

**MONMOUTHSHIRE COUNTY COUNCIL  
REPORT**

<b>SUBJECT:</b>	<b>Application for a New Premises Licence – Only Foods &amp; Sauces</b>
<b>DIRECTORATE:</b>	<b>Social Care, Safeguarding and Health</b>
<b>MEETING:</b>	<b>Licensing &amp; Gambling Sub-Committee</b>
<b>COMMITTEE DATE:</b>	<b>9<sup>th</sup> September 2025</b>
<b>WARDS AFFECTED:</b>	<b>Chepstow Castle &amp; Larkfield</b>

**1. PURPOSE:**

To consider an application for a new premises licence under the Licensing Act 2003 for Only Foods and Sauces Limited, Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ. 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. The options to members in considering the application are:

- To grant the licence
- To grant with the addition of conditions necessary to promote any 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 the premises supervisor
- To reject the application

**3. KEY ISSUES**

3.1 An application for a new premises licence under the Licensing Act 2003 was received from Mrs Kelly Getting T/A Only Foods and Sauces Limited for Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ for the following:-

- Provision of Films: Friday-Sunday – 09:00 to 23:00 (Outdoors)
- Provision of Live Music: Friday-Sunday – 09:00 to 23:00 (Outdoors)
- Provision of Recorded Music: Monday-Thursday – 09:00-14:00 & Friday-Sunday – 09:00-23:00 (Outdoors)
- Supply of Alcohol: Friday-Sunday – 12:00-23:00 (On the Premises)
- Open Hours (Standard timings): Monday-Thursday – 09:00-14:00 & Friday-Sunday – 09:00-23:00

3.2 The applicant provided a general description of the premises which states the premises is Food/burger van, dessert van and drinks van serving alcoholic beverages with a seating area

3.3 A map of where the premises is located within Bulwark Industrial Estate and the surrounding area can viewed as Appendix B.

3.4 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 committed to running a safe, family-friendly food and dessert van that meets all four licensing objectives. All staff will be trained in food hygiene, age verification,

and customer service. Clear signage will be displayed around the van promoting safe conduct and respect for others. We will maintain a clean, well-lit environment, with CCTV installed where appropriate, and we'll keep an incident/refusals log to support responsible operation. We'll work closely with local authorities and respond to concerns promptly.

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

We will operate a zero-tolerance policy towards any abusive or unlawful behaviour around the van. Our team will be trained in conflict management and will refuse service to any customer showing signs of aggression or intoxication. If needed, we will contact local police and cooperate fully with any investigations. The area around the van will be kept tidy and clear of obstructions to deter loitering and anti-social behaviour.

### **Public Safety**

The van will be maintained to high standards of hygiene and safety. All food will be prepared and served in accordance with food safety legislation. Fire extinguishers, a first aid kit, and safety signage will be available inside the van. Trip hazards (e.g., cables or equipment) will be avoided with secure setups. We will assess the setup of any seating areas to ensure customer safety and ensure safe queuing practices during busy periods.

### **Prevention of Public Nuisance**

We will ensure our van does not cause unnecessary disturbance to nearby residents or businesses. Waste will be properly disposed of in secure bins, and litter around the area will be regularly picked up by staff. Signage will remind customers to respect neighbours and leave the area quietly, especially during late trading hours.

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

Our vans are family-friendly environments. We will not sell any age-restricted products without enforcing a Challenge 25 policy. All staff will be trained to check ID and refuse service where appropriate. Any inappropriate behaviour will be addressed immediately, and we will always ensure that the van's surroundings are safe and welcoming for children. All promotional materials will be suitable for all ages.

- 3.5 If granted the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix C.
- 3.6 It is important to note, if the sale of alcohol is granted the licence will also benefit from the Live Music Act 2012. The relaxation of amplified live/recorded music can only take place if alcohol is sold on the premises. The relaxation states that it must be between the hours of 08:00-23:00 and not exceed 500 people. In this instance it would mean that should the on-licence be granted then the music can be played between 12.00-23.00 on Friday-Sunday providing numbers do not exceed 500. The Live Music Act 2012 also states you do not need a licence to put on unamplified live music at any place between the hours of 08:00-23:00 or to put on amplified live music at a workplace between the hours of 08:00-23:00 and provided the audience is no more than 500 people.

Further information on the Live Music Act is attached as Appendix D.

- 3.7 Copies of their premises licence application were issued 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 Licensing Authority. 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. 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.

- 3.8 Representations were received by Gwent Police (attached as Appendix E) and Environmental Health (attached as Appendix F). Gwent Police raised their representation against all 4 licensing objectives, whilst Environmental Health raised their representation against the prevention of public nuisance. To summarise the representations received by Gwent Police and Environmental Health were:

#### Gwent Police

- Supply of Alcohol to cease at 22:30 Friday-Sunday to allow 30 minutes of drink up time
- Additional training for staff working at the premises
- The implementation of CCTV in licensed areas of the premises
- Incident/refusal logbook
- Further monitoring of the premises and notices displayed at the premises
- Implementation of the Challenge 25 Scheme

#### Environmental Health

- Implementation of noise management plan
- Installation of a noise limiting device

The applicant confirmed in writing to the Licensing Authority their acceptance of the representations made by Gwent Police and Environmental Health. Upon acceptance of the conditions Gwent Police and Environmental Health do not raise an objection to the application as a statutory body. Therefore, the representations made will form part of the premises licence conditions should a licence be granted.

No representations were received by any other responsible authority. However, the Planning Authority has informed the Licensing Authority on 21<sup>st</sup> August 2025 of the following, "We cannot find any planning permissions for this food and drink use on the Bulwark Industrial Estate and will be opening an enforcement case to investigate this change of use.". However, the Licensing Committee is not bound by decisions made by the Planning Committee and vice versa.

- 3.9 38 representations objecting to the premises licence application were received by other persons. The objections to the application can be viewed as Appendix G, and are summarised below:

- Noise pollution will occur from events at the premises which may become more frequent should a premises licence be granted
- Concerns around persons leaving the premises intoxicated causing disruption to local businesses, groups and residents
- Concerns around large groups gathering in the industrial estate and surrounding area which may cause traffic and travel issues
- Increase in littering and rubbish around the area
- Concerns regarding the running of the premises and how the issues would be addressed should they continue on a permanent basis

- 3.10 90 representations of support to the premises licence application were received by other persons. The emails of support can be viewed as Appendix H, and are also summarised below:

- Music is only for occasional events and won't cause a nuisance
- The premises is bringing visitors from all over the country to the area
- Provides a place for persons of any age to attend which is a safe and fun space
- The premises is providing a service to the local community and local residents can and are benefitting from it
- The business is making use of a space which would be empty and derelict but can be used by the community now

3.11 The representations were issued to the applicant and who were asked whether they wish to amend the application in light of the representations received or wish to provide a comment on the representations received. The applicant's response can be viewed as Appendix I and is summarised as follows:

- The business is family run and community focused with a space which welcomes families and individuals
- Some of the representations made are not against the licensing objectives
- Further policies have been implemented around monitoring events and notifying local residents
- The premises is attracting customers from outside of the County to visit the area

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 J)

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 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 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. Sections 9-13 of Monmouthshire County Council’s Licensing Act Policy 2025 provides information on the promotion of the licensing objectives to applicants applying for a premises licence.

**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 February 2025 - [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

Monmouthshire County Council’s Statement of Licensing Policy dated 1<sup>st</sup> July 2025 - [Alcohol & Entertainment Licensing - Monmouthshire](#)

**8. AUTHOR:**

Mr Taylor Watts  
Licensing Officer

**CONTACT DETAILS:**

Tel: 01873 735420

Email: [Licensing@monmouthshire.gov.uk](mailto:Licensing@monmouthshire.gov.uk)