

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT:	Application for a New Premises Licence – Pugh’s Garden Kitchen
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing & Gambling Sub-Committee
COMMITTEE DATE:	21st November 2025
WARDS AFFECTED:	Grofield

1. PURPOSE:

To consider an application for a new premises licence under the Licensing Act 2003 for Pugh’s Garden Kitchen, 7-9 Mill Street, Abergavenny, NP7 5HE. 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, 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 Pugh’s Garden Kitchen Ltd T/A Pugh’s Garden Kitchen, for 7-9 Mill Street, Abergavenny, Monmouthshire for the following:

- Supply of Alcohol:
Monday-Wednesday –09:00-18:00 (on & off the Premises)
Thursday-Saturday – 09:00-23:00 (on & off the Premises)
Sunday – 10:00-16:30 (on & off the Premises)
- Open Hours (Standard timings):
Monday-Wednesday – 08:00-18:00
Thursday-Saturday – 08:00-23:00
Sunday – 10:00-17:00

3.2 The applicant provided a general description of the premises which states the premises will offer food, houseplants and gifting retailing with a large deli counter and ambient food products. The restaurant will consist of 60 covers and upstairs will expand into a private dining room. They wish to give customers the option to purchase alcohol in the restaurant during the day and specialist events. Also, customers would have the option to purchase alcohol from our food hall for off sales at home.

3.3 A map of where the premises is located within Abergavenny Town Centre and the surrounding area can be viewed as Appendix B as is indicated as the red dot on the map.

- 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

- The CCTV would be reported to Police.
- Alcohol measures always followed in line with licensing rules e.g. 125 ml and 175 ml.

The Prevention of Crime and Disorder

- CCTV cameras fitted throughout.
- Staff training on challenge 25
- Notice displaying CCTV is in operation around the site

Public Safety

- Staff training on customer awareness

Prevention of Public Nuisance

- Not serving customers who are inebriated
- Signage is placed asking customers to leave the premises quietly

Protection of Children from Harm

- Staff training on challenge 25
- Refusal logs
- Only accepting valid forms of ID

- 3.5 If granted, the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix C.

- 3.6 Copies of the premises licence application were referred to the 'Responsible Authorities', by the Licensing Authority. The responsible authorities include, Gwent Police, South Wales Fire Service, The Local Health Board, Home Office and departments of Monmouthshire County Council being Environmental Health, Social Services, Planning, Licensing and Trading Standards. A notice must also 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.

- 3.7 Representations were received by Gwent Police (attached as Appendix D) who raised their representation against all 4 licensing objectives. To summarise the representations received by Gwent Police were:

- Fully documented staff training, to include training on Licence Conditions and Challenge 25 policy. Training to be carried at regular intervals per calendar year, at a minimum every 6 months.
- Implementation of an approved proof of age scheme, such as the Challenge 25.
- Incident/refusal logbook.
- The implementation of CCTV in licensed areas of the premises.

The applicant confirmed in writing to the Licensing Authority their acceptance of the representations made by Gwent Police. Upon acceptance of the conditions Gwent Police 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.

3.8 17 representations objecting to the premises licence application were received by a "Other Persons" residing at Pegasus Court, Abergavenny, NP7-5EX. The objections to the application can be viewed as Appendix E, and are summarised below:

- Noise/ vibration caused by music
- Noise from potentially 60 people leaving en masse after an event ending at 23:00
- Noise from vehicles arriving/leaving venue
- Inappropriate location

3.9 Several of the representations received, raised concerns regarding illegal/unauthorised and insufficient parking. This has been disregarded as it is not a Licensing consideration and the relevant persons have been informed.

3.10 No representation was made by Environmental Health relating to public nuisance regarding this application.

3.11 The representations were issued to the applicant who was 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 F and is summarised as follows:

- The applicant is willing to amend the hours to 09:00-22:00 Thursday-Saturday.
- Summary of applicant's response:

Nature of Our Events - The Garden Kitchen hosts special events once a month, including:

- Pre-reserved 6-course taster dinner evenings - Intimate and quiet gatherings focusing on culinary excellence.
- Supplier evenings - Featuring local food and drink producers we stock in our premises and these events showcase local producers and foster community engagement, reflecting our commitment to sustainability and local partnerships. These events are:
 - Infrequent - Held once a month.
 - Quiet and intimate - Conducted with utmost respect for surrounding residents, blending with the tranquil ambiance of The Garden Kitchen.
 - Community-focused - Attended by residents; they are low-key events harmonious with the environment.

Operational Context

- Our Rogerstone, Newport establishment (central to a new housing development) has hosted these events for 4 years with no noise complaints.
- We seek flexibility in our licensing to accommodate monthly events, adjusting according to seasonal variations – hence applying for a variety of evenings per week.

Family-Run Business & Community Considerations

- We are a family-run business, deeply rooted in our community, and as such, we are particularly mindful of our responsibilities towards residents.
- It is paramount to us not to upset any residents; our reputation and standing in the community are vital to us.

- We take pride in being considerate neighbour's and have demonstrated this through four years of complaint-free operations in Rogerstone.

Commitment to Responsible Operation

We are extremely careful to ensure full respect for surrounding residents. Our events are low-key community events that are respectful to the area. We believe our responsible approach and the nature of our infrequent events align with maintaining harmony with residents and the environment. We are committed to continuing our respectful practices should our application be approved.

3.12 The proposed reduction in time and comments made by the applicant in 3.11 above was submitted to the Chairperson of the other persons and they have expressed their wish to continue with their objections.

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

- The prevention of crime and disorder
- The promotion of public safety
- The prevention of public nuisance
- 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.

3.14 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). I refer you in particular to section 2.21-2.27 which relates to public nuisance within this appendix.

3.15 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 Person who made a relevant representation, and a hearing is therefore 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 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 09:00-23:00 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 09.00-18.00 on Monday-Wednesday, 09:00-23:00 on Thursday-Saturday and 10:00-16:30 on Sunday providing numbers do not exceed 500. However, the applicant has indicated they are willing to reduce the alcohol on sales between

Thursday-Saturday to end at 22:00 which will mean live music will also cease at that time. 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.

- 4.3 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.
- 4.4 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 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. Sections 9 to 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 1st July 2025 - [Alcohol & Entertainment Licensing - Monmouthshire](#)

8. AUTHOR:

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