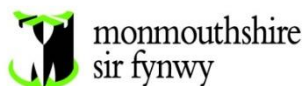


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Tuesday, 4 March 2025

Notice of meeting

Licensing and Regulatory Sub Committee

Wednesday, 12th March, 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	1 - 68
2.	Declaration of Interests	
3.	Application to vary a Premises Licence - 57 Bridge Street, Usk	

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 Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru

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Watch this meeting online

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Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

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 – 57 Bridge Street, Usk
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing & Regulatory Sub-Committee
COMMITTEE DATE:	12th March 2025
WARDS AFFECTED:	Usk

1. PURPOSE:

To consider an application to vary the premises licence under the Licensing Act 2003 for 57 Bridge Street, Usk. A copy of the application and plan is attached as Appendix A and a copy of the current premises licence is attached as Appendix A (ii).

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 An application to vary the premises licence under the Licensing Act 2003 was received from Mr Clive Jones for 57 Bridge Street, Usk on the 19th December 2024 for the following:

Current Licence	Proposed Licence
Recorded Music Monday-Sunday: 09.00 - 22.00 Supply of Alcohol Monday-Sunday: 09.00 - 22.00 Opening Hours Monday-Sunday: 09.00 - 22.30	Live Music, Recorded Music (inside and outside) Supply of Alcohol (on and off sales) Sunday-Wednesday: 09:00hrs – 24:00hrs Thursday-Saturday: 09:00hrs-02:00hrs New Years Eve: 09.00hrs – 02:00hrs Late Night Refreshment Sunday – Wednesday: 23:00hrs – 24:00hrs Thursday – Saturday: 23:00hrs – 02:00hrs Christmas Eve, New Years Eve, and New Years Day – 10:00 – 00:45 Opening Hours Sunday-Wednesday: 09:00hrs– 24:00hrs Thursday-Saturday: 09:00hrs-02:00hrs

- 3.2 A map of where the premises is located within Usk and the surrounding area can be viewed as Appendix B.
- 3.3 The applicant has stated the following in addition to the current conditions on their premises licence when asked in the application to describe the steps intended to take to promote the licensing objectives:

General

No selling of alcohol to underage people, No drunk and disorderly disorder on the premises; vigilance of preventing the use and sale of illegal drugs, no violent and antisocial behaviour, no harm to children

The Prevention of Crime and Disorder

CCTV coverage with recording abilities, Clear warnings of potential criminal activity such as theft which may target customers to be displayed

Public Safety

All staff trained on Fire Safety, Statutory log books on premises with recorded information, All parts of the premises kept in good order and safe condition. Appropriate lighting to promote public safety

Prevention of Public Nuisance

Promote the use of onsite parking, Prominent signage displayed at exits requesting the public to respect the needs of nearby residents and to leave quietly, similarly with any staff entering/exiting the premises, deliveries to be co-ordinated at times/manner so as to reduce and where possible avoid any nuisance to nearby residents. Any bright lights outside the premises to be positioned in such a way as to not cause a nuisance or disturbance to local residents, adequate waste bins for customers in local vicinity.

Protection of Children from Harm

The premises operates a challenge 25 policy -staff trained. Children accompanied by adults after 17:00hrs.

- 3.4 The licence is already subject to mandatory conditions contained in their licence in Appendix A(ii), page 3. The mandatory conditions will still apply to the variation application should it be granted. If the licence is not granted the current licence will still be retained.
- 3.5 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.

3.6 After discussing the application with the applicant it was noted that the outside area of the premises had not been included within the application that was submitted on the 19th December 2024 and therefore the application was re-submitted on the 15th January 2025 including the rear outside area of the premises and the 28 day consultation began again and the above in 3.5 was carried out.

3.7 Representations were received by Gwent Police, who objected to the application against the licensing objectives, namely prevention of crime & disorder, prevention of public nuisance, public safety and the protection of children from harm. The full representations made by Gwent Police and agreed by the applicant are attached as Appendix C

In addition to the conditions Gwent Police also proposed to reduce the hours which the applicant agreed to as follows:

Sale of Alcohol and other licensable activities:

Sunday – Monday: 10.00hrs – 23.30hrs,

Thursday-Saturday: 10:00hrs -00:45hrs

Late Night Refreshment:

Sunday-Monday: 23:00hrs – 24:00hrs

Thursday-Saturday: 23:00hrs – 00:45hrs

Opening hours:

Sunday-Monday: 09:00hrs – 24:00hrs,

Thursday-Saturday: 09:00hrs – 01:15hrs

3.7 Representations were also made by Environmental Health and agreed by the applicant and are as follows:

Indoor music

Monday- Sunday - live music 09:00- 23:00

Sunday-Wednesday – recorded music 09:00-23:00

Thursday-Saturday- live music 09:00-23:00

Thursday-Saturday – recorded music until 00:00

Christmas Eve, New Years Eve, and New Years Day recorded music until 00:45

Outdoor music

Monday -Sunday live and recorded music 09:00-23:00

Conditions- to be added in addition to the applicant's proposed conditions

1. Doors and windows will be kept closed when regulated entertainment takes place.
2. A noise management plan detailing appropriate controls to prevent unreasonable noise disturbance to nearby properties shall be retained at the premises and shall be reviewed every 12 months

3.8 Representations were also received from other persons and they are attached as Appendix D. The following is an overview of the representations received in relation to the Licensing Act 2003:

- Noise issues from the rear area of the premises from customers consuming alcohol
- May increase the possibility of public nuisance

Part of the representations received were against the marquee and the lack of planning permission. The planning department were contacted and the following was received:

In respect of Planning legislation, the marquee has been in place for over four years – the four year threshold provides immunity from enforcement action under the Town & Country Planning Act 1990 rather than the seven years you have mentioned.

When the planning permission was granted under DM/2018/00802 the approval related to an A1, A2 or A3 use (the A3 class in Wales would include a café, restaurant or public house use and does not distinguish between any of those forms of business) for *all of the planning unit* within the application site, including the building and its curtilage/ associated car park. The land associated with the building – i.e. car park, service yard or garden that - is within the application site could therefore be used at a later date as a beer garden or outside seating area for customers without the need for further planning permission for a change of use.

The above planning application would have been determined in accordance with the policies set out in the adopted Local Development Plan (LDP). The property in question is in a Central Shopping Area within which Policy RET2 – Central Shopping Areas, promotes A1, A2 and A3 uses to maintain the vitality, attractiveness and viability of such centres.

Having said this, the Council's Heritage Team has written to the business owner of no. 57 to advise that the marquee needs listed building consent (that is a separate consent process to planning permission) regardless of the passage of time that affects the planning position. We are awaiting a response from the owner in respect of their intentions to resolve this issue

- 3.9 Due to the representations received from the other persons the applicant decided on the 11th February 2025 to remove from the application Live and Recorded Music making the application for alcohol sales and late night refreshment only.

Sale of Alcohol:

Sunday – Monday: 10.00hrs – 23.30hrs,

Thursday-Saturday: 10:00hrs -00:45hrs

Late Night Refreshment:

Sunday-Monday: 23:00hrs – 24:00hrs

Thursday-Saturday: 23:00hrs – 01:45hrs

Opening hours:

Sunday-Monday: 09:00hrs – 24:00hrs,

Thursday-Saturday: 09:00hrs – 01:15hrs

However, the Live Music Act (The Act) 2012 came into force on 1st October 2012 and deregulates live music, allowing the playing of live music indoors and outdoors and the playing of recorded music indoors between the hours of 8am and 11pm without it being mentioned on the licence.

Please see Appendix E showing an overview of circumstances in which entertainment activities are not licensable from the Revised Guidance issued under Section 182 of the Licensing Act 2003 (February 2025).

- 3.10 The persons that made the representations were informed and asked if they would now remove their representations as the variation application is now for the extension of alcohol sales and Late Night Refreshment only and they declined.
- 3.11 The applicant then made the decision on the 12th February 2025 to remove the outside area from the application and again the persons who made representations were informed and again they declined to remove their representations.

The final application being submitted is for the following:

Sale of Alcohol:

Sunday – Monday: 10.00hrs – 23.30hrs,

Thursday-Saturday: 10:00hrs -00:45hrs

Late Night Refreshment:

Sunday-Monday: 23:00hrs – 24:00hrs

Thursday-Saturday: 23:00hrs – 01:45hrs

Opening hours:

Sunday-Monday: 09:00hrs – 24:00hrs,

Thursday-Saturday: 09:00hrs – 01:15hrs

The conditions agreed with the Police will also form part of the application along with the following conditions from Environmental Health which due to regulated entertainment being withdrawn does not now include hours for Live/Recorded Music. As outlined in Appendix E the following conditions do not come into effect between the hours of 8am and 11pm:

- Doors and windows will be kept closed when regulated entertainment takes place.
- A noise management plan detailing appropriate controls to prevent unreasonable noise disturbance to nearby properties shall be retained at the premises and shall be reviewed every 12 months

- 3.12 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.

- 3.13 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 F)

- 3.14 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 9.9 of the Guidance it also recommends that in borderline cases the benefit of the doubt about any aspect of a representation should be given to that person making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 4.4 In section 13.10 of the Guidance issued under Section 182. It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority’s statement of policy and this Guidance.
- 4.5 Monmouthshire County Council’s Policy 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.

Subject to case law the Licensing Authority interprets ‘public nuisance’ in its 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 behaviour 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, Immigration and the following departments from Monmouthshire County Council, namely, Environmental Health, Social Services, Planning, Trading Standards, Licensing and the Local Health Board

7. BACKGROUND PAPERS:

Licensing Act 2003 - [Licensing Act 2003 \(legislation.gov.uk\)](https://www.gov.uk/legislation/2003/2003-01-23-licensing-act)

Guidance issued under Section 182 of the Licensing Act 2003 dated February 2025
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

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

8. AUTHOR:

Samantha Winn
 Licensing Officer

CONTACT DETAILS:

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Email: samanthawinn@monmouthshire.gov.uk

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**Monmouthshire Licensing Section, County Hall, The Rhadyr, Usk,
Monmouthshire, NP15 1GA**

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PRM208
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 57 BRIDGE STREET
--

Post town	USK
-----------	-----

Postcode	NP15 1BQ
----------	----------

Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	£13,500
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Part 2 – Applicant details

Daytime contact telephone number	01633 865043		
E-mail address (optional)	clivejones@southernlinings.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?
Yes



☐
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Extend hours of current Premises Licence to be able to trade later, particularly for events/functions for which we currently have to apply for TENs.

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

No

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☒

Provision of late night refreshment (if ticking yes, fill in box I) ☒

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Wed			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			
Tue			<u>Please give further details here (please read guidance note 5)</u>
Wed			
Thur			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>
Fri			
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Sun			

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here (please read guidance note 5)</u> Occasionally during daytimes we may require live singers and also at specific events/functions		
Mon	0900	2400			
Tue	0900	2400			
Wed	0900	2400			
Thur	0900	0200	<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Fri	0900	0200			
Sat	0900	0200			
Sun	0900	2400			
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u> New Year's Eve.0900-0200		

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here (please read guidance note 5)</u> Background music throughout the day/evening. Also in the case of events/functions and special days when DJ's or live singers may be used.		
Mon	0900	2400			
Tue	0900	2400	<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Wed	0900	2400			
Thur	0900	0200	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u> NEW YEARS EVE 0900- 0200		
Fri	0900	0200			
Sat	0900	0200			
Sun	0900	2400			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors <input checked="" type="checkbox"/>
Mon	0900	2400		Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Tue	0900	2400	Please give further details here (please read guidance note 5) Any events/functions which are not covered by previous descriptions	
Wed	0900	2400		
Thur	0900	0200	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)	
Fri	0900	0200		
Sat	0900	0200	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7) NEW YEARS EVE 0900-0200	
Sun	0900	2400		

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) Ability to provide late night refreshments during specific events/functions		
Mon	0900	2400			
Tue	0900	2400			
Wed	0900	2400	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	0900	0200			
Fri	0900	0200			
Sat	0900	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) NEW YEARS EVE 0900-0200		
Sun	0900	2400			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	0900	2400			
Tue	0900	2400			
Wed	0900	2400			
Thur	0900	0200			
Fri	0900	0200			
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) NEW YEAR'S EVE 0900-0200		
Sat	0900	0200			
Sun	0900	2400			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	0900	2400	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</p> <p>New Year's Eve.0900-0200</p>
Tue	0900	2400	
Wed	0900	2400	
Thur	0900	0200	
Fri	0900	0200	
Sat	0900	0200	
Sun	0900	2400	

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

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☐
☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

CURRENT LICENCE ON DISPLAY AT PREMISES

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

No selling of alcohol to underage people; No drunk and disorderly behaviour on premises; vigilance in preventing the use and sale of illegal drugs; no violent and anti social behaviour; no harm to children

b) The prevention of crime and disorder

CCTV Coverage with recording abilities. Clear warnings of potential criminal activity such as theft which may target customers to be displayed.

c) Public safety

All staff trained in fire safety. Statutory log books on premises with recorded information. All parts of the premises kept in good order and safe condition. Appropriate lighting to promote public safety.

d) The prevention of public nuisance

Promote the use of on site parking ; Prominent signage displayed at exits requesting the public to respect the needs of nearby residents and leave quietly- similarly with any staff entering/exiting the premises. Deliveries to be co-ordinated at times/manner so as to reduce and where possible avoid any nuisance to nearby residents. Any bright lighting outside premises to be positioned in such a way as not to cause a nuisance or disturbance to local residents. Adequate waste bins for customers in local vicinity.

e) The protection of children from harm

The premises operates a 'challenge 25' policy - staff trained; children accompanied by adult after 1700hrs.



Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	Premises Licence Holder.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



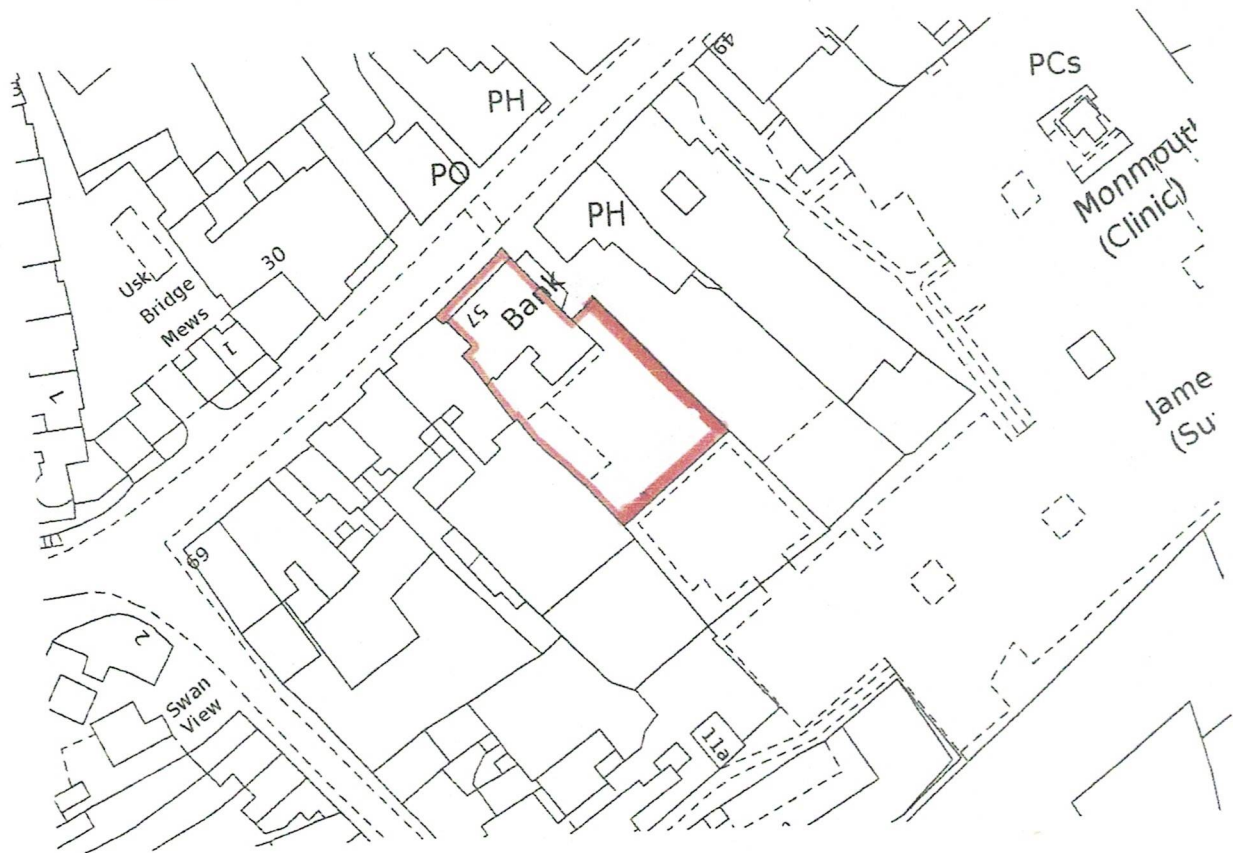
- Kitchen Food
- Bar
- Storage Cont
- Area Inside to
- Area Outside
- Deli Counter
- Public WCs
- Staff Room &
- Premises to b



C W ARC

Grade whole
area green
and designate
public WCs
licence plan

57 BRIDGE STREET, USK



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ADRAN TRWYDDEDU SIR FYNWY,
NEUADD Y SIR, Y RHADYR, BRYNBUGA NP15 1GA.

MONMOUTHSHIRE LICENSING SECTION,
COUNTY HALL, THE RHADYR, USK NP15 1GA.

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

Rhif trwydded mangre
Premises licence number

PRM208

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

57 Bridge Street
Usk
Monmouthshire

**Tref bost/
Post town**

**Cod post/
Post code**

NP15 1BQ

**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: 13/09/2018
Dyddiad Cyhoeddi/ Issue Date: 13/11/2024

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

Recorded Music; 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

Recorded Music*
Monday: 09.00 - 22.00
Tuesday: 09.00 - 22.00
Wednesday: 09.00 - 22.00
Thursday: 09.00 - 22.00
Friday: 09.00 - 22.00
Saturday: 09.00 - 22.00
Sunday: 09.00 - 22.00

*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.

Supply of Alcohol
Monday: 09.00 - 22.00
Tuesday: 09.00 - 22.00
Wednesday: 09.00 - 22.00
Thursday: 09.00 - 22.00
Friday: 09.00 - 22.00

Saturday:09.00 - 22.00
Sunday:09.00 - 22.00

Oriau agor y fangre
The opening hours of the premises

Opening Hours
Monday:09.00 - 22.30
Tuesday:09.00 - 22.30
Wednesday:09.00 - 22.30
Thursday:09.00 - 22.30
Friday:09.00 - 22.30
Saturday:09.00 - 22.30
Sunday:09.00 - 22.30

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

Mr Clive Jones
Kensington Cottage
Llanbadoc
Usk
NP15 1TE

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)

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

Rhif trwydded bersonol ac awdurdod cyhoeddi trwydded bersonol a ddelir 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 : PA1098
Issuing Authority : Torfaen County Borough 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 trained so they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to
 - a) No selling of alcohol to underage people
 - b) no drunk and disorderly behaviour on the premises
 - c) vigilance in preventing the use and sale of illegal drugs
 - d) no violent and anti-social behaviour
 - e) no harm to children.

Prevention of Crime and Disorder

2. CCTV cameras shall be in place which record all licensed areas of the premises. CCTV shall be operational at all times when the premise is trading. All recordings shall be retained for a minimum of 28 days and shall be made available to an authorised person upon request.
3. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Public Safety

4. All staff will be trained in the fire safety procedures and risk assessments taken place on the building.
5. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
6. All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.
7. Internal and external lighting fixed at the premises to promote the public safety objective.

Prevention of Public Nuisance

8. The premises will promote the car park at the rear of the premises for customer use, along with notices advising customers not to park in residents' driveways and not to block the highway.
9. Prominent, clear and legible notices will be displayed at all

exits requesting the public to respect the needs of nearby residents to leave the premises and the area quietly.

10. Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

11. The Deli will only use light background music within the area and will not be loud.

12. The Licensee will ensure the staff who arrive early morning or depart late at night when the business has ceased trading to conduct themselves in such a manner to avoid causing disturbance to nearby residents.

13. Bright lights on or outside the premises will be positioned in such a way so as to not cause a disturbance to nearby residents.

14. Adequate waste receptacles for use by customers will be provided in the local vicinity.

Protection of Children

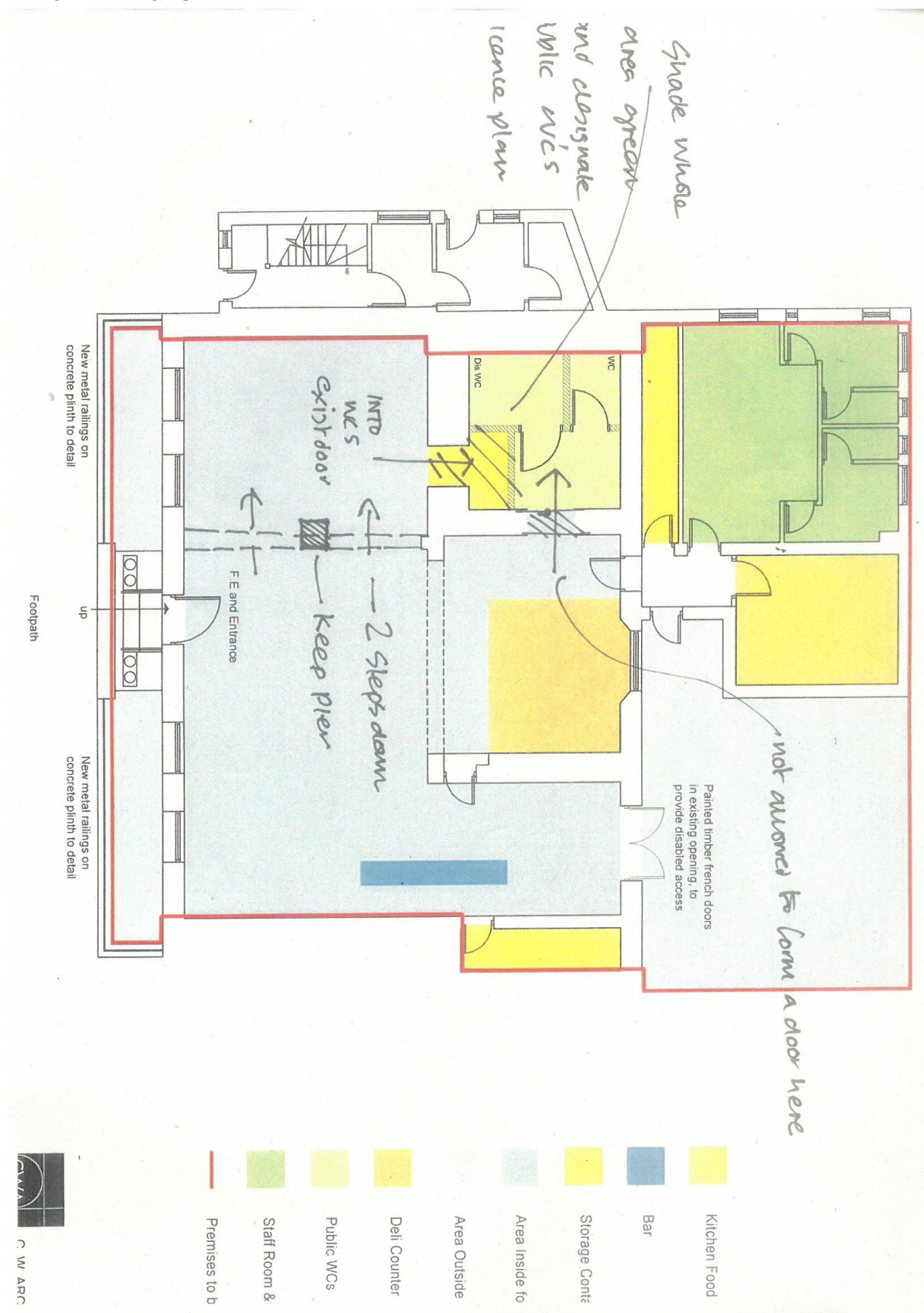
15. The premises operates a 'Challenge 25' policy and all persons who appear to be under 25years old will be asked to produce identification to verify their age. All staff will be suitably trained on this policy.

16. Children must be accompanied by an adult after 17.00hrs.

**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



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

PRM208

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

Cyfeiriad post y fangre neu, os nad oes, cyfeirnod map arolwg ordnans neu ddisgrifiad Postal address of premises or, if none, ordnance survey map reference or description 57 Bridge Street Usk Monmouthshire	
Tref bost/ Post town	Cod post/ Post code NP15 1BQ
Rhif ffôn/ Telephone number	
Lle mae cyfyngiad amser ar y drwydded, y dyddiadau / Where the licence is time limited the dates Dyddiad A Roddwyd/DateGranted: 13/09/2018 Dyddiad Cyhoeddi/ Issue Date: 13/11/2024	
Gweithgareddau y mae angen trwydded ar eu cyfer a awdurdodir gan y drwydded / Licensable activities authorised by the licence Recorded Music;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 Recorded Music* Monday-Sunday:09.00 - 22.00 *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. Supply of Alcohol Monday-Sunday:09.00 - 22.00	
Oriau agor y fangre/ The opening hours of the premises Monday-Sunday:09.00 - 22.30	
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	
Enw, cyfeiriad (cofrestredig) deiliad trwydded mangre / Name, (registered) address of holder of premises licence: Mr Clive Jones, Kensington Cottage, Llanbadoc, Usk, NP15 1TE	
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)	
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:	
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: Children must be accompanied by an adult after 17.00hrs.	

The applicant already has already suggested conditions to promote the four licensing objectives. Gwent Police would advocate the re-wording of some of the proposed conditions and advocate a small number of additional conditions that would support the applicant in the promotion of the licensing objectives.

General

The premises must implement Fully documented staff training, to include training on the Premises Licence conditions as well as the premises' Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, refreshers at a minimum every 6 months and full training annually. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them. This can be made for inspection by any Responsible Authority under the Licensing Act 2003. All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in proxy sales and how to refuse sales to difficult customers.

Safeguarding training should also be undertaken with all staff. Training should be clearly documented, signed and dated by both the trainer and member of staff receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable. These records shall be kept for a minimum of 12 months

(viii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during operating hours.

The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation.

This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. These records shall be kept for a minimum of 12 months.

Staff are to contact police immediately if they feel anyone under the influence of alcohol or over the prescribed limit would be likely to then drive away from the premises.

Prevention of Crime and Disorder

CCTV shall be in use at the premises.

- (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully
- (ii) operational by the day the licence is granted.

Full coverage of all licensable areas.

- (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;
- (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
- (iv) The correct time and date will be generated onto both the recording and the real time image screen;
- (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
- (vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable.
- (vii) The system shall also record clear images permitting the identification of individuals.

Public Safety

Clear notices displayed at entry/exit points where customers leave the premises must instruct them to respect the needs of local residents and leave the premises and the area quietly.

Rowdy and/or disorderly customers will be asked to leave the premises

Staff shall ensure that any glass bottles or glasses are removed from persons leaving the premises.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport

(ii) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

No person under 18 shall be allowed entry alone after 21:00 on any day.

Prevention of Public Nuisance

Clear notices displayed at entry/exit points where customers leave the premises must instruct them to respect the needs of local residents and leave the premises and the area quietly.

Rowdy and/or disorderly customers will be asked to leave the premise

Staff shall ensure that any glass bottles or glasses are removed from persons leaving the premises.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

Protection of Children from harm

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to

any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport

(ii) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

No person under 18 shall be allowed entry alone after 21:00 on any day.

Representations received

No.1 New Market Street, Usk NP15 1AU

We don't have an issue with the sale of alcohol within the limits of the building other than the fact that extending of hours brings with it the extending of noise from the Marquee, which you point out, is not Licensable.

Our original Representation should not be put forward as it has been superseded by events.

We agree that, in Licensing terms, the applicant has moved significantly from the original request.

We feel that we are limited in the options we have to register the impact of noise on the neighbourhood, apart from complaints to Environmental Health as and when events occur. This Licensing Variation presents us with an opportunity to do so.

Prior to the current Licensing Application, there have been some issues for us with the level of noise nuisance from events being held at the venue on a few nights around Christmas over a few years. We appreciate that the current owners have not been responsible for all of these.

Until now, we have made no complaints as we have been trying to be 'good neighbours' and allow people to run their businesses. However, we understand that any variation to the hours inside the building will also entail an increase to the hours when people are consuming the drinks outside the building, including the Marquee area. So, an increase in the hours where alcohol is served brings with it an increase in the potential for disturbance.

We appreciate that any amplified music played should finish by 23.00 and that the Licence Variation does not affect the times to which music can be played, but rather the sales of alcohol, inside the building.

However, any customer noise in the outside area/Marquee carries easily, as it has no sound mitigation or muffling to restrict the noise levels. Residents have no option but to endure it to the detriment of their enjoyment of their own spaces.

Key issues of concern for us would be:

- The plan attached to the Licensing application doesn't include the Marquee, as it relates only to alcohol sales inside the building; However, consumption will take place in the outside/Marquee. We are unsure whether there is any planning permission granted for this structure, as we have been unable to find it. The last Approved Planning Decision was for the erection of a lean-to canopy in 2020. (Ref: DM/2020/01732)

- As mentioned above, the location for many customers, the bands and music systems is in the marquee. There is no soundproofing and the noise travels further and at higher volumes than if it was contained within a building. Because of the nature of the venue and the lack of any buildings in between, noise easily travels to affect the neighbourhood.
- The noise level causes a direct nuisance and has a considerable negative effect on people living in the area. Any increase in the number of days where there is a noise nuisance due to later hours would have a real and significant impact on the mental health and wellbeing of residents.

No.2 Uskbridge Mews , Bridge Street, Usk

I wish to object to the application from 57 Bridge Street for a variation to extend the hours of the existing licence in respect of the playing of live and recorded music and the supply of alcohol and other

refreshments.

My objection is based on my concern that this new licence may increase the possibility of public nuisance for the nearby dwellings , mine included.

I haven't minded the occasional event with amplified music incorporated into proceedings , albeit that it might be somewhat intrusive at times. The relative infrequency of such events and the existing

restrictions on the hours during which music can be played are factors not to be ignored.

On occasion there are incidents of what might be called ribald behaviour, when at the end of an evening licenced premises along Bridge Street disgorge their customers into the street. Groups of drinkers sometimes carouse along or even into the road disturbing the residents whilst also putting themselves in harms' way.

The possibility that such events could in theory take place every evening and run on into the early hours of the following morning I find distressing . I enjoy a visit to the pub as much as the next man but surely given that research has shown a link between the availability of alcohol, on the amount consumed and the harm associated therewith I do not believe that increasing licensing hours is what society needs.

I urge the Licensing Authority to consider the negative impact of this application on the well being of local residents and the community at large.

No.3 New Market Street, Usk NP151AU

Our home of 30 years directly abuts the boundary of 55-57 Bridge Street (57) Our occupation is multigenerational as my mother-in-law lives in part of the house and our one-year-old grandson stays with us regularly. We set out below our objections

to the change of the existing licence, when the licence was granted the use of the building was as per the planning permission which was granted in July 2018. The use was set out in the planning permission as a Deli counter, for food customers to take away a small restaurant serving morning coffees, light lunches, and early light meals, a retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music, and a finish time of 22.00.

The outside area was a dedicated car park not a beer garden or anything ancillary to the building apart from a car park. In February 2012 a further planning was granted for the erection of a single storey lean-to canopy to the rear elevation. No planning has been obtained for the marquee or change of use of the car park to beer garden. This is very relevant when considering the new licence which will have to take into consideration Licensing Act 2012 which allows especially as the act will allow Alcohol to be sold and music played as a non-licensable use within a beer garden between the hours of 8am and 11pm. The car park has never had a change of use to a beer garden so being not licensable due to the so called "workplace" exemption under the Act should not apply, and by allowing the licence this would go against the spirit of the planning permission and could be considered a change which would be open to a judicial review.

This use relates to the use class within the planning permission of A1, A2, and A3. When we moved into our house the premises use was a bank, we did not object to the proposed change of use as this use related specifically to the building not the car park as mentioned above, Our home of 30 years directly abuts the boundary of 55-57 Bridge Street (57) Our occupation is multigenerational as my mother-in-law lives in part of the house and our one-year-old grandson stays with us regularly. We set out below our objections to the change of the existing licence, when the licence was granted the use of the building was as per the planning permission which was granted in July 2018. The use was set out in the planning permission as a Deli counter, for food customers to take away a small restaurant serving morning coffees, light lunches, and early light meals, a retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music, and a finish time of 22.00.

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This use relates to the use class within the planning permission of A1, A2, and A3. When we moved into our house the premises use was a bank, we did not object to the proposed change of use as this use related specifically to the building not the car park as mentioned above, In the planning officers report he specifically mentioned that the car park should be for the use of the customers not a beer garden or area for a Marquee This new licence not only covers the building but the car park to the rear and Marquee. If granted it would enable the applicant to erect a bar on the car park and drinking with the associated disturbance seven days a week with customers in the car park area until 00.00 Monday, Wednesday, and Sundays and 1.15 on Thursdays, Fridays and Saturdays. As mentioned the car park does not have planning for a beer garden I note that one does not necessarily need separate planning to use land for a beer garden, however the moment one wants to put anything on the land whether it be tables, chairs signs parasols smoking shelter you are required to obtain planning. The Marquee also does to have planning and if in place for more than 28 days will also require planning. I have been told by the licensing officer that these planning objections will not be taken into account when considering the licence but to me they are very relevant as I cannot see how a licence can be granted if legally the area does not allow the use

I have also been advised that other establishments have similar hours to those being requested this may be the case, but the activity does not take place in an open car park in an uninsulated marquee. In fact, the licence granted for the Mad Platter allows live music but only if the windows and doors are shut. I mention this as by granting the proposed licence this will also encourage late night drinking which due to the nature of the car park will basically be in the open air which due to the proximity to our property would affect its use. If the licence covers the building only this would not be the case.

If approved, the variation would enable the Premise to sell late-night refreshments, **including alcohol, indoors and outdoors** (in the marquee), on:

- Sunday to Wednesday from **9am until 23.30pm**
- Thursday to Saturday, Christmas Eve, New Years Eve and New Years Day from **9am to 00.45am**
- If approved, under the live Music Act 2012 this would remove the licensing requirement for live and recorded music and where There is a premises licence or club premises certificate in place permitting 'on sales'
- The premises are open for the sale or supply of alcohol for consumption on the premises
- Live or recorded music is taking place between 8am and 11pm
- If the music is amplified live music or recorded music (e.g., DJs or a disco for example), the audience consists of no more than 500 people

We strongly object to the proposal to change the licence enabling the sale of selling alcohol within the car park and marquee.

Which would affect the quiet enjoyment of our property.

- 1) The rear of 57 is in a residential location with houses and flats in close proximity.
- 2) We live in as do others in the area in listed buildings (one of the oldest in Usk) where there is no double glazing so sound insulation is not up to modern day standards and are unable to make any structural changes to enhance sound

insulation. The car Park and marquee are not insulated so in practice what goes on is in the open air.

- 3) Our garden immediately abuts the marquee any noise from the marquee interferes with the use of the garden and the house. At weekends for instance in the summer afternoon entertainment can go on all day and the day progresses the noise gets louder and louder with the extended hours to sell alcohol this disturbance will be unacceptable.
- 4) There have been events that have taken place in the marquee recently place in the marquee. During two events that occurred on the 29th of December and the 15th the decibel reading during the evenings at our property ranged from 80-85 decibels with a very high base content. This compares to the ambient decibel level during the day at our property of 45 during the day and 40 decibels at night. At two recent functions the decibel level reach 80-85 decibels. There was a considerable amount of shouting and noise which could have been enhanced due to the amount of alcohol being consumed. If the hours of alcohol sales are extended this will only get worse, The change in licence would allow these to take place in the marquee between 8am and 11pm on a regular basis. Following the 29th event mentioned above we spoke to the manager about the noise but nothing was looked at and the event on the 15th was just as noisy so we have no confidence that the management will consider going forward any issues we have.
- 5) This application is not an extension of the existing license it is a totally new application. The original licence only covered the building not the car park area. There is no issue with the licence covering the building as this is insulated with doors and windows that can be closed.
- 6) If the licence is granted the applicant would have the ability due to the licensing Act 2012 to have recorded or live music every day of the week, between 8am and 11pm which would basically be in the open air with no sound insulation, the rear car park area is within a residential location where people live and want to be able to use their properties without noise interference and the levels that are produced from 57 could exceed the World Health Organisation recommended noise levels.
- 7) The proposed licence and planning permission was granted for the building on the bases that the building was used to be used as Deli counter, for food customers to take away, a small restaurant serving morning coffees, light lunches, and early light meals, a retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music, and a finish time of 22.00. the expanded licence will alter the use drastically to what was proposed. And the change would be without consultation
- 8) The proposed licence covers the building and the rear garden which as stated abuts our home. The proposed licence would give 57 the opportunity to have live and recorded music every day of the week until 11pm which would be in the open air with no sound insulation and could exceed the world Health Organisation recommended noise levels.
- 9) If granted the use of our home and garden would be restricted and eventually our well-being and mental health affected.

- 10) Attached is a recent recording of an event which took place on the 29th of December which highlights the noise generated from the rear of 57. You will note that the recording not only shows the noise from the music but also the noise from the customers which as the evening progresses and I assume more alcohol I drunk the noise increases.
- 11) The planning use for the building is A1 A2 A3 and the description was for a deli counter for food customers to take away a small restaurant serving morning coffees, light lunches, and early light meals, A retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music and a finish time of 22.00. If the proposed licence is granted this would subtly change the use of the building to a Sui Generis and D2 use in other words from a restaurant with background music to a venue with outside music which was not what was originally proposed.
- 12) If the licence is granted, we will see an increase in the time alcohol can be sold and the length of time that music can be played at present with the music at the level it is we can hear the customers conversations in the marquee area as they are having to shout to be heard above the music. During the day as the marquee has no insulation can quite clearly hear conversations and are therefore aware that they can hear ours. With the increase in alcohol sales the conversations will only get louder.
- 13) One cannot compare this application with existing licence within the bridge street area, as this licence is being applied for within a car park, marquee which has no sound insulation.
- 14) Common sense should prevent the opening of a late-night venue in a marquee in a centre of a residential area.

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. **

- 1) The licence should restrict the use to the **building** to its original use of a deli counter for food customers to take away, a small restaurant serving morning coffees, light lunches, and early light meals, A retail section dedicated to kitchen specific homeware goods and bar area where guests can sit and enjoy a drink and buy a bottle of wine to take home, with recorded music and a finish time of 22.00 and nothing further. The licence should not be extended to the marquee or car park
- 2) The only solution would be to only allow the licence to be on the building alone with a decibel requirement and no extension to cover the marquee or car park.

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Revised guidance issued under section 182 of the Licensing Act 2003 (February 2025)

Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation^{[\[footnote 18\]](#)}) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)^{[\[footnote 19\]](#)};
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity^{[\[footnote 20\]](#)};
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity^{[\[footnote 21\]](#)};
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)^{[\[footnote 22\]](#)}.

16.6 As a result of deregulatory changes that have amended the 2003 Act^{[\[footnote 23\]](#)}, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500^{[\[footnote 24\]](#)}.

- 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 an event between 08.00 and 23.00 on any day, provided that those present do 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.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500^{[\[footnote 25\]](#)}.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace^{[\[footnote 26\]](#)} that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500^{[\[footnote 27\]](#)}.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non- residential premises of (i) a local authority, or (ii)

a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises^{[\[footnote 52\]](#)};
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces^{[\[footnote 53\]](#)}, in the presence of an audience of more than 500 people^{[\[footnote 54\]](#)}; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review^{[\[footnote 55\]](#)}).

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

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

16.29 As a result of the amendments to the 2003 Act, section 177 of the 2003 Act now only applies to performances of dance^{[\[footnote 56\]](#)}.

Key terms used in relation to live music

16.30 Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for

example, a drum machine or backing track being used to accompany a vocalist^{[footnote 57\]](#)} or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds^{[footnote 58\]](#)}. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.

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

16.32 A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.^{[footnote 59\]](#)}

Recorded music

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

- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;^{[footnote 60\]](#)}
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).^{[footnote 61\]](#)}

Licence conditions

Live Music or recorded music

16.36 Any existing licence conditions^{[footnote 64](#)} (or conditions added on a determination of an application for a premises licence or club premises certificate^{[footnote 65](#)}) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

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

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

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

16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.42 to 9.44, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.

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

16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.^{[footnote 66](#)}

Beer gardens

16.42 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or

certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.

16.43 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace^{[\[footnote 67\]](#)}. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note that the exemption in paragraph 12B does not apply to the playing of recorded music.

16.44 However, a licensing authority may, where justified^{[\[footnote 68\]](#)}, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

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 Act^{[footnote 11](#)}, 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 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.

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