

Decision Schedule



Licensing Sub-Committee

TO ALL MEMBERS OF NEWPORT CITY COUNCIL

Decision Schedule published on 11 November 2020

The Licensing Sub-Committee took the following decisions on 10 November 2020, which became effective immediately.

Councillors J Hughes (Chair), Yvonne Forsey, Joan Watkins

LIC SUB 05/20

Decision

Review of Premises Licence under Section 51 Licensing Act 2003, Breeze, 11-15 Cambrian Road, Newport, NP20 4AD

The Licensing Committee carefully considered representations from the applicant for the Licensing review Newport City Council Trading Standards, Gwent Police, Aneurin Bevan University Health Board and from Mr. Roger James, Solicitor, who represented the Breeze, alongside the owner Mr Jack Banister and the Licence Holder, and the DPS Mr. Colin Simpson.

It was clearly evident from the CCTV footage presented by Trading Standards that the upstairs VIP area of Breeze, on the 4 and 5 September 2020 failed to comply with Regulation 12(2) of the Health Protection (Covid Regs)(No 2) (Wales) Regulation 2020 and thus undermining the licensing objectives of both Public safety and Crime and Disorder. It was patently obvious that people in the VIP area, including staff, were not socially distancing in accordance with the Regulations.

The Committee noted that in general the premises had put in place a number practices to ensure compliance with both the Covid Regulations and the Welsh Government Guidance. It was however, unfortunately obvious to the Committee, on the nights in question, and despite the downstairs of the premises seeming to be broadly compliant, that the premise had utterly failed to comply with Covid regulations in the VIP area. The Committee was very disappointed to note that although the owner of the premise was present on the 4 September 2020, he simply ignored what was happening in the VIP area from where he was seated. And although the owner purported that he was a customer that evening, the Committee took the view that any responsible owner would have spoken to the management team or door staff to ensure compliance. The owner however failed to do this, and indeed breached the regulations by failing to correctly keep a social distance from other customers and staff.

Whilst the Committee fully understood that licenced premises had found Covid extremely challenging, it concluded that in this case, the owner failed to take responsibility for his own action, his customers actions and his staff actions and therefore seriously undermined the Licensing Objectives and placed the local community at further risk of the spread of Covid 19.

The Licensing committee have therefore determined the following:

The Committee felt that a suspension of a month would be proportionate considering the extremely serious nature of the covid regulations breaches that took place on the 4 and 5 September in the VIP area, however, it also has considered the following in mitigation:

- The historic good conduct of the premises.
- The actions taken by the premises after a customer reported they had Covid and been in the VIP area of Breeze.
- The premises had been closed due Covid restrictions during the firebreak.
- The suspension would occur at the start of the Christmas period.

The committee therefore decided to:

1) Suspend the Premises Licence for a two week period (14 days).

2) Attach the following conditions to promote the four licensing objectives:

- All Licensing activity are required to cease at 23:00hrs unless the following conditions are met.
- That the named DPS must be on the premises from 21:00hrs until 30 minutes after closing of the premises, though in the absence of the DPS there should be a named “deputy manager” that holds a personal licence on the premises after 21:00hrs until 30 minutes after closing. The premises is required to Inform the Licensing Authority and Gwent Police in writing of the named “deputy manager” alongside their personal licence details. (The DPS or “Deputy Manager” cannot be Mr Jack Banister).
- The premises were required to have full written compressive list of duties of the “Deputy Manager” in the absence of the DPS. This must be agreed by Licensing Authority and Gwent Police in writing. The “Deputy manager” was required to sign and date that they clearly understood the duties in the absence of the DPS, the Deputy Manager must sign the document at least every six months that they fully understood their responsibilities.
- The licence holder shall ensure that any queue to enter the premises, which formed outside the premises was orderly and supervised by door staff in order to ensure that there was no public nuisance or obstruction.
- When the Upstairs area/bar (VIP area) was open to the public/customers, a minimum of one SIA door staff should be present in this area after 21:00hrs.
- All Staff to be appropriately trained in accordance with their role particularly at the point of service where they would be trained in respect of licensing offences, licence conditions and made aware of the Licensing objectives.

Consultation

Implemented by: 10 November 2020

Implementation Timetable: Immediate

This document is available in welsh / Mae's ffurflen hon ar gael yn Gymraeg
