

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT:	Application to vary a Premises Licence – 57 Bridge Street, Usk
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing & Regulatory Sub-Committee
COMMITTEE DATE:	12th March 2025
WARDS AFFECTED:	Usk

1. PURPOSE:

To consider an application to vary the premises licence under the Licensing Act 2003 for 57 Bridge Street, Usk. 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 Clive Jones for 57 Bridge Street, Usk on the 19th December 2024 for the following:

Current Licence	Proposed Licence
<p>Recorded Music Monday-Sunday:09.00 - 22.00</p> <p>Supply of Alcohol Monday-Sunday:09.00 - 22.00</p> <p>Opening Hours Monday-Sunday:09.00 - 22.30</p>	<p>Live Music, Recorded Music (inside and outside) Supply of Alcohol (on and off sales)</p> <p>Sunday-Wednesday: 09:00hrs – 24:00hrs</p> <p>Thursday-Saturday: 09:00hrs-02:00hrs</p> <p>New Years Eve: 09.00hrs – 02:00hrs</p> <p>Late Night Refreshment</p> <p>Sunday – Wednesday: 23:00hrs – 24:00hrs</p> <p>Thursday – Saturday: 23:00hrs – 02:00hrs</p> <p>Christmas Eve, New Years Eve, and New Years Day – 10:00 – 00:45</p> <p>Opening Hours</p> <p>Sunday-Wednesday: 09:00hrs– 24:00hrs</p> <p>Thursday-Saturday: 09:00hrs-02:00hrs</p>

- 3.2 A map of where the premises is located within Usk and the surrounding area can be viewed as Appendix B.
- 3.3 The applicant has stated the following in addition to the current conditions on their premises licence when asked in the application to describe the steps intended to take to promote the licensing objectives:

General

No selling of alcohol to underage people, No drunk and disorderly disorder on the premises; vigilance of preventing the use and sale of illegal drugs, no violent and antisocial behaviour, no harm to children

The Prevention of Crime and Disorder

CCTV coverage with recording abilities, Clear warnings of potential criminal activity such as theft which may target customers to be displayed

Public Safety

All staff trained on Fire Safety, Statutory log books on premises with recorded information, All parts of the premises kept in good order and safe condition. Appropriate lighting to promote public safety

Prevention of Public Nuisance

Promote the use of onsite parking, Prominent signage displayed at exits requesting the public to respect the needs of nearby residents and to leave quietly, similarly with any staff entering/exiting the premises, deliveries to be co-ordinated at times/manner so as to reduce and where possible avoid any nuisance to nearby residents. Any bright lights outside the premises to be positioned in such a way as to not cause a nuisance or disturbance to local residents, adequate waste bins for customers in local vicinity.

Protection of Children from Harm

The premises operates a challenge 25 policy -staff trained. Children accompanied by adults after 17:00hrs.

- 3.4 The licence is already subject to mandatory conditions contained in their licence in Appendix A(ii), page 3. The mandatory conditions will still apply to the variation application should it be granted. If the licence is not granted the current licence will still be retained.
- 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 After discussing the application with the applicant it was noted that the outside area of the premises had not been included within the application that was submitted on the 19th December 2024 and therefore the application was re-submitted on the 15th January 2025 including the rear outside area of the premises and the 28 day consultation began again and the above in 3.5 was carried out.

3.7 Representations were received by Gwent Police, who objected to the application against the licensing objectives, namely prevention of crime & disorder, prevention of public nuisance, public safety and the protection of children from harm. The full representations made by Gwent Police and agreed by the applicant are attached as Appendix C

In addition to the conditions Gwent Police also proposed to reduce the hours which the applicant agreed to as follows:

Sale of Alcohol and other licensable activities:

Sunday – Monday: 10.00hrs – 23.30hrs,

Thursday-Saturday: 10:00hrs -00:45hrs

Late Night Refreshment:

Sunday-Monday: 23:00hrs – 24:00hrs

Thursday-Saturday: 23:00hrs – 00:45hrs

Opening hours:

Sunday-Monday: 09:00hrs – 24:00hrs,

Thursday-Saturday: 09:00hrs – 01:15hrs

3.7 Representations were also made by Environmental Health and agreed by the applicant and are as follows:

Indoor music

Monday- Sunday - live music 09:00- 23:00

Sunday-Wednesday – recorded music 09:00-23:00

Thursday-Saturday- live music 09:00-23:00

Thursday-Saturday – recorded music until 00:00

Christmas Eve, New Years Eve, and New Years Day recorded music until 00:45

Outdoor music

Monday -Sunday live and recorded music 09:00-23:00

Conditions- to be added in addition to the applicant's proposed conditions

1. Doors and windows will be kept closed when regulated entertainment takes place.
2. A noise management plan detailing appropriate controls to prevent unreasonable noise disturbance to nearby properties shall be retained at the premises and shall be reviewed every 12 months

3.8 Representations were also received from other persons and they are attached as Appendix D. The following is an overview of the representations received in relation to the Licensing Act 2003:

- Noise issues from the rear area of the premises from customers consuming alcohol
- May increase the possibility of public nuisance

Part of the representations received were against the marquee and the lack of planning permission. The planning department were contacted and the following was received:

In respect of Planning legislation, the marquee has been in place for over four years – the four year threshold provides immunity from enforcement action under the Town & Country Planning Act 1990 rather than the seven years you have mentioned.

When the planning permission was granted under DM/2018/00802 the approval related to an A1, A2 or A3 use (the A3 class in Wales would include a café, restaurant or public house use and does not distinguish between any of those forms of business) for *all of the planning unit* within the application site, including the building and its curtilage/ associated car park. The land associated with the building – i.e. car park, service yard or garden that - is within the application site could therefore be used at a later date as a beer garden or outside seating area for customers without the need for further planning permission for a change of use.

The above planning application would have been determined in accordance with the policies set out in the adopted Local Development Plan (LDP). The property in question is in a Central Shopping Area within which Policy RET2 – Central Shopping Areas, promotes A1, A2 and A3 uses to maintain the vitality, attractiveness and viability of such centres.

Having said this, the Council's Heritage Team has written to the business owner of no. 57 to advise that the marquee needs listed building consent (that is a separate consent process to planning permission) regardless of the passage of time that affects the planning position. We are awaiting a response from the owner in respect of their intentions to resolve this issue

- 3.9 Due to the representations received from the other persons the applicant decided on the 11th February 2025 to remove from the application Live and Recorded Music making the application for alcohol sales and late night refreshment only.

Sale of Alcohol:

Sunday – Monday: 10.00hrs – 23.30hrs,

Thursday-Saturday: 10:00hrs -00:45hrs

Late Night Refreshment:

Sunday-Monday: 23:00hrs – 24:00hrs

Thursday-Saturday: 23:00hrs – 01:45hrs

Opening hours:

Sunday-Monday: 09:00hrs – 24:00hrs,

Thursday-Saturday: 09:00hrs – 01:15hrs

However, the Live Music Act (The Act) 2012 came into force on 1st October 2012 and deregulates live music, allowing the playing of live music indoors and outdoors and the playing of recorded music indoors between the hours of 8am and 11pm without it being mentioned on the licence.

Please see Appendix E showing an overview of circumstances in which entertainment activities are not licensable from the Revised Guidance issued under Section 182 of the Licensing Act 2003 (February 2025).

- 3.10 The persons that made the representations were informed and asked if they would now remove their representations as the variation application is now for the extension of alcohol sales and Late Night Refreshment only and they declined.
- 3.11 The applicant then made the decision on the 12th February 2025 to remove the outside area from the application and again the persons who made representations were informed and again they declined to remove their representations.

The final application being submitted is for the following:

Sale of Alcohol:

Sunday – Monday: 10.00hrs – 23.30hrs,

Thursday-Saturday: 10:00hrs -00:45hrs

Late Night Refreshment:

Sunday-Monday: 23:00hrs – 24:00hrs

Thursday-Saturday: 23:00hrs – 01:45hrs

Opening hours:

Sunday-Monday: 09:00hrs – 24:00hrs,

Thursday-Saturday: 09:00hrs – 01:15hrs

The conditions agreed with the Police will also form part of the application along with the following conditions from Environmental Health which due to regulated entertainment being withdrawn does not now include hours for Live/Recorded Music. As outlined in Appendix E the following conditions do not come into effect between the hours of 8am and 11pm:

- Doors and windows will be kept closed when regulated entertainment takes place.
- A noise management plan detailing appropriate controls to prevent unreasonable noise disturbance to nearby properties shall be retained at the premises and shall be reviewed every 12 months

- 3.12 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.

- 3.13 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)

3.14 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 9.9 of the Guidance it also recommends that in borderline cases the benefit of the doubt about any aspect of a representation should be given to that person making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

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 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

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

Heddlu Gwent Police, South Wales Fire Service, 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 - [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/30/contents)

Guidance issued under Section 182 of the Licensing Act 2003 dated February 2025
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

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

8. AUTHOR:

Samantha Winn
Licensing Officer

CONTACT DETAILS:

Tel: 01633 644221

Email: samanthawinn@monmouthshire.gov.uk