

**MONMOUTHSHIRE COUNTY COUNCIL  
REPORT**

<b>SUBJECT:</b>	<b>Application to vary a Premises Licence – Chepstow Store</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>2<sup>nd</sup> January 2025</b>
<b>WARDS AFFECTED:</b>	<b>Chepstow Castle &amp; Larkfield</b>

**1. PURPOSE:**

To consider an application to vary the premises licence under the Licensing Act 2003 for Chepstow Store, 4-5 Beaufort Square, Chepstow. A copy of the application and plan is attached as Appendix A and a copy of the current premises licence is attached as Appendix A (ii).

**2. RECOMMENDATION:**

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

**3. KEY ISSUES**

3.1 An application to vary the premises licence under the Licensing Act 2003 was received from Mr Alpeshkumar Patel & Mrs Sangitaben Patel for Chepstow Store, 4-5 Beaufort Square, Chepstow for the following:-

- Supply of Alcohol (Off sales): Monday to Sunday 06:00hrs – 03:00hrs
- Open Hours (Standard timings): Monday to Sunday 06:00hrs – 03:00hrs

3.2 A map of where the premises is located within Chepstow 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**

- We are very mindful of our neighbours both home and business owners, many of which have become valued friends and customers, we aim to keep noise, anti-social behaviour, public nuisance to a acceptable level concerning our premises and customers. we are lucky to have a very good relationship with other businesses in our community and especially venues with late licences in place who are on hand to advise if needed.

**The Prevention of Crime and Disorder**

- Monitor and assess
- Implement any necessary measures ie: extra staff
- Refuse sale to anyone already overly intoxicated
- We already have signage around the shop to encourage respectful and quiet behaviour but are happy to add more if required. We will also ask customers not to loiter outside the shop when making any sales.

**Public Safety**

- Monitor and access
- Implement any necessary measures

### **Prevention of Public Nuisance**

- We have clear and multiple signs throughout the premises asking customers to respect neighbours.
- Sale would be refused to anyone overly intoxicated, being aggressive or a general nuisance.
- Customers will be asked not to loiter or congregate outside of premises

### **Protection of Children from Harm**

- We already operate a very vigilant look under 25 policy and check id as required, any sales refused are logged. We also refuse any sale we believe are being made on behalf of anyone underage and will continue to do so.

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), who objected to the application against 3 licensing objectives, namely prevention of crime & disorder, prevention of public nuisance and public safety. A summary of the representations received by Gwent Police were:

- The additional staff are not deemed suitable to sufficiently promote the licensing objectives
- The premises is near late night pubs and clubs, where persons may be intoxicated when leaving these premises and then looking for alcohol at off-licences
- The premises is near a location which houses vulnerable persons
- It is believed that alcohol sold during these hours may increase anti-social behaviour for residents in the area

3.7 No representations were received by any other person or responsible authority.

3.8 Following the representations made by Gwent Police a meeting was held with Gwent Police and the applicant on 27<sup>th</sup> November 2024 to discuss the application and the concerns Gwent Police have raised. During the meeting the applicant advised on further measures they will take to promote the licensing objectives, which were:

- Amending the closing times to around 02:00 for the premises
- 1 SIA door supervisor in attendance
- Encouraging customers to consume alcohol at home by providing woven bags sealed with zip ties
- Refusal to serve any person underage or intoxicated

3.9 Following the meeting, the applicant advised they wish to amend the application to the below, with the full list of amendments attached as Appendix E.

- Bring forward the closing time to 02:00
- 2 members of staff at the premises, with 1 SIA trained
- Supplying cable tied woven bags
- Encouraging alcohol to be consumed at home
- ID verification and no sales to person who may be intoxicated

3.10 Following the amendments to the application the Licensing Authority sent them to Gwent Police and requested whether their representation remained, Gwent Police confirmed their representation remained unchanged in light of the amendments made.

3.11 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.

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

3.13 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 ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
- 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](#)

## **8. AUTHOR:**

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