

Agenda



Licensing Sub-Committee

Date: Wednesday, 12 April 2017

Time: 10.00 am

Venue: Committee Room 1 - Civic Centre

To: Councillors C Suller (Chair), J Guy (Deputy Chair), M Cornelious, D Davies, C Ferris, E Garland, C Jenkins, M Rahman, H Thomas and D Harvey

Item		Wards Affected
1	<u>Apologies for Absence</u>	
a	<u>Agenda - Cym</u> (Pages 3 - 4)	
2	<u>Declarations of Interest</u>	
3	<u>Licensing Sub-Committee Code of Practice</u> (Pages 5 - 18)	
4	<u>Variation Application to a Premises Licence for St Woolos Wine Lodge, 116A Stow Hill, Newport</u> (Pages 19 - 44)	Stow Hill

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Rhybudd ynghylch Gwrandawriad Is-bwyllgor Trwyddedu

Dyddiad: Dydd Mawrth, 12 Ebrill 2017

Amser: 10am

Lleoliad: Ystafell Bwyllgora 1 - Y Ganolfan Ddinesig

At: Y Cynghorwyr C Suller (Cadeirydd), J Guy (Dirprwy Gadeirydd), D Harvey, D Davies, H Thomas, C Jenkins, E Garland, M Rahman, M Cornelious, C Ferris

Eitem		Y wardiau yr effeithir arnynt
1	<u>Ymddiheuriadau am absenoldeb</u>	
2	<u>Datganiadau o fuddiant</u>	
3	<u>Cod Ymarfer yr Is-bwyllgor Trwyddedu</u>	
4	<u>Cais i adolygu trwydded</u> St Woolos Wine Lodge, 116A Stow Hill, Newport NP20 4GA Amser y gwrandawriad: 10am	Stow Hill

Mae'r agenda yn nodi dyddiad ac amser arfaethedig y gwrandawriad. Gall y gwrandawriad gael ei ohirio neu'i ganslo os bydd amgylchiadau'n newid.

Yn ogystal, dylech ystyried Adran 5 y Cod Ymarfer ar gyfer Gwrandawriadau Trwyddedu.

Gofynion ar gyfer Ymgeiswyr a Phartïon â Diddordeb ac ati

Ar ôl cael y rhybudd ynghylch y cyfarfod, rhaid i'r ymgeisydd a'r partïon â diddordeb hysbysu'r Cyngor yn ysgrifenedig gan ddefnyddio'r manylion cyswllt canlynol: Mrs A Jenkins, Swyddog Gwasanaethau Democraidd, Cyngor Dinas Casnewydd, Y Ganolfan Ddinesig, Casnewydd, NP20 4UR

- A ydynt yn bwriadu bod yn bresennol neu gael eu cynrychioli yn y gwrandawriad
- A ydynt o'r farn nad oes angen gwrandawriad
- A hoffent wneud cais i unrhyw bobl eraill fynychu'r gwrandawriad, e.e. tystion (gan gynnwys eu henwau a disgrifiad byr o'r dystiolaeth y gallant ei rhoi a'i pherthnasedd i'r cais).

NB: Would members and officers please take any paper copies of the agenda with them after the meeting and please not leave unattended

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Conduct and Procedure of Licensing Sub-committee

1 Membership and appointment of Chair

- 1.1 The Licensing Sub-committee comprises all members of the committee, other than those who have an interest or who is the ward member for the ward in which premises under consideration is located. The quorum is three. The Chair will be elected on the day by a simple majority vote.
- 1.2 For example, if they live in the vicinity of the licensed premises, or have a friendship or a close personal association with either the applicant or any objector this would disqualify the Member from considering the matter.
- 1.3 Members of the Licensing Sub-Committees should inform the Senior Democratic Services Officer immediately if they consider that they are disqualified from considering any application, if members of the Licensing Sub-Committee become aware of any personal interest in any application before them they should declare the interest at the beginning of the meeting and withdraw immediately.

2 Ward Councillors

- 2.1 Ward Councillors are no longer expressly permitted to make representation in their capacity as Ward Councillors although they are entitled to make representations as individuals falling within the category of “any other person”, if they are likely to be affected by an application (for example if they live in close proximity to the licensed premises). Councillors however must comply at all times with the Members Code of Conduct (“the Code”). Ward Councillors should avoid discussing the application with any of the Licensing Sub-Committee beforehand to avoid any suspicion of undue influence or breach of the general obligation in the Code not to improperly use their position as a Councillor to secure any advantage.
- 2.2 If a Ward Councillor has a personal interest in an application (for example, because he/she lives in close proximity to the premises), then this is also likely to be a “prejudicial” interest under the Code. Provided that the Member declares the interest and withdraws from the hearing after making representations, then he/she is entitled under paragraph 14(2) of the Code to appear at the hearing in the same way as any other member of the public having made a relevant representation within the meaning of the Act (“any other person”). This also applies whether or not the Councillor is a Member of the Licensing Committee. Because of this “personal and prejudicial” interest the Ward Councillor cannot have any other involvement with officers or members regarding the application.
- 2.3 Ward Councillors who are not members of Licensing Committee may also act as the appointed representatives for any other person at the hearing, if requested to do so, but they should avoid discussing the application with any of the Licensing Sub-Committee beforehand. If a Ward Member is representing any other person, that other person must have objected by their own accord before a Ward Member can be requested to act as their representative at the hearing.
- 2.4 Ward Councillors who are members of Licensing Committee should not appear as the appointed representatives for any other person at the hearing because of the requirements of natural justice and the need to avoid giving any impression of undue influence or breach of the general obligation in the Code not to improperly use their position as a Councillor to secure any advantage.

3 Lobbying

- 3.1 Other Members must not lobby any Member of the Licensing Sub-committee, directly or indirectly, about any application before them.
- 3.2 Members of the public or any of the parties must not lobby any members of the Licensing Sub-Committee about any application before them. If any of the members of the Licensing Sub-Committee are approached by any person about a licensing matter, they should explain that they cannot discuss the matter and refer the person to the Licensing Officer. Any written representations received by individual members of the Licensing Sub-Committee must be passed to the Licensing Officer and reported at the hearing.

4 Chair of the Licensing Sub-Committee

The Chair of the Licensing Sub-Committee is to be elected by Members on the day by simple majority vote.

5 Quorum

- 5.1 Although the Act allows for the hearing to continue with two members present, the Council's Constitution and the Statement of Licensing Policy provides that three Councillors shall constitute a quorum for any meeting and it is good administrative practice for three members to be present.

If the meeting becomes inquorate at any time, the matter will need to be adjourned or referred to full Licensing Committee.

- 5.3 Membership may change during the course of a Sub-Committee meeting only if an individual member is disqualified from considering some but not all of the applications on the agenda. All members considering an application however must be present throughout the individual hearing. If, for any reason, a member needs to withdraw during the hearing, the proceedings should be temporarily adjourned until the member returns. The meeting will only commence if quorate. If a member arrives late and after the hearing commences, he or she will be disqualified from hearing the specific case under consideration but can hear other cases set out in the agenda.

6 Statutory Guidance

- 6.1 The Licensing Act 2003 (Hearings) Regulations 2005 SI 44/2005 and the The Licensing Act 2003 (Hearings) (Amendment) Regulations 2004 SI 78/2005 ("the Regulations") made under Section 183 of the Act set out the statutory framework for the Licensing Sub-Committee hearings.
- 6.2 These Regulations make provision for hearings required to be held by the Council as Licensing Authority, under the Licensing Act 2003. In particular, the Regulations provide for the timing of the hearings and the notification requirements regarding the time and date of the hearings and information to be given to the parties. In addition, provision is made for a party to provide information to the Licensing Committee about attendance at a hearing, representations, the seeking of permission for another person to attend to assist and whether a party believes that a hearing is necessary.
- 6.3 The Regulations provide for a range of procedural issues to govern the way in which preparations are made for a hearing, the procedures to be followed, the rights of parties at the hearing, the keeping of records and the manner of giving notices. The Regulations also make provision for the timing of the Licensing Committee's determination following a hearing.

6.4 Insofar as the Regulations do not make specific provision for procedures for and at hearings, the Licensing Authority can determine its own procedures.

7 Notice of Hearings

7.1 The provisions of the Local Government Act 1972 requiring at least three clear working days' notice of Council and Committee meetings do not apply to hearings conducted under the Licensing Act 2003.

7.2 Instead Regulation 6 of the Regulations prescribes the period of notice to be given for a Licensing Committee hearing, depending upon the type of application being considered.

7.2.1 At least two clear working days' notice must be given if the hearing is to consider

- the cancellation of an interim authority notice following a police objection
- counter notice following a police objection to a temporary event notice

7.2.2 at least five clear working days' notice must be given if the hearing is to consider

- review of premises licence following a closure order
- determination of application for conversion of existing licence
- determination of application for conversion of existing club certificate
- determination of application by holder of justices' licence for the grant of a personal licence

7.2.3 In all other cases, at least 10 clear working day's notice of the hearing must be given.

8 Timescale for arranging hearings

8.1 Regulations 4 and 5 and Schedule 1 set out the time periods within which the Council is required to arrange hearings. Where a hearing cannot be concluded in one day and has to be held on more than one day, the Regulations require that the hearing must be arranged to take place on consecutive working days.

8.2 The time frame for arranging hearings again depends on the nature of the application and varies from 20 working days from the last date when representation may be made or notice may be received from the Police to five working days in the case of cancellation of an interim authority notice following a police objection.

9 Form of Notice

9.1 Regulation 34 requires that notice of the hearing shall be in writing although it is a matter for the Council to determine how the notice should be given. The Regulations specifically provide that notice can be given electronically (eg by email or fax transmission) provided that the recipient agrees to this method of notice beforehand and a hard copy of the notice is also despatched at the same time. The notice is then deemed to have been properly served at the time of the electronic transmission. Any notice served by second class post would generally be deemed to have been served within two working days.

9.2 It is recommended that all notices and information should be sent to the parties by second class post. In the case of emergency applications that have to be dealt with at short notice or where the parties specifically request, copies will also be sent by email or fax, where these details are known.

10 Information to be provided

10.1 Regulation 7 provides that the following information must be sent out with the notice of hearing

- The rights of attendance, assistance and representation
- The consequences if a party does not attend or is not represented at the hearing (which will usually be that the hearing will proceed in the party's absence)
- The procedure to be followed at the hearing
- Any particular points on which the Licensing Committee considers that it wants clarification from any party at the hearing

10.2 Regulation 7(2) also provides that, in relation to the hearings listed in column 1 of Schedule 3 of the Regulations, certain specified documents must be sent with the notice of hearing to the persons identified. For most types of application, this means that copies of the relevant representations or notices given must be sent to the applicants or licence holders.

10.3 The Regulations require that the notice of the hearing and supporting information must be sent to the appropriate parties ie the applicant and any persons making relevant representations. There is no requirement for public notice to be given of the hearing or for the supporting information to be made available to the press and public or any other members of the Council. The Council however has a discretion as to whether or not to publicise the hearing more widely.

10.4 Having regard to the principles of open government, the Constitutional requirements that decisions are taken in a transparent and accountable manner and the requirements of Regulation 14(1) that hearings are generally conducted in public, it is recommended that the Licensing Sub-committees follow the same publicity arrangements as with other Committee meetings.

11 Requirements for Applicants and any other persons

11.1 Upon receipt of the notice of the meeting, the Applicant and any other person must inform the Council in writing

- Whether they intend to attend or be represented at the hearing
- Whether they consider a hearing to be unnecessary
- Requests for any other people to attend the hearing eg witnesses (including their names and a brief description of the evidence that they can give and its relevance to the application)

11.2 In the case of emergency applications, such as the cancellation of an interim authority notice following representations by the police or a counter notice following a police objection to a temporary events notice, this information must be provided not later than one working day before the hearing. In the case of the review of premises licences following closure orders, an application for conversion of existing licences or club certificates and the grant of personal licences, the information must be provided at least two working days before the hearing. In all other cases the information must be provided at least five working days before the hearing.

11.3 It is recommended that a separate letter be sent to the Applicant and any other person at the same time as the agenda for the meeting, reminding them of the need for this information and asking them for a response as soon as possible before the meeting. If the Licensing Sub-committee is informed in good time before the meeting that the parties do not wish to attend, then it may be possible to reschedule other business or applications for that meeting.

- 11.4 Regulation 9 allows the Council to dispense with the need for a hearing if the Applicant and all any other persons agree. If all the parties respond to the request for information stating that they consider a hearing to be unnecessary, the hearing can be vacated and notice given to the parties accordingly. A determination must then be made within 10 working days of the notice.
- 11.5 Regulation 10 provides that any party may withdraw their representations by giving written notice at least 24 hours before the hearing or orally at the hearing itself. There are no powers to avoid wasted costs in favour of either party in the event of an abortive hearing due to late withdrawal of representations. The parties should be encouraged to give as much notice as possible if they intend to withdraw their representations to avoid the unnecessary time and expense of arranging a hearing.
- 11.6 Where all objections are withdrawn and/or all the parties agree that a hearing may be dispensed with, the applications may be determined by officers under delegated powers.

12 Extensions of Time and adjournments (Regulations 11-13)

The Licensing Sub-Committee have a general discretion to extend the time limits contained in the Regulations or adjourn hearings if this is considered to be necessary in the public interest. Proper notice would have to be given of any extension of time or adjournment. Time cannot be extended or hearings adjourned if this would result in a failure to comply with the timescales set out in the Act.

13 The Hearing

13.1 Exclusions

Regulation 14 provides that all hearings must be held in public. The Licensing Sub-Committee may however exclude the press and public (including the parties and their representatives) from all or part of the hearing if they consider that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

13.2 The Access to Information provisions of Schedule 12A of the Local Government Act 1972 do not apply to hearings before the Licensing Sub-Committee. The test for exclusion of the press and public is not whether there is "exempt information" (as defined in Schedule 12A) which is likely to be disclosed, but whether it is in the "public interest" that the hearing (or part of the hearing) should be in private.

13.3 It is recommended that, as a general rule, all representations from the parties should be heard in public unless there are exceptional circumstances. The overriding public interest dictates that hearings should be conducted in a fair, open and transparent manner and justice should be seen to be done. The Council's constitution is also based on democratic open government, accountability and public access to meetings. The parties should be given the opportunity at the beginning of the hearing to make an application for a private hearing, but they would have to establish a clear reason why this should override the public interest in an open hearing. The fact that personal information or information relating to financial, business or commercial interests would be disclosed would not, in itself, justify exclusion. An application for exclusion of the press and public could be made, for example, where sensitive information relating to individual children could be disclosed in relation to a policy issue involving the protection of children from harm, or where there are criminal justice implications involving representations made by the police. The final decision as to whether the press and public should be excluded for all or part of the hearing on public policy grounds is a matter for the Licensing Sub-Committee.

13.4 It is however recommended that, as a general rule, the press, public and the relevant parties are all excluded from the meeting while the Licensing-Sub-committee deliberate and come to

their decision on the grounds that this private debate is considered to be in the “public interest”. Everyone should then be asked to withdraw from the room, except for the Licensing Officer, the Democratic Services Officer and the Head of Law and Standards or his nominated representative. These three officers shall be entitled to remain, but only for the purpose of offering advice as to procedure or any particular point of law and to record decisions. They must not participate in the decision-making by the Licensing Sub-Committee. Where it is more convenient, the Licensing Sub-Committee may withdraw to a private room rather than require everyone else to withdraw from the meeting room.

- 13.5 If there are any further points of clarification required, then all of the parties and the public should be allowed back into the meeting while these points of clarification are addressed.
- 13.6 Regulation 25 permits the Licensing Sub-Committee to exclude any person from the hearing if they are behaving in a disruptive manner, either permanently or temporarily (permitting them to return only if they comply with such conditions as may be specified). If one of the parties is excluded on these grounds and not permitted to return, they are entitled to submit to the Licensing Sub-Committee in writing any information which they would have been entitled to give orally had they not been excluded from the meeting.
- 13.7 Representations
Any person or responsible authority may make written representations about an application for a premises licence or certificate within a specified period, which is generally 28 working days of the receipt of the application. Representations or requests for review will only be relevant if they relate to the four licensing objectives. The applicant will be provided with copies of all relevant representations received at the same time as the notice of hearing. The written representations will also be referred to as background papers to the Report of the Licensing Officer, which will be circulated to Members of the Licensing Sub-Committee and made available to the press and public as soon as possible and, in any event, at least two clear working days before the hearing.
- 13.8 Advice should therefore be given that, if any person responds to any notice or advertisement, their letter of objection or support will be made available to the public, including personal data (such as names and addresses) in accordance with the Data Protection Act 1988. If any person objects to their name and address, or any other personal information, being made public, then their representations will need to be redacted or anonymised before being circulated (but this may affect the weight that the Licensing Sub-Committee attaches to their representations).
- 13.9 Where relevant representations have been made and an application is to be determined at a hearing, the applicant and those parties who have made representations have a right to attend the hearing (subject to rights of exclusion) and may be assisted or represented at the hearing by any person (whether or not that person is legally qualified) (Regulation 15).
- 13.10 Regulation 16 provides that a party shall be entitled at the hearing to
- Give further information in response to a point upon which the Licensing authority has given notice that it wants clarification
 - Question any other party, if permission is given by the Licensing Sub-Committee
 - Address the Licensing Sub-Committee
- 13.11 Regulation 17 provides that Members of the Licensing Sub-Committee may question any party or other person appearing at the hearing.
- 13.12 In considering any application, representations or notice made by a party, the Licensing Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice, either before the hearing or, with the consent of the parties, at the hearing. The Licensing Sub-Committee has discretion as to whether to admit this documentary evidence but should, generally allow this to be presented

if it is relevant and material to the application, the representations or notice submitted and the licensing objectives. This however should not be seen as an opportunity to introduce new representations outside the statutory timescale. The parties should be advised to provide any additional documentary evidence as soon as possible before the hearing and, wherever possible, this should be circulated in advance to the Members of the Licensing Sub-Committee and the other parties. The Sub-Committee will then decide at the hearing whether or not this additional documentary evidence should be admitted and considered. If admitted, the additional information will then be made available to the press and public at the meeting. If the additional documentary evidence has not been produced before the hearing, it can only be admitted with the consent of all the parties. If any other party objects to the evidence being produced at the hearing, the Licensing Sub-Committee has no discretion to admit it or take it into account.

14 Failure of parties to attend the hearing

If a party has informed the Council that he/she does not intend to attend or be represented at the hearing, then the hearing may proceed in their absence. If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Licensing Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing proceeds in the absence of a party, the Licensing Sub-Committee must still consider the written representations or notice submitted by that party and follow the same principles of decision-making.

15 Procedure at the hearing

- 15.1 Subject to the provisions of the Regulations, the Licensing Sub-Committee has the discretion to regulate their own proceedings and procedure to be followed at the hearing. The proceedings should be kept as informal as possible although a logical and ordered approach should be maintained in order to ensure a fair and impartial hearing. A suggested form of procedure is attached however the Chair should make it clear that the Licensing Sub-Committee are not totally inflexible and would be prepared to vary the order of proceedings if this would facilitate the proper consideration of an application or notice.
- 15.2 Regulation 7(c) provides that parties should be informed of the procedure to be adopted at the hearing when they are sent notice of the arrangements for the meeting. It is therefore suggested that a copy of the written procedure is sent to the parties with the notice of the hearing.
- 15.3 Regulation 22 requires the Licensing Sub-Committee to explain the procedure to the parties at the beginning of the hearing and consider any request under Regulation 8(2) for permission for another person to appear at the hearing (such permission not to be unreasonably withheld). Prior notice should have been given if parties wish to call witnesses or other persons to address the hearing. Provided that their evidence or representations are relevant and material, permission should generally be allowed.
- 15.4 Regulation 23 provides that the hearing should take the form of a "discussion led by the authority" and cross-examination should not be permitted unless the licensing committee considers that this is required to enable them to consider the matter properly. Whilst parties and their representatives should not be allowed to make the hearing too adversarial, it is suggested that both parties should be allowed an equal opportunity to put questions to the other party and their representatives/witnesses (under Regulation 16). A period of five minutes each should be allowed for questions, with the Chair having discretion to disallow any questions which are considered by the Licensing Sub-Committee to be irrelevant, hostile or repetitive. Wherever possible, large groups of objectors should be encouraged to appoint a single spokesperson to present their case, to save time and avoid unnecessary duplication.

15.5 Regulation 24 provides that the Licensing Sub-Committee must allow the parties an equal maximum period of time in which to exercise their rights to put questions and address the hearing. It is suggested that, as a general rule, a maximum time of 20 minutes should be allowed for both parties, with 10 minutes for addressing the Sub-Committee, five minutes for questioning and five minutes for summing up at the end. The Licensing Sub-Committee can however extend time for both parties if this is necessary for the proper consideration of the matter.

16 Site Visits

The Sub-Committee may, at its discretion, undertake a site visit of any premises that are the subject of any application. The visit may take place either before the hearing, by arrangement with the parties, or the Sub-Committee may adjourn the hearing at any time to visit the premises. If a site visit is undertaken, it should be a fact-finding exercise only and no representations should be heard from any party. Any questions should be addressed to licensing officer(s), wherever possible, but if it is necessary to ask a question of any party, this should be done in the presence of all the other parties.

17 Determination of applications

17.1 Normally, the licensing Sub-Committee must make its determination at the conclusion of the hearing. In other cases the Sub-committee shall make its determination within five working days. Where a hearing has been dispensed with, the decision must be made within 10 working days of the notice to dispense with the hearing.

17.2 The Council's Statement of Licensing policy provides that every decision of the Licensing Sub-Committee shall be accompanied with reasons for that decision. A summary of the decision shall be posted on the Council's website as soon as possible after the decision has been made, where it will form part of the statutory licensing register.

17.3 Paragraph 24 provides that comprehensive reasons should be given and, on making findings of fact in its reasons, the Licensing Sub-Committee should ensure that they address the standard of proof and the burden of proof that they have adopted. The Licensing Sub-Committee should also address the extent to which the decision has been made with regard to its Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Act.

17.4 Regulation 28 requires the Council to notify the parties in writing of the determination of the Licensing Sub-Committee and their rights of appeal. The Council is also required to send notification of the determination to the Chief Officer of Police, where the police have not been a party to the hearing. This notification must be sent within the period specified in the Act or, if no period is prescribed, forthwith on making the determination.

18 Right of appeal

Any aggrieved party will have the right of appeal to the Magistrates' Court within 21 days of being notified of the decision.

19 Record of proceedings

Regulation 30 provides that the Council must keep a record of the hearing in a permanent and intelligible form for a period of six years from the date of the determination or, where any appeal is brought against the determination of the Licensing Sub-Committee, from the disposal of any appeal. A verbatim note or transcript of the proceedings is not required, but the Minute recording the decision must be sufficiently detailed so as to provide an accurate record of both the proceedings and the decision taken, together with the reasons given and any conditions imposed.

20 Irregularities

Regulations 31-33 provide that any irregularities or clerical errors shall not invalidate any decision or render a determination void and enables the Council to correct any error or cure any irregularity as soon as possible.

Organisation of Cases for the Hearing

- 1 The hearings will normally take place at the Civic Centre, Newport at times to be agreed with the Sub-Committee.
- 2 The agenda for the meetings of the Licensing-Sub-committee shall be agreed by the Licensing Officer and the Senior Democratic Services officer after any necessary consultation with the relevant Chair of the Licensing Sub-Committee. The officers shall determine how many applications can be heard at each meeting and the order in which the applications should be considered, taking into account the number of parties who will be attending.
- 3 Hearings should be scheduled in accordance with the timescales prescribed by the Regulations. In general a hearing must be held within 20 working days after the time has expired for making representations.
- 4 Once the draft agenda has been agreed, the Senior Democratic Services Officer should send out notice of the agenda to the Members, press and public in the usual way. Members should immediately inform the Senior Democratic Services Officer if they consider they are disqualified from hearing or they have an interest in any specific case.
- 5 At the same time, the Licensing Officer shall send notice of the hearing to the parties, together with
 - A copy of the procedure to be followed at the hearing
 - Confirmation of the parties' rights to be assisted or represented at the hearing (whether or not that person is legally qualified)
 - Confirmation that the parties will be allowed to address the Licensing Sub-Committee and put questions to the other parties for a maximum of 20 minutes
 - Confirmation that, if a party does not attend the hearing, the hearing would generally proceed in his/her absence
 - A note of any particular point on which the Licensing Sub-committee requires further clarification.
 - Copies of all relevant representations received
- 6 The parties should also be requested to notify the Council as soon as possible (and in any event within the timescale prescribed by the Regulations) whether they intend to appear and/or be represented at the hearing or whether they consider a hearing to be unnecessary.
- 7 If they intend to proceed with a hearing, they should be requested to give advance notice of any application to adduce any further documentary evidence (which should preferably be provided as soon as possible before the hearing) or request for any other person to appear at the hearing. The request must contain details of the name of the witness and a brief description of that person's evidence.
- 8 The notice of hearing and supporting documents should be sent by second class post and, except in the case of emergency applications or where the Regulations specify a shorter period, at least 10 clear working day's notice should be given. The Licensing Officer may also send electronic copies by email or fax by agreement with the applicants or other party.

- 9 The Chair of the Licensing Sub-committee may meet with the Democratic Services Officer, the Solicitor to the Licensing Sub-Committee and the Licensing Officer(s) presenting the report in advance of the hearing to identify any issues where further clarification should be requested from the parties. These issues will be notified to the parties by the Licensing Officer to enable them to address these issues in their submissions at the hearing. During this preliminary meeting and any pre-agenda meeting, no decisions shall be made and no discussions shall be held regarding the substantive merits of the application or representations.
- 10 The hearings shall be attended by a Solicitor, a Democratic Services Officer and the Licensing Officer. The officers shall attend for the sole purpose of giving advice on law and procedure and are not parties to the decision.
- 11 The role of the Solicitor is to provide legal advice in relation to the applications and submissions.
- 12 The role of the Democratic Services Officer is to record the proceedings and the decisions of the Sub-Committee and ensure efficient administration.
- 13 The Licensing Officer shall prepare a written Report for consideration by the Licensing Sub-Committee, which should include
 - A brief summary of the application
 - A brief summary of the representations
 - The relevant licensing objectives
 - Relevant aspects of the Council's Statement of Licensing Policy and statutory Guidance
 - Other background information (such as copies of letters)
- 14 The Licensing Officer's Report should be sent out as soon as possible and, in any event, no later than 10 clear working days before the hearing, together with copies of relevant documentary evidence submitted by the parties. Wherever possible, the Licensing Officer's Report should be sent out at the same time as the notice of hearing and supporting documents, but this will not be reasonably practicable where there are a significant number of applications to be determined. If additional documentary evidence is provided later by the parties, it should be copied and sent to the other parties before the hearing, if reasonably practicable.
- 15 After hearing all the representations and prior to retiring to make its decision, the Licensing Sub-Committee may, if it wishes, seek the guidance of the Licensing Officer and/or Solicitor on possible conditions that could be attached to any licence.
- 16 The Democratic Services Officer shall keep a record of the decisions taken and the Licensing Officer shall send written confirmation of the decision to the relevant parties, together with the reasons, any conditions and their rights of appeal.

Principles of Decision-Making

- 1 This note is intended to provide members of the Licensing Sub-committee with a guide to the principles of decision-making. The licensing hearings are of a quasi-judicial nature and the procedures are, therefore, markedly different to the usual arrangements for Committee meetings.
- 2 It should be noted that the proceedings are governed by adjudication procedures and the rules of natural justice will, therefore, apply. All the parties should be given a full and fair hearing, which should be conducted in an open, transparent and accountable manner.
- 3 Members must, at all times, comply with the Council's Member Code of Conduct.

- 4 All licensing applications must be considered on the basis of whether they promote the four licensing objectives set out in the Act and incorporated in the Statement of Licensing Policy, namely
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5 In reaching their decisions under the Act, the Licensing Sub-Committee must have regard to all relevant considerations including (but not limited to)
 - The relevant statutory provisions
 - Relevant Statutory Guidance issued under Section 182 of the Act
 - The Council's Statement of Licensing Policy
 - The licensing objectives
 - The material facts based on the relevant evidence presented and representations received
 - The individual merits of each case
 - The public interest
- 6 The Licensing Sub-Committee must disregard any irrelevant considerations, including (but not limited to) information or evidence which is not relevant to the application or to the promotion of the licensing objectives. Members must also disregard any party political considerations or decisions taken in political group meetings.
- 7 Members of the Licensing Sub-Committee must act fairly, objectively and impartially throughout. They must not show any bias or predetermination and must keep an open mind on all applications until they have heard all the relevant representations and evidence. Members must not prejudge any application, express any view on the merits of any application, organise any support or opposition to any application, in advance of the hearing. Any Member with a "closed mind" on any application would be disqualified from sitting on the Licensing Sub-Committee which considers that application.

In the event of any licensing applications submitted by or on behalf of the Council or an officer of the Council, the same rules and procedures shall apply. No account shall be taken of the fact that the application is submitted by the Council or an officer and no favour or consideration shall be shown in relation to the application. Any member involved in the decision to apply for the licence shall be disqualified from sitting on the Licensing Sub-Committee which considers the application.

Procedure to be Followed at The Hearing

1 Preliminaries and Opening remarks

At the commencement of the meeting, the Chair for the meeting shall be elected by simple majority of members present.

The Chair of the Sub-Committee opens the meeting and welcomes those attending.

The Chair introduces the members and the officers present.

2 Apologies/declarations of interest

The Chair deals with any apologies for absence and declarations of interest. Any substitution of members will be dealt with at this stage.

3 Introductions

The Chair invites the applicant, any other person and their representatives to introduce themselves and indicate who will be speaking.

The Chair explains the procedures to be followed and the time allocated to each party and asks if there are any questions. (The order of proceedings may be varied at the discretion of the Sub-Committee where the parties have any particular preference or where this is necessary for proper consideration). The proceedings will generally be conducted in public unless it is in the public interest to hear cases in private. Any applications to exclude the press and public should be dealt with at this stage.

4 Applications

The Chair will inform the parties whether their applications to have certain people attend the hearing under Regulation 8(2) (eg witnesses) have been granted or refused.

The Chair will summarise the papers before the Licensing Sub-Committee and will confirm that everyone has copies. Chair will ascertain whether any representations have been or are now to be withdrawn. Licensing Sub-Committee will consider any requests for additional documentary evidence or other information to be introduced by either party. (Note that advance notification must be given, otherwise the additional information or evidence can only be adduced at the hearing with the consent of all the parties and the agreement of the Sub-Committee).

Chair is to identify any specific points about which the Licensing Sub-Committee have requested clarification.

5 Report from Licensing Officer

The Licensing Officer presents the Report outlining

- The nature of the application
- Any relevant background information
- Relevant issues in relation to the promotion of the four licensing objectives
- Relevant representations received
- Any relevant policy issues, including the Statement of Licensing Policy and any statutory Guidance

The Licensing Officer presenting the report will not make any recommendation regarding the determination of the application, but will simply outline the relevant considerations which the Licensing Sub-Committee will need to take into account when arriving at their decision. (It should be noted if the Licensing Authority wishes to make representation regarding application as a relevant authority under the Licensing Act 2003 a further Licensing Officer will be required to attend the committee and Act as a relevant authority).

The Members will be able to ask questions of the Licensing Officer(s) presenting the report to clarify any issues arising out of the Report.

7 The Applicant's case

- (a) The Applicant/representative to address the Sub-Committee and to call any witnesses where permission has been granted (maximum period of 10 minutes). Parties may give their evidence by making a statement or by being questioned by their representative.
- (b) The objectors/representatives shall be allowed to put questions to the applicant/representative and any witnesses (maximum five minutes).
- (c) The members of the Licensing Sub-committee to put questions to the applicant/representative and any witnesses

8 The Objector(s) case

- (a) The Objectors/representatives to address the Sub-Committee and to call any witnesses, where permission has been granted (maximum period of 10 minutes). (The responsible authorities eg Police, Fire Authority, followed by any other person in the order in which they submitted their written representations. Where a large group have objected, they should be encouraged to appoint a single spokesperson in order to save time and avoid repetition).
- (b) The applicant/representative shall be allowed to put questions to the objectors/representatives and any witnesses, (maximum five minutes).
- (c) The members of the Licensing Sub-committee to put questions to the objectors/representatives and any witnesses.

9 Closing Statements

- (a) Objectors or their representative(s) to sum up (maximum of five minutes). (In the order in which they addressed the Sub-Committee, if more than one).
- (b) Applicant or representative to sum up (maximum of five minutes). (At this stage the applicant/representative should indicate whether, in the light of the representations made, they wish to amend their application or offer any conditions to overcome the objections and/or promote the licensing objectives).

10 Decision

If there are no further matters to be resolved, the Chair will ask all the parties if they are satisfied that they have had a fair hearing and will then close the proceedings.

The Sub-committee to consider whether it is in the public interest that they deliberate in private or whether this part of the hearing should continue to take place in public.

Pass resolution to exclude the press and public (including the parties and their representatives) pursuant to Regulation 14(2) during this part of the hearing, while the Sub-Committee discusses its decision. Everyone should then be asked withdraw from the room, except the Licensing Officer(s) presenting the report, the Democratic Services Officer and the Head of Law and Standards or his nominated representative(s). These officers shall be entitled to remain but only for the purpose of offering advice as to procedure or any particular point of law. The Sub-Committee may withdraw into a private room to do this

The Members of the Sub-Committee will deliberate and come to their decision. The reasons for the decision, the material findings of fact and any conditions will be agreed and recorded in writing by the Chair. In the event of any disagreement, any matter under consideration shall be determined by a simple majority of votes cast.

The hearing will then resume in public. The Chair will announce the decision and give the reasons for that decision, any material findings of fact, any licence conditions that are to be imposed and the licensing objectives that they relate to (unless, where permitted by the regulations, the decision is to be communicated at a later time).

11 Repeat process for each hearing

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Report

Licensing Sub-Committee

Part 1

Date: 12 April 2017

Item No: 04

Subject Licensing Variation Application

Purpose The consideration and decision in respect of a full variation application by My Local Convenience Stores Limited under Section 34 Licensing Act 2003 for the full variation of a Premises Licence in respect of St Woolos Stores, 116A Stow Hill, Newport, NP20 4GA.

Author Samantha Turnbull, Licensing Officer

Ward St Woolos

Summary The Licensing Committee have statutory and delegated powers to take decisions in relation to licensing applications. The Licensing Committee will make the decision on the application made pursuant to the relevant legislation under which the application has been made.

Proposal To make a decision on the application as detailed within this report.

Contact Licensing Officer

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed

Application

An application made by My Local Convenience Stores Limited under section 34 of the Licensing Act 2003 for the full variation of a Premises Licence was served on the Licensing Authority of Newport City Council on 28 February 2017. (A copy of the application can be found in Appendix 1 of this report)

In accordance with statutory provisions, copies of the application were served on each of the responsible authorities and details of the application were advertised on the premises and in the South Wales Argus, giving the responsible authorities and any other persons until midnight on 28th March 2017 to make written representations.

A premises licence under the Licensing Act 2003 was issued in respect of the premises located at 116A Stow Hill then trading as St Woolos Wine Lodge since the introduction of the Licensing Act 2003 on 24 November 2005; prior to this date the premises held a justices' on licence which was simply converted over into the new licensing regime. (Location and photographs can be found in Appendix 2 of the report.)

A visit by a Licensing Officer to St Woolos Wine Lodge on 11th October 2016 found it have ceased trade and been closed down. This remained the case until 17th January 2017 when Mr Keifer Shea-Godden was granted an application for the transfer of the Premises Licence to himself trading as My Local Convenience Stores Limited for which he is the company director and also specified on the Premises Licence as the Designated Premises Supervisor for the premises.

1. Licensable Activities

The existing Premises Licence authorises the Sale of Alcohol as follows:

Monday to Saturday between the hours of 08:00 and 23:00

Sunday between the hours of 10:00 and 22:30

Good Friday between the hours of 08:00 and 22:30

Christmas Day between the hours of 12:00 to 15:00 and 19:00 to 22:30

The application before the Licensing Sub – Committee seeks to vary the existing Premises Licence as follows:

To extend the times for the sale by retail of alcohol:

Monday to Saturday between the hours of 06:00 and 08:00 and 23:00 – 00:00.

Sunday between 06:00 – 10:00 and 22:30 and 23:00.

To extend the opening times:

Monday to Saturday between 06:00 – 08:00 and 23:00 – 00:00.

Sunday between 06:00 – 10:00 and 22:30 and 00:00

To remove the restrictions for the sale by retail of alcohol applied to:

Christmas Day between the hours of 12:00 to 15:00 and 19:00 to 22:30

Good Friday 12:00 - 22:30

To include the provision of late night refreshment:

Monday to Sunday 23:00 – 00:00

Internal layout changes:

To attach updated scale plans to the premises licence so as to reflect changes in the layout of the counter and shelving configuration within the premises.

2. Mandatory Conditions of a Premises Licence

1 No supply of alcohol may be made under the premises licence:

- i) at a time when there is no designated premises supervisor in respect of the premises licence; or

ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 Where at specified times one or more individuals may be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority.

For the purposes of this section:

- i) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies; and
- ii) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

- 4 (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

{b New Mandatory condition for on and off sales from 28 May 2014}

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

3. Promotion of the Licensing Objectives

The applicant has described in an Operating Schedule the steps that will be taken to promote the four licensing objectives if the application is granted. These are contained in section M of the application form at Appendix 1 to this report.

4. Representations

Representations in respect of the application were received from the 'Responsible Authorities' of:

Licensing Authority

On 28 March 2017 the Licensing Authority received a representation from the Licensing Authority acting in their capacity as a responsible authority under section 182 (4) of the Licensing Act 2003, a copy of which is included at Appendix 3 of the report. Upon receipt of the representation the applicant confirmed to the Licensing Authority that it was his wish to amend his operating schedule so as to include the 5 conditions detailed in the representation.

The representation was subsequently withdrawn by the Licensing Authority.

Other Persons

The below named person also submitted a representation form to the Licensing Authority.

Bob Dando	11 Clifton Road, Newport, NP20 4EN	Received 20/03/2017
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5. Policy Considerations

Relevant extracts of the Statement of Licensing Policy as regards this application include:

IMP 1 The Council will normally grant applications for premises licences and club premises certificates subject to conditions which are consistent with the Operating Schedule and any mandatory conditions prescribed within the Act. Where relevant representations are received the Council may impose additional conditions as considered necessary in order to promote the licensing objectives which arise out of those representations.

IMP 2 The Council will strike a fair balance between the benefits of a licensed premises to a community and the risk of disturbance to local residents. Consequently in certain areas, upon receipt of representations by any Responsible Authority or any other person, the Council may restrict the hours of operation of licensable activities.

IMP 3 The Council will normally grant premises licences for a time period of not earlier than 10.00 a.m. and a terminal hour of no later than 11.30 p.m. for those premises licensed to sell alcohol for consumption on the premises and which are located in primarily residential areas. However, hours beyond 11.30 p.m. may be permitted:

- a. for premises located in predominantly commercial areas, such as the City Centre and where there is a high level of accessibility to public transport services;
or
- b. the licensable activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it;
or

- c. there will not be any increase in the cumulative adverse impact from these or similar activities, on any neighbouring residential area and the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.

G2 The Council will attach conditions to licences, which are tailored to the individual style and characteristics of the premises. Such conditions will normally be drawn from the Council's pool of conditions. Where appropriate, additional conditions will be formulated based on an individual case following receipt of relevant representations.

6. Legal Considerations

The decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

- a. Prevention of crime and disorder
- b. Public Safety
- c. Prevention of Public Nuisance
- d. Protection of Children from Harm

In each case the Sub-Committee may make the following determination:

- a. To grant the application as applied
- b. To grant the application and modify what is requested by the application in respect of activities, times and conditions, by altering, omitting or adding to them, where relevant.
- c. Reject the whole or part of the application.

All decisions taken by the Sub-Committee must

- a. be within the legal powers of the Council and its Committees;
- b. comply with any procedural requirement imposed by law;
- c. be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations;
- d. be fully and properly informed;
- e. be properly motivated;
- f. be taken having regard to the Council's fiduciary duty to its taxpayers; and
- g. be reasonable and proper in all the circumstances.

7. Issues for discussion

- a) The proposed increase in permitted hours for the sale by retail of alcohol sought by the application.
- b) The content of the existing operating schedule and amendment to conditions in promoting the four licensing objectives
- c) The representations made in respect of the application.
- d) Newport City Council's Statement of Licensing Policy
- e) Any conditions that are required by the Panel to be attached to the Premises Licence in order to promote the four Licensing Objectives, in light of the information contained in the applicant's operating schedule and representations received.

Samantha Turnbull, Licensing Officer

List of Appendices

- 1. Application for full variation of a Premises Licence.
- 2. Map and Street Views of the Premises subject of the application.
- 3. Representation from the Licensing Authority.
- 4. Representation from 'Other Persons'.

APPENDIX 1
Application for Variation of a Premises Licence.

0123 14000002 407
£190 card.

2 8 FEB 2017 *end of consultation*
28/3/2017

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We My local Convenience Stores Limited
(insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 17/00093/LAPVPT	
--	--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 116a stow hill			
Post town	Newport	Postcode	Np20 4GA
Telephone number at premises (if any)	N/A		
Non-domestic rateable value of premises	£5700		

Part 2 – Applicant details

Daytime contact telephone number	07769637270		
E-mail address (optional)	Klefergodden@live.co.uk		
Current postal address if different from premises address	10 Pentonville		
Post town	Newport	Postcode	NP20 5HB

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Change of opening hours to:
Monday-Sunday 6am-12pm

Removal of good Friday and Christmas day trading restrictions

Include delivery of alcohol to a home address or business between the hours of 12 noon and 11pm

→ Attach updated scale plans to the premises licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	11pm	12pm	Supply of hot drinks and providing a microwave for customers to heat there food		
Tue	11pm	12pm			
Wed	11pm	12pm	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	11pm	12pm			
Fri	11pm	12pm	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11pm	12pm			
Sun	11pm	12pm			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises <input type="checkbox"/>
				Off the premises <input checked="" type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)	
Mon	6am	12pm		
Tue	6am	12pm		
Wed	6am	12pm		
Thur	6am	12pm		
Fri	6am	12pm		
Sat	6am	12pm		
Sun	6am	12pm		
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
			The order of alcohol between the hours of 12 noon and 11pm online	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	6am	12pm	
Tue	6am	12pm	
Wed	6am	12pm	
Thur	6am	12pm	
Fri	6am	12pm	
Sat	6am	12pm	
Sun	6am	12pm	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- All delivery staff to hold a personal licence
- Online sales only and development of a website
- The delivery scheme will only be available to those customers who can clearly demonstrate that they are over 21 years of age.
- ID to be provided on the door of the property at all times
- Implementing and maintaining a list of properties that you ban
- Implementing a charge for delivery
- Offering reduced or free delivery for next day delivery to get customers to order for next day delivery
- All staff will have body cams on when delivering and we will aim to keep the footage for 28 days. We will also aim to keep all refusals for a minimum of 28 days
- setting up a membership scheme that individuals have to register with your store and provide ID in advance by either coming in to store or sending a copy online before they have access to online purchasing.

b) The prevention of crime and disorder

All staff will have body cams on when delivering and we will aim to keep the footage for 28 days. We will also aim to keep all refusals for a minimum of 28 days
There will be cctv within the store with a minimum of 28 days
We will offer a minimum of a challenge 21 policy
All delivery staff to hold a personal licence
Maintain a refusal log and it will be checked by the DPS monthly

c) Public safety

All orders would be paid for online in advance so there would be no cash on delivery
If needed door security will be employed
Cctv will be installed within the store with a minimum of 28 days
All staff will have body cams on when delivering and we will aim to keep the footage for 28 days. We will also aim to keep all refusals for a minimum of 28 days
All delivery staff to hold a personal licence

d) The prevention of public nuisance

Cctv will be installed within the store with a minimum of 28 days
We will offer a minimum of a challenge 21 policy
All orders would be paid for online in advance so there would be no cash on delivery
If needed door security will be employed
All staff will have body cams on when delivering and we will aim to keep the footage for 28 days. We will also aim to keep all refusals for a minimum of 28 days

e) The protection of children from harm

Customers can only view the alcohol online once they have signed up to the site
We will offer a minimum of a challenge 21 policy
All delivery staff to hold a personal licence
All staff will have body cams on when delivering and we will aim to keep the footage for 28 days. We will also aim to keep all refusals for a minimum of 28 days

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>A. Godden</i>
Date	28/2/17
Capacity	Director

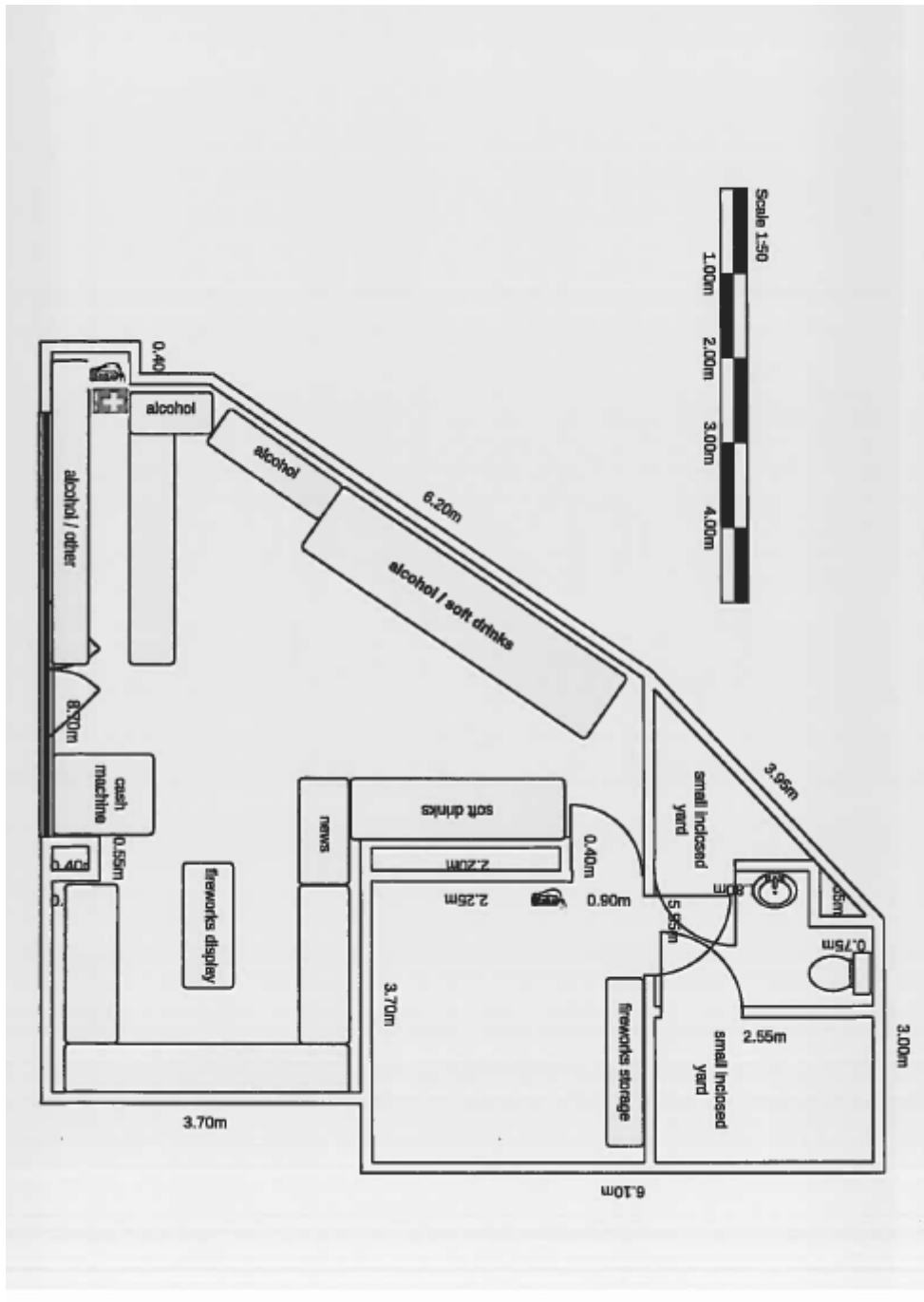
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

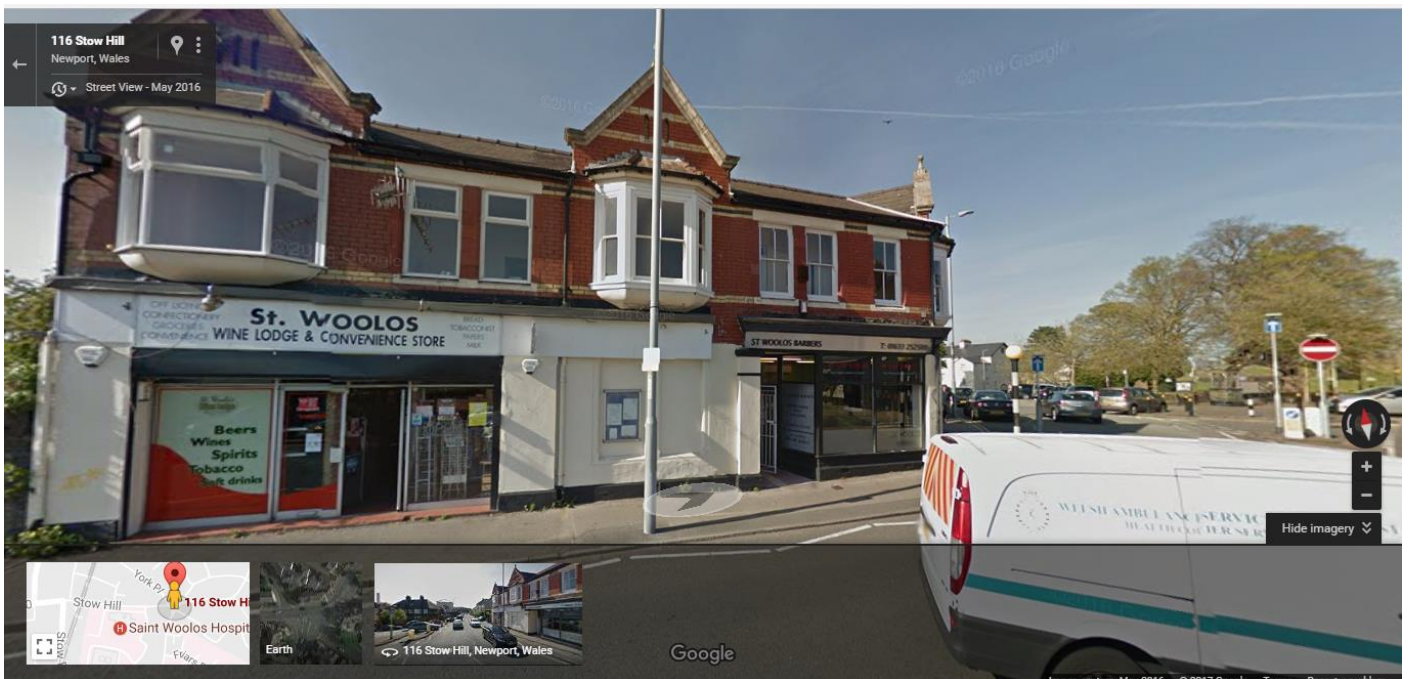
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Kiefer Shea-Godden
10 Pentonvill

Post town	Newport	Post code	Np20 5bb
Telephone number (if any)	07769637270		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
kiefergodden@live.co.uk			



Map and Street Views of the Premises subject of the application



Representation from the Licensing Authority

Ask William Lewis
Our Ref/*Ein* 17/00454/LAPV
Your Ref/*Eich*
Tel/*Ffôn* **01633 656656**
Direct 01633 851332
DX 99463 Newport (Gwent) 3
E-Mail/*E-Bost* William.lewis@newport.gov.uk

Law and Regulation
Y Gyfraith a Rheoleiddio



Senior Licensing Officer
Licensing Authority
Newport City Council
Floor 4, Information Station
Queensway
Newport
NP20 4AX

Licensing Service/
Gwasanaeth Trwyddedu
PO Box 883/Bwlch Post 883
Civic Centre/Canolfan
Ddinesig
Newport/Casnewydd
South Wales/De Cymru
NP20 4UR

Tuesday 28th March 2017

Dear Mr Godden

SECTION 69 LICENSING ACT 2003: NOTICE OF OBJECTION

TO AN APPLICATION UNDER SECTION 34 LICENSING ACT 2003 FOR A FULL VARIATION OF A PREMISES LICENCE IN RESPECT OF '116A Stow Hill, Newport, NP20 4GA', served upon the Licensing Authority on 28 February 2017.

Newport City Council's Licensing Authority acting in their capacity as a 'Responsible Authority' by virtue of section 182 (4) Licensing Act 2003 (amended guidance) wish to object to the full variation of a Premises Licence as detailed above on the grounds that the application does not provide clear, measurable and enforceable provisions for promotion of the four 'licensing objectives' of:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Protection
- Protection of Children from Harm

In this respect the Licensing Authority acting in their role as a '**responsible authority**' would withdraw their representation if the applicant volunteered the following conditions in addition to those which were proposed within the application, to be attached to the premises licence, if the variation is granted, in order to promote the 'licensing objectives'.

1. CCTV will be installed inside and outside the premises. The cameras will cover all internal areas accessible to the public and areas immediately outside the premises and any storage rooms. The date and time settings on the system must be correct and the CCTV system must be capable of recording images to a suitable medium that allows replay. Recordings must be retained for a minimum of 28 days. Staff shall be trained in the maintenance and operation of the CCTV system with a record kept of the date and name of person trained. A trained member of staff should be on duty to operate the system whenever the premises are open. Records shall be made available for inspection by the police and other responsible authorities as requested.

2. A refusal book shall be kept at the store and all refusals recorded, with staff required to enter details of time/date/individual/product refused and why, the DPS must counter sign the book every 4 weeks.
3. On occasion of deliveries of alcoholic drinks and products the delivery drivers shall be equipped with a refusal book and record details of refused deliveries to include the address/time/date/individual/product reason for refusal. The DPS must counter sign this refusal book every 4 weeks.
4. All staff selling alcohol should be briefed on the premises Licensing Conditions. A log should be kept of the date and name person briefed and made available for inspection by a responsible authority. A documented training scheme shall be introduced for all staff. The scheme shall be made available for inspection at the request of any Responsible Authority under the Licensing Act 2003
5. Whenever a designated premises supervisor is not at the premises, another individual must be nominated as being the responsible person nominated by the designated premises supervisor to manage the premises and they must have the contact details of the designated premises supervisor.

If you require any further information please do not hesitate to contact me direct on (01633) 851332.

Yours sincerely

William S Lewis
Senior Licensing Officer

Representation Form to the application for variation of the Premises Licence

Law and Regulation
Licensing Service



REPRESENTATION FORM

ANY OTHER PERSON "INTERESTED PERSON"

Your Name/Company Name/Name of Body you represent	BOB DANNO.
Postal and email address	11, CLIFTON ROAD ST. WOOLOS. NEWPORT. NP20 4EW. bob.danno48@hotmail.com
Contact telephone number	01789 191492.
Name of the premises you are making a representation about	MY LOCAL CONVENIENCE STORE LTD.
Address of the premises you are making a representation about	116A, STOW HILL, ST. WOOLOS. NEWPORT NP20 4GA.

Your representation must relate to one of the four Licensing Objectives. Please detail	Please detail the evidence supporting your representation and the reason for your representation. (Please use separate sheets if necessary)
The Prevention of Crime and Disorder	<p>IN THE WARMER MONTHS IT IS NOT UNUSUAL FOR GROUPS OF PEOPLE TO GATHER TO CONSUME ALCOHOL, AND OTHER SUBSTANCES, ON THE BENCHES OUTSIDE ST. NICHOLAS CATHEDRAL. THEY OCCASIONALLY 'PARTY' LATE INTO THE NIGHT/EARLY MORNING. UNFORTUNATELY, IT IS VERY COMMON TO BE AWAKENED BY THE SOUNDS OF PEOPLE SCREAMING AND/OR FIGHTING IN THE STREET. ANOTHER SUPPLIER OF ALCOHOL, LATE AT NIGHT, IN THIS AREA CAN ONLY EXACERBATE THE SITUATION AND WOULD PROVIDE A FOCAL POINT FOR THESE UNDESIRABLE ELEMENTS.</p>

THERE IS ALREADY A PERENNIAL
PROBLEM WITH LITTERING IN CLIFTON
ROAD, MOST OF WHICH CONSISTS OF
ALCOHOLIC DRINK CONTAINERS.
IT HAS BEEN NECESSARY TO
CONTACT THE COUNCIL ON MANY
OCCASIONS TO ASK THEM TO CLEAN
THE STREET MORE OFTEN THAN
SCHEDULED.
MOST OF THIS LITTER IS GENERATED
OVERNIGHT.
CONSEQUENTLY, YET ANOTHER LATE
NIGHT SOURCE OF CHEAP ALCOHOL:
LITERALLY ON THE BEESTEP, WILL
INCREASE THE AMOUNT OF LITTER
IN THE STREET.

Ensuring Public Safety

MY WIFE AND, UNDOUBTEDLY, SOME OF OUR FEMALE NEIGHBOURS FEEL INTIMIDATED BY THE ACTIONS OF DRUNKEN, AGGRESSIVE PEOPLE (OF BOTH SEXES) IN THE STREET. LESS SUPPLIERS OF LATE NIGHT, CHEAP ALCOHOL IN THIS AREA ARE REQUIRED. NOT MORE.

The Protection of
Children from Harm

N/A.

Generally, if there is to be a hearing to determine the premises licence application, the Panel will only be able to consider matters that have been previously disclosed. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. You will only be able to provide further detail in respect of those issues already raised and not to introduce entirely new evidence. (Please attach additional sheets if necessary).

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence should the application go to a Hearing.

Signed:  Date: 17th March 2017.

Please return this form along with any additional sheets to:

Licensing Services
PO Box 883
Newport City Council
Civic Centre
Newport
South Wales
NP20 4UR

Or email:

environment.licensing@newport.gov.uk

THIS FORM MUST BE RETURNED WITHIN THE STATUTORY PERIOD, WHICH ENDS TWENTY-EIGHT DAYS FROM THE DATE THE NOTICE WAS DISPLAYED ON THE PREMISES OR ENDS ON THE DATE SPECIFIED IN THE PUBLIC NOTICE IN THE NEWSPAPER.

PLEASE CONTACT THE LICENSING TEAM ON 01633 656656 TO CONFIRM THIS DATE.

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