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County Hall
Rhadyr
Usk
NP15 1GA

Thursday, 13 November 2025

Notice of Meeting

Licensing and Gambling Sub Committee

Friday, 21st November, 2025 at 10.00 am,
The Council Chamber, County Hall, The Rhadyr Usk

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	1 - 60
2.	Declarations of Interest.	
3.	Application for a New Premises Licence – Pugh's Garden Kitchen.	

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillor Alistair Neill	<i>Gobion Fawr; Caldicot Cross; Park;</i>	<i>Welsh Conservative Party</i>
County Councillor Jackie Strong		<i>Welsh Labour/Llafur Cymru</i>
County Councillor Tudor Thomas		<i>Welsh Labour/Llafur Cymru</i>

Public Information

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Watch this meeting online

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

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

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

Objectives we are working towards

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

Our Values

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

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

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

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

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

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT:	Application for a New Premises Licence – Pugh’s Garden Kitchen
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing & Gambling Sub-Committee
COMMITTEE DATE:	21st November 2025
WARDS AFFECTED:	Grofield

1. PURPOSE:

To consider an application for a new premises licence under the Licensing Act 2003 for Pugh’s Garden Kitchen, 7-9 Mill Street, Abergavenny, NP7 5HE. A copy of the application and plan is attached as Appendix A.

2. RECOMMENDATION:

It is recommended that members consider and determine the application referred to in 3.1, based on the information provided. The options to members in considering the application are:

- To grant the licence
- To grant with the addition of conditions necessary to promote any of the licensing objectives
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application

3. KEY ISSUES

3.1 An application for a new premises licence under the Licensing Act 2003 was received from Pugh’s Garden Kitchen Ltd T/A Pugh’s Garden Kitchen, for 7-9 Mill Street, Abergavenny, Monmouthshire for the following:

- Supply of Alcohol:
Monday-Wednesday –09:00-18:00 (on & off the Premises)
Thursday-Saturday – 09:00-23:00 (on & off the Premises)
Sunday – 10:00-16:30 (on & off the Premises)
- Open Hours (Standard timings):
Monday-Wednesday – 08:00-18:00
Thursday-Saturday – 08:00-23:00
Sunday – 10:00-17:00

3.2 The applicant provided a general description of the premises which states the premises will offer food, houseplants and gifting retailing with a large deli counter and ambient food products. The restaurant will consist of 60 covers and upstairs will expand into a private dining room. They wish to give customers the option to purchase alcohol in the restaurant during the day and specialist events. Also, customers would have the option to purchase alcohol from our food hall for off sales at home.

3.3 A map of where the premises is located within Abergavenny Town Centre and the surrounding area can be viewed as Appendix B as is indicated as the red dot on the map.

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

General

- The CCTV would be reported to Police.
- Alcohol measures always followed in line with licensing rules e.g. 125 ml and 175 ml.

The Prevention of Crime and Disorder

- CCTV cameras fitted throughout.
- Staff training on challenge 25
- Notice displaying CCTV is in operation around the site

Public Safety

- Staff training on customer awareness

Prevention of Public Nuisance

- Not serving customers who are inebriated
- Signage is placed asking customers to leave the premises quietly

Protection of Children from Harm

- Staff training on challenge 25
- Refusal logs
- Only accepting valid forms of ID

- 3.5 If granted, the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix C.

- 3.6 Copies of the premises licence application were referred to the 'Responsible Authorities', by the Licensing Authority. The responsible authorities include, Gwent Police, South Wales Fire Service, The Local Health Board, Home Office and departments of Monmouthshire County Council being Environmental Health, Social Services, Planning, Licensing and Trading Standards. A notice must also 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. The applicant duly carried this out. The application is also advertised via the Council's website, which gives details on how a person can make a representation and this was carried out by the Licensing Authority.

- 3.7 Representations were received by Gwent Police (attached as Appendix D) who raised their representation against all 4 licensing objectives. To summarise the representations received by Gwent Police were:

- Fully documented staff training, to include training on Licence Conditions and Challenge 25 policy. Training to be carried at regular intervals per calendar year, at a minimum every 6 months.
- Implementation of an approved proof of age scheme, such as the Challenge 25.
- Incident/refusal logbook.
- The implementation of CCTV in licensed areas of the premises.

The applicant confirmed in writing to the Licensing Authority their acceptance of the representations made by Gwent Police. Upon acceptance of the conditions Gwent Police do not raise an objection to the application as a statutory body. Therefore, the representations made will form part of the premises licence conditions should a licence be granted.

3.8 17 representations objecting to the premises licence application were received by a "Other Persons" residing at Pegasus Court, Abergavenny, NP7-5EX. The objections to the application can be viewed as Appendix E, and are summarised below:

- Noise/ vibration caused by music
- Noise from potentially 60 people leaving en masse after an event ending at 23:00
- Noise from vehicles arriving/leaving venue
- Inappropriate location

3.9 Several of the representations received, raised concerns regarding illegal/ unauthorised and insufficient parking. This has been disregarded as it is not a Licensing consideration and the relevant persons have been informed.

3.10 No representation was made by Environmental Health relating to public nuisance regarding this application.

3.11 The representations were issued to the applicant who was asked whether they wish to amend the application in light of the representations received or wish to provide a comment on the representations received. The applicant's response can be viewed as Appendix F and is summarised as follows:

- The applicant is willing to amend the hours to 09:00-22:00 Thursday-Saturday.
- Summary of applicant's response:

Nature of Our Events - The Garden Kitchen hosts special events once a month, including:

- Pre-reserved 6-course taster dinner evenings - Intimate and quiet gatherings focusing on culinary excellence.
- Supplier evenings - Featuring local food and drink producers we stock in our premises and these events showcase local producers and foster community engagement, reflecting our commitment to sustainability and local partnerships. These events are:
 - Infrequent - Held once a month.
 - Quiet and intimate - Conducted with utmost respect for surrounding residents, blending with the tranquil ambiance of The Garden Kitchen.
 - Community-focused - Attended by residents; they are low-key events harmonious with the environment.

Operational Context

- Our Rogerstone, Newport establishment (central to a new housing development) has hosted these events for 4 years with no noise complaints.
- We seek flexibility in our licensing to accommodate monthly events, adjusting according to seasonal variations – hence applying for a variety of evenings per week.

Family-Run Business & Community Considerations

- We are a family-run business, deeply rooted in our community, and as such, we are particularly mindful of our responsibilities towards residents.
- It is paramount to us not to upset any residents; our reputation and standing in the community are paramount.

- We take pride in being considerate neighbour's and have demonstrated this through four years of complaint-free operations in Rogerstone.

Commitment to Responsible Operation

We are extremely careful to ensure full respect for surrounding residents. Our events are low-key community events that are respectful to the area. We believe our responsible approach and the nature of our infrequent events align with maintaining harmony with residents and the environment. We are committed to continuing our respectful practices should our application be approved.

3.12 The proposed reduction in time and comments made by the applicant in 3.11 above was submitted to the Chairperson of the other persons and they have expressed their wish to continue with their objections.

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

- The prevention of crime and disorder
- The promotion of public safety
- The prevention of public nuisance
- 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.

3.14 When considering their decision members are asked to consider the licensing objectives guidance issued under the revised guidance under section 182 of the Licensing Act 2003 (attached as Appendix G). I refer you in particular to section 2.21-2.27 which relates to public nuisance within this appendix.

3.15 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 Person who made a relevant representation, and a hearing is therefore 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 It is important to note, if the sale of alcohol is granted the licence will also benefit from the Live Music Act 2012. The relaxation of amplified live/recorded music can only take place if alcohol is sold on the premises. The relaxation states that it must be between the hours of 09:00-23:00 and not exceed 500 people. In this instance it would mean that should the on-licence be granted then the music can be played between 09.00-18.00 on Monday-Wednesday, 09:00-23:00 on Thursday-Saturday and 10:00-16:30 on Sunday providing numbers do not exceed 500. However, the applicant has indicated they are willing to reduce the alcohol on sales between

Thursday-Saturday to end at 22:00 which will mean live music will also cease at that time. The Live Music Act 2012 also states you do not need a licence to put on unamplified live music at any place between the hours of 08:00-23:00 or to put on amplified live music at a workplace between the hours of 08:00-23:00 and provided the audience is no more than 500 people.

- 4.3 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.
- 4.4 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 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. Sections 9 to 13 of Monmouthshire County Council’s Licensing Act Policy 2025 provides information on the promotion of the licensing objectives to applicants applying for a premises licence.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

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

7. BACKGROUND PAPERS:

Licensing Act 2003 - [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/30/contents/enacted)

Guidance issued under Section 182 of the Licensing Act 2003 dated February 2025 - [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

Monmouthshire County Council’s Statement of Licensing Policy dated 1st July 2025 - [Alcohol & Entertainment Licensing - Monmouthshire](#)

8. AUTHOR:

Mrs Emma Watkins
Licensing Officer

CONTACT DETAILS:

Tel: 01873 735420
Email: Licensing@monmouthshire.gov.uk

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APPENDIX A



Monmouthshire
Application for a premises licence
Licensing Act 2003

For help contact
licensing@monmouthshire.gov.uk
Telephone: 01873 735420 or 01291 635711

* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

Is your business registered in the UK with Companies House?

☐ Yes ☒ No

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

Is your business registered outside the UK?

☐ Yes ☒ No

Business name

PUGHS GARDEN KITCHEN LIMITED

If your business is registered, use its registered name.

VAT number

GB

492825458

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

Legal status

Public Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Continued from previous page...

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Continued from previous page...

Description of applicant (for example partnership, company, unincorporated association etc)

LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

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

Provide a general description of the premises

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

We are opening a Pughs Garden Kitchen in the currently vacant property of 7-9 Mill street, we will be offering food, houseplants and gifting retailing with a large deli counter and ambient food products. The restaurant will consist of 60 covers and upstairs will expand into a private dining room. We would like to give customers the option to purchase alcohol

Continued from previous page...

in our restaurant during the day and specialist events. Also customers would have the option to purchase alcohol from our food hall for off sales at home

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing performances of dance?

☐ Yes

☒ No

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

[See guidance on regulated entertainment](#)

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

☐ Yes

☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Date of birth

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 08:00

End 18:00

Start

End

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

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

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Section 18 of 21

LICENSING OBJECTIVES

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

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



APPENDIX B



Area Marked in Red is Pugh's Garden Kitchen

Area Marked in Green is a local restaurant

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 ultra violet 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.

APPENDIX D



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Gwent Police

Name of Applicant	Pughs Garden Kitchen Limited
Premises	7-9 Mill Street, Abergavenny, NP7 5HE

Your Name	Mark Williams
Job Title	Police Constable 1689
email Address	[REDACTED]
Contact Telephone Number	[REDACTED]
Date	

Which of the four Licensing Objectives does your representation relate to?	
The Prevention of Crime and Disorder	X
Public Safety	X
The Prevention of Public Nuisance	X
The Protection of Children from Harm	X

Please outline the reasons for your Representations
<p>The applicant Pughs Garden Kitchen Limited is seeking a new premises license to allow for supply of alcohol at the address 7-9 Mill Street, Abergavenny, NP7 5HE.</p> <p>The opening times of the premises will be:</p> <p>Monday- 08:00- 18:00 Tuesday- 08:00- 18:00 Wednesday-08:00 - 18:00 Thursday- 08:00- 23:00</p>

Friday- 08:00- 23:00
Saturday- 08:00- 23:00
Sunday- 10:00- 17:00

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.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account

The suggested conditions and variations to the license are as follows:

Fully documented staff training, to include training on the Premises Licence conditions as well as the premises' Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, at a minimum every 6 months. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them. This can be made for inspection by any Responsible Authority under the Licensing Act 2003. 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

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

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

	<p>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</p> <p>(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.</p> <p>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</p> <p>CCTV shall be in use at the premises.</p> <p>(i) 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 operational by the day the licence is granted.</p> <p>(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;</p> <p>(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;</p>
--	--

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA’s

	<p>(iv) The correct time and date will be generated onto both the recording and the real time image screen;</p> <p>(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;</p> <p>(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.</p> <p>(vii) The system shall also record clear images permitting the identification of individuals.</p> <p>(viii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during operating hours.</p> <p>(ix) The CCTV system shall ensure all licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points and external areas including licenced café pavement areas, and should ensure frontal identification of every person entering and in any light condition.</p> <p>Alcohol for off sales will not be sold in open containers.</p> <p>No alcoholic beverages for off sales to be opened and consumed on the premises.</p> <p>All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.</p>
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N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

Are you prepared to discuss these representations with the applicant by way of mediation?	Yes. The representations made are reasonable and appropriate. If the applicant agrees to the conditions as proposed, Gwent Police will withdraw their representations.

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

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APPENDIX E

September 25

Monmouthshire C.C.
Licensing Section

Flat 22,
Pegasus Court,
Mill Street,
Abergavenny
NP7 5EX

Dear Sirs,
I am writing on behalf of the residents of Pegasus Court. We are a Retirement Complex consisting of 27 flats located opposite the proposed Pugh's Garden Kitchen at 7-9 Mill Street NP7 5EX.

We wish to object to Pugh's application for a license to sell alcoholic beverages at this location. The reason for our objection is that alcohol sales will lead to anti-social behavior negatively affecting our quality of life.

Yours faithfully

Chairman of the Pegasus Court Residents Association.

MONMOUTHSHIRE
COUNTY
COUNCIL

26 SEP 2025

PUBLIC FINANCE
ABERGAVENNY

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name/organisation name/name of body you represent (see note 3)	<i>Chairman,</i>
Organisation name/name of body you represent (if appropriate) (see note 3)	Pegasus Court <i>Residents Association</i>
Postal and email address <i>Flat 22,</i>	Tan House, Mill Street, <i>Pegasus Court</i> Abergavenny, NP7 5EX
Contact telephone number	

Name of the premises you are making a representation about	Pughes Kitchen Garden
Address of the premises you are making a representation about	Mill Street, Abergavenny

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

Licensing Objective	Yes	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	<input type="checkbox"/>	
Public safety	<input type="checkbox"/>	
To prevent public nuisance	<input checked="" type="checkbox"/>	<i>Specifically, the residents of Pegasus Court Mill Street, Abergavenny.</i>
To protect children from harm	<input type="checkbox"/>	

MONMOUTHSHIRE
COUNTY
COUNCIL

03 OCT 2025

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. **	PUBLIC PROTECTION ABERGAVENNY OFFICE
--	---

Signed:

Date: *2/10/2025*

Please see Page 30 for additional information sent by email to Emma.

From:
Sent: 17 October 2025 12:04
To: Watkins, Emma
Subject: Pugh's Garden Kitchen application for a license to sell alcohol.

Prior to your mail of October 13rd we were unaware that a license to sell alcohol was accompanied by a license to play amplified live and recorded music. We note that the Live music Act does not allow License premises to cause a noise nuisance.

Our view is that noise from the Garden Kitchen events area will cause a noise nuisance to the residents of Pegasus Court.

We note Pugh's description of their events as 'quiet and intimate' but plans change out of necessity. Retail formats that succeed in one location do not always work in another. Pugh's may decide that staging Discotheques is more profitable. We view the two other local licenced businesses differently. Aldi do little trade after 8.00pm and Vojan customers are staggered over a number of hours.

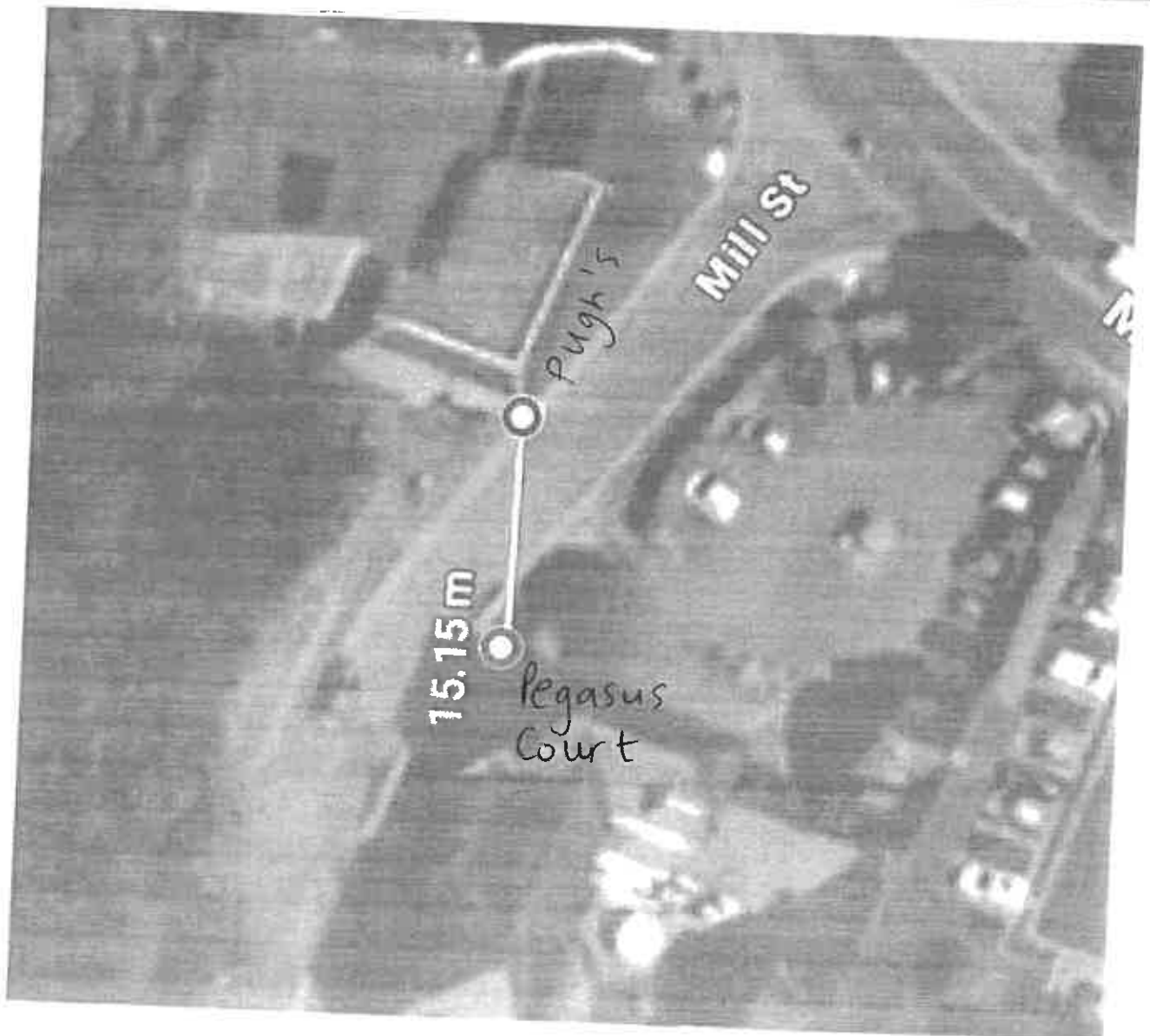
In summary, our objection to a license being given to Pugh's are these.

1. We will be subject to noise and vibration caused by the playing of live and recorded amplified music allied to noise that occurs with the consumption of alcohol.
 2. We will experience noise caused by potentially 60 people leaving on masse after an event ending at 11.00pm.
 3. The noise will be made worse by vehicles arriving at and leaving the venue.
- Our conclusion is that we will be subjected to Public Nuisance if Pugh's are granted this license. Pegasus Court is located in very close proximity to Pugh's building. We would not object to this license application if the sale of alcohol and the playing of music ended at 6.00pm each day.

Emma, we would request that this email supersedes my email of October 3rd. Please attach to the Representation Form From Other Persons that I sent to you.

Best wishes,





**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	1 PECASUS COURT MILL STREET. ABERGAVENNY
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	Noise! Music & Traffic late on three nights - Close to Residential flats.
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 20/10/25

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	FLAT 2, PECLASUS COURT, MILL STREET ABERGAVENNY, GWENT, NP23 5EX
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	See representation form from R. Richardson dated October 17th
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: October 28 2025

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	3 PUGH'S COURT ABERGAVENNY NP7 5EX
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	To prevent additional noise from already licensed area.
To protect children from harm	NO	

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 **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
---	---

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	Flat 4, Pegasus Court Mill Street, Abergavenny. NP75EX
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	See Representation form from R. Richardson dated 17 th October
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 20/10/2025

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	5 Pegasus Court, Mill Street Abergavenny NP7 5EX
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	The premises is opposite a retirement complex of 27 flats housing elderly people so it would be inappropriate
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 21/10/25

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	6 Pegasus Court Mill Street, Abergavenny NP23 5EX
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	The license will subject me to unacceptable level of noise from both music being played at the venue and
To protect children from harm	NO Z	additional illegal parking in mill street

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 21st October 2025

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	Flat 9, Pegasus Court, Mill Street, Abergavenny NP7 5EX
Postal and email address	
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	Extra noise and traffic at a busy time of the week. Insufficient parking.
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date:

22/10/25

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	10 Pegasus Court NP7 5EX
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	I am concerned about noise at 10pm 10, 11pm
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive. and until 9pm Thursday - Saturday to Wednesday + Sunday
--	--

Signed:

Date: 22.10.25

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	FLAT 14 PEGASUS CRT
Contact telephone number	
Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO YES	
Public safety	NO YES	
To prevent public nuisance	YES	See Representation form for R. Richards dated 17 th October
To protect children from harm	NO YES	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 22.10.25

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	15 Pegasus Court, Mill Street Abergavenny NP23 5EY
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	The license will subject me to unacceptable levels of noise from both music being played
To protect children from harm	NO	at the venue and additional illegal parking in Mill Street.

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 21st October 2025

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	FLAT 19, PEGASUS COURT, MILLS, ABERGAVENNY
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	CONCERNED ABOUT LATE NIGHT DROWNEN BEHAVIOUR AND UNAUTHORISED USE OF OUR PRIVATE CAR PARK
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 24/10/25

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	<i>Go Pegasus</i>
Postal and email address	<i>20, Pegasus Court ← after Feb/March 2 21 Hathkeleg Road } next few Abergavenny NP7 7RG } months (next few months)</i>
Contact telephone number	
Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	<i>See Representation form from D. Richards dated 17th October</i>
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: *24th Oct 2025*

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	21 PEGASUS CRT MILL ST ABERGAVENNY NP75EX
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	See Representation form from R. Richardson dated 17th October
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 23/10/2025

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	23, PUGH'S COURT MILL ST. ABERGAVENNY.
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	Inevitably our "private" car park will be used. Including the noise level & disturbance at night
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date:

20.10.25.

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	26 PEGASUS COURT MILL STREET ABERGAVENNY ROBERT NEIL 270 YAHOO.COM
Contact telephone number	

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

Licensing Objective	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	See Representation form for 2 December dated 17th October
To protect children from harm	NO	

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
--	---

Signed:

Date: 20/10/25

**Monmouthshire Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an Other Person

Your name	
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	28 Pegasus Court, Mill Street, Abergavenny
Contact telephone number	01753 551111

Name of the premises you are making a representation about	PUGHS' GARDEN KITCHEN
Address of the premises you are making a representation about	7-9 MILL STREET, ABERGAVENNY

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

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

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. **	Alcohol and music license to be valid only until 6.00pm Monday to Sunday inclusive.
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Signed:

Date: 22-10-25

APPENDIX F

Watkins, Emma

From: Kara Pugh <kpugh@pughsgardencentre.co.uk>
Sent: 07 October 2025 09:48
To: Watkins, Emma
Subject: RE: Objection Received - Pugh's Garden Kitchen

Hello,

Please see below response

We appreciate your consideration of our application for an alcohol license for The Garden Kitchen premises. We would like to address concerns regarding the sale of alcohol and the nature of our operations.

Nature of Our Events

The Garden Kitchen hosts special events once a month, including:

- ***Pre-reserved 6-course taster dinner evenings***: Intimate and quiet gatherings focusing on culinary excellence, harmonising with our garden-inspired ethos.
- ***Supplier evenings***: Featuring local food and drink producers we stock in our premises, where they share their products' stories. These events showcase local producers and foster community engagement, reflecting our commitment to sustainability and local partnerships.

These events are:

- ***Infrequent***: Held once a month.
- ***Quiet and intimate***: Conducted with utmost respect for surrounding residents, blending with the tranquil ambiance of The Garden Kitchen.
- ***Community-focused***: Attended by local residents; they are low-key events harmonious with the environment.

Operational Context

- Our ***Rogerstone, Newport establishment*** (central to a new housing development) has hosted these events for 4 years ***with no noise complaints***.
- Local residents attend these events, reflecting their appreciation and the considerate nature of our operations.
- The ***unit closes by 5:30 pm every evening***, meaning alcohol sales (for retail like local wines and spirits) occur ***during our trading hours***.
- We seek flexibility in our licensing to accommodate monthly events, adjusting according to seasonal variations – hence applying for a variety of evenings per week.

Family-Run Business & Community Considerations

- ***We are a family-run business***, deeply rooted in our community, and as such, we are particularly mindful of our responsibilities towards local residents.
- It is paramount to us ***not to upset any local residents***; our reputation and standing in the community are vital to us.
- We take pride in being considerate neighbors and have demonstrated this through four years of complaint-free operations in Rogerstone.
- Our events are managed thoughtfully, reflecting our commitment to being respectful of the surrounding environment and fostering positive local relationships, all in keeping with The Garden Kitchen's warm and welcoming spirit.

Commitment to Responsible Operation

We are *extremely careful to ensure full respect for surrounding residents*. Our events are low-key community events that are respectful to the area. We believe our responsible approach and the nature of our infrequent events align with maintaining harmony with local residents and the environment. We are committed to continuing our respectful practices should our application be approved.

From: Watkins, Emma <EmmaWatkins2@monmouthshire.gov.uk>

Sent: Monday, October 6, 2025 3:52 PM

To: Kara Pugh <kpugh@pughsgardencentre.co.uk>

Subject: Objection Received - Pugh's Garden Kitchen

Hi Kara,

I have today received an objection to the premise licence application for Pugh's Garden Kitchen.

The objection is:

Our objection to the sale of alcohol until 11.00 at night is that we will be subjected to noise emanating from Pugh's Garden Kitchen premises and noise from people entering and leaving their premises. This potential noise is, in our view, unjustifiable, and would affect our standard of living. We would consider such action by Pugh's as being anti-social when related to the 27 flats at Pegasus Court.

Please respond with any comments you feel relevant.

Kind Regards

Emma

Emma Watkins

Licensing Officer/Swyddog Trwyddedu

Cyngor Sir Fynwy / Monmouthshire County Council

Ffôn / Tel : 01633 644100

Ebost / Email : emmawatkins2@monmouthshire.gov.uk

Gwefan / Website : www.monmouthshire.gov.uk

Dilynwch ni ar Twitter / Follow us on Twitter : www.twitter.com/monmouthshirecc



#APUS
APPY



Fy Sir Fynwy
My Monmouthshire



2. The licensing objectives

Crime and disorder

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

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

Public safety

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

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

Ensuring safe departure of those using the premises

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

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

Maintenance and repair

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

Safe capacities

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

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

entertainment.

Public nuisance

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

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

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

Protection of children from harm

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

or entertainment involving strong and offensive language.

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

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

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

Offences relating to the sale and supply of alcohol to children

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

Table of relevant offences under the 2003 Act

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

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