

**MONMOUTHSHIRE COUNTY COUNCIL  
REPORT**

<b>SUBJECT:</b>	<b>Application to Vary a Premises Licence – The Crown at Pantygelli</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>24<sup>th</sup> January 2025</b>
<b>WARDS AFFECTED:</b>	<b>Mardy</b>

**1. PURPOSE:**

To consider an application to vary the current Premise Licence under the Licensing Act 2003 for The Crown at Pantygelli, Old Hereford Road, Pantygelli, Abergavenny, NP7 7HR. A copy of the application (Appendix A) and plan (Appendix B) is attached.

**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 to vary the current premises licence under the Licensing Act 2003 was received from Mr Nicholas Clayton-Ford for The Crown at Pantygelli, Old Hereford Road, Pantygelli, Abergavenny for the following:-

- Licensing the lawn to the north of the property for marquee functions during Spring and Summer. All alcohol will be sold on site for onsite consumption. 55mx18m of lawn space to hold functions confined to this area.

3.2 A map of where the premises is located within Pantygelli and the surrounding area can viewed as Appendix C.

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**

- Following from our current policies and procedure in our already licensed area.

**The Prevention of Crime and Disorder**

- Keeping our CCTV up to date. Keeping informed with pub watch and knowing of other areas where people are banned.

**Public Safety**

- Ensuring health and safety procedures are followed and areas are maintained

**Prevention of Public Nuisance**

- Promoting a respectful place for all guests and staff where we promote the coming and going from the venue to be done in a quiet and respectful manner. Also, monitoring decibel levels to meet the requirements of the legislation.

- 3.4 If the licence is refused, the current premise licence will not be affected, and Members are to decide on the variation only. A copy of the current licence and conditions is attached as Appendix D.
- 3.5 If granted the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix E.
- 3.6 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.
- 3.7 Representations were received by Environmental Health and a summary of the objection is detailed below. The objection in full can also be viewed as Appendix F.
  - The applicant has not satisfactorily addressed how they will limit any noise impact implications for the neighboring properties in the information submitted; I must object to the grant of the licence variation under licensing objective 'the prevention of public nuisance'.

**The applicant has responded to the objection with the following:**

With regard to your concerns over the variation of license at The Crown at Pantygelli. Happy to discuss the parameters to get this over the line, but I'd like some input into these parameters and what is suitable to organise this change in license.

I'd also like to state the following:

- No extra traffic would be caused due to the car park already full at the weekend. Events would limit the capacity of inside the pub. Restrictions on numbers would be implemented.
- live music would be situated to the rear of the lawn meaning a further 55 metres of distance from all neighbouring properties.
- The banks to the Southeast of this area are 3 metres high with further thick vegetation above this creating a sound barrier.
- The banks to the North-West are approximately 1.5 metres high with laid hedges, holly and hazel trees, proving extra barrier to any noise.
- happy to negotiate the opening of said tent be to the rear of the South-East side of the lawn providing even more sound screening to neighbours.
- Further down the car park mature trees line both sides with a thick coverage and with the majority of the functions to be in the Spring or Summer leaf coverage will halo with further sound screening.
- Volumes will be monitored in this area via a db meter to the levels you recommend are respectable to the area, just as we do the front beer garden music events.
- Given the topography of the ground to the rear, I see the only property to be remotely effected is our own residence on the upper floors of The Crown at

Pantygelli.

We are happy to do a noise assessment, but would like to discuss a way to mitigate the cost to us. This project came about due to the recent budget that will cost us an extra £56,000 per year. Organising controlled functions ranging from small family get together staying in the approved pod accommodation behind the lawn, community Christmas markets, small wedding ceremonies and reception, etc was a way for us to carry on surviving as a business, growing and continuing to provide employment opportunities.

We are also happy to discuss a case of a limited number of events per year to assist with the variation of license.

### **Response from Environmental Health to the above:**

I refer to my comments, regarding your application to vary the Premises License for The Crown, your email in response and our subsequent telephone conversation on the 6th December 2024.

As discussed, I note the bullet points you make.

The distances I have given in my comments from the proposed marquee area to the residential properties are in my view accurate.

You have not provided a plan showing the precise location of the marquee and this would be helpful, but for example, from your description of where it will be sited this is approximately 75m to the nearest garden boundary of Gelli Dawel and 85m to the rear elevation of the house. This elevation has a number of windows both at ground and first floor level and are broadly facing towards the proposed function area which is to the north / north west. Furthermore, the marquee area is slightly elevated above Gelli Dawel which in my view increases the potential for noise impact as sound attenuation from the intervening ground will be minimised.

You provide your views that the banks to the South East and North West will provide some sound mitigation, but in my view this should be quantified and evaluated in a noise impact assessment prepared by a person with appropriate acoustic qualifications.

Such an assessment should fully consider the music level(s) intended to be played at source, the predicted music levels at the nearby residential properties and any impact this may have on the use and enjoyment of these properties, including the garden areas, having regard to the background sound levels. Measures to mitigate against excess noise impact should again be quantified.

3.8 At the time of writing this report, no further correspondence has been received from the applicant.

3.9 Representations were also received during the consultation period by 1 other person. A summary of the other persons objection is detailed below. The objection in full can also be viewed as appendix G.

- This current application seems to represent a potentially huge increase in noise levels, occurrence and duration through spring and summer. This raise concerns that the volume of music required for a wedding or similar event would be considerably louder than the current Sunday afternoon music, for far longer periods and late into the night, and thus that it is inevitable that we will be even more detrimentally affected than has been the case up to now.

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 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 behavior are accountable in their own right.

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

**5. RESOURCE IMPLICATIONS:**

Nil

**6. CONSULTEES:**

Heddlu Gwent Police, South Wales Fire Service 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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