

Decision Schedule

Licensing Sub-Committee

TO ALL MEMBERS OF NEWPORT CITY COUNCIL

Decision Schedule published on 9 March 2021

The Licensing Sub-Committee took the following decisions on 9th of March 2021, which became effective immediately.

Councillors: J Hughes (Chair), Yvonne Forsey, David Fouweather, Tom Suller

LIC SUB 01/21

Decision

Review of Premises License under Section 51 Licensing Act 2003, The Neon, Clarence Place, Newport, NP19 7AB.

Newport City Council's Licensing Sub-Committee considered an application by Newport City Council Licensing Authority to review the Premises License of The Neon, Clarence Place Newport. The Sub-Committee considered both written and oral submissions by Newport City Council Licensing Authority, Gwent Police, and Public Health Wales. It also heard from Mr. Andrew Byers, the License Holder of the Neon. The Sub-Committee concluded as follows:-

- It was clearly evident that the License Holder of the premises was reckless in allowing a wake to take place at the Neon, and therefore breaching the Health Protection (Coronavirus Regulations) Wales 2020.
- The Committee felt that Mr Byers was fully aware the venue was unable to allow a wake to be held not least because he had been warned not to do so by a Newport Council Licensing Officer.
- The Committee did not accept Mr Byers' version of events when he gave oral evidence. The Committee felt that on the balance of probabilities, the personnel from the radio station who were inside the venue knew that the funeral party were going to arrive at the venue at a specified time in order to allow the caterers in, and for the delivery of tables and chairs. Thereafter, a member of the grieving family opened the front door of the venue in order to allow the guests in.
- Moreover, the Committee felt that the explanation given by Mr Byers with regards to the missing CCTV footage defied logic. Mr Byers purported that the CCTV equipment was stolen and stated that the value was approximately two thousand pounds. Yet he did not provide the police with a statement. Had he done so, the police would surely have subsequently arrested persons, and charges would have probably ensued given the strength of the circumstantial evidence. Given this, the Committee concluded that it was highly unlikely that a theft had in fact occurred. To compound matters, Mr Byers was unable to provide a cogent and coherent explanation as to why the CCTV footage was not saved in Cloud.

- The Committee was very disappointed that Mr Byers was reluctant to take any responsibility for what had happened and, the Committee strongly felt that as CCTV is a condition of license, any future failure to supply CCTV footage to the Police or the Licensing Authority could result in the license being revoked.

The Committee decided the following:-

The actions of the Premises on the 17th December 2020 clearly undermined two of the four Licensing Objectives namely Crime and Disorder and Public Safety, in allowing a wake to proceed contrary to Covid-19 regulations.

The Committee considered all options available and, having heard all the evidence presented, decided to:-

1. Suspend the Neon's premises license for a period of **three months**.
2. The current DPS must be removed immediately.
3. The new DPS must update the Licensing Authority of their email address and other contact details, and immediately update those details should the DPS change in future.
4. The Premises must produce a management document highlighting the responsibilities of each member of staff and updated when staff changes take place. The Premises must provide the management document to the Licensing Authority on request, and the DPS must sign the document on a weekly basis.

Consultation

Implemented by: 9th March 2021

Implementation Timetable: Immediate
