

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Application for a Premises Licence for “The Club” 15 Whitecross Street, Monmouth, Monmouthshire, NP25 3BY
DIRECTORATE: Social Care and Health
MEETING: Licensing & Regulatory Sub-Committee
Date to be considered: 12th November 2021
DIVISION/WARDS AFFECTED: Drybridge Ward, Monmouth

1. PURPOSE:

To consider an application for a Premises Licence under the Licensing Act 2003 for “The Club” 15 Whitecross Street, Monmouth. Due to representations received against the licence application the Local Authority, are required to hold a hearing to consider the application. A copy of the application with plans provided by the applicant is attached to the report as Appendix A.

2. RECOMMENDATION(S):

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

2.2 Members of the sub-committee may determine to:-

- To grant the licence with the conditions specified in the application
- To grant the licence with the conditions the Council considers appropriate for the promotion of the licensing objectives
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as premises supervisor
- To reject the application

3. KEY ISSUES

3.1 A new application for a premises licence under the Licensing Act 2003 was received from “The Club” a recognised members club for the following:-

- Indoor Sporting Events 08.00hrs – 00.30hrs Monday to Sunday
- Live Music (indoors) 08.00hrs – 00.30hrs Monday to Sunday
- Recorded Music (indoors) 08.00hrs – 00:30hrs Monday to Sunday (additional New Years Eve 08.00hrs – 01:30hrs)
- Supply of Alcohol (On and Off sales) 08.00hrs – 00.30hrs Monday to Sunday (additional New Years Eve 08.00hrs – 01.30hrs)
- Hours Open to the Public 08.00hrs – 01.00hrs Monday to Sunday (additional New Years Eve 08.00hrs – 01.30hrs)

In the application the Club have stated they will;

- Have CCTV
- Operate a challenge 25 age verification policy
- Be a member of pub watch
- Have a compliant fire alarm and fire risk assessment
- Display notices for customers to leave quietly
- Not have live music outdoors
- Not have children at the premises from 9pm onwards

- 3.2. The premises currently holds a Club Premises Certificate named "Monmouth Conservative Club" licence number CLB037 all who attend the club are currently required to have membership, be affiliated to another club or enter as a guest of a member. The premises in design has three floors, a cellar and car park. The ground floor and first floor above are the only licensable areas with a mixture of bars, function rooms and snooker rooms.

The premises on Whitecross Street is opposite St Mary's Priory Church with residential properties on either side of the building and surrounding the carpark area to the rear of the building.

This application must be consider on its own merit. However, the club already holds a Club Premises Certificate, authorising licensable activities at the premises, a copy of the current licence with times and permissions is attached to this report as Appendix B. The Conservative Club has retained this licence whilst applying for the new premises licence application.

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

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

- 3.4 No representations were received from South Wales Fire Service, The Local Health Board, Immigration, Environmental Health, Social Services, Planning, Licensing and Trading Standards.

- 3.5 Representations were received against the application from Heddlu Gwent Police requesting the applicant agree to accept alternative licence conditions. The applicant through mediation has agreed to accept the following conditions;

- There shall be CCTV in place, which cover all licensable areas of the premise. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place.
- The secretary shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the licensing authority and any other authorised person.
- The correct time and date will be generated onto both the recording and the real time image screen.
- If the CCTV equipment (including any mobile units in use at the premises) breaks down, the secretary shall ensure that they verbally inform the licensing authority and the police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The licensing authority and the police shall be informed when faults are rectified;
- The secretary shall be responsible for ensuring that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the licensing authority or a constable
- There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.

- The premise shall operate and maintain an up-to-date register of refusals of sale of alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any responsible authority under the Licensing Act 2003.
- The premise shall operate and maintain an up-to-date incident book, detailing the time/date/individual involved /incident that has taken place. This shall be made available for inspection by any responsible authority under the Licensing Act 2003.
- The premises shall operate a Challenge 25 policy and signage will be displayed to indicate this is in operation. The age check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
- Fully documented staff/volunteer training, to include training on the premise 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 12 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.
- Any booking forms for private events for members should be retained in adherence to GDPR.
- Signs should be prominent at the exit of the premise advising patrons to leave the premise quietly and be respectful to local residents.
- The secretary shall be present at all functions at the premise.
- Where there is reasonable suspicion that drugs (defined as class A, B or C controlled substances under the Misuse of Drugs Act) or weapons being carried, the secretary shall ensure that SIA security staff carry out a search of the outer clothing, pockets and bags of those trying to enter the premise. In any event, where controlled substances or weapons are found, the secretary shall ensure that the staff inform the police as soon as reasonably practicable and record this in the incident book.
- The secretary shall ensure that a clearly visible notice will be placed on the premise advising those attending that searches will be carried out and the police will be informed if a weapon or substance is found.
- The secretary shall ensure that documented arrangements are in place at the premise to discourage the use and sale of controlled substances. For example, documented checks of toilet areas throughout the evening. This document should be made available to the police and licensing authority on request.
- When necessary, the premise will comply with ION track operations arranged by the police to swab hands of patrons as a condition of entry or simply to swab the premise for educational purposes to identify areas/surfaces of concern where drugs may be consumed.
- SIA staff will be employed appropriately on a risk assessment basis. The secretary shall provide the police with planned dates/times of employment of SIA staff. If issues arise at the premise, the police or licensing authority reserve the right to request that SIA staff are employed at certain times identified as problematic. These requests will be reasonable and discussed with the secretary before being implemented.
- No drinks are to be taken outside of the premise.
- The smoking/outside areas are to be closely monitored regarding numbers and behaviour of patrons. The secretary shall ensure that the persons outside at any one time are not excessive in order to prevent anti-social behaviour and noise nuisance occurring.

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

3.6 Representations from 14 local residents objecting to the licence were received by the licensing section. The representations are attached as Appendix C, all marked Objection 1 – 14. As there are numerous representations objecting to this licence. I have highlighted the main concerns as below:

- Noise pollution from recorded and live music
- The late night hours applied for alcohol and music
- Noise from customers leaving the premises late at night
- Noise from the beer garden recently introduced at the premises already causing a disturbance
- Poor soundproofing from listed buildings with singular plane glass.
- Concerns for elderly residents
- Concerns over a potential rise in Anti-social Behaviour (one recent incident involving Police attendance, currently under investigation)
- Concerns over transport to and from the venue

A satellite view of the local area with the location of the objectors marked blue in comparison to the premises marked green are attached to this report as appendix D.

3.7 Due to some of the representations referencing house pricing and car parking issues that are irrelevant for Licensing applications the Licensing Section sent a letter to all persons who made a representation to clarify the Licensing Objections, the letter attached as Appendix E.

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

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

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

3.10 A section of the Licensing Act Guidance regarding Responsible Authorities states;

section 9.11 - Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

Section 9.12 - Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

3.11 Despite not submitting formal representations the Environmental Health section who specialise in noise nuisance have received notification of the representations from local residents many outlining noise nuisance through their objections. The Environmental Health Section have stated;

“Environmental Health has not objected to this application. The area officer is aware that representations have been made against the application, including noise related concerns. The section has the responsibility for investigating complaints of noise nuisance on behalf of the council, having regard to the statutory nuisance provisions

of the Environmental Protection Act 1990. As such if, following the decision of the Licensing Committee, complaints regarding noise from the premises were received, these would be considered and investigated as appropriate.”

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

The Licensing Officer has written to residents informing them of the conditions accepted by the applicant following Police comments. Residents have also received notification the applicants intentions for the application to run a similar premises to the existing Monmouth Conservative Club without the requirement to sign in non-members as guests. However, only two representations have been withdrawn by local residents therefore a hearing is required.

4. REASONS:

- 4.1 The determination of an application is to be considered in accordance with Section 18 of the Licensing Act 2003.
- 4.2 In section 9.4 of the Guidance issued under section 182 of the Licensing Act 2003, the Secretary of State recommends that, a representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 4.3 In section 13.10 of the Guidance issued under Section 182. It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority’s statement of policy and this Guidance.
- 4.4 Monmouthshire County Council’s Policy sets out its views on the prevention of Crime and disorder, Prevention of public nuisance and Public safety. The relevant sections 10 – 12.7 of the Policy issued 1st July 2020 are attached to this report as Appendix F.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

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

7. BACKGROUND PAPERS:

Licensing Act 2003
Guidance issued under Section 182 of the Licensing Act 2003 dated April 2018.
Monmouthshire County Council’s Statement of Licensing Policy dated 1st July 2020.
Live Music Act 2012

8. AUTHOR:

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