

Agenda



Licensing Sub-Committee

Date: Monday, 18 June 2018

Time: 2.30 pm

Venue: Committee Room 1 - Civic Centre

To: Councillors D Davies (Chair), H Thomas (Deputy Chair), G Berry, J Cleverly, M Cornelious, T Holyoake, A Morris, M Rahman, W Routley, C Ferris and J Hughes

Item		Wards Affected
1	<u>Apologies for Absence</u>	
2	<u>Declarations of Interest</u>	
3	<u>Licensing Sub-Committee Code of Practice</u> (Pages 3 - 16)	
4	<u>Review of Premises Licence: Picton Arms, 13-14 Commercial Road, Newport, NP20 2PA</u> (Pages 17 - 38)	Pillgwenlly
5	<u>Review of Premises Licence: The Ivy Bush Inn, 65, Clarence Place, Newport, NP19 7AB</u> (Pages 39 - 74)	St Julians

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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 Report

Part 1

Date: 18 June 2018

Item: 4

Subject **Review of Premises Licence under Section 51 Licensing Act 2003**

**Picton Arms, 13-14 Commercial Road, Newport, NP20 2PA.
Premises Licence Number 18/00354/LAPVPT**

Purpose The consideration and decision in respect of a review application under Licensing Act 2003.

Author Alastair Dearling (Licensing Manager)

Ward Pillgwenlly Ward

Summary An application for a review of the premises licence was made by Newport City Council Pollution Control Team (Noise) on 25th April 2018 on the basis the premises was undermining the Licensing Objectives of Public Nuisance.

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

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed

Application

1. An application was submitted on the 25th April 2018 on behalf of Newport City Council Noise & Neighbourhood Team for a review of a premises licence under Section 51 of the Licensing Act 2003 for the Picton Arms, 13-14 Commercial Road, Newport, NP20 2PA.

The Premises Licence Holder and also the Designated Premises Supervisor (DPS) is a Mr Ciprian Florin Novac.

2. The application for review can be found in **Appendix A** of this report. It is the view of the Noise & Neighbourhood Team that the Premises has continued to fail to address noise nuisance from the premises predominantly from recorded music from the premises, that's has been alleged to take place after licensing hours.

Representations:

3. In accordance with the provisions of Section 51 Licensing Act 2003 the Licensing Authority electronically served a copy of the application on the 'Responsible Authorities' on 25th April 2018 and the application was also published on Newport City Council website detailing that representations from any person should be served on the Licensing Authority no later than the end of the 28 day consultation period on 23rd May 2018 alongside a site notice of review.
4. On 04th May 2018 a representation from Licensing Officer William Lewis in his capacity as a 'responsible authority' under section 182 (4) of the Licensing Act 2003 was served on the Licensing Authority.
5. This representation is included in this report at **Appendix B of this report**.
6. No other Responsible Authorities or other persons have made representation.

Current Premises Licence

The Premises Licence 15/00607/LAPVM Included at **Appendix C** of this report authorises the following licensable activities:

Sale by retail of Alcohol

Monday to Saturday inclusive 08:00 - 01:00
Sunday 08:00 - Midnight
Good Friday 12:00 - 22:30

Provision of facilities for dancing

Monday to Saturday inclusive 20:30 - 23:00
Sunday 20:30 - 22:30

Karaoke

Monday to Saturday inclusive 20:30 - 01:00
Sunday 20:30 - Midnight

Performance of Live Music

Monday to Saturday inclusive 20:30 - 23:00

Sunday 20:30 - 22:30

Playing of Recorded Music

Monday to Saturday inclusive 20:30 - 01:00

Sunday 20:30 - Midnight

Background History

7. The Picton is an established Licensed Premises operating as a “traditional” public house. It has been a pub premises since long before the introduction of the Licensing Act 2003 on 24th November 2005 when the licence was converted and varied to allow extended hours for licensable activities.
8. On 31st August 2017 the premises were acquired by a Mr Alexejandro Devi Kanda, Mr Alexejandro Kanda was also named as the Designated Premises Supervisor (DPS).
9. On the 19th February 2018 the Premises Licence was transferred to a Mr Ciprian-Florin Novac Of 33 Usk Street, Newport, South Wales, NP19 7BE, Mr Novac was also named as the Designated Premises Supervisor(DPS). It was known that Mr Novac had been working at the Picton as a Manager since approximately October 2017.
10. A formal mediation meeting took place with Mr Novac with the Licensing Authority on the 19th February 2018 regarding the noise complaints and also operating outside the premises licence hours.
11. **Appendix D** of this report highlights the location of the premises.

Legal Considerations, Guidance, Policy Consideration.

12. The decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:
 - Prevention of crime and disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

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

- 1 - To modify the conditions of the Premises licence
- 2 - To exclude a licensable activity from the scope of the premises licence
- 3 - To remove the designated premises supervisor from the licence
- 4 - To suspend the premises license for a period not exceeding 3 months
- 5 - To revoke the premises licence
- 6 - Take No Action in respect of the Premises Licence.

Guidance

13. Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) Section 11 “The review process”

14. Relevant extracts of the Statement of Newport City Council Licensing Policy as regards this application include:

Paragraph 33.1

The Licensing Authority can only review a licence where it is alleged by a “responsible authority”, or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. Only Responsible Authorities or other local persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence. At any subsequent hearing, the Sub-Committee will consider evidence and make a determination. It views particularly seriously applications for the review of any premises licence which involves the:

- use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the storage or sale of stolen goods;
- the police being frequently called to attend to incidents of disorder;
- **prolonged and/or repeated instances of public nuisance;**
- serious risk to public safety have been identified and the management is unable or unwilling to correct;
- serious risk to children.

33.2 The Licensing Sub-Committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making its decision. It will consider all sanctions at its disposal by virtue of the Act and guidance, including taking no action, if appropriate. In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be considered where appropriate to ensure the licensing objectives are promoted.

Issues for discussion

15.

- The review application and supporting witness evidence.
- The response by the holder of the Premises Licence to the application.
- Any other evidence or matters presented by all parties and any mitigating circumstances.
- Any action that the committee consider necessary to ensure the promotion of the four licensing objectives.

Appendix A
Application for the review of a premises licence under the Licensing Act 2003.

Newport City Council Licensing Authority

Application for the review of 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 Brian Miles, Pollution Control Officer

(Insert name of applicant)

Apply for the review of the Premises Licence No 18/00354/LAPVPT under Section 51 Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises

Postal address of premises or, if none, ordnance survey map reference or description	
Picton Arms 13 - 14 Commercial Road	
Post town Newport	Post code (if known) NP20 2PA

Name of premises licence holder
Mr Ciprian Florin Novac

Number of premises licence
18/00354/LAPVPT

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick ✓ yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post town	<input type="text"/>	Post Code	<input type="text"/>
------------------	----------------------	------------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environment & Community Noise & Neighbourhood Team Civic Centre Newport South Wales NP20 4UR
Telephone number (if any) 01633 851708
E-mail address (optional) Brian.miles@newport.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

On the 5th February 2018 due to alleged noise nuisance complaints being received from local residents, an enforcement letter was sent to the then DPS, Mr Alejandro Devi Kanda. (See: **Letter BM01**).

On the 19th February 2018 an enforcement letter was sent to the new holder of premises licence and designated premises supervisor - Mr Ciprian-Florin Novac. (See: **Letter BM02**).

On the 20th March 2018 an Abatement Notice was served under the Environmental Protection Act 1990, requiring Mr Ciprian-Florin Novac to adequately control the volume of the music emanating from the Picton Arms.

The Abatement Notice requires Mr Ciprian-Florin Novac to abate the nuisance i.e. *to adequately control the volume of the music, so that it does not materially interfere with the use and enjoyment of neighbouring accommodation*. (See: **Letter BM03 and Notice BM04**).

On the 25th April 2018, an application for the review of your premises licence under the Licensing Act 2003, was submitted to the Licensing team and a breach of notice letter was sent to Mr Ciprian-Florin Novac, due to further 'noise app' recording being received (See: **Letter BM05**).

Please provide as much information as possible to support the application (please read guidance note 3)

Noise recordings received on the following dates with timings;

17 Mar 2018 @ 02:28am & 02:32am

07 Apr 2018 @ 23:48pm & 23:53pm

21 Apr 2018 @ 02:56am 02:57am, 03:02am, 03:38am & 03:53am.

I would recommend to Members of the Licensing Committee, consider the following points and that they are implemented in order to promote the four licensing objectives:

In that;

Live and recorded regulated entertainment is removed from the license, including the provisions detailed under the terms of the Live Music Act 2010 until a specialist acoustic consultant is employed to conduct an Environmental Noise Survey to enable a sound insulation scheme to be introduced, thus, insulating the premises against the transmission of impact/airborne noise, in-doing so protecting the wellbeing and enjoyment of local residents whilst within the curtilage of their properties from unwanted noise;

Removal of the Designated Premises Supervisor (DPS), being that the DPS has shown a blatant disregard to prior warning from the Noise & Neighbourhood team and other Council employees from our Licensing team and that the DPS has failed to correctly implement standard licensing conditions through the correct managerial intervention.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 25th April 2018

.....

Capacity

Duly Authorised Officer for the Environment & Community (Noise & Neighbourhood team) part of the Licensing Authority

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

NEWPORT CITY COUNCIL

STATEMENT OF WITNESS

(Criminal Procedure Rules r 27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, S.5A [3] and 5B)
The Magistrates Courts [Forms] Rules 1981 as amended by the Magistrates Courts [Forms] [Amendment] Rules
1997
MC [Witnesses Addresses] Rules 1990

Statement of: William Stephen Lewis

Age of Witness [if over 18 enter over 18]: Over 18

Occupation of Witness: Licensing Officer

This statement, consisting of 3 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date: 09th May 2018 Signature: W S Lewis

I am employed by Newport City Council as a Licensing Officer. My duties include a requirement to deal with the administration and enforcement of statutory provisions of the Licensing Act 2003.

I refer to an application by Newport City Council Environmental Health (Pollution Control) under Section 51 Licensing Act 2003 served on the Licensing Authority on 25th April 2018 for a review of the Premises Licence issued to Ciprian-Florin Novac in respect of The Picton Arms. In my position as a responsible authority under the Licensing Act 2003 I wish to make representation in support of this application for a review of the Premises Licence held by Ciprian-Florin Novac as a consequence of his management of the premises which has led to complaints of public nuisance thereby undermining that licensing objective.

On 05th February 2018 I received notification from Brian Miles (Pollution Control Officer) with Newport City Council Environmental Health department regarding an ongoing issue in respect of noise nuisance complaints associated with a Licensed Premises trading as The Picton 13-14 Commercial Road, Newport. This notification included a copy of a letter which had been sent to Mr Alejandro Devi Kanda who at that time was the owner, Premises Licence Holder and Designated Premises Supervisor of the Picton.

Between 05th and 19th February 2018 whilst on duty at the Information Station I saw Mr Alejandro Devi Kanda who having received the letter from Environmental Health had attended to discuss the transfer of the Premises Licence. He intimated that although he remained the owner and lived in residential accommodation above the premises he was no longer involved in the management of the licensed premises having sub-let it to another person around October 2017.

He acknowledged that there had been complaints regarding loud music from the Picton beyond the hours during which licensable activities were authorised, that he himself had witnessed such and although he was not responsible for the noise nuisance, he had warned his tenants accordingly.

Signature: W S Lewis 09th May 2018

On 19th February 2018 I was again on duty at the Information Station when I again saw Alejandro Devi Kanda who was accompanied by Ciprian-Florin Novac.

On that date I processed an application by Mr Novac so that the Premises Licence was transferred to himself and a further application where he was specified on the Premises Licence as the 'Designated premises Supervisor'.

I used the opportunity to inform Mr Novac of the recent issues and complaints of noise nuisance emanating from the Picton together with the fact that the times of the complaints suggested that unauthorised licensable activity had been occurring since his management of the premises. I reminded him of the 'licensable activities' and the times authorised by the Premises Licence and that it was now his responsibility under the provisions of the licensing act to ensure compliance.

It is evident as a consequence of further complaints to Newport City Council Environmental Health Department that the good advice and guidance given to Mr Novac on 19th February 2018 failed to have the desired impact and that the continuing complaints have demonstrated a failure by the Premises Licence Holder to promote the Licensing Objective of the Prevention of Public Nuisance.

Signature:

W S Lewis

09th May 2018

Appendix C Premises Licence

Schedule 12
Part A
(THIS PART OF THE
LICENCE MUST BE KEPT
AT THE PREMISES AT ALL
TIMES AND PRODUCED
UPON REQUEST OF AN
AUTHORISED OFFICER)
Premises Licence
City of Newport



Premises Licence Number	18/00354/LAPVPT
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code Picton Arms 13 - 14 Commercial Road Newport South Wales NP20 2PA
Telephone number

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Sale by retail of Alcohol Provision of facilities for dancing Karaoke Performance of Live Music Playing of Recorded Music

Times the licence authorises the carrying out of licensable activities Sale by retail of Alcohol Monday to Saturday inclusive 08:00 - 01:00 Sunday 08:00 - Midnight Good Friday 12:00 - 22:30 Provision of facilities for dancing Monday to Saturday inclusive 20:30 - 23:00 Sunday 20:30 - 22:30 Karaoke Monday to Saturday inclusive 20:30 - 01:00 Sunday 20:30 - Midnight Performance of Live Music Monday to Saturday inclusive 20:30 - 23:00 Sunday 20:30 - 22:30 Playing of Recorded Music Monday to Saturday inclusive 20:30 - 01:00
--

Sunday 20:30 - Midnight

For the sale by retail of alcohol:

i) New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.

For the provision of regulated entertainment, limited to the provision of facilities for dancing and the performance of live music:

i) Christmas Day, as an early morning ending to a Christmas Eve function only

The opening hours of the premises

Monday 08:00 - 02:00

Tuesday 08:00 - 02:00

Wednesday 08:00 - 02:00

Thursday 08:00 - 02:00

Friday 08:00 - 02:00

Saturday 08:00 - 02:00

Sunday 08:00 - 01:00

Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Ciprian-Florin Novac

33 Usk Street

Newport

South Wales

NP19 7BE

E Mail cipriannovac08@gmail.com

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ciprian Florin Novac

33 Usk Street

Newport

South Wales

NP19 7BE

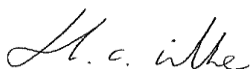
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: 18-0235

Licensing Authority: Newport City Council

This Premises Licence is issued by Newport City Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 19th February 2018



Helen Wilkie
Public Protection Manager

Mandatory conditions

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 The admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of a recommendation from the BBFC, the Licensing Authority.

For the purposes of this section:

- i) "children" means persons aged under 18 years of age.

5 The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7 (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

8 The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

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.

Conditions consistent with the Operating Schedule

1A03 This Licence shall be subject to the restrictions pursuant to Section 59, 166, 168, and 201 and the exceptions pursuant to Section 63 and 171 of the Licensing Act 1964.

1S00 The provision of regulated entertainment limited to the playing of recorded music, the performance of live music, provision of facilities for dancing and karaoke shall be provided within the bar or lounge areas of the premises but not simultaneously within both the bar or lounge areas of the premises.

1SO00 No 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, (including, but not exclusively, nudity or semi nudity), regardless of whether children are present on the premises, are permitted within the premises at any time when the premises is open to the public, save for the provision of 2 gaming machines.

1B06 The maximum number of persons who should resort to the following areas at any one time are indicated below:

Bar Area - 60 persons

Lounge Area - 60 persons

1SO08 The Premises Licence holder shall be a member of and actively support the local Pub Watch scheme.

1SO10 Announcements shall be made to request that patrons leave the premises quietly

1P01 The relevant licence or a clear copy shall be conspicuously displayed at all times in or near to the licensed area in such a position that it can clearly be seen by persons using the area.

1P02 The licence or copy shall be adequately protected against theft, vandalism or defacement.

1P03 Authorised officers of the Licensing Authority shall be admitted immediately at all reasonable times to all parts of the premises. Officers of Heddlu Gwent Police and officers of South Wales Fire & Rescue Service shall also be admitted immediately to all parts of the premises whilst the premises are being used, or about to be used, for the purpose for which the licence is granted.

2SO01 CCTV cameras shall be installed to record the internal and external areas of the premises, and shall be operational at all times during which the premises is trading. All recordings shall be retained for a minimum of 30 days and shall be made available to an authorised officer on request.

2SO10 The DPS shall report any suspicious activity to Heddlu Gwent Police.

2SO24 Employees shall be instructed not to serve anyone -

i) behaving in a drunk or disorderly manner.

ii) who has been refused service or barred from other premises by members of the local pub watch scheme.

2P01 The Designated Premises Supervisor shall ensure that all activities on the premises are conducted in a decent, sober and orderly manner.

2P02 Where the numbers of persons permitted on the premises is 100 or greater, the Designated Premises Supervisor shall be assisted by a sufficient number of attendants to assist persons entering or leaving the premises and to maintain good order. Such attendants shall wear a suitable uniform or be otherwise readily identifiable and shall be registered and properly qualified through a scheme approved by the Licensing Authority. The minimum number of attendants shall be two for each number of entrances provided for the public and, where the numbers of persons permitted on the premises exceeds 200, a minimum of one extra attendant for each 150 persons; and each premises shall keep a register of persons who are engaged in such activities and the register must be available for examination by an authorised officer at any time.

2P03 The Designated Premises Supervisor must ensure that no intoxicating liquor shall be removed from the premises other than in sealed containers; open bottles, glasses or cans shall not be allowed to be taken from the premises.

2P04 At all premises with a terminal hour of later than 11.00 pm, all drinking glasses shall be manufactured from strengthened glass.

2P05 The premises shall not be used for striptease or entertainment of a like kind to dancing which involves nudity or the sexual stimulation of patrons, other than where this occurs as part of a licensed performance of a play.

3SO18 Signs shall be on display within the premises reminding patrons to have consideration for the neighbouring properties of the premises and to request that patrons leave the premises and surrounding area quietly.

3SO19 A telephone shall be made available within the premises for use by patrons, with a direct line to a private hire / taxi office.

3P01 Persons awaiting admission to the premises shall only be allowed to congregate in that part of the premises identified for that purpose.

3P02 The Licensing Authority may, if deemed necessary, stipulate internal equivalent continuous noise levels (LeqT) at 63 Hz and 125 Hz and/or an equivalent continuous A weighted noise level (LAeqT), in any part of the licensed premises and those levels shall not be exceeded at any time.

3P03 The Designated Premises Supervisor shall ensure that no noise shall emanate from the licensed premises, or vibration be transmitted through the structure of the licensed premises, which causes occupiers of premises in the neighbourhood to be unreasonably disturbed.

3P04 The Designated Premises Supervisor shall at all times ensure that persons on, or leaving the licensed premises, conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by. The Designated Premises Supervisor shall take all reasonable steps to ensure that persons leaving the licensed premises and using adjacent car parks and highways in the immediate vicinity of the licensed premises do not conduct themselves in a manner so as to cause annoyance to the residents or persons passing by.

4P01 The Designated Premises Supervisor shall maintain a log book which shall be kept on the premises and shall be available for inspection by officers of the Licensing Authority at all times. The Designated Premises Supervisor or a nominee shall record all details in the log book required by these conditions and the Designated Premises Supervisor shall initial the log book weekly.

4P02 The Designated Premises Supervisor shall comply forthwith with any fire Prevention and safety measures that may be required by South Wales Fire & Rescue Service and shall at all times take every reasonable precaution for the safety of the public and against possible causes of fire or panic, and in particular shall comply with the provisions set out herein.

4P03 The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable and all exit doors which may need to be used by the public shall be kept unlocked at all times whilst the premises are in use. All exit signs shall be maintained in good repair and shall be properly illuminated in accordance with the recommendations of South Wales Fire & Rescue Service. Except with the consent of the Licensing Authority, bars, guards or the like shall not be fitted to windows nor shall windows be otherwise obstructed in a manner likely to make them unavailable for use in emergencies.

4P04 The Designated Premises Supervisor shall ensure that persons supervising and working in the licensed premises are properly trained in the routine to be followed in the case of fire and in the use of fire fighting equipment. Monthly fire drills shall be held and details of these shall be recorded in the log book.

4P06 Suitable and sufficient fire fighting equipment shall be provided to comply with the requirements of South Wales Fire & Rescue Service. The equipment is to be kept in good working order and be so placed as to be readily available for use and shall be tested yearly by a competent person. Portable equipment will carry a tab on which the date of inspection will be entered. Records of the testing shall be recorded in the log book.

4P07 Secondary lighting and fire alarms must be provided and maintained in good working order and shall be checked at least once each month. The results of such tests shall be recorded in the log book.

4P08 A valid certificate of fitness in respect of the electrical supply and fittings shall be kept on the premises and made available to officers of the Licensing Authority at all times. The inspection must be carried out by a competent person, and the date of the inspection shall be recorded in the log book.

4P09 Any enclosed space provided for electricity or gas meters shall be used exclusively for the purpose for which it is provided.

4P10 All gangways and exit ways and the treads of steps and stairways shall be maintained with non-slip and even surfaces. The edges of steps and stairways shall be conspicuous.

4P11 All floor coverings shall be secured and maintained so that they will not be likely to ruck or be in any way a source of danger.

- 4P12** All wall and ceiling linings shall be of materials retarding surface spread of flame as approved by South Wales Fire & Rescue Service.
- 4P13** Any outbreak of fire, however small, shall be reported immediately to South Wales Fire & Rescue Service, and the details shall be recorded in the log book.
- 4P14** Any gangways, corridors and staircases used by the public shall be kept clear from obstruction.
- 4P15** Explosives, inflammable liquids, liquid petroleum gas or flammable articles shall not be permitted on the premises without the consent of the Licensing Authority and shall be subject to any conditions which may be attached to such permission.
- 4P16** The Designated Premises Supervisor shall ensure that persons entering and leaving the licensed premises are counted, using counting machines approved by the Licensing Authority and that the total recorded on each counting machine shall, at all times, be available for inspection by an Authorised Officer of the Licensing Authority, the South Wales Fire & Rescue Service or Heddlu Gwent Police. Counting by means of a numbered ticket system or other similar method approved by the Licensing Authority, which at any time will indicate the number of persons admitted to and leaving the licensed premises, may be substituted in place of counting machines. This shall apply to premises where the maximum number of persons permitted is 100 or greater.
- 4P17** The total number of persons permitted to be accommodated in the premises shall not be exceeded at any time.
- 4P18** Application for the Licensing Authority's consent for the use of pyrotechnics and/or special effects must be made by the Designated Premises Supervisor, in writing, at least 7 days before the first performance of the event. Full details of the proposals and the date and time, within normal working hours, when a demonstration can be witnessed by an officer of the Licensing Authority, shall be given with the application.
- 4P19** Suspended light fittings (other than single lamp pendants installed in accordance with the current Regulations of the Electrical Engineers) shall be provided with adequate means of suspension, independent of the electric conductors. Heavy light fittings shall be provided with a satisfactory secondary means of suspension.
- 4P20** Overhead lighting gantries, rigs and other suspended equipment for special effects are to be inspected annually by a competent person and certified as being in a safe condition. A copy of such certification shall be made available for inspection by an Authorised Officer on request.
- 4P21** Suitable and sufficient sanitary conveniences shall be provided for each sex, free of charge to members of the public who use the premises, and shall at all times be kept in good order and repair. All such installations shall be properly and effectively cleansed, ventilated, disinfected and supplied with water and the doors leading thereto shall be suitably marked.
- 5S004** There shall be no admission to the premises of unaccompanied children at any time.
- 5S006** All accompanied children shall vacate the premises and outside seating area by 18:00.

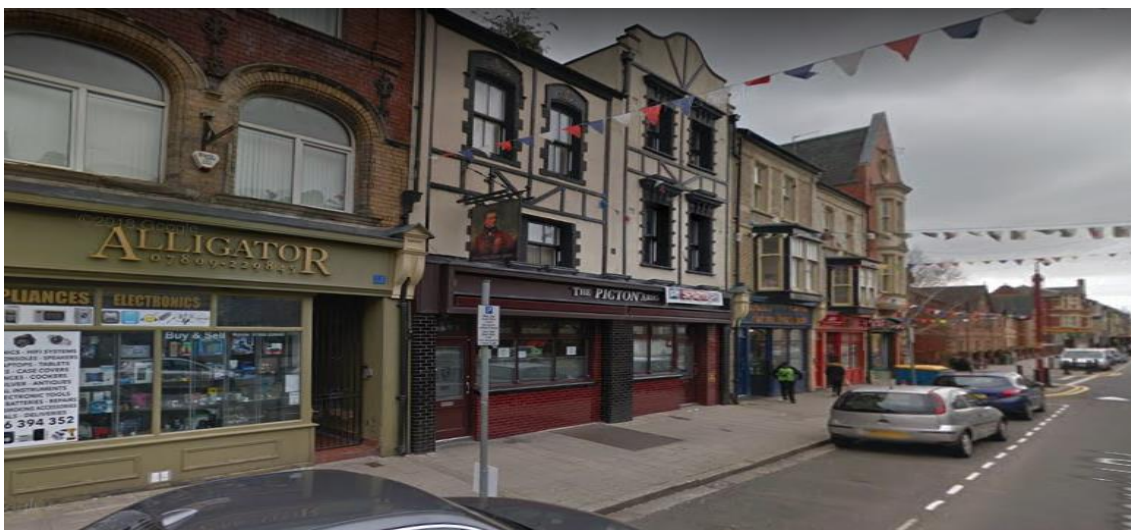
Conditions attached after a hearing by the licensing authority

NIL.

Plans

Please see attached plans (reference number P.06/02009/LAPVPT)

Appendix D Location Map of Picton Arms





Report

Licensing Sub-Committee Report

Part 1

Date: 5 June 2018

Item: 5

Subject Review of Premises Licence under Section 51 Licensing Act 2003

**The Ivy Bush Inn 65 Clarence Place, Newport NP19 7AB
Premises Licence Number 15/00607/LAPVM**

Purpose The consideration and decision in respect of a review application under Licensing Act 2003.

Author Alastair Dearling (Licensing Manager)

Ward St Julians

Summary An application for a review of the premises licence was made by Gwent Police on 25th April 2018 on the basis that the premises is associated with serious criminal activity concerning offences committed under the Misuse of Drugs Act 1971.

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

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed

Application

1. An application was submitted on the 25th April 2018 on behalf of the Chief Officer of Gwent Police for a review of a premises licence under Section 51 of the Licensing Act 2003 for the Ivy Bush Inn 65, Clarence Place, Newport, **(Images of the premises can be found in Appendix A)** premises licence number 15/00607/LAPVM held by Griffin Properties (South Wales) Limited of 52B Severn Bridge Industrial Estate, Portskewett, Caldicot, NP26 5PW.
2. This application and associated documentary evidence alleging that persons at the premises were arrested having allegedly been involved in offences under the Misuse of Drugs Act 1971 can be found at **Appendix B** of this report. It is the view of the Chief Officer of Police that consequent to the execution of a search warrant at the premises on 24th March 2018 which resulted in the seizure of a quantity of both Class A and Class B drugs that the Premises Licence Holder – Griffin Properties (South Wales) Limited failed to promote the Licensing Objective concerning the Prevention of Crime and Disorder.
3. The application offers no suggestion as to what measures should be taken in respect of the Premises Licence but indicates that an expedited review would have been submitted had the Premises Licence Holder not decided to cease trading immediately following the execution of the search warrant.
4. In accordance with the provisions of Section 51 Licensing Act 2003 the Licensing Authority electronically served a copy of the Police application on the 'Responsible Authorities' on 25th April 2018 and the application was also published on Newport City Council website detailing that representations from any person should be served on the Licensing Authority no later than the end of the 28 day consultation period on 23rd May 2018.

Representations

Newport City Council Licensing Authority

1. On 04th May 2018 a representation from Licensing Officer William Lewis in his capacity as a 'responsible authority' under section 182 (4) of the Licensing Act 2003 was served on the Licensing Authority. This representation (included in this report at **Appendix C**) relates to an investigation conducted by that officer commencing in August 2017 in relation to authorised licensable activities being provided at the premises.

Griffin Properties (South Wales) Limited

2. On 23rd May 2018 Mr David Barton of Griffin Properties (South Wales) Limited served a representation (**included at Appendix E of this report**) on the Licensing Authority responding to the application for the review of the Premises Licence.

Current Premises Licence

The Premises Licence 15/00607/LAPVM Included at **(Appendix F)** of this report authorises the following licensable activities:

Sale by retail of Alcohol

Monday to Thursday inclusive 10:00 - 01:00

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 02:00

Performance of Live Music and Playing of Recorded Music

Monday to Sunday inclusive 10:00 - 01:00

Late Night Refreshment

Monday to Thursday inclusive 10:00 - 01:00

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 02:00

Background/Premises Licence History

5. The Ivy Bush Inn is an established Licensed Premises operating as a traditional public house. It has been a pub premises since long before the introduction of the Licensing Act 2003 on 24th November 2005 when the licence was converted and varied to allow extended hours for licensable activities.
6. On 11th April 2012 the premises were acquired by Griffin Properties (South Wales) Limited and that company became the holder of the Premises Licence. Since its acquisition there have been a number of 'tenancy at will' agreements between Griffin Properties and such tenants.
7. Since April 2012 Griffin Properties have varied the Premises Licence to specify a new Designated Premises Supervisor on four separate occasions coincidental to a change in the tenancy.
8. On 05th June 2013 an application for variation of the Premises Licence to extend the times during which licensable activities were permitted was submitted to the Licensing Authority. The application attracted a representation from Licensing as a 'responsible authority' seeking attachment of specified conditions to the Premises Licence. Griffin Properties agreed to these conditions being attached, the representation was withdrawn and the varied Premises Licence (**see Appendix F**) was granted on the 04th July 2013.
9. On 03rd March 2017 an application to vary the Premises Licence specifying Alexandra Chapman as the Designated Premises Supervisor was granted.
10. The Licensing Authority periodically conduct inspections of Licensed Premises to ensure that permissions and any conditions attached to the premises licence are fully compliant.
11. On 12th July 2017 a scheduled inspection was conducted at the premises by Samantha Turnbull a Licensing Officer of Newport City Council. Present at the premises at this time was Mr Alan Edwards. The inspection revealed several issues in respect of compliance with conditions upon which the Premises Licence may lawfully be operated. These issues were pointed out to Mr Edwards and a letter (**copy included at Appendix D**) was sent to Griffin Properties and Alexandra Chapman detailing the condition breaches and the consequences of these failures. Officer of the Licensing Authority visited the Premises on the evening of 15th July 2018 where once again Mr Edwards was present. The conditional breaches identified during the inspection of the 12th July had not been addressed.
12. In response to noise complaints and information received, William Lewis of Newport City Council commenced investigation and enforcement activity on 10th August 2017 in relation to the operation and conduct of the Premises at which time the Designated premises Supervisor was Alexandra Chapman.
13. In the course of that investigation it was suspected that the carrying on of unauthorised licensable activities was occurring regularly and it was further established that Griffin Properties had entered into a 'tenancy at will' agreement with Alexandra Chapman and her father Alan Edwards. Both Miss Chapman and Mr Edwards were given a number of opportunities to be interviewed concerning the premises and the unauthorised activities taking place there.
14. In consideration of the evidence available, it was decided to refer a case file to Newport City Council Legal Services with a view to the prosecution of Alexandra Chapman and Alan Edwards rather than seek to review the Premises Licence.
15. On 06th October 2017 Griffin Properties submitted an application for a variation of the Premises Licence to specify Julian Blake as the Designated Premises Supervisor. This application was granted

in accordance with the provisions of the Licensing Act 2003. Griffin Properties confirmed that the 'tenancy at will' agreement with Alexandra Chapman/Alan Edwards had been terminated.

16. On 04th April 2018 Mr Julian Blake gave written notice to the Licensing Authority that he was removing his consent as the Designated Premises Supervisor. The premises have not traded in any authorised licensable activity since the police executed the search warrant on 24th March 2018.
17. The details and information gathered by the officers of the Licensing Authority from 12th July 2017 onwards concluded that the premises were problematic, that the premises were poorly managed by the tenancy and that they failed on several fronts to comply with the permissions and conditions under which that Premises Licence could lawfully operate and consequently its operation undermined the Licensing Objectives.

Legal Considerations, Guidance, Policy Consideration.

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

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

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

- To modify the conditions of the Premises licence
- To exclude a licensable activity from the scope of the premises licence
- To remove the designated premises supervisor from the licence
- To suspend the premises license for a period not exceeding 3 months
- To revoke the premises licence
- Take No Action in respect of the Premises Licence.

Guidance

19. Relevant extracts of the Statement of Newport City Council Licensing Policy as regards this application include:

Paragraph 33.1

The Licensing Authority can only review a licence where it is alleged by a "responsible authority", or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. Only Responsible Authorities or other local persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence. At any subsequent hearing, the Sub-Committee will consider evidence and make a determination. It views particularly seriously applications for the review of any premises licence which involves the:

- **use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;**
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the storage or sale of stolen goods;
- the police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance;
- serious risk to public safety have been identified and the management is unable or unwilling to correct;
- serious risk to children.

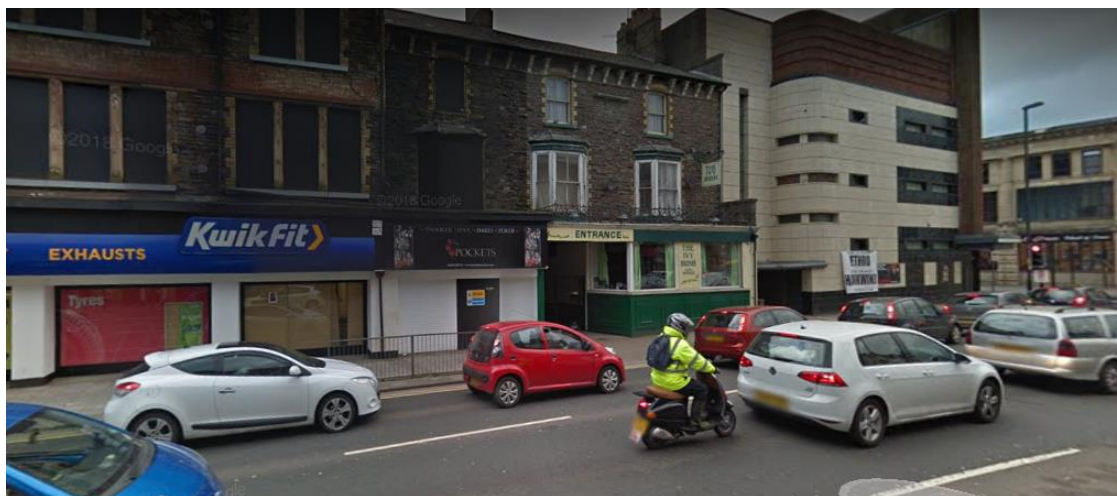
The Licensing Sub-Committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making its decision. It will consider all sanctions at its disposal by virtue of the Act and guidance, including taking no action, if appropriate. In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be considered where appropriate to ensure the licensing objectives are promoted.

Issues for discussion

20. The content of the application made by Heddlu Gwent Police for a review of the Premises Licence.
21. The content of the representation from the 'responsible authority' of Newport City Council Licensing Authority.
22. Any evidence and mitigation provided by Griffin Properties (South Wales) Limited.
23. What actions, as defined in section 18 of the report should be applied in respect of the Premises Licence.

APPENDIX A

Images of The Ivy Bush Inn from 'Google'



APPENDIX B

THE APPLICATION FOR REVIEW AND DOCUMENTARY EVIDENCE OF HEDDLU GWENT POLICE.

Heddlu Gwent Police

Application for the review of a premises licence or club premises certificate 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 PC 257 ANDREW LEWIS.....

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description IVY BUSH INN 65 Clarence Place	
Post town Newport	Post code (if known) NP19 7AB

Name of premises licence holder or club holding club premises certificate (if known) Griffin Properties (South Wales) Limited, 52B Severn Bridge Industrial Estate Portskewett Caldicot NP26 5PW

Number of premises licence or club premises certificate (if known) 15/00607/LAPVM
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Heddlu Gwent Police, C/O East LPA Licensing Team, 1 - 3 Cardiff Road, Newport NP20 2EH
Telephone number (if any) 01633 245229
E-mail address (optional) EastLPALicensing@gwent.pnn.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

A drugs warrant has been executed on the premises on Saturday 24th March 2018 and significant quantities of cannabis plants were found to have been cultivated in rooms on the first floor of the premises. A male who was at the premises and in control of the keys to the pub was also arrested on suspicion of Possession with intent to supply a controlled drug of Class A.

At the time of the warrant being executed Western Power attended, upon looking at the electricity supply, which is situated in the cellar area of the pub, they were able to say that at some time in the past the electricity had been by past, but had since been repaired.

I am confident that serious crime will continue on the premises if action is not taken. It is apparent that the person being investigated in this matter are involved in the management of the premises, although they are not named party on the Premise License.

Therefore I will say that the Premises License Holder (Griffin Properties) is failing to promote the licensing objectives of the Prevention of Crime and Disorder, in that as the owner of the premises known as the Ivy Bush Inn they should be taking responsibility for the promotion of the licensing conditions attached to their premises license, and the promotion of the licensing objectives.

Gwent Police have not requested a Summary Review on this occasion as the premises is currently closed.

Gwent Police, East Local Policing Area, Licensing Department feels that revocation of the Premises Licence is the only option.

Please provide as much information as possible to support the application (please read guidance note 3)

I have attached copies of photographs taken at the time of the search warrant being conducted at the Ivy Bush Inn, Clarence Place, Newport.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature *[Handwritten Signature]* PC257

Date 24th April 2018

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Occurrence No:

URN:

Statement of: **ANDREW LEWIS**

Age if under 18 Over 18

Occupation: **PC 257**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

E-Signature:  PC257 Date: 24/4/18.

Tick if witness evidence is visually recorded (supply witness details on MG09)


I am PC 257 Andrew Lewis of Gwent Police. I am the Licensing Officer for the East Gwent Local Policing Area. I am an authorised and delegated officer of the Chief Constable.

I am aware that on Saturday 24th March 2018 officers from the Neighbourhood Policing Team executed a warrant granted under the Misuse of Drugs Act at the Ivy Bush Inn, 65 Clarence Place, Newport (premises licence number 15/00607/LAPVM).

On reviewing police systems and from speaking with officers involved in the search I became aware that the search of the premises led to the discovery of the following items;

- Approximately 20 cannabis plants. 14 of these were mature (photos 1 – 2)
- These plants were being grown in a purpose purchased hydroponic tent, which was fitted with growing lights and was vented through the chimney of the premises (photos 3 – 7)
- The hydroponic system was being powered from the pubs electricity (photos 8 – 10)

Police records show that one male was arrested for the offence of producing cannabis and on suspicion of possession with intent to supply Class A drugs. This male has been released pending further police enquiries.

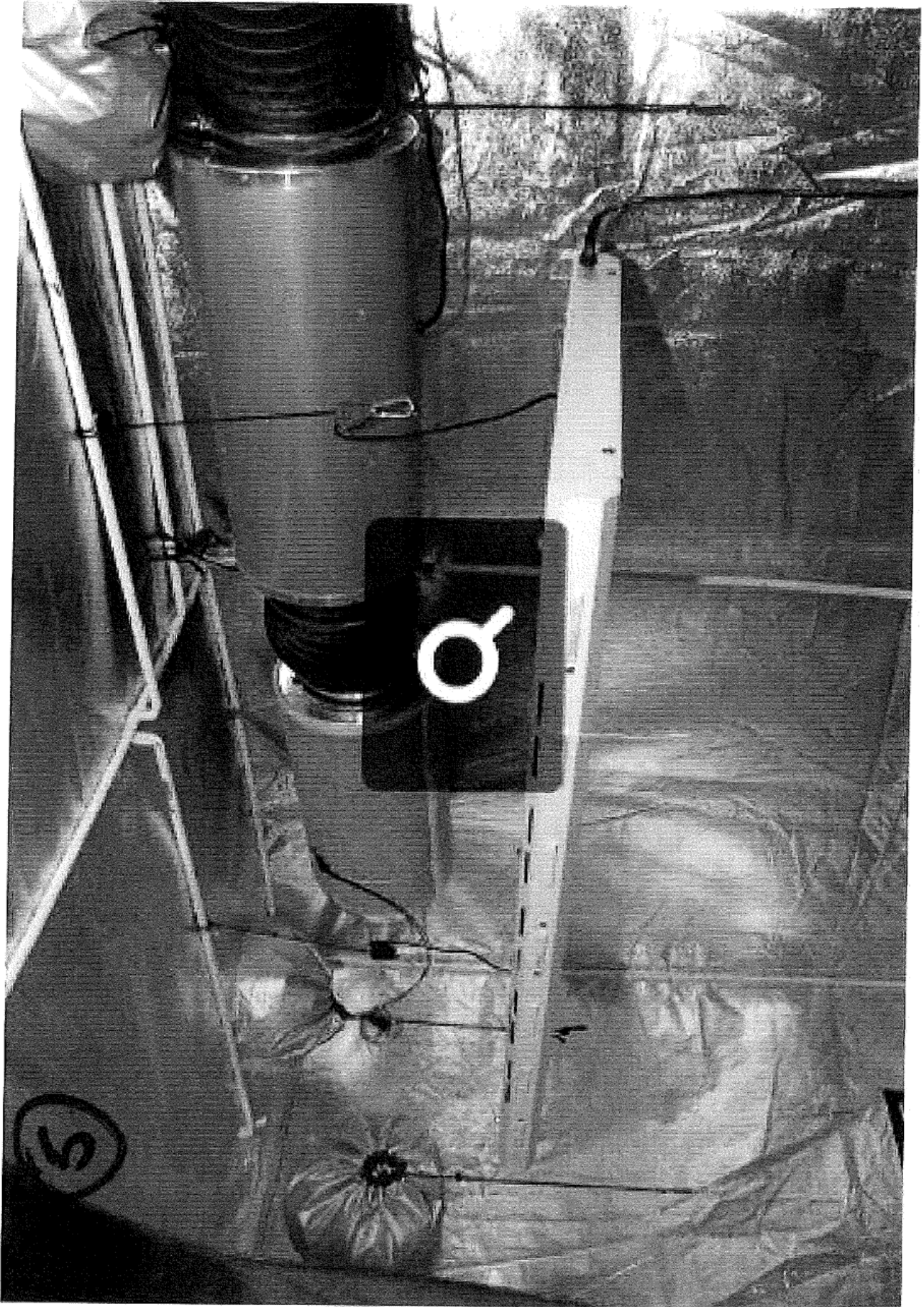
Signature:  PC257.

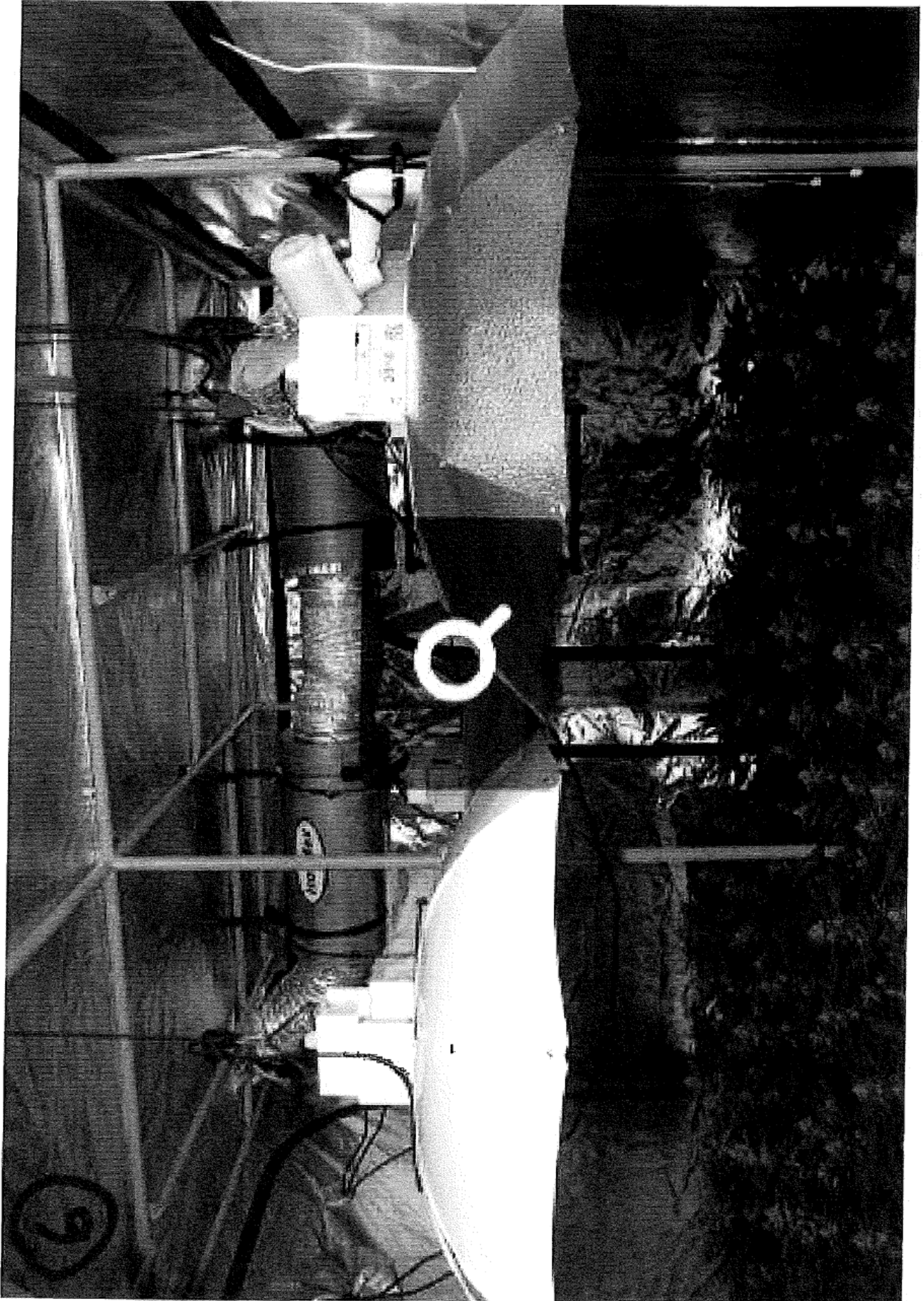




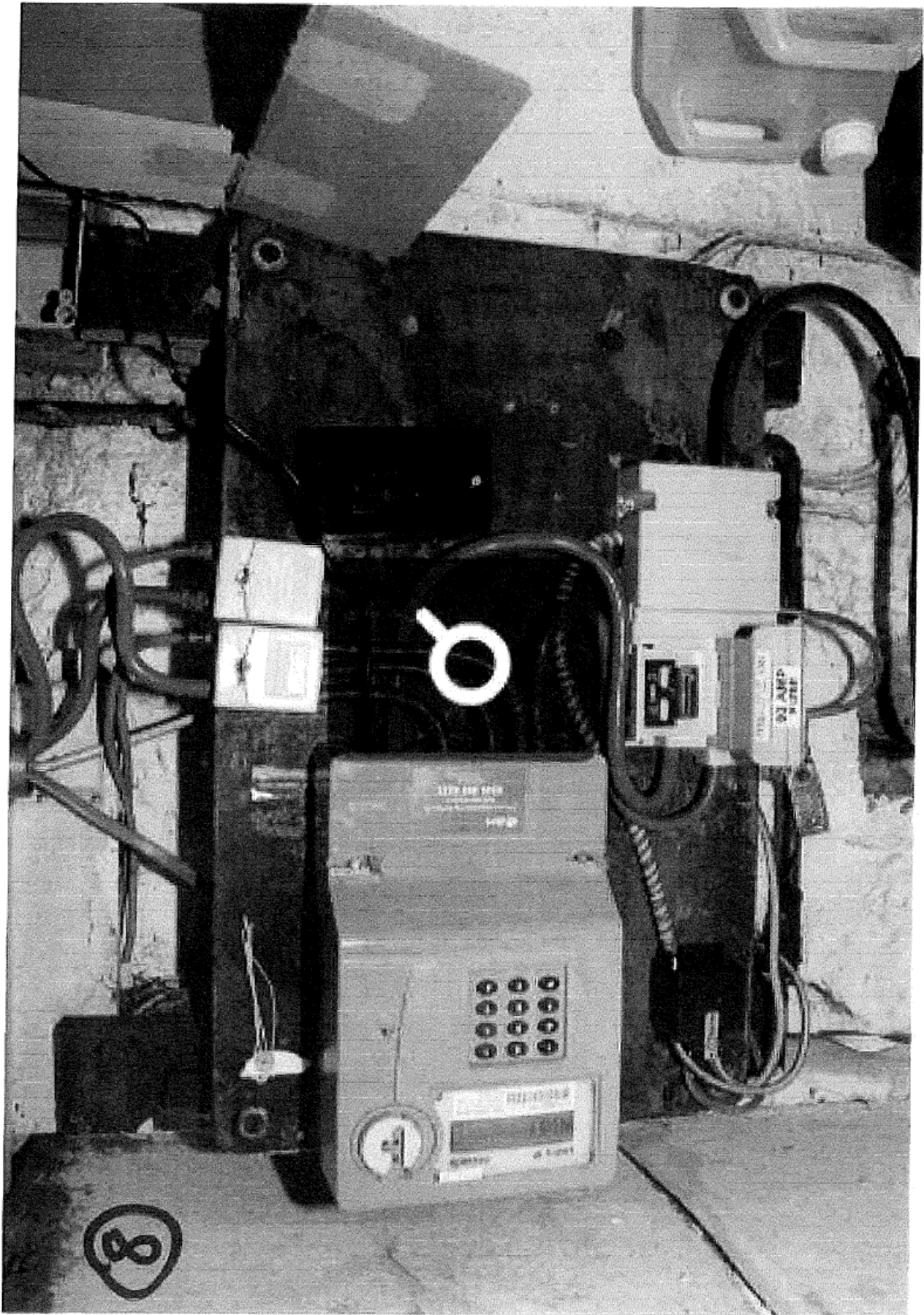


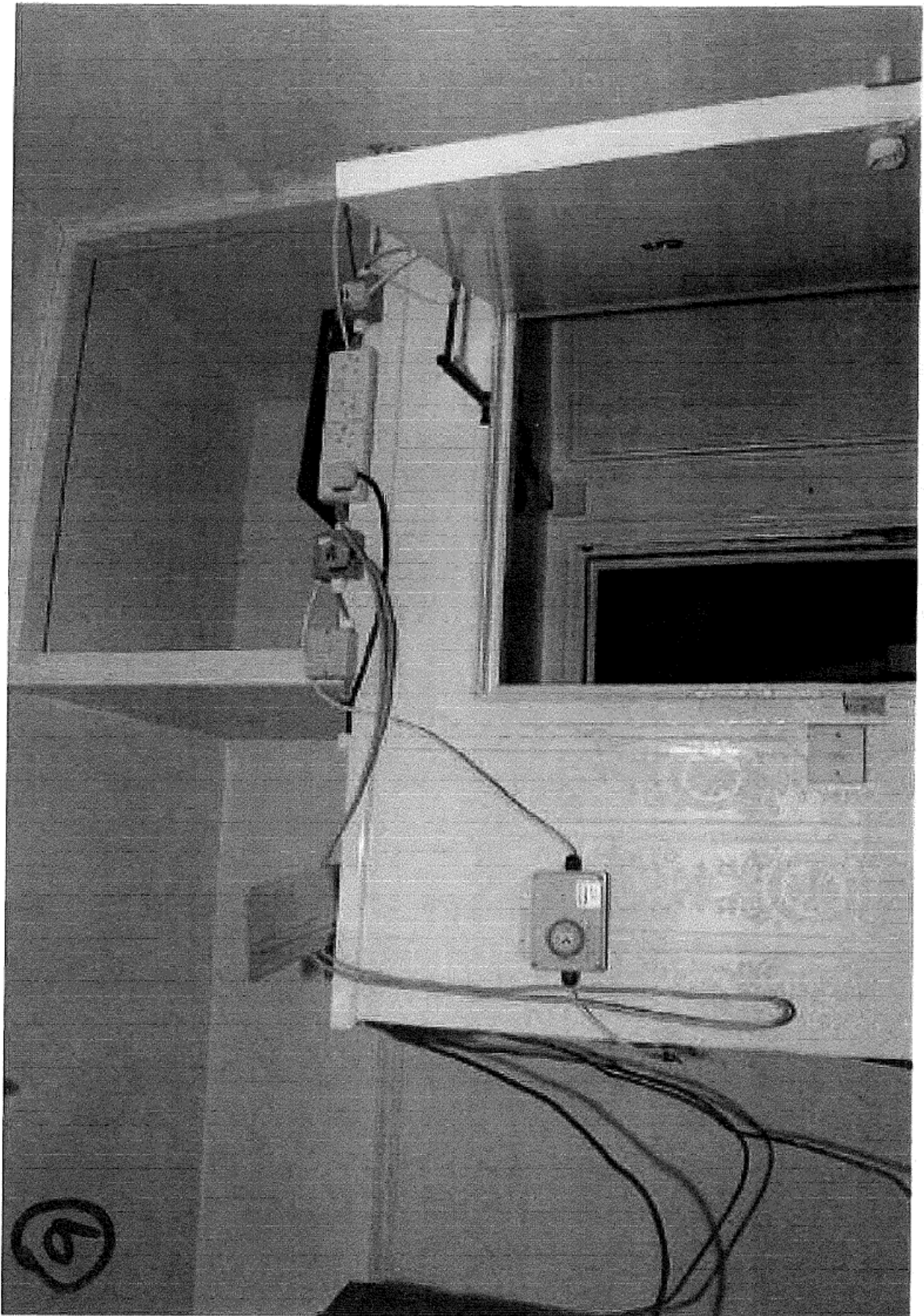


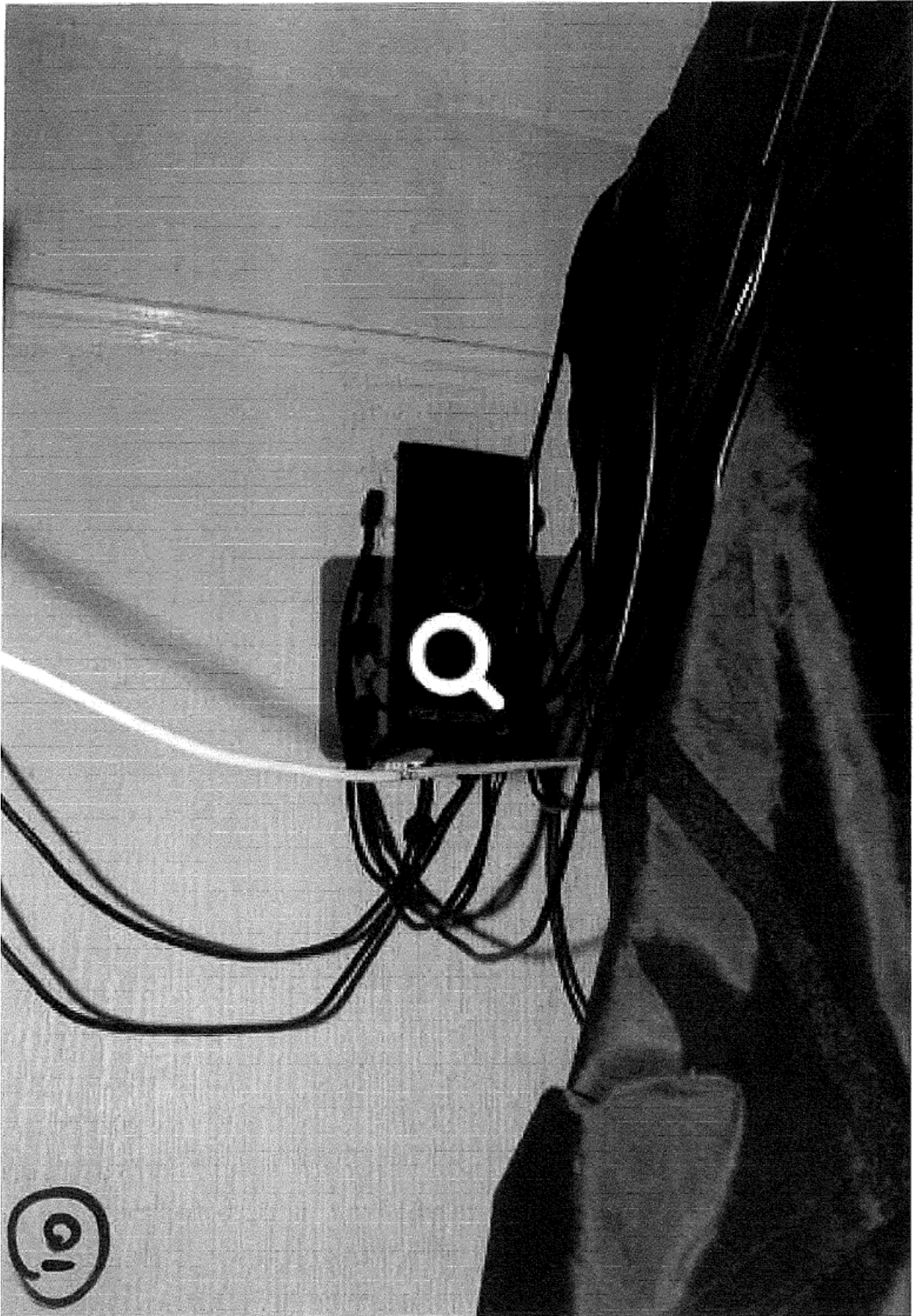












APPENDIX C
REPRESENTATIONS FROM THE LICENSING AUTHORITY IN THEIR CAPACITY OF A
'RESPONSIBLE AUTHORITY'

LICENSING ACT 2003

Review of Premises Licence under Section 51 Licensing Act 2003 in respect of the Ivy Bush Inn 65, Clarence Place, Newport

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 make representations concerning an application under Section 51 of the Licensing Act 2003 for the review of the Premises Licence for the Ivy Bush Inn, 65, Clarence Place, served on the Licensing Authority by Heddlu Gwent Police on 25th April 2018.

In consideration of the grounds of the application by Heddlu Gwent Police the Licensing Authority concur with the view of Heddlu Gwent Police that the premises have failed to comply with the provisions of the Licensing Act 2003 insofar that there has been a failure by the holder of the Premises Licence (Griffin Properties (South Wales) Limited and associated persons) to promote the Licensing Objective of the Prevention of Crime and Disorder.

The Licensing Authority wish to provide further information in respect of the application for the review which further demonstrates an undermining of the Licensing Objective concerning the prevention of Public Nuisance and the Prevention of Crime and Disorder as a consequence of failures by the Premises Licence Holder/Tenancy and Management to comply with the permissions and conditions of the Premises Licence number 15/00607/LAPVM.

The Licensing Act 2003 is the statute under which premises are permitted to provide 'licensable activities' of sale of alcohol, provision of live and recorded music and similar and provision of hot food and/or drink after 23:00hrs.

To provide such activities, premises must have been granted either a Premises Licence/Club Premises Certificate or Temporary Events Notices.

These authorisations detail the times when activities may be lawfully provided.

Mandatory Conditions and Operating Schedule Conditions attached to a Premises Licence must be complied with at all times as non-compliance renders that provision of licensable activities are unauthorised and contrary to Section 136 Licensing act 2003.

The purpose of the Mandatory and Operating Schedule Conditions attached to a licence is to address the promotion of the four Licensing Objectives of the Act which are: Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Protection and the Protection of Children from Harm.

The Premises Licence in respect of the Ivy Bush Inn permits Sale of Alcohol between the hours of 10:00am until 01:00 Monday to Thursday and 10:00 until 02:00 Friday to Sunday and permits the provision of Regulated Entertainment between 10:00 and 01:00 Monday to Sunday.

On 03rd March 2017 Griffin Properties (South Wales) Limited submitted an application to the Licensing Authority to specify Alexander Chapman as the Designated Premises Supervisor. It was later revealed that this was as a consequence of a signed tenancy agreement between Griffin Properties (South Wales) Limited with Miss Chapman and her father Alan Edwards dated 20th February 2017. Section 1.7 of this Tenancy agreement places all responsibility for permitted use of the premises and conditions set out on the Premises Licence in the hands of the tenants.

The Licensing Authority regularly conducts programmed inspections of Premises issued with a Premises Licence under the Licensing act 2003. Should such inspections find that conditions attached to the Premises Licence are not being complied with the Premises Licence Holder/Designated Premises Supervisor are afforded a short period in which to attend to these infractions and advised that non-compliance means that licensable activities are unauthorised.

Such an inspection was conducted at the Ivy Bush Inn on 11th July 2017.

On 27th July 2017 the Licensing Authority received an email from a member of the public querying the Premises Licence providing loud music until 0400 hours. In response to this the Licensing Authority communicated with Griffin Properties to question the information and remind them of what the Premises Licence permits and to take the necessary actions to ensure compliance. Griffin Properties responded advising that the tenants had been accordingly advised.

On 10th August 2017 The Licensing Department were advised by Newport City Council Environmental Health Pollutions Officer that they had received a complaint from a member of the public via The Noise App where loud music coming from the Ivy Bush had been recorded at 01:44 on 10th August 2017, which suggested that unauthorised licensable activity was being provided at the premises.

As a result of this complaint the Designated Premises Supervisor, Alexander Chapman was contacted by telephone requesting her presence at the Ivy Bush at 2.00pm on 11th August 2017 to secure CCTV footage (a condition of the premises licence.) Miss Chapman inferred that she was unable to attend but said that her father Mr Alan Edwards would be present to see the Licensing Officer. The officers attended at the appointed time but found that it was closed and despite waiting and telephone calls made to Griffin Properties and Alexandra Chapman, Mr Edwards failed to attend. No access was gained and the request not complied with.

Further arrangements were made with Mr David Barton the director of Griffin Properties (South Wales) Limited and officers attended the Ivy Bush at 3.00pm on 14th August 2017 at which time they spoke with Mr Barton, Alan Edwards and Alexandra Chapman. They were informed of the noise related complaints and requested to operate the CCTV so that playback captured between 0100 and 0300 on both 27/07/17 and 10/08/17 could be viewed. Mr Edwards stated that this could not be provided because the CCTV had been upgraded with a larger memory hard drive over the previous weekend. He stated that this had been done due to a Licensing Inspection by the Licensing Authority which had revealed that the CCTV was not recording for the amount of days as required by the condition of the Premises Licence. Mr Edwards provided the hard drive from the CCTV that had been removed that previous weekend. This nevertheless amounted to a breach of condition 13 attached to the Premises Licence which states:

*A CCTV system will be installed and maintained at the premises covering the interior and exterior immediately outside the entrance exit. A monitor for the cameras covered by the CCTV shall be positioned behind the bar in order for it to be seen at all times by any member of staff. Images recorded are to be retained for a period of 31 days. **The system must be capable of copying images to a portable medium and made available to the police or an officer of the licensing authority upon request.** There will always be a member of staff on site when the premises are open to the public, trained to be able to provide the police or licensing authority officer with CCTV images if requested. The use of CCTV within the premises shall be displayed with prominently displayed signage at the entrance and exits.*

Also, on the occasion of this visit the glazing to the front elevation was inspected and was still of 'single glazing'. This signified a failure to comply with condition 21 of the Premises Licence which states:

All glazing shall be double glazed.

On 15th August 2017 the 'hard drive' provided by Mr Edwards was returned to David Barton requesting that he take steps to have it examined by someone with technical expertise to retrieve from it copies of the images and times specified when officers attended at the Ivy Bush the previous day.

On Monday 28th August 2017 a further noise complaint was supported by 3 recordings via The Noise App where loud music coming from the Ivy Bush had been recorded at 00:44, 00:47 and 00:53 on that date.

In response to that complaint officers attended at the Ivy Bush Inn on 04th September 2017 where they were met by Alan Edwards. Upon request he operated the playback from CCTV from 23:00 hours 27th

August 2017. The recording showed both prior to and after 0100 hours, a DJ with music decks and strobe lighting with customers dancing. It also showed two persons behind the bar serving from various beer/lager pumps and payment being made by customers, the recording went blank at 01:11 and Mr Edwards said that this was due to a power cut. There was no further recorded footage after that. The playback viewed was indicative of a carrying on of 'unauthorised licensable activities' because condition 21 of the Premises Licence was still in breach and additionally licensable activities were still occurring after the terminal hour of 01:00.

Mr Edwards was presented a 'usb' recording stick for copying the requested CCTV recording. He was unable to comply with that request as he stated that he didn't know how to do that. This amounted to a further breach of condition 13 which includes: ***There will always be a member of staff on site when the premises are open to the public, trained to be able to provide the police or licensing authority officer with CCTV images if requested.***

Mr Barton was contacted and requested to provide playback from the CCTV and on 12th September 2017 he provided a USB stick on which were stored CCTV recordings from 8 cameras at the Ivy Bush between 23:30 and 00:00 on 27th August and between 00:00 and 00:30 on 28th August 2017. These recordings are evidence of unauthorised licensable activities as a consequence of breach of conditions, albeit they were occurring during permitted hours. Mr Barton also provided the hard drive previously supplied by Mr Edwards and a copy of a technician report which identified that the hard drive had been corrupted and no images could be retrieved from it.

The noise complaints and subsequent investigation of the same by the Licensing Authority provided reasonable suspicion that the premises were persistently operating beyond what was permitted by the Premises Licence insofar that conditions were not being complied with and that licensable activities were being provided beyond the terminal hour for cessation of licensable activities as detailed on the Premises Licence. Further evidence of this was found on 'Facebook' the social media site where there were adverts and many references to 'Wonky Wednesdays' at the Ivy Bush advertising DJ sets and Drum and Bass music sets for times well beyond the terminal hour for activity on Wednesday nights (Adverts shown at Appendix 1)

To further the investigation both tenants Alan Edwards and his daughter Alexandra Chapman (also DPS) were requested in writing to attend the office of the Licensing Authority for interview under caution, to be recorded on 'compact disc' in accordance with the provisions of the Police and Criminal Evidence Act 1984. Neither of them attended at the appointed time. They were each given another opportunity and again failed to attend. A third opportunity was offered with the alternative of providing their answers in writing by completing a questionnaire sent to them. Neither attended the appointment nor did they return the completed questionnaire.

During the course of the investigation by the Licensing Authority and while attempting to arrange to interview with Alan Edwards and Alexandra Chapman the tenancy agreement that existed was terminated by Griffin Properties (South Wales) Limited and on 06th October 2017 the Premises Licence was varied to specify that Julian Blake was the Designated Premises Supervisor.

Prosecution reports in respect of the investigation by the Licensing Authority concerning the operation of the premises by Alexandra Chapman and Alan Edwards were subsequently submitted to Newport City Council Legal Services Department. A decision of the intended disposal of these reports has yet to be confirmed.

On or about 26th March 2018 the Licensing Authority received notice from Heddlu Gwent Police concerning an investigation being conducting in respect of criminal activity relating to the supply of controlled drugs associated with the Ivy Bush Inn.

On 29th March 2018 Julian Blake communicated to the Licensing Authority that he was withdrawing his consent as the Designated Premises Supervisor. There is currently no Designated Premises Supervisor specified on the premises licence which means that there is no authority to allow the sale of alcohol at the premises.

The Licensing Authority contend that between March and September 2017 the tenants/management of the Ivy Bush consistently failed to adhere to the permissions and conditions of the Premises Licence and as a result prepared to take legal action against those persons responsible for the premises at that time. Any actions under Section 51 of the Licensing Act 2003 were deferred pending a successful result concerning the intended prosecution of offenders.

Newport City Council Licensing Authority wish to make this representation in support of the application for a review of the Premises Licence under Section 51 Licensing Act 2003 submitted by Heddlu Gwent Police on 25th April 2018 as the conduct of the Premises clearly demonstrates that there has been a complete failure to promote the Licensing Objectives in respect of the Prevention of Crime and Disorder and Prevention of Public Nuisance.

William Stephen Lewis
Licensing Officer

04th May 2018

APPENDIX D

Post Inspection letter of 13th July 2017

Ask Samantha Turnbull
Our Ref/Ein Cyf 15/00607/LAPVM
Your Ref/Eich
Tel/Ffôn 01633 656656
Direct Dial/Rhif 01633 851330
DX 99463 Newport (Gwent) 3
E-Mail/E-Bost samantha.turnbull@newport.gov.uk

Alexandra Chapman
Ivy Bush Inn
65 Clarence Place
Newport
NP19 7AB

Law and Regulation
Y Gyfraith a Rheoleiddio

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



13 July 2017

Dear Ms Chapman

LICENSING ACT 2003 – PREMISES LICENCE INSPECTION IVY BUSH INN, 65 CLARENCE PLACE, NEWPORT, NP19 7AB

I refer to a visit to the above named premises carried out by Newport City Council (the Licensing Authority) on 12 July 2017. During the visit we met with your dad, Mr Alan Chapman in order to carry out a routine inspection of the premises licence.

At the time of our inspection a number of breaches of licensing conditions were identified, please see details below which require your immediate attention:

CCTV system – at the time of the inspection the hard drive for the CCTV system was located on an extremely high shelf behind the bar area of the premises. Without the availability of step ladders to access this equipment we were unable to be shown CCTV recordings being retained by the current system. In order not to compromise health and safety a decision was made to return to the premises imminently to view the recordings when the hard drive equipment had been re-located.

Please be advised your premises will be re-visited during the evening of Saturday 15 July 2017 in order for us to see the CCTV system in operation and view recordings.

As you will be aware condition 13 attached to the Ivy Bush premises licence requires all CCTV recordings to be retained for **31 days**.

Part B premises licence (2 pages) not available at the premises and therefore not on display. Alan advised that he had never been given part B of the premises licence. Part A of the premises was readily available to produce to us.

Part A of the premises licence details your old address following you recently moving address, Alan was advised that there is a requirement the address details are updated on both the premises licence and on your personal licence.

Price List - currently unavailable. Please ensure this is placed on display and details the smaller measures listed in mandatory condition 8.

Door supervisor register - Not one being maintained at the premises currently, Alan indicated he would obtain one in readiness for completion when the premises are required to have door supervisors (Conditions 11 and 12)

Condition 18 – leave quietly notices - Please ensure that these notices are prominently displayed at all exits and entrances to the premises.

Appendix E

Representation of Premises Licence Holder – Griffin Properties (South Wales) Limited

Licensing Act 2003-section 51

Application for the Review of a premises Licence by Heddlu Gwent Police re The Ivy Bush Inn 65 Clarence Place Newport. NP19 7AB

Representation by Premises Licence Holder Griffin Properties (South Wales)Ltd

1 The Licensed premises had been leased to Alex Chapman. She is a holder of a Personal Licence . I understand her father Alan Chapman was employed behind the Bar.

2 She ceased trading at the Ivy Bush on 30th September and gave due notice to the Licensing authority by e mail on Monday 2nd October 2017

3 The premises were then leased to Julian Blake who also had a personal Licence and he traded there having applied to be a DPS at the premises.

4 Julian Blake ceased trading on 15th February 2018.

5 The premises have not been open since that time.

6 Alan Chapman was a tenant of rooms above the licensed premises whilst Julian Blake was trading there, as were others.

7 The entrance to the floors above was from a side alley and not through the licensed property.

8 I understand that only 1 person was arrested although there were other tenants present. The person arrested had nothing to do with the management of the Licenced premises

9 I am not aware that there have been any charges relating to this matter.

10 I have read the statement Andrew Lewis

11 The cannabis plants were found in rooms above the Licensed premises.

12 The premises had been closed since Julian Blake ceased trading there.

13 The Company must acknowledge that cannabis plants had unknowingly to them been cultivated above the licensed premises.

14 There are no current plans to re open the premises until a new lease has been agreed.

15 The new lessee will have to apply to the licensing authority with a suitable person to be the DPS.

16 The Company will ensure that any future lessee will comply fully with Licensing Act 2003

17 The Company feels that revocation of the Licence in the circumstances above is not proportionate and would not be the only way to deal with the matter.



David Barton on behalf of Griffin Properties

Appendix F

Copy of the Premises Licence

Schedule 12

Part A

(THIS PART OF THE LICENCE
MUST BE KEPT AT THE
PREMISES AT ALL TIMES AND
PRODUCED UPON REQUEST OF
AN AUTHORISED OFFICER)

Premises Licence City of Newport



Premises Licence Number	15/00607/LAPVM
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
Ivy Bush Inn 65 Clarence Place Newport South Wales NP19 7AB	
Telephone number	01633 267571

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale by retail of Alcohol Performance of Live Music Playing of Recorded Music Late Night Refreshment

Times the licence authorises the carrying out of licensable activities
Sale by retail of Alcohol Monday to Thursday inclusive 10:00 - 01:00 Friday and Saturday 10:00 - 02:00 Sunday 10:00 - 02:00
Performance of Live Music Monday to Sunday inclusive 10:00 - 01:00
Playing of Recorded Music Monday to Sunday inclusive 10:00 - 01:00
Late Night Refreshment Monday to Thursday inclusive 10:00 - 01:00 Friday and Saturday 10:00 - 02:00 Sunday 10:00 - 02:00

The opening hours of the premises
Friday and Saturday 10:00 - 02:00 Monday to Thursday inclusive 10:00 - 01:00 Sunday 10:00 - 02:00

Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Griffin Properties (South Wales) Limited
52B Severn Bridge Industrial Estate
Portskewett
Caldicott
NP26 5PW

E Mail Louisa@harveyswholesale.ltd.uk Business Phone Number 01633 267571

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 7307349

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

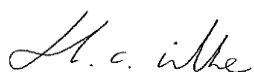
Mr Julian Blake
35 Windermere Square
Newport
South Wales
NP19 7BS

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: NCC-05-0643 Licensing Authority: Newport City Council

This Premises Licence is issued by Newport City Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 6th October 2017



Helen Wilkie
Public Protection Manager

Mandatory conditions

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 The admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of a recommendation from the BBFC, the Licensing Authority.

For the purposes of this section:

- i) "children" means persons aged under 18 years of age.

5 The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7 (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

8 The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

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.

Conditions consistent with the Operating Schedule

10. No 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, (including, but not exclusively, nudity or semi nudity), regardless of whether children are present on the premises, are permitted within the premises at any time when the premises is open to the public, save for the provision of 2 gaming machines.

11. When the premises are operating at a patron capacity of 100 or more persons and providing Live or Recorded Music:

12. SIA registered door supervisors shall be employed to control and prevent any customers who have behaved in such a way as to cause a public nuisance or disturbance from entering the premises. SIA registered door supervisors registered with the SIA shall keep an accurate record of the numbers in attendance. SIA registered door supervisors shall be positioned at each entrance/exit (other than fire exits) to ensure that no customer leaves with any bottles or glasses. SIA registered door supervisors will remain at the entrance/exits of the premises until after the last customer has left.
13. A CCTV system will be installed and maintained at the premises covering the interior and exterior immediately outside the entrance exit. A monitor for the cameras covered by the CCTV shall be positioned behind the bar in order for it to be seen at all times by any member of staff. Images recorded are to be retained for a period of 31 days. The system must be capable of copying images to a portable medium and made available to the police or an officer of the licensing authority upon request. There will always be a member of staff on site when the premises are open to the public, trained to be able to provide the police or licensing authority officer with CCTV images if requested. The use of CCTV within the premises shall be displayed with prominently displayed signage at the entrance and exits.
14. The Designated Premises Supervisor shall ensure that no noise shall emanate from the licensed premises, or vibration be transmitted through the structure of the licensed premises, which causes occupiers of premises in the neighbourhood to be unreasonably disturbed.
15. A log book shall be maintained at the premises, and shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable. The log book shall be signed by the DPS or Nominated Person at the end of trading and contain a daily record of door supervision including the following details:
The door supervisor's name;
His/her Security Industry Authority full licence number;
The time and date he/she starts and finishes duty;
Each entry shall be signed by the door supervisor.
Full details of incidents or accidents that occur during trading.
16. The Designated Premises Supervisor must ensure that no intoxicating liquor shall be removed from the premises other than in sealed containers; open bottles, glasses or cans shall not be allowed to be taken from the premises.
17. All drinking vessels shall be manufactured from polycarbonate or strengthened glass.
18. Notices shall be exhibited requesting that all patrons shall be requested to leave the premises and surrounding areas quietly.
19. All windows and doors shall be kept closed, save for access and egress, and an alternative means of ventilation shall be used.
20. Deliveries to the premises shall take place at sociable times only.
21. All glazing shall be double glazed.
22. A Challenge 21 policy shall be operated at the premises at all times. Upon entry to the premises door supervisors' staff shall check identification of all persons who appear to be less than 21 years old. This policy shall also be practised by bar staff engaged in the sale of alcohol. This check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted. Signage informing customers that this scheme is being operated shall be prominently displayed at all entrances.
23. Staff training attending to Licensing Act, Premises Licence and local procedures shall be conducted on a monthly basis and such training sessions will be recorded in the premises log book by the designated premises supervisor or similarly appointed person. This log shall be made available to an authorised officer upon request.
24. A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers or consumed by customers, except in the case of an emergency.

25. 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.
26. There shall be no admission to the premises of unaccompanied children at any time.

Conditions attached after a hearing by the licensing authority

NIL.

Plans

Please see attached plans (reference number P13/01208/LAPV/23/3/15)

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