saving or to invest in front line delivery.

#### **3.3 Customer, Culture and Wellbeing**

- (a) It is intended to delete the Customer, Culture and Wellbeing Directorate (that encapsulated MONLIFE) and distribute the service areas into three main areas of the organisation as set out below.
- (b) MONLIFE was originally built as a service cluster to provide a necessary critical mass for the successful establishment of a TRUST model. Ultimately Council decided that the case for a TRUST model, specifically the value it created, was not made. The design principle is therefore no longer valid.



- (c) It is proposed, at least in the short-term, to continue with the brand MONLIFE, on public facing, income generating services. It does have recognition with customers. It does not feel like a good use of public money to be changing boards on the sides of buildings.

### **3.4 Disaggregation model**

- (a) The Youth Service will move to the Schools, Learning, Skills and Economy Directorate led by Will McLean. The Youth Service has a strong fit with our schooling and wider learning agenda. It is a straightforward move. The Service Head welcomes this move. Interim changes which saw Economy, Employment, Skills and Business Development move to this Directorate are now confirmed as permanent changes. The new directorate will be Children, Learning, Economy and Skills.
- (b) Leisure, Countryside and Culture will move to a new Directorate, Place and Community Wellbeing. Place-making, whilst a bit of a clumsy term is widely appreciated as an attempt to plan improvements and delivery with the individuals, neighbourhoods, and communities it is going to serve. This is starting to come to fruition through the ongoing development of 'Place Plans' for larger towns. Aligning many of the primary community service delivery areas (Leisure, Sports, Play, Environment, Arts, Culture, Community Hubs) enhances the opportunity for integrated thinking to be brought into play in what is done, not just what is planned to be done. The Service Heads welcome this move.
- (c) The Business Support Team previously embedded in MONLIFE will move to the Place and Community Wellbeing Directorate. The Service Head welcomes this move.
- (d) Active Travel will move to Infrastructure Directorate. Our recently appointed Head of Transport carried responsibility in this service area and will continue to do so. The Head of Service welcomes this move.
- (e) Community Development, Engagement and Communications will be led directly by the Chief Executive as part of a small newly formed Unit. Telling a clear story of what matters to the Council and amplifying this repeatedly through outstanding communication and public relations is always a challenge for complex organisations. Recognising and committing to a clear programme of building capability within partners and communities and sharing decision-making with others is now recognised by many political leaders, commentators, and practitioners as a key in building contemporary public service. It is not easy work. A county such as Monmouthshire with atypical social capital to draw on should be able to do this well. All 46 elected members need to be supported in this. Without a steady hand, it can be disruptive. Equally it is important Councillors in their Ward role feel that they have a route into the organisation that hears their local issues. The Service Heads welcome this move.

## **4 OTHER CHANGES**

### **4.1 Housing**

- (a) It is proposed that Housing will become part of the Social Care, Safeguarding and Health Directorate. The largest proportion of its work centres on assisting citizens when they are vulnerable either through ongoing personal need or through an event that places them into crises. The individuals involved tend to have multiple needs and often they cross service areas. This move should strengthen a more integrated response for many. In other areas of work, Housing works very closely with Environmental Health colleagues, who form part of the Public Protection Service within this Directorate. The Service Head welcomes this move.
- (b) The Head of Housing, Rural Development and Strategic Partnerships will move to the newly formed Chief Executives Unit. She will focus on providing direct support to the Chief Executive alongside high level whole authority coordination on partnerships such as Marches Forward and Cardiff Capital Region. In addition, she will offer leadership to a developing programme of whole authority change, beyond structural change. She will oversee the movement of all Housing functions to the Social Care Directorate and Rural Development to the new Place and Community Wellbeing Directorate. The pace of these movements will be carefully managed to avoid any performance dips.

### **4.2 School Catering**

Proposed to move from Place (as was) to the Infrastructure Directorate.

### **4.3 Flooding**

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### **4.4 Strategic Operations**

This small but important business support team will move from Community and Place (now deleted) to the Resources Directorate under the line management of the Deputy Chief Executive who will determine their subsequent deployment. Interim changes which saw whole authority procurement, building cleaning and Health and Safety move to the Resources Directorate are confirmed as permanent changes.

## **5 CONCLUSION**

- 5.1** Most of the changes within this paper are in the gift of the Chief Executive to make within his delegated powers. However, they have been developed by the Leader and Chief Executive together.
- 5.2** Introducing two permanent Chief Officer level positions whilst formally deleting two others is a decision for Council. The appointment of two new Chief Officers, if agreed would be through established Council procedure, with Full Council being the appointing body.
- 5.3** The changes in aggregate do not introduce a budgetary pressure, indeed they suggest a recurrent saving of circa £100k
- 5.4** It is intended to introduce the changes as an Individual Officer Decision, brought forward by the Chief Executive, other than those set out in paragraph 3.2 (a) above. This full paper, under a covering report will be brought to Council on 26 June. The recommendation will be 'to note' the proposed changes, where they are in the delegated authority of the Chief Executive, and to agree the changes that are reserved to Council. Proposals in each category will be clearly highlighted.
- 5.5** The narrative above is clear that key conversations at an officer level have taken place. Members can take confidence that these changes will land well.
- 5.6** These changes do not place anyone at risk of redundancy or challenge existing terms and conditions. The direction of travel is understood and supported by key Heads of Service.
- 5.7** These changes will not change any of the political decision-making apparatus of the Council. They will not fetter the ability of the Leader to hold her Cabinet portfolios as they are or adjust them if she is minded to.

## **6 TIMING AND SEQUENCE**

**6.1** It is proposed to move with pace to implement these changes, with a view to having them in place, where possible, by the end of August this year, sooner if circumstances allow.

**6.2** This paper sets out clear proposals and is circulated to all Councillors.

**6.3** This paper will be circulated to officers within a few days of its release to Councillors.

**6.4** This paper will be shared with Trade Unions. It will be highlighted that neither redundancy or changes to terms and conditions are proposed.

**6.5** A period of two weeks will be set aside for the Leader and Chief Executive to receive and subsequently consider comments made.

**6.6** If this timetable is achieved, the Council will have achieved structural and leadership changes that align well with the purpose and priorities of the organisation. Importantly portfolio responsibilities across Strategic Directors and Chief Officers will be balanced.

**6.7** The Council will have a fully populated leadership structure across the top four tiers of the organisation as we enter the autumn months.

## **7 AUTHORS**

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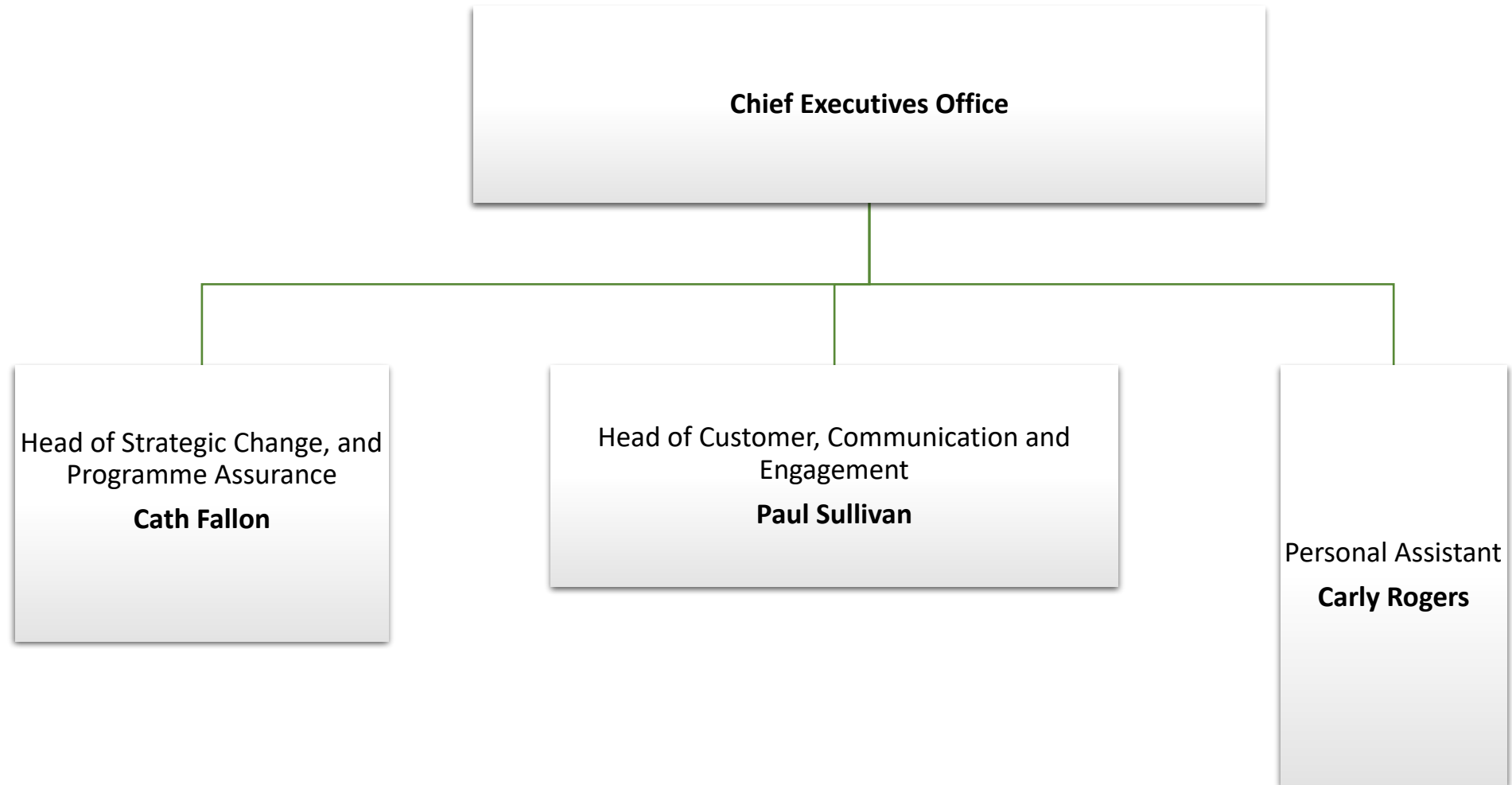
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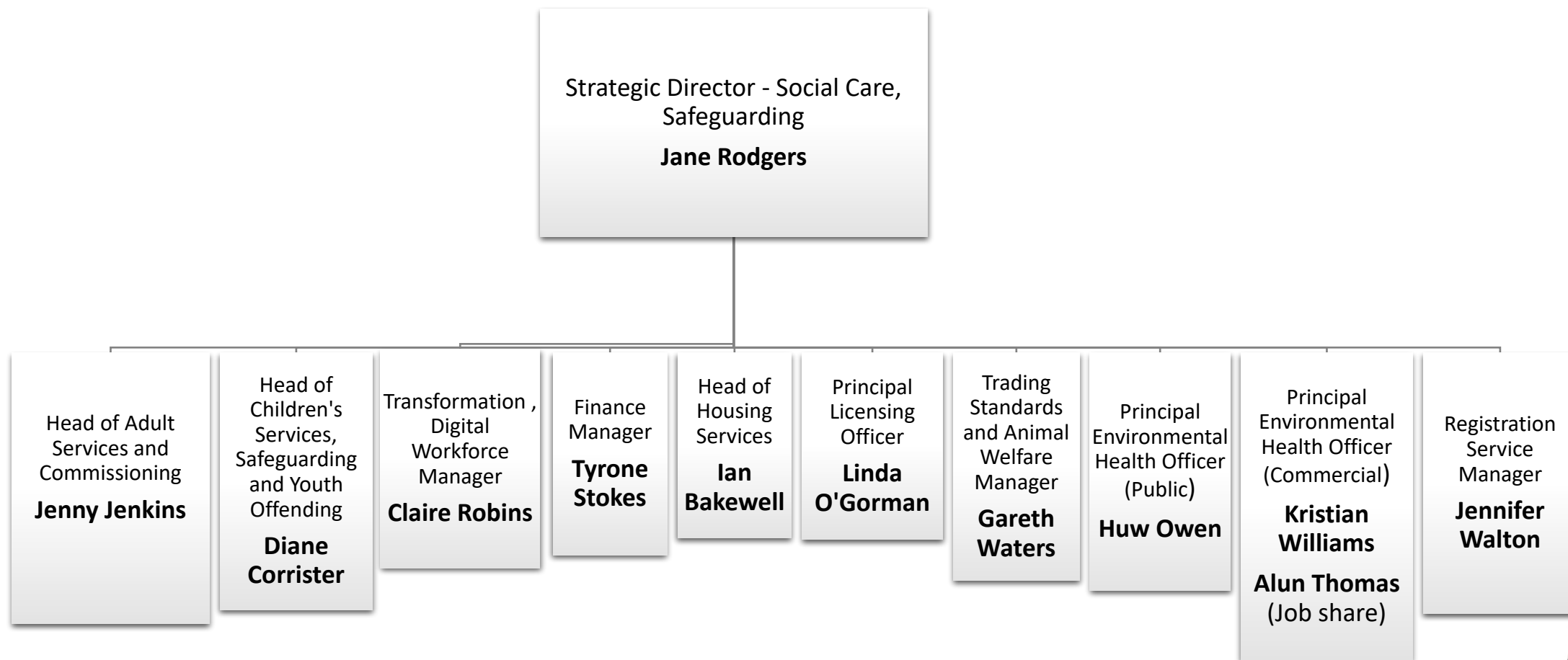
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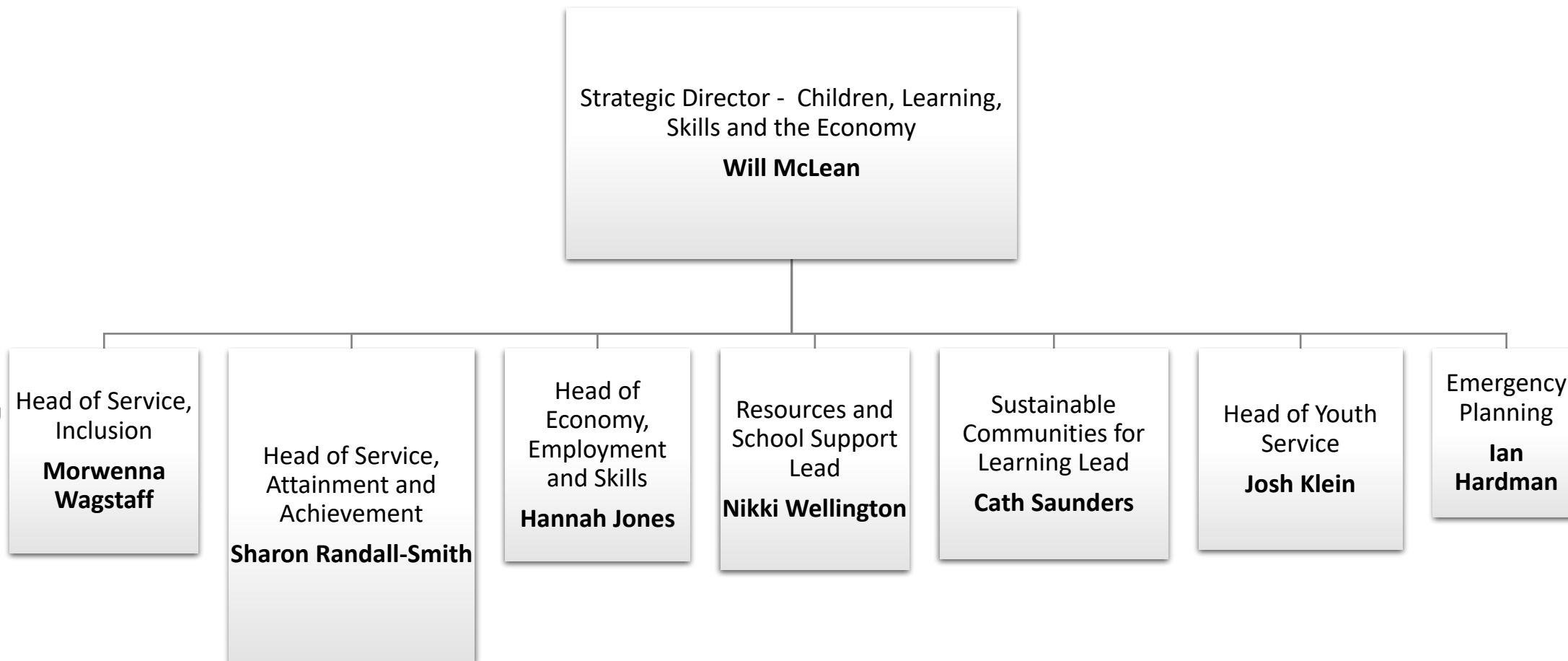
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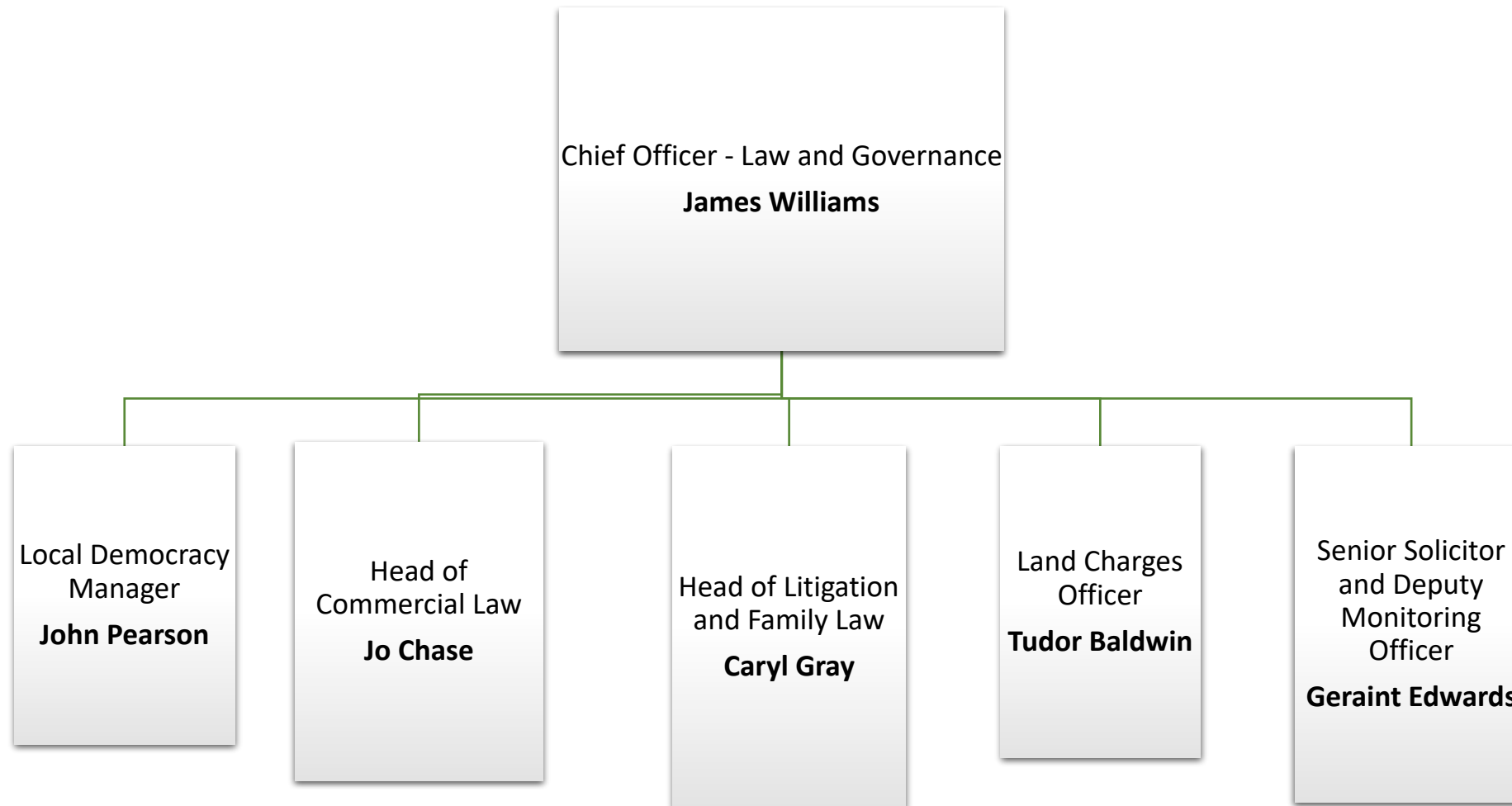
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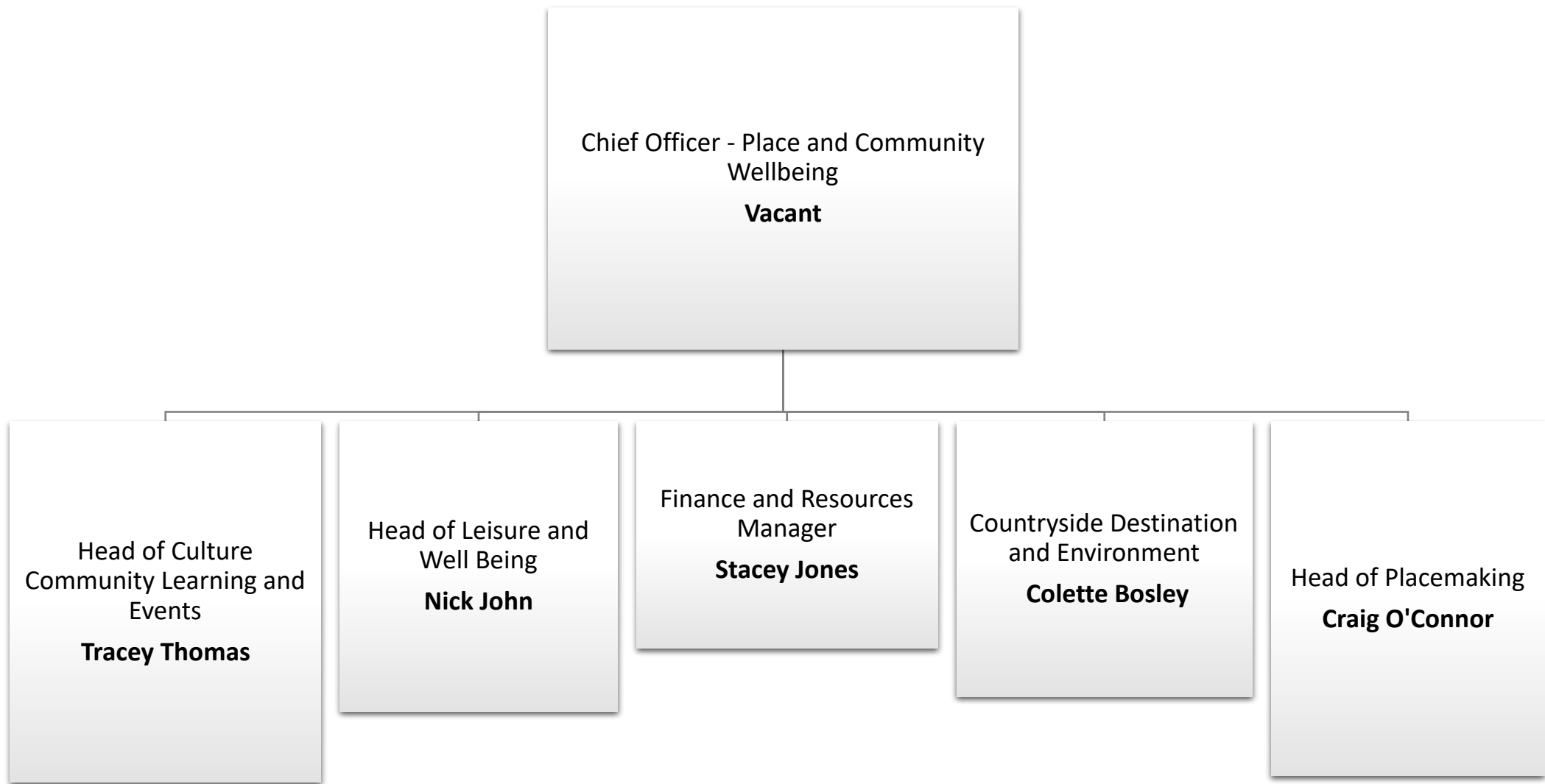
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