

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Thursday, 16 January 2025

Notice of meeting

Licensing and Regulatory Sub Committee

Friday, 24th January, 2025 at 10.00 am,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with
remote attendance

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	1 - 54
2.	Declarations of Interest.	
3.	Application to Vary a Premises Licence - The Crown at Pantygelli.	

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillor Tudor Thomas	Park;	Welsh Labour/Llafur Cymru
County Councillor Alistair Neill	Gobion Fawr;	Welsh Conservative Party
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru

Public Information

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

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.

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT:	Application to Vary a Premises Licence – The Crown at Pantygelli
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing & Regulatory Sub-Committee
COMMITTEE DATE:	24th January 2025
WARDS AFFECTED:	Mardy

1. PURPOSE:

To consider an application to vary the current Premise Licence under the Licensing Act 2003 for The Crown at Pantygelli, Old Hereford Road, Pantygelli, Abergavenny, NP7 7HR. A copy of the application (Appendix A) and plan (Appendix B) is attached.

2. RECOMMENDATION:

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

3. KEY ISSUES

3.1 A application to vary the current premises licence under the Licensing Act 2003 was received from Mr Nicholas Clayton-Ford for The Crown at Pantygelli, Old Hereford Road, Pantygelli, Abergavenny for the following:-

- Licensing the lawn to the north of the property for marquee functions during Spring and Summer. All alcohol will be sold on site for onsite consumption. 55mx18m of lawn space to hold functions confined to this area.

3.2 A map of where the premises is located within Pantygelli and the surrounding area can viewed as Appendix C.

3.3 The applicant has stated the following when asked in the application to describe the steps intended to take to promote the licensing objectives:

General

- Following from our current policies and procedure in our already licensed area.

The Prevention of Crime and Disorder

- Keeping our CCTV up to date. Keeping informed with pub watch and knowing of other areas where people are banned.

Public Safety

- Ensuring health and safety procedures are followed and areas are maintained

Prevention of Public Nuisance

- Promoting a respectful place for all guests and staff where we promote the coming and going from the venue to be done in a quiet and respectful manner. Also, monitoring decibel levels to meet the requirements of the legislation.

- 3.4 If the licence is refused, the current premise licence will not be affected, and Members are to decide on the variation only. A copy of the current licence and conditions is attached as Appendix D.
- 3.5 If granted the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix E.
- 3.6 The applicant has a statutory duty to send copies of their premises licence application to the 'Responsible Authorities' namely Gwent Police, South Wales Fire Service, The Local Health Board, Home Office (Immigration) and departments of Monmouthshire County Council being the Environmental Health Section, Social Services, Planning, Licensing and Trading Standards Department, which was carried out by the applicant. A notice also must be circulated in a newspaper within the area of the premises as well as a notice displayed at the premises to enable businesses and residents to make a representation; again, the applicant duly carried this out. The application is also advertised via the Council's website, which gives details on how a person can make a representation and this was carried out by the Licensing Authority.
- 3.7 Representations were received by Environmental Health and a summary of the objection is detailed below. The objection in full can also be viewed as Appendix F.
 - The applicant has not satisfactorily addressed how they will limit any noise impact implications for the neighboring properties in the information submitted; I must object to the grant of the licence variation under licensing objective 'the prevention of public nuisance'.

The applicant has responded to the objection with the following:

With regard to your concerns over the variation of license at The Crown at Pantygelli. Happy to discuss the parameters to get this over the line, but I'd like some input into these parameters and what is suitable to organise this change in license.

I'd also like to state the following:

- No extra traffic would be caused due to the car park already full at the weekend.
Events would limit the capacity of inside the pub. Restrictions on numbers would be implemented.
- live music would be situated to the rear of the lawn meaning a further 55 metres of distance from all neighbouring properties.
- The banks to the Southeast of this area are 3 metres high with further thick vegetation above this creating a sound barrier.
- The banks to the North-West are approximately 1.5 metres high with laid hedges, holly and hazel trees, proving extra barrier to any noise.
- happy to negotiate the opening of said tent be to the rear of the South-East side of the lawn providing even more sound screening to neighbours.
- Further down the car park mature trees line both sides with a thick coverage and with the majority of the functions to be in the Spring or Summer leaf coverage will halo with further sound screening.
- Volumes will be monitored in this area via a db meter to the levels you recommend are respectable to the area, just as we do the front beer garden music events.
- Given the topography of the ground near, I see the only property to be remotely effected is our own residence on the upper floors of The Crown at

Pantygelli.

We are happy to do a noise assessment, but would like to discuss a way to mitigate the cost to us. This project came about due to the recent budget that will cost us an extra £56,000 per year. Organising controlled functions ranging from small family get together staying in the approved pod accommodation behind the lawn, community Christmas markets, small wedding ceremonies and reception, etc was a way for us to carry on surviving as a business, growing and continuing to provide employment opportunities.

We are also happy to discuss a case of a limited number of events per year to assist with the variation of license.

Response from Environmental Health to the above:

I refer to my comments, regarding your application to vary the Premises License for The Crown, your email in response and our subsequent telephone conversation on the 6th December 2024.

As discussed, I note the bullet points you make.

The distances I have given in my comments from the proposed marquee area to the residential properties are in my view accurate.

You have not provided a plan showing the precise location of the marquee and this would be helpful, but for example, from your description of where it will be sited this is approximately 75m to the nearest garden boundary of Gelli Dawel and 85m to the rear elevation of the house. This elevation has a number of windows both at ground and first floor level and are broadly facing towards the proposed function area which is to the north / north west. Furthermore, the marquee area is slightly elevated above Gelli Dawel which in my view increases the potential for noise impact as sound attenuation from the intervening ground will be minimised.

You provide your views that the banks to the South East and North West will provide some sound mitigation, but in my view this should be quantified and evaluated in a noise impact assessment prepared by a person with appropriate acoustic qualifications.

Such an assessment should fully consider the music level(s) intended to be played at source, the predicted music levels at the nearby residential properties and any impact this may have on the use and enjoyment of these properties, including the garden areas, having regard to the background sound levels. Measures to mitigate against excess noise impact should again be quantified.

- 3.8 At the time of writing this report, no further correspondence has been received from the applicant.
- 3.9 Representations were also received during the consultation period by 1 other person. A summary of the other persons objection is detailed below. The objection in full can also be viewed as appendix G.
- This current application seems to represent a potentially huge increase in noise levels, occurrence and duration through spring and summer. This raise concerns that the volume of music required for a wedding or similar event would be considerably louder than the current Sunday afternoon music, for far longer periods and late into the night, and thus that it is inevitable that we will be even more detrimentally affected than has been the case up to now.

3.10 Representations made under the Licensing Act 2003 must be made under the four key licensing objectives, namely:-

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

However, Section 9.9 of the Guidance issued by the Home Office states:

It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should 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.

3.11 When considering their decision members are asked to consider the licensing objectives guidance issued under the revised guidance under section 182 of the Licensing Act 2003 (attached as Appendix G)

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

4. REASONS:

4.1 The determination of an application is to be considered in accordance with Section 182 of the Licensing Act 2003.

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

4.3 In section 13.10 of the Guidance issued under Section 182. It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority’s statement of policy and this Guidance.

4.4 Monmouthshire County Council’s Policy on Prevention of Nuisance are set out in Section 11 and read as follows:

Prevention of public nuisance

Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.

widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

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.

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

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

The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behavior are accountable in their own right.

When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

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

7. BACKGROUND PAPERS:

Licensing Act 2003 - [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Guidance issued under Section 182 of the Licensing Act 2003 dated December 2023 - [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Monmouthshire County Council's Statement of Licensing Policy dated 1st July 2020 - [Licensing Act Policy - Monmouthshire](#)

8. AUTHOR:

Mrs Emma Watkins
Licensing Officer

CONTACT DETAILS:

Tel: 01633 644100

Email: emmawatkins2@monmouthshire.gov.uk

This page is intentionally left blank

Section 1 of 18

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

Nicholas

* Family name

Clayton-Ford

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

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

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

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

Registration number

15868922

Business name

The Crown at Pantygelli limited

If your business is registered, use its registered name.

VAT number

- 414207339

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? ☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

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

licensing the lawn to the north of the property for marquee functions during Spring and Summer. All alcohol will be sold on site for on site consumption. Please see attached map to highlight new licensed area. 3x 2 person lodges approved by Brecon Beacons National parks authority are being placed on these grounds in December 2024. 55mx18m of lawn space to hold functions confined to this area.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful? ☐ Yes ☒ No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful? ☐ Yes ☒ No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 14 of 18

ADULT ENTERTAINMENT

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

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

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

11:00

Start

End

23:00

End

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

TUESDAY

Start

11:00

Start

End

23:00

End

WEDNESDAY

Start

11:00

Start

End

23:00

End

THURSDAY

Start

11:00

Start

End

23:00

End

FRIDAY

Start

11:00

Start

End

23:00

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

Continued from previous page...

Following from our current policies and procedure in our already licensed area.

b) The prevention of crime and disorder

Keeping our CCTV up to date. Keeping informed with pub watch and knowing of other areas where people are banned.

c) Public safety

Ensuring health and safety procedures are followed and areas are maintained.

d) The prevention of public nuisance

Promoting a respectful place for all guests and staff where we promote the coming and going from the venue to be done in a quiet and respectful manner. Also, monitoring decibel levels to meet the requirements of the legislation

e) The protection of children from harm

Follow the think 25 model to ensure all under 25's are ID'd by trained staff.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

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

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

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

Continued from previous page...

* Full name

Nicholas Clayton-Ford

* Capacity

Director

* Date

06

/

11

/

2024

dd

mm

yyyy

Add another signatory

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

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

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

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐

INDICATIVE SITE PLAN AS PROPOSED
(SCALE 1:200 @ A1)

This drawing must not be scaled, figured dimensions, levels etc. only are to be used.
Any inaccuracies etc. must be notified to the architect.
Detail drawings and larger scale drawings take precedence over smaller scale drawings.
All survey drawings are a record only, a report on the structural integrity of the property shall not be deemed to have been included in such surveys.

This drawing is copyright.

Revision	Description	Drawn/Checked by
A. 7.2.24	GENERAL AMENDMENTS	BAB

THE CROWN @ PANTIGELLI
OLD HEREFORD ROAD,
PANTIGELLI,
ABERGAVENNY. NP7 7HR

Drawing No.
2243 - 02.A

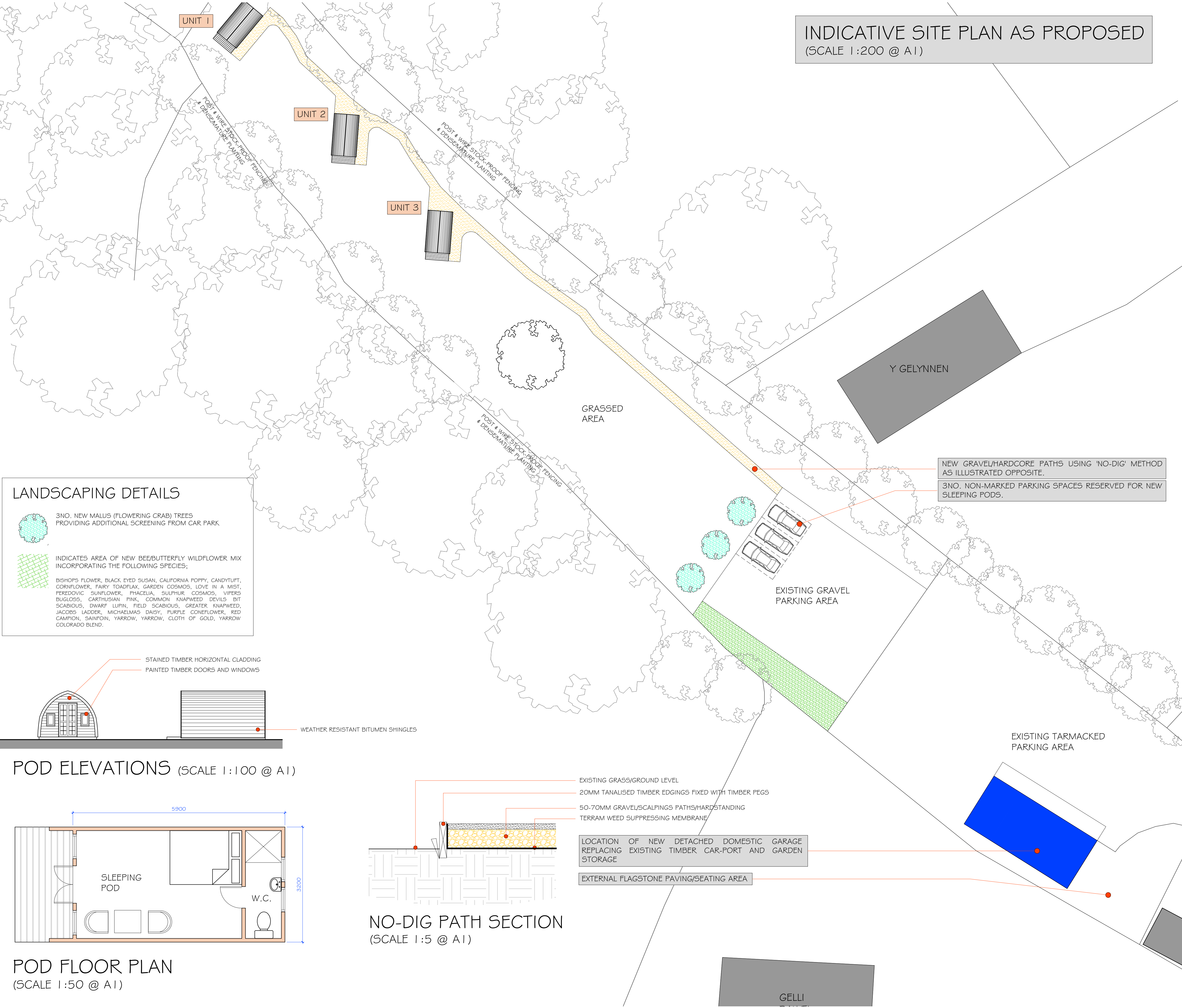
Title
**DESIGN PROPOSALS
SITE PLAN & POD DETAILS
AS PROPOSED**

Scale	Date	Drawn/Checked by
AS SHOWN	AUG 2022	BAB

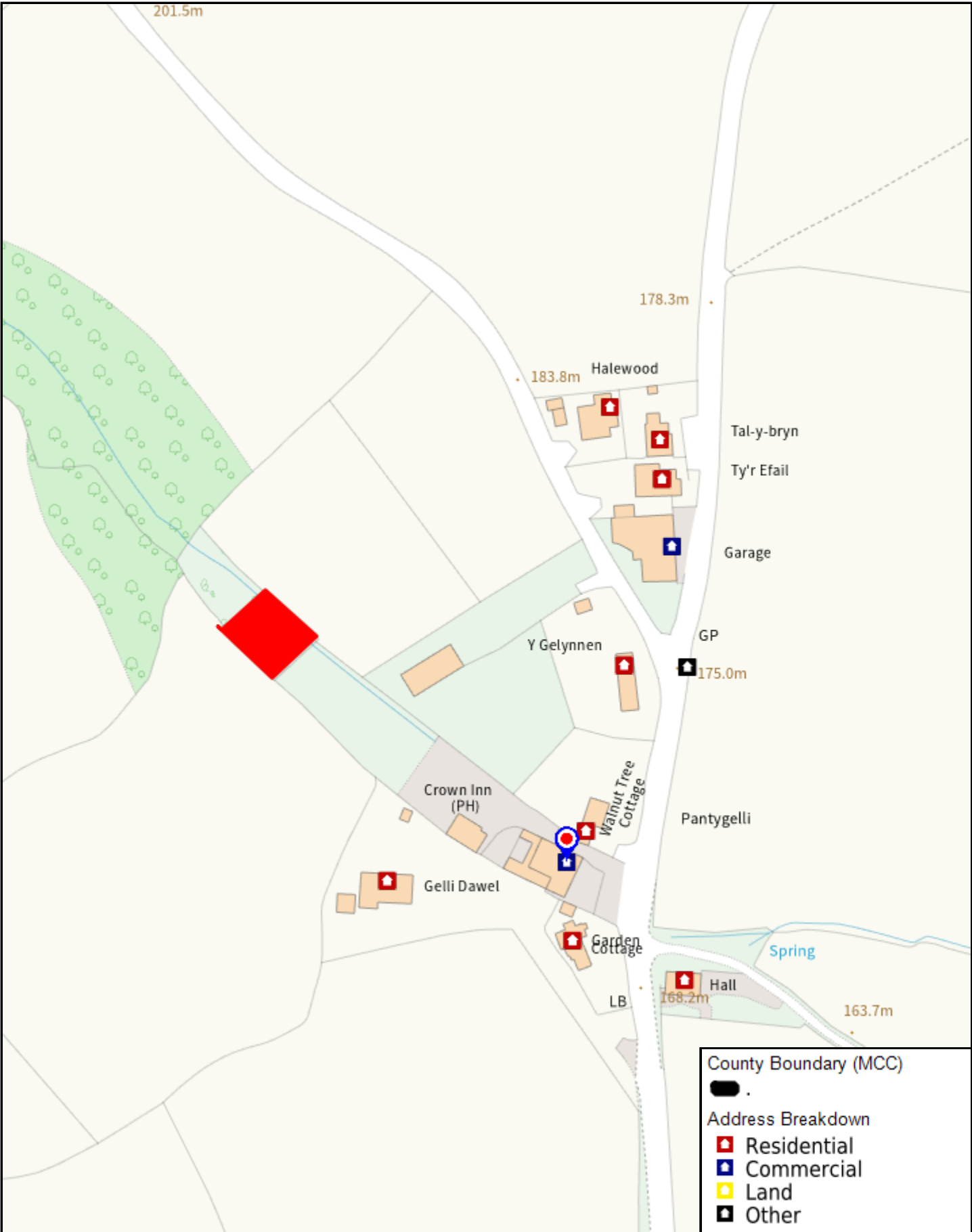
Morgan & Horowskyj Architects LLP
The School Room, Castle Street, Abergavenny, Monmouthshire, NP7 5EE
Tel 01873 852465/855273 Email reception@morganhorowskyj.co.uk www.morganhorowskyj.co.uk

GENERAL NOTES

- ANY BUILDINGS OUTSIDE OF SITE BOUNDARIES HAVE BEEN ESTIMATED FROM ORDINANCE SURVEY PLANS AND SHOULD BE USED FOR REFERENCE ONLY.
- TREES SHOWN ARE NOT BASED ON A TOPOGRAPHICAL LAND SURVEY AND HAVE BEEN TRANSPOSED FROM AN AERIAL IMAGE TO DEPICT GENERAL LOCATIONS OF DENSE/MATURE PLANTING.



This page is intentionally left blank



Enter map title

Print description

Monmouthshire County Council, County Hall, The Rhadyr, Usk. NP15 1GA

Scale
1:1654

Printed on:2025-01-10 16:42:24 by
HuwOwen@monmouthshire.gov.uk

Grid Ref:330166,
218000



This page is intentionally left blank

Rhan A/ Part A
Fformat trwydded mangre/ Format of premises licence

Rhif trwydded mangre
Premises licence number

PRM213

Rhan A1 – Manylion y Fangre/ Part A1 – Premises Details

Cyfeiriad post y fangre neu, os nad oes, gyfeirnod map arolwg ordnans neu ddisgrifiad Postal address of premises or, if none, ordnance survey map reference or description			
The Crown at Pantygelli Old Hereford Road Pantygelli			
Tref bost/ Post town	Abergavenny	Cod post/ Post code	NP7 7HR
Rhif ffôn/ Telephone number			

Lle mae cyfyngiad amser ar y drwydded, y dyddiadau
Where the licence is time limited the dates

Dyddiad A Roddwyd/Date Granted: 24/11/2005
Dyddiad Cyhoeddi/ Issue Date: 20/09/2024

Gweithgareddau y mae angen trwydded ar eu cyfer a awdurdodir gan y drwydded
Licensable activities authorised by the licence

Films; Indoor sporting events; Live Music; Recorded Music; Performances of Dance; Activity like music/dance; Late Night Refreshment; Supply of Alcohol, fel y nodir gydag ymyl goch ar y cynllun a atodir gyda'r drwydded/ as indicated edged red on the plan attached to this licence.

Yr amserau y mae'r drwydded hon yn awdurdodi cynnal gweithgareddau y mae angen trwydded ar eu cyfer
The times the licence authorises the carrying out of licensable activities

Films

Monday: 11.00 - 23.00

Tuesday: 11.00 - 23.00

Wednesday: 11.00 - 23.00

Thursday: 11.00 - 23.00

Friday: 11.00 - 23.00

Saturday: 11.00 - 23.00

Sunday: 11.00 - 23.00

Bank Holidays: 11.00 - 24.00

On 30 occasions per annum providing 7 days notice is given to the
Police: 11.00 - 24.00

Indoor Sports*

Monday: 11.00 - 23.00

Tuesday: 11.00 - 23.00

Wednesday: 11.00 - 23.00

Thursday: 11.00 - 23.00

Friday: 11.00 - 23.00

Saturday: 11.00 - 23.00

Sunday: 11.00 - 23.00

Bank Holidays: 11.00 - 24.00

On 30 occasions per annum providing 7 days notice is given to the
Police: 11.00 - 24.00

*A licence is not required for indoor sporting events providing it
takes place between 08.00hrs-23.00hrs and the audience do not exceed
1000 people.

Live Music**

Monday: 11.00 - 23.00

Tuesday: 11.00 - 23.00

Wednesday: 11.00 - 23.00

Thursday: 11.00 - 23.00

Friday: 11.00 - 23.00

Saturday: 11.00 - 23.00

Sunday: 11.00 - 23.00

Bank Holidays: 11.00 - 24.00

On 30 occasions per annum providing 7 days notice is given to the
Police: 11.00 - 24.00

**A licence is not required for live music within the on-licence
premises providing it takes place between 08.00hrs-23.00hrs and the
audience do not exceed 500 people.

Recorded Music***

Monday: 11.00 - 23.00

Tuesday: 11.00 - 23.00

Wednesday: 11.00 - 23.00

Thursday: 11.00 - 23.00

Friday: 11.00 - 23.00

Saturday: 11.00 - 23.00

Sunday: 11.00 - 23.00

Bank Holidays: 11.00 - 24.00

On 30 occasions per annum providing 7 days notice is given to the
Police: 11.00 - 24.00

***A licence is not required for recorded music within the on-licence
premises providing it takes place between 08.00hrs-23.00hrs and the
audience do not exceed 500 people.

Performance of Dance****

Monday: 11.00 - 23.00

Tuesday: 11.00 - 23.00

Wednesday: 11.00 - 23.00

Thursday: 11.00 - 23.00

Friday: 11.00 - 23.00

Saturday: 11.00 - 23.00

Sunday: 11.00 - 23.00

Bank Holidays: 11.00 - 24.00

On 30 occasions per annum providing 7 days notice is given to the
Police: 11.00 - 24.00

****A licence is not required for performance of dance providing it
takes place between 08.00hrs-23.00hrs and the audience do not exceed
500 people.

Activity like Music/Dance

Monday: 11.00 - 23.00

Tuesday: 11.00 - 23.00

Wednesday: 11.00 - 23.00

Thursday: 11.00 - 23.00

Friday: 11.00 - 23.00

Saturday: 11.00 - 23.00

Sunday: 11.00 - 23.00

Bank Holidays: 11.00 - 24.00

On 30 occasions per annum providing 7 days notice is given to the
Police: 11.00 - 24.00

Late Night Refreshment

Monday: 23.00 - 24.00

Tuesday: 23.00 - 24.00

Wednesday: 23.00 - 24.00

Thursday: 23.00 - 24.00

Friday: 23.00 - 24.00

Saturday: 23.00 - 24.00

Sunday: 23.00 - 24.00

New Year's Eve: 23.00 - 05.00 (if permitted hours, if no permitted hours in the premises on that day, late night refreshment will be 23.00 - 00.30)

Supply of Alcohol

Monday: 11.00 - 24.00

Tuesday: 11.00 - 24.00

Wednesday: 11.00 - 24.00

Thursday: 11.00 - 24.00

Friday: 11.00 - 24.00

Saturday: 11.00 - 24.00

Sunday: 11.00 - 24.00

New Year's Eve: Between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on New Year's Eve)

1. Persons residing in the licensed premises may purchase and consume intoxicating liquor for 24 hours on the premises. The resident may also introduce a guest but all intoxicating liquor supplied to the guest must be purchased by the resident.

Oriau agor y fangre

The opening hours of the premises

Opening Hours

Monday: 10.00 - 00.30

Tuesday: 10.00 - 00.30

Wednesday: 10.00 - 00.30

Thursday: 10.00 - 00.30

Friday: 10.00 - 00.30

Saturday: 10.00 - 00.30

Sunday: 10.00 - 00.30

New Year's Eve: Between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on New Year's Eve)

Lle mae'r drwydded yn awdurdodi cyflenwadau alcohol, a yw'r rhain yn gyflenwadau yn y fangre a/neu i ffwrdd o'r fangre
Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol-On the premises

Alcohol-Off the premises

Rhan 2/ Part 2

Enw, cyfeiriad (cofrestredig), rhif ffôn ac e-bost (lle'n berthnasol) deiliad trwydded mangre

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

The Crown at Pantygelli Limited

The Crown at Pantygelli

Old Hereford Road

Pantygelli

Abergavenny
Monmouthshire
NP7 7HR

Rhif cofrestredig y deiliad, er enghraifft rif cwmni, rhif elusen (lle'n berthnasol)
Registered number of holder, for example company number, charity number (where applicable): 15868922

Enw, cyfeiriad a rhif ffôn goruchwyliwr y fangre ddynodedig lle mae trwydded y fangre yn awdurdodi cyflenwi alcohol
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Nicholas Edward Clayton-Ford
The Crown at Pantygelli
Old Hereford Road
Pantygelli
Abergavenny
NP7 7HR

Rhif trwydded bersonol ac awdurdod cyhoeddi trwydded bersonol a ddellir gan oruchwyliwr mangre ddynodedig lle mae trwydded y fangre yn awdurdodi cyflenwi alcohol
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Holder Number : PLH1411
Issuing Authority : Monmouthshire County Council

Atodiad 1 - Amodau gorfodol

Annex 1 – Mandatory conditions

Mandatory Conditions – Supply of Alcohol

1 No supply of alcohol may be made under the premises licence:

- i) at a time when there is no designated premises supervisor in respect of the premises licence; or
- ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions – Security Activity

3 Where at specified times one or more individuals may be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority. For the purposes of this section:

- i) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies; and
- ii) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Conditions – Exhibition of a Film

4 The admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of a recommendation from the BBFC, the Licensing Authority. For the purposes of this section:

- i) "children" means persons aged under 18 years of age.

Mandatory Conditions – Supply of Alcohol for Consumption On The Premises

5 The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

8. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Mandatory conditions - The ban of the sale of alcohol below the cost of duty plus VAT

9. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Atodiad 2 – Amodau sy'n cydymffurfio gyda'r Atodlen Weithredu Annex 2 – Conditions consistent with the Operating Schedule

General - All Objectives

1. All staff will be suitably trained under the Licensing Act 2003.

Prevention of Crime and Disorder

2. A period of 30 minutes is allowed at the end of each period of permitted hours for the consumption of intoxicating liquor on the premises.
3. Not less than 7 days notice will be provided to the Police before an extension of regulated entertainment takes place for 'event days'.

Public Safety

4. Capacity limits will be adhered to in line with the Fire Service.

Prevention of Public Nuisance

5. No live music is permitted outside after 22.00hrs.
6. Music levels will be kept to a reasonable level after 23.00hrs.

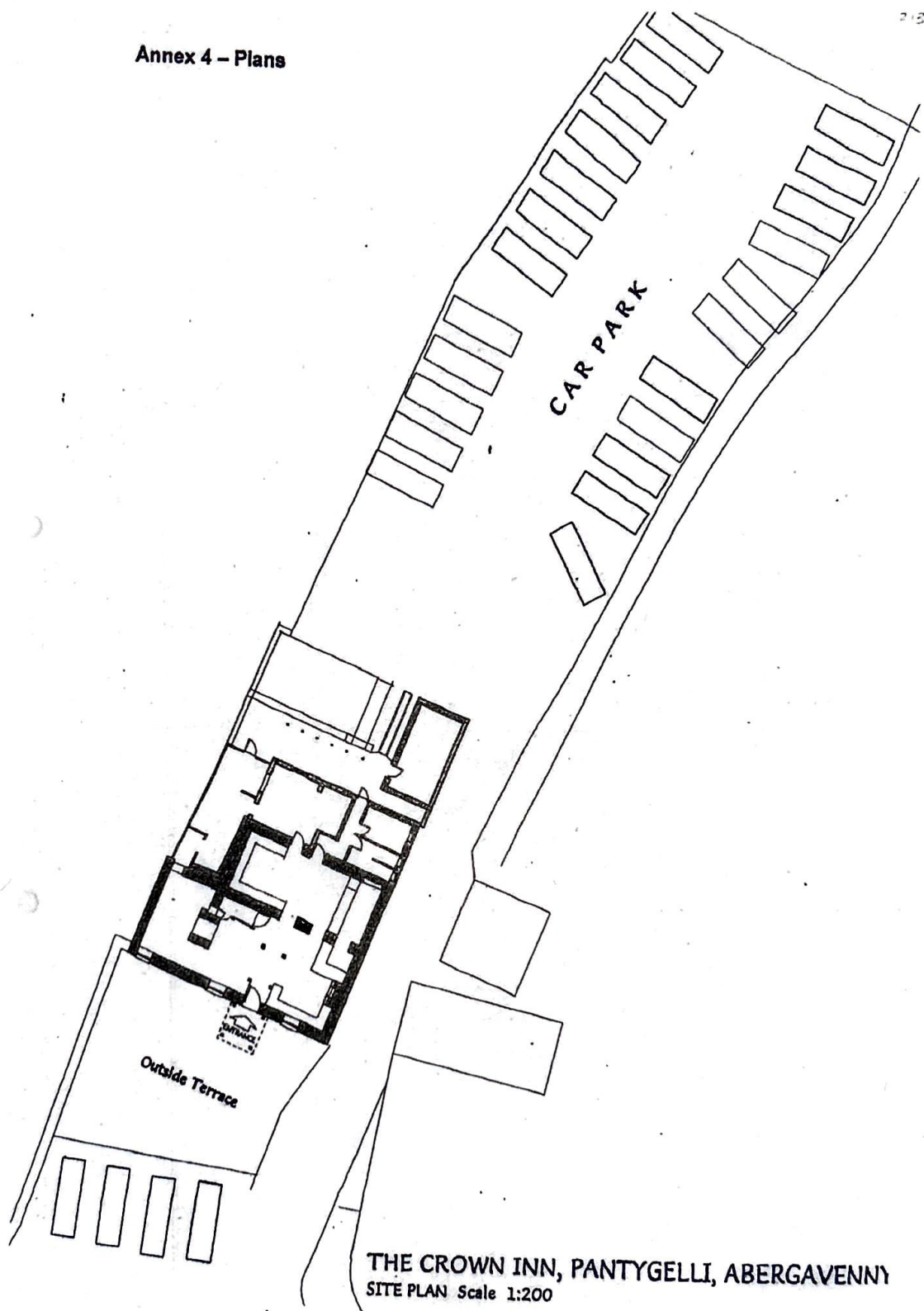
Atodiad 3 – Amodau a osodir ar ôl gwrandawriad gan yr awdurdod trwyddedu

Annex 3 – Conditions attached after a hearing by the licensing authority

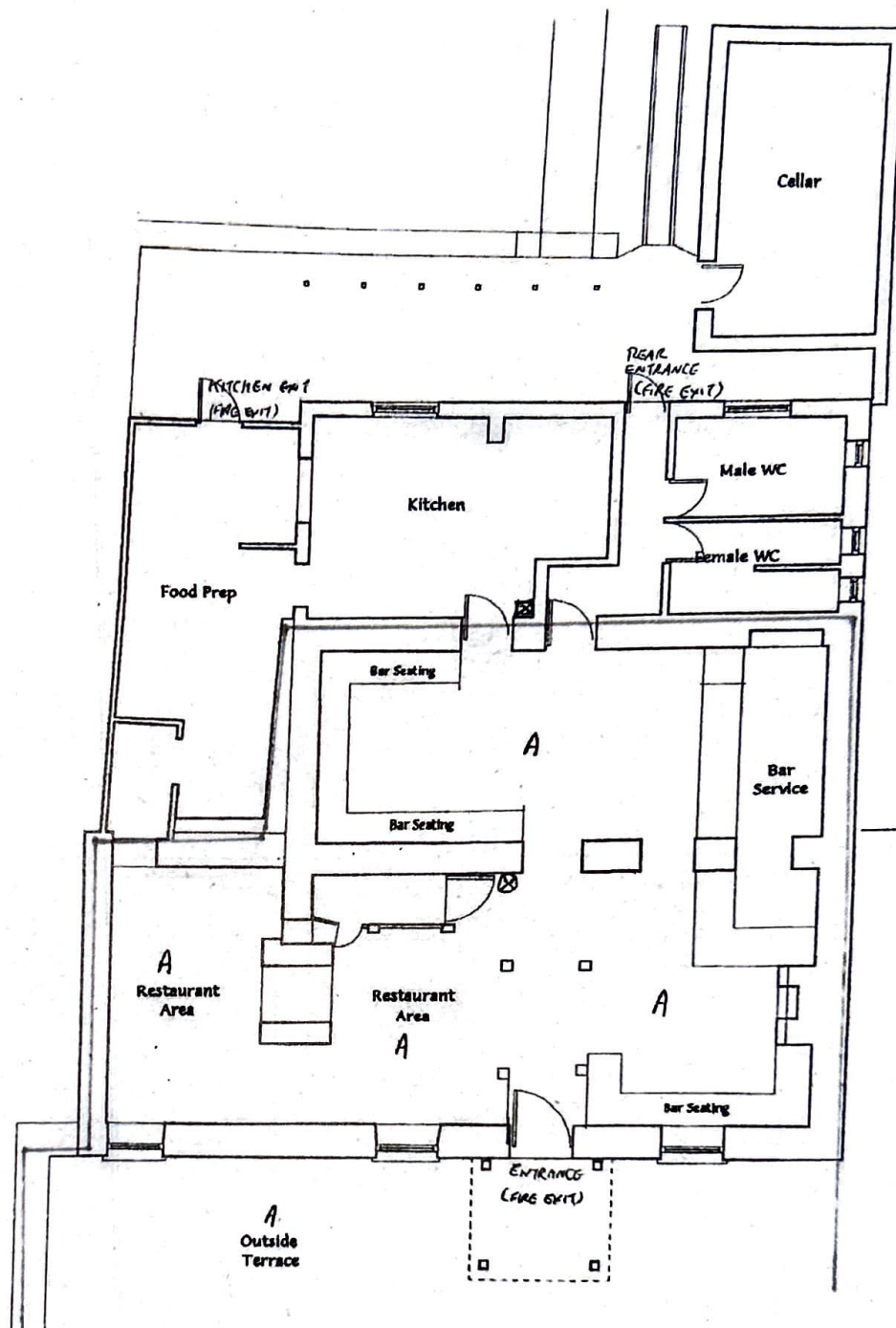
Not Applicable

Atodiad 4 – Cynlluniau
Annex 4 – Plans

Annex 4 – Plans

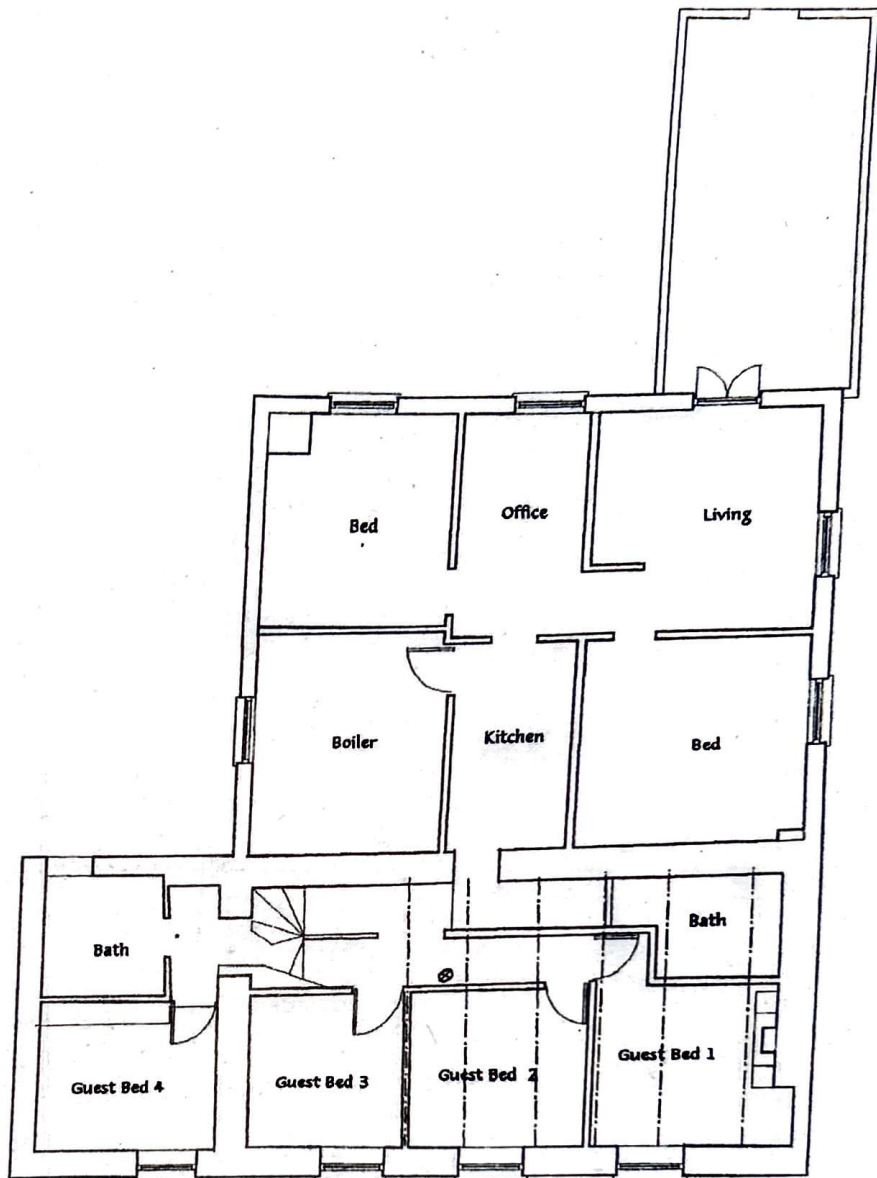


THE CROWN INN, PANTYGELLI, ABERGAVENNY
SITE PLAN Scale 1:200



THE CROWN INN, PANTYGELLI, ABERGAVENNY GROUND FLOOR PLAN Scale 1:100

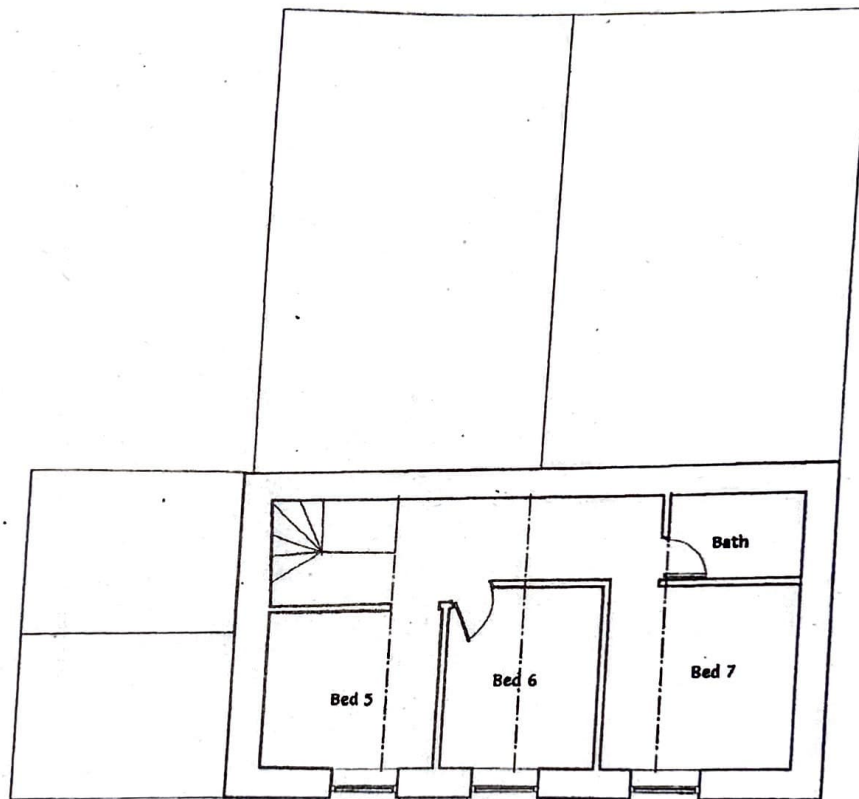
ALCOHOL SERVED IN AREAS MARKED 'A'
FIRE EXTINGUISHERS MARKED ⊗ - WATER. ⊗ - CO2 + FIRE BLANKET



THE CROWN INN, PANTYGELLI, ABERGAVENNY
FIRST FLOOR PLAN Scale 1:100

PRIVATE

FIRE EXTINGUISHER - ☉ - WATER.



THE CROWN INN, PANTYGELLI, ABERGAVENNY
SECOND FLOOR PLAN Scale 1:100
PRIVATE



ADRAN TRWYDDEDU SIR FYNWY, NEUADD Y SIR, Y RHADYR, BRYNBUGA NP15 1GA.
MONMOUTHSHIRE LICENSING SECTION, COUNTY HALL, THE RHADYR, USK NP15 1GA.

Rhan B/ Part B

Crynodeb trwydded mangre/ Premises licence summary

Rhif trwydded mangre Premises licence number	PRM213
Rhan A1 – Manylion y Fangre/ Part A1 – Premises Details	
Cyfeiriad post y fangre neu, os nad oes, cyfeirnod map arolwg ordnans neu ddlsgrifiad Postal address of premises or, if none, ordnance survey map reference or description The Crown at Pantygelli, Old Hereford Road, Pantygelli	
Tref bost/ Post town Abergavenny	Cod post/ Post code NP7 7HR
Rhif ffôn/ Telephone number	
Lle mae cyfyngiad amser ar y drwydded, y dyddiadau / Where the licence is time limited the dates: Dyddiad A Roddwyd/Date Granted: 24/11/2005, Dyddiad Cyhoeddi/ Issue Date: 20/09/2024	
Gweithgareddau y mae angen trwydded ar eu cyfer a awdurdodir gan y drwydded / Licensable activities authorised by the licence: Films; Indoor sporting events; Live Music; Recorded Music; Performances of Dance; Activity like music/dance; Late Night Refreshment; Supply of Alcohol, fel y nodir gydag ymyl goch ar y cynllun, a atodir gyda'r drwydded/ as indicated edged red on the plan attached to this licence.	
Yr amserau y mae'r drwydded yn awdurdodi cynnal gweithgareddau y mae angen trwydded ar eu cyfer / The times the licence authorises the carrying out of licensable activities Films: Monday-Sunday: 11.00 - 23.00, Bank Holidays: 11.00 - 24.00. On 30 occasions per annum providing 7 days notice is given to the Police: 11.00 - 24.00 Indoor Sports*, Live Music**, Recorded Music***, Performance of Dance****, Activity like Music/Dance: Monday-Sunday: 11.00 - 23.00, Bank Holidays: 11.00 - 24.00 On 30 occasions per annum providing 7 days notice is given to the Police: 11.00 - 24.00 *A licence is not required for indoor sporting events providing it takes place between 08.00hrs-23.00hrs and the audience do not exceed 1000 people. **A licence is not required for live music within the on-licence premises providing it takes place between 08.00hrs-23.00hrs and the audience do not exceed 500 people. ***A licence is not required for recorded music within the on-licence premises providing it takes place between 08.00hrs-23.00hrs and the audience do not exceed 500 people. ****A licence is not required for performance of dance providing it takes place between 08.00hrs-23.00hrs and the audience do not exceed 500 people. Late Night Refreshment: Monday-Sunday: 23.00 - 24.00 New Year's Eve: 23.00 - 05.00 (if permitted hours, if no permitted hours in the premises on that day, late night refreshment will be 23.00 - 00.30) Supply of Alcohol: Monday-Sunday: 11.00 - 24.00 New Years Eve: Between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on New Year's Eve) 1. Persons residing in the licensed premises may purchase and consume intoxicating liquor for 24 hours on the premises. The resident may also introduce a guest but all intoxicating liquor supplied to the guest must be purchased by the resident.	
Oriau agor y fangre/ The opening hours of the premises: Monday-Sunday: 10.00 - 00.30 New Years Eve: Between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on New Year's Eve)	
Lle mae'r drwydded yn awdurdodi cyflenwadau alcohol, a yw'r rhain yn gyflenwadau yn y fangre a/neu i ffwrdd o'r fangre / Where the licence authorises supplies of alcohol whether these are on and/or off premises: Alcohol-On the premises, Alcohol-Off the premises	
Enw, cyfeiriad (cofrestredig) deiliad trwydded mangre / Name, (registered) address of holder of premises licence: The Crown at Pantygelli Limited, The Crown at Pantygelli, Old Hereford Road, Pantygelli, Abergavenny, Monmouthshire NP7 7HR.	
Rhif cofrestredig y deiliad, er enghraifft rif cwmni, rhif elusen (lle'n berthnasol) Registered number of holder, for example company number, charity number (where applicable): 15868922	
Enw goruchwyliwr mangre ddynodedig lle mae trwydded y fangre yn awdurdodi cyflenwi alcohol / Name of designated premises supervisor where the premises licence authorises for the supply of alcohol: Mr Nicholas Edward Clayton-Ford	
Nodwch os yw mynediad plant i'r fangre wedi ei gyfyngu neu ei wahardd / State whether access to the premises by children is restricted or prohibited: Not Applicable	

Atodiad 1 - Amodau gorfodol
Annex 1 – Mandatory conditions

Mandatory Conditions – Supply of Alcohol

1 No supply of alcohol may be made under the premises licence:

- i) at a time when there is no designated premises supervisor in respect of the premises licence; or
- ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions – Security Activity

3 Where at specified times one or more individuals may be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority. For the purposes of this section:

- i) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies; and
- ii) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Conditions – Exhibition of a Film

4 The admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of a recommendation from the BBFC, the Licensing Authority. For the purposes of this section:

- i) "children" means persons aged under 18 years of age.

Mandatory Conditions – Supply of Alcohol for Consumption On The Premises

5 The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);.

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

8. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory conditions - The ban of the sale of alcohol below the cost of duty plus VAT

9. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

<p style="text-align: center;">MONMOUTHSHIRE COUNTY COUNCIL Public Protection</p>			
To:	Emma Watkins, Licensing Officer	Date:	5 th December 2024
From:	Huw Owen Principal Environmental Health Officer	Our Ref:	SR 88406
		Your Ref:	PRM213
		Tel. No.	01873 735433

APPLICATION NO: PRM213

APPLICATION TO VARY A PREMISES LICENCE: Licensing the lawn to the north of the property for marquee functions during spring and summer.

LOCATION: The Crown, Old Hereford Road, Pantygelli.

Thank you for this consultation which I have carefully considered.

I can advise that I have visited the premises and note that there are a number of residential properties in very close proximity to the lawn area on which the marquee is proposed for functions, including:

- Gelli Dawel, which shares a boundary with The Crown, approximately 70m from the lawn area.
- Y Gelynnen, approximately 90m from the lawn area.
- Walnut Tree Cottage, which shares a boundary with The Crown, approximately 100m from the lawn area.
- Halewood, Tal y bryn and Ty'r Efail, approximately 110m from the lawn area.
- Garden Cottage which shares a boundary with The Crown, approximately 130m from the lawn area.
- Upper House, approximately 200m from the lawn area.

The Crown currently has a licence for activities including live music, recorded music until 11pm and the supply of alcohol until midnight. I understand these activities would be extended to the lawn area if this variation application is granted.

Environmental Health has a role on behalf of the council for investigating complaints of noise nuisance having regard to the statutory nuisance provisions of the Environmental Protection Act 1990. Therefore my primary consideration for this application is licensing objective D 'the prevention of public nuisance'.

In this regard I must advise that I am concerned that very little detail has been provided by the applicant to assure this section that the nearby residents will not be significantly impacted by noise from the functions in the marquee if a licence is granted. In particular I am concerned regarding the potential for noise from:

- Music to impact on the nearby residents, when enjoying their garden areas and also inside their homes, particularly if windows / doors are open during summer evenings when background sound levels can be expected to be low given the rural location. The applicant provides that decibel levels will be monitored, but I am

concerned that music played in a marquee at a level customers would reasonably expect will inevitably be clearly audible and potentially causing significant impact at the nearby dwellings.

- Customers voices, again particularly during evening hours.
- Additional vehicle movements to / from the premises directly related to the marquee functions.

In view of these concerns, which in my opinion the applicant has not satisfactorily addressed in the information submitted, I must object to the grant of the licence variation under licensing objective D 'the prevention of public nuisance'.

In my opinion the application should be supported by an assessment of the noise impact of the proposals, in particular the matters I have identified above, with regard to the nearby residential accommodation. The report should include, if appropriate, measures to be taken to mitigate excess noise impact. The information should be prepared by a person with appropriate acoustic qualifications and with regard to relevant guidance.

I look forward to the opportunity to comment further in due course if this information is provided.

Regards



Huw Owen
Principal EHO
Public Protection

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

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

Name of the premises you are making a representation about	The Crown at Pantygelli (application PRM 213)
Address of the premises you are making a representation about	Hereford Road, Pantygelli, Abergavenny

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety		
To prevent public nuisance	YES	Please see the attached page
To protect children from harm		

Please suggest any conditions that could be added to license to remedy your representation or other suggestions you would like the Licensing Sub committee to take into account. **	Strict controls on the permitted levels of amplified music at the premises so that it is not audible beyond certain parameters; strict time cut offs and limits on length of time of amplified music to limit disturbance and limits on the frequency of outdoor amplified music.
--	---

Signed:

Date:30/12/24

(PRM 213 Crown at Pantygelli)(Houghton)

We are not direct neighbours of the Crown - indeed, we are a mile away across the valley as the crow flies. We are concerned about this application because of our experience in the past 18 months.

There has been live music outside the Crown on a number of Sunday afternoons. Despite the distance, the music carries straight across the valley. We have had cause to raise this with the landlords more than once in the past year when we have been able to clearly hear not just background music but individual lyrics, guitar and keyboard notes in our garden and on a couple of occasions, inside our house, to the point where we have had to close windows on a hot summer's day. The landlords acknowledged our concerns and we were assured by them that they had tried to take action to try and mitigate the sound transfer, for which we are grateful. Even at a slightly reduced level the music remains very noticeable in what would otherwise be a quiet rural area, and it very much affects our enjoyment of our home. However, the Crown has for many years been our local pub and we don't want to fall out with the landlords so we have tolerated the Sunday music for the most part, telling ourselves that it is not every week and is usually for a few hours (late afternoon till early evening).

This current application seems to represent a potentially huge increase in noise levels, occurrence and duration through spring and summer - the times when we all want to be outside enjoying our gardens and have the doors and windows of our houses open. We understand from the Crown's Facebook page that the intention is to host weddings. While we are sure that they would make splendid event hosts, we are obviously concerned that the volume of music required for a wedding or similar event would be considerably louder than the current Sunday afternoon music, for far longer periods and late into the night, and thus that it is inevitable that we will be even more detrimentally affected than has been the case up to now.

Being so far away we really feel that it is unreasonable for us to be affected at all by noise nuisance from the premises. To our knowledge the pub has never held regular live outdoor music until now. We understand the landlords' desire to do whatever they can to enhance their business and applaud their flair for hospitality in a climate where others are failing; it genuinely saddens us to be in a position where something comes between us and a pub that we are very fond of. However, we feel compelled to protect our own right to enjoyment of our property, which we know from experience is compromised by high volume music from the pub premises.

NOTES

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

Monmouthshire Licensing Section
County Hall
Usk
Monmouthshire
NP15 1GA

Or:

Licensing@monmouthshire.gov.uk

This page is intentionally left blank

2. The licensing objectives

Crime and disorder

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

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.
- 2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:
- Putting alcohol into someone's drink without their knowledge or permission
 - Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
 - Injecting another person with prescription or illegal drugs without their knowledge or permission
 - Putting prescription or illegal drugs into another person's food without their knowledge or permission
 - Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

Public safety

- 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);

- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.
- 2.11 Counter terrorism and public safety
- 2.12 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.
- 2.13 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.
- 2.14 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
- 2.15 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

Ensuring safe departure of those using the premises

- 2.16 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

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

Safe capacities

- 2.18 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.19 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.20 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling

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

entertainment.

Public nuisance

- 2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.23 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.24 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise

emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.26 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.28 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.29 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.30 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism,

or entertainment involving strong and offensive language.

- 2.31 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.32 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.33 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.34 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.35 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.36 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the

licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.37 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.38 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

This page is intentionally left blank