

**MONMOUTHSHIRE COUNTY COUNCIL  
REPORT**

<b>SUBJECT:</b>	<b>Application for a Premises Licence - Caldicot Store &amp; Post Office</b>
<b>DIRECTORATE:</b>	<b>Social Care, Safeguarding and Health</b>
<b>MEETING:</b>	<b>Licensing &amp; Regulatory Sub-Committee</b>
<b>COMMITTEE DATE:</b>	<b>6<sup>th</sup> November 2024</b>
<b>WARDS AFFECTED:</b>	<b>Caldicot</b>

**1. PURPOSE:**

To consider an application for a new Premises Licence under the Licensing Act 2003 for Caldicot Store and Post Office, Unit 4, Holman House, 36-38 Newport Road, Caldicot. 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 below, based on the information provided.

**3. KEY ISSUES**

3.1 A application for a new premises licence under the Licensing Act 2003 was received from Mr Bhavip Nakum for Caldicot Store and Post Office, Unit 4, Holman House, 36-38 Newport Road, Caldicot for the following:-

- Supply of Alcohol (Off sales): Monday to Sunday 07:00hrs – 21.00hrs
- Open Hours (Standard timings): Monday to Sunday 07:00hrs – 21.00hrs

3.2 A map of where the premises is located within Caldicot Town Centre and the surrounding area can viewed as Appendix B.

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

**General**

- A comprehensive retail management approach to promote the licensing objectives and implement best practice.
- Key measures include robust staff training, strict ID verification, responsible practices, collaboration with local authorities, surveillance, community outreach, and addressing cumulative impact.
- Ensuring public safety involves clear aisles, proper shelving, effective lighting, slip and fall prevention, security, customer education, and emergency preparedness.
- To prevent public nuisance, focus on noise control, waste management, lighting, vandalism response, community engagement, and communication.
- Protecting children from harm in alcohol sales emphasis on age verification, signage, secure product placement, education, community involvement, and compliance checks, with a focus on preventing cumulative impact. This approach aims to create a secure, harmonious, and responsible retail environment

### **The Prevention of Crime and Disorder**

- **Robust ID Verification Practices:** Implementing a strict age verification policy, such as Challenge 25, ensures that only customers of legal drinking age can purchase alcohol. This helps prevent underage sales and associated antisocial behavior.
- **Staff Training:** Providing comprehensive training for staff on recognizing signs of intoxication and handling difficult situations can empower them to refuse sales to intoxicated customers, reducing the likelihood of alcohol-fueled incidents.
- **Effective Security Measures:** Installing CCTV cameras can deter criminal activity such as theft and vandalism. Visible security measures create a safer environment for customers and staff alike.
- **Community Engagement:** Building strong relationships with local law enforcement and the community can help staying informed about potential issues. Participating in community initiatives and being responsive to local concerns fosters a sense of shared responsibility.
- **Responsible Promotion and Marketing:** Avoiding promotions that encourage excessive drinking and ensuring responsible merchandising can mitigate the risk of encouraging binge drinking and related disturbances in the community.

### **Public Safety**

- **Fire Safety Measures:** Comprehensive fire safety protocols are implemented, including regular inspections of fire alarms and extinguishers. Staff are trained in evacuation procedures to ensure prompt response in emergencies.
- **Proper Lighting:** Adequate lighting is maintained throughout the premises to enhance visibility and prevent accidents, with regular checks to ensure all areas are well-lit.
- **Signage and Communication:** Clear signage is displayed to inform customers of safety protocols, emergency exits, and other important safety information.
- **Staff Training Programs:** Staff receive regular training on safety procedures and emergency response to effectively handle safety-related incidents.
- **Incident Reporting Protocols:** Established procedures for reporting incidents and hazards encourage staff and customers to contribute to a safe environment.
- **Collaboration with Local Authorities:** The premises collaborate with local law enforcement and safety organizations to address safety concerns and participate in community safety initiatives.

### **Prevention of Public Nuisance**

- **Noise Management:** The premises implement effective noise management strategies, including monitoring sound levels and adhering to local noise regulations to minimize disturbances to the surrounding community.
- **Waste Management and Cleanliness:** Regular waste management practices are established to ensure the premises are kept clean and litter-free. This includes frequent disposal of waste and maintaining clear pathways to prevent any obstruction in the area.
- **Responsible Customer Conduct:** Clear expectations for customer behavior are communicated and enforced. Staff are trained to manage and address any disruptive behavior swiftly to maintain a respectful and safe environment for all patrons.
- **Community Engagement:** Active engagement with local residents and stakeholders is prioritized. The premises seek feedback on any concerns regarding nuisance and work collaboratively to resolve issues, fostering a positive relationship with the community.

- Protection of Children from Harm Strict Age Verification Policies: The premises enforce rigorous age verification procedures to prevent underage access to restricted items. Staff are trained to request identification and follow protocols to ensure compliance with legal age
  - restrictions.
  - Safe Environment: The premises maintain a safe and secure environment for children. This includes regular inspections of the facility to identify and mitigate potential hazards, ensuring that all areas are child-friendly.
  - Staff Training and Awareness: All staff receive training on recognizing signs of child harm and understanding safeguarding policies. They are equipped to respond appropriately to any concerns related to the welfare of children.
  - Clear Policies and Procedures: Comprehensive policies and procedures are established to protect children from harm. These include guidelines on reporting concerns, handling disclosures, and collaborating with relevant authorities.
  - Community Engagement and Support: The premises actively engage with the local community to promote awareness of child protection issues. Partnerships with local organizations and authorities are fostered to support initiatives aimed at safeguarding children.
- 3.4 If granted the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix C.
- 3.5 The applicant has a statutory duty to send copies of their premises licence application to the 'Responsible Authorities' namely Gwent Police, South Wales Fire Service, The Local Health Board, Home Office (Immigration) and departments of Monmouthshire County Council being the Environmental Health Section, Social Services, Planning, Licensing and Trading Standards Department, which was carried out by the applicant. A notice also must be circulated in a newspaper within the area of the premises as well as a notice displayed at the premises to enable businesses and residents to make a representation; again, the applicant duly carried this out. The application is also advertised via the Council's website, which gives details on how a person can make a representation and this was carried out by the Licensing Authority.
- 3.6 Representations were received by Gwent Police (attached as Appendix D), requesting additional conditions be added to the operating schedule of the application. The applicant accepted the Police representations and therefore they will form part of the premises licence conditions should a licence be granted. No further representations were received by any responsible authority. A summary of the representations received by Gwent Police were:
- Fully documented staff training, on the premises licence and Challenge 25 scheme.
  - An approved proof of age scheme to be adopted at the premises – Challenge 25.
  - Publicity materials notifying customers of the Challenge 25 scheme shall be displayed at the premises.
  - An incident log book to be kept and used at the premises.
  - CCTV shall be in use at the premises and kept for 31 days.
- 3.7 Representations were also received during the consultation period by 1 other person. In light of the additional conditions agreed by the applicant following the representations received by Gwent Police, these were sent to the other person, and it was requested they confirm in light of the representation and additional conditions to be added to the licence if granted, do they wish for their representation to remain, the other person confirmed they wished for their representation to remain.

3.8 A summary of the other persons objection is detailed below. The objection in full can also be viewed as appendix E.

- An increase in anti-social behaviour in the area, resulting in damage to neighbouring businesses and properties.
- The damage caused could result in a potential threat of customers safety when visiting neighbouring businesses and properties.
- Refusal to sell alcohol to persons may cause a disturbance and impact neighbouring businesses and properties.
- Gradual efforts to control the issue of anti-social behavior have been made by neighbouring businesses and properties. However, it is believed that issuing a licence could lead to more trouble for neighbouring businesses and properties.

3.9 In light of the representations received, the Licensing Authority requested statistics from Gwent Police in relation to anti-social behaviour for Caldicot Town Centre and the surrounding area. The statistics on recent Police logs can be viewed as Appendix F and are summarised below.

### **2023**

- August 2023 – 6, September 2023 – 5, October 2023 – 7, November 2023 – 11, December 2023 – 6.

### **2024**

- April 2024 – 5, May 2024 – 2, June 2024 – 6, July 2024 – 7, August 2024 – 3, September 2024 – 6, October 2024 – 2.

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

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

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

It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

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

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

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

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

##### **Prevent of crime and disorder**

The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority’s ‘Model Pool of Conditions’ when considering an application.

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?

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

##### **Prevention of public nuisance**

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

Subject to case law the Licensing Authority interprets ‘public nuisance’ in its widest sense, and takes it to include such issues as noise, light, odour, litter and

anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

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

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

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

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

- 4.6 Monmouthshire County Council's Policy on Public Safety are set out in Section 12 and read as follows:

#### **Public safety**

The Licensing Authority will expect operating schedules to satisfactorily address issues concerning public safety, and applicants are advised to seek advice from various organisations, such as the health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.

The Licensing Authority will encourage applicants to conduct a risk assessment of the premises and/or activity. The authority recommends that specialists, e.g. a qualified safety officer, should be consulted to assist with the assessment.

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

Nil

#### **6. CONSULTEES:**

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

#### **7. BACKGROUND PAPERS:**

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

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

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

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