

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Application for a Premises Licence for The Mad Platters, 7-9 Bridge Street, Usk, NP15 1BQ
DIRECTORATE: Social Care, Safeguarding and Health
MEETING: Licensing & Regulatory Sub-Committee
Date to be considered: 4 th October 2016
DIVISION/WARDS AFFECTED: Usk

1. PURPOSE:

To consider an application for a Premises Licence under the Licensing Act 2003 for the Mad Platters, 7-9 Bridge Street, Usk NP15 1BQ. A Copy of the application is attached as Appendix A.

2. RECOMMENDATION(S):

- 2.1 It is recommended that members consider and determine the application referred to in 3.10 below, on the basis of the information provided.

3. KEY ISSUES

- 3.1 A new application for a premises licence under the Licensing Act 2003 was received by Miss Victoria Lewis for the Mad Platters, 7-9 Bridge Street, Usk NP15 1BQ for the following:-

- | | |
|--------------------------------|--------------------------------------|
| • Supply of Alcohol (on sales) | Monday to Sunday 10.00hrs – 01.00hrs |
| • Recorded Music (Indoors) | Monday to Sunday 10.00hrs – 01.00hrs |
| • Live Music (Indoors) | Monday to Sunday 10.00hrs – 01.00hrs |
| • Late Night Refreshment | Monday to Sunday 23.00hrs – 01.00hrs |
| • Hours Open to the Public | Monday to Sunday 10.00hrs – 01.15hrs |

It must be noted that The Legislative Reform (Entertainment Licensing) Order 2014 permits live and recorded music for 500 persons between the 08.00hrs – 23.00hrs in on licensed premises without the requirement of a licence.

- 3.2. The applicant has stated within her application that the premises is a micro bar and kitchen and is situated in main street of Usk. A map of the area is attached as Appendix B. The applicant within the operating schedule has outlined their arrangement under the four licensing objectives. .

General

- Make public aware of drink-driving, over indulgence and drug consumption

The Prevention of Crime and Disorder

- Installation of CCTV and an appropriate alarm system

Public Safety

- To make public aware of hazards where applicable

Prevention of Public Nuisance

- Signage to respect adjoining businesses when leaving the premises

- 3.5 If granted the licence would also be subject to Mandatory Conditions which are attached to this report as Appendix C.
- 3.6 The applicant has a statutory duty to send copies of his/her Premises application to the 'Responsible Authorities' namely Heddlu Gwent Police, South Wales Fire Service, The Local Health Board 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 has to 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 this was duly carried out by the applicant. 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 A representation was received against the application from Heddlu Gwent Police of the 'Responsible Authorities' referred to in 3.6 above. Representation was also received from 6 persons nearby and from 2 persons representing residents against the application. A further person wished to support the application.
- 3.8 Gwent Police would not object to this application if the following amendments are made to the application:-
- CCTV cameras shall be in place which record all licenced areas of the premises and shall be operational at all times the premises are trading. All recordings shall be retained for a minimum of 28 days and made available to an authorised person upon request. Signage shall be displayed prominently within the premises to indicate CCTV is in operation
 - No alcoholic drinks shall be allowed to be consumed outside the premises
 - Challenge 21. All staff shall check ID of all persons who appear to be less than 21 years. Publicity materials notifying customers of the operation of Challenge 21 shall be displayed at the premises.
 - Regulated Activities to cease at midnight on Sunday to Thursday.
 - If live music is being played doors and windows to the front of the premises will be kept closed to minimise sound escape from the building.

The applicant agreed to the Police recommendation following a meeting between the applicant, Police Licensing Officer - P.C. Andrew Lewis and Senior Licensing Officer - Mr Christopher Rann.

- 3.9 Similarly, a person who made an objection to the initial application referred to in 3.7 above would not object to this application providing regulated entertainment would cease at midnight on Sunday to Thursday and that the following amendment to the condition be made:-
- If regulated recorded music is being played doors and windows to the front of the premises will be kept closed to minimise sound escape from the building.

The applicant agreed within a telephone conversation with the Licensing Section to this recommendation.

- 3.10 As such, as a result of the applicant agreeing to the changes in 3.8 and 3.9 above. The application to be considered is as follows:-

Supply of Alcohol (On Sales)	Start	Finish
Sunday to Thursday	10.00hrs	24.00hrs
Friday to Saturday	10.00hrs	01.00hrs

Recorded Music (Indoors) Sunday to Thursday Friday to Saturday	10.00hrs 10.00hrs	24.00hrs 01.00hrs
Live Music (indoors) Sunday to Thursday Friday to Saturday	10:00hrs 10.00hrs	24:00hrs 01.00hrs
Late Night Refreshment Sunday to Thursday Friday to Saturday	23:00hrs 23.00hrs	24:00hrs 01.00hrs
Hours open to the Public Sunday to Thursday Friday to Saturday	10.00hrs 10.00hrs	00.15hrs 01.15hrs

General

- Make public aware of drink-driving, over indulgence and drug consumption

The Prevention of Crime and Disorder

- Installation of CCTV and an appropriate alarm system.
- CCTV cameras shall be in place which record all licenced areas of the premises and shall be operational at all times the premises are trading. All recordings shall be retained for a minimum of 28 days and made available to an authorised person upon request. Signage shall be displayed prominently within the premises to indicate CCTV is in operation
- No alcoholic drinks shall be allowed to be consumed outside the premises

Public Safety

- To make public aware of hazards where applicable.

Prevention of Public Nuisance

- Signage to respect adjoining businesses when leaving the premises
- If live music is being played doors and windows to the front of the premises will be kept closed to minimise sound escape from the building.
- If regulated recorded music is being played doors and windows to the front of the premises will be kept closed to minimise sound escape from the building.

Protection of Children from Harm

- Challenge 21. All staff shall check ID of all persons who appear to be less than 21 years. Publicity materials notifying customers of the operation of Challenge 21 shall be displayed at the premises.

3.11 A letter was issued by the Licensing Section to the remaining 5 persons and the 2 persons who represent residents referred to in item 3.7 above, advising them of the amended application in 3.10 above. The letter requested the objectors to confirm if they wished to pursue their objection in view of the change to the original application. 2 persons nearby and 1 person who represent residents stated they wished to continue with the objection to the application. The objection is summarised as follows:-

- Noise is a particular problem in this residential area

- In the past there has always been a problem in the summer when bedroom windows have to be left open to allow ventilation. Music from local establishments can clearly be heard inside our house.
- Many of the houses in the area are prevented from installing double glazing due to conservation Area and Listed building restrictions
- Under current laws it is to be expected that customers will smoke outside the premises and it is reasonable to assume that they will create some noise
- Likewise customers will inevitably make noise as they leave the establishment at the end of the night, whether they are walking home or being picked up by car/taxi
- Not only would the noise be unacceptable, but further unpleasantness would be created by the bussing in of people to the town, as has happened in the past with the accompanying rubbish, bottles and debris that would follow
- The eight bedrooms, two in each property , are situated at the rear of Trelawney House
- On health grounds, to grant a licence from 10am to 1.15am daily will have a disturbing effect on the wellbeing and sleep of the four owners. This is unreasonable and unacceptable
- These flats are in a prime location and have garages and we feel that granting a music licence for the hours will affect the market value of our properties
- There are a dozens of homes in the immediate area that would be disturbed by noise and late night revellers if this is allowed
- We already get woken by people late at night/early hours on the street outside, find beer bottles, broken glass etc. on the street outside our house

3.12 A person wished to support the application stating:-

- I welcome the initiative being taken by the applicant, a local resident who is keen to see a thriving and vibrant Usk.
- The new premises will provide the opportunity to broaden the offer of services we currently have in the town centre and will no doubt benefit all businesses in that it will encourage footfall through the town centre.
- The applicant, if successful, will also help support job creation.
- I fully support the applicant in her endeavours to create a new business for the centre of Usk.

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;
- 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.

3.14 In accordance with 9.2 of the Home Office Guidance issued under Section 182 of the Licensing Act 2003 a hearing is not required if no representations were received or such representations were withdrawn. Furthermore, a hearing is not required if conditions have been agreed and agreed by all parties. Negotiation between the applicant and objector was carried out by the Licensing Authority and all parties wish to continue the application and representation, respectively. *As such*, no agreement was reached and a hearing is required.

4. REASONS:

- 4.1 The determination of an application is to be considered in accordance with Section 18 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 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:

- 5.1 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
Guidance issued under Section 182 of the Licensing Act 2003 dated March 2015.

Monmouthshire County Council's Statement of Licensing Policy dated 1st July 2015.

The Legislative Reform (Entertainment Licensing) Order 2014

8. AUTHOR:

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