

Agenda



Licensing Sub-Committee

Date: Wednesday, 31 May 2023

Time: 10.00 am

Venue: Committee Room 1 - Civic Centre

To: Councillors K Thomas (Chair), J Cleverly, F Hussain, D Fouweather, A Morris, S Adan, C Baker-Westhead, R Howells, M Kellaway, D Mayer and A Pimm

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>Tiny Rebel Ltd</u> (Pages 17 - 48) The consideration and decision in respect of a variation application by Tiny Rebel Ltd under Section 34 Licensing Act 2003	Rogerstone West
5 <u>Link to view the Meeting</u> Licensing Sub Committee 31st May 2023	
The resumed meeting can be found by following the link in the description or by the below link. Licensing Sub Committee 31st May 2023	

Contact: Emily Mayger, Governance Officer,
Tel: 01633 656656
Email: Democratic.services@newport.gov.uk
Date of Issue: Wednesday, 17 May 2023

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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 of 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 to 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

NEWPORT
CITY COUNCIL
CYNGOR DNAS
CASNEWYDD

Licensing Sub-Committee

Part 1

Date: 31st May 2023

Item No:

Subject	Licensing Application
Purpose	The consideration and decision in respect of a variation application by Tiny Rebel Ltd under Section 34 Licensing Act 2003 for the variation of a Premises Licence in respect of Tiny Rebel , Wern Industriaial Estate, Newport NPIO 9 FQ.
Author	Alastair Dearling
Ward	All Wards
Summary	The Licensing Committee have statutory and delegated powers to take decisions in relation to licensing applications. The Licensing Committee will make the decision on the application pursuant to the Licensing Act 2003.
Proposal	To make a decision on the application as detailed within this report.
Contact	Licensing Officer
Action by	Head of Law and Regulation
Timetable	Statutory Consultation Period
Signed	Alastair Dearling

The Applicant has agreed to the conditions proposed by all 3 Responsible Authorities including the revised licensing hours for the event.

As such it proposed that all Entertainment (live and recorded music) will now conclude at 22:30hrs rather than 23:00hrs

Though alcohol sales will remain till 23:00hrs.

Due to the fact the applicant has now agreed with the revised times and the proposed condition all Responsible Authorities have determined to withdraw their objections to the variation.

Other Person Representations

The Licensing Authority also received three representations from other person (local residents) these can be found in Appendix 4

5. Previous History of licensed premises:

A premises licence was first granted to Tiny Rebel Ltd back on the 23.02.2017. In general the premises operates as a bar/pub, providing food, alcohol and entertainment. Though also offers brewery tours where member of public can sample beers brewed on site.. The premises also has a large outside area to the front of the premises and located to the left hand side of the existing premises is a large tarmac area, that does not feature on the current premise licence plans.

As such In 2022 Tiny Rebel Ltd applied for a Temporary Event Notice to allow a event "Rebel Fest" to take place over the 1st July 2nd July and 3rd July 2022 both within the existing premises licence plans but also to cover the tarmac area to left hand side of the premises, to permit entertainment and sale of alcohol in the area. No objections where raised by the Police or NCC Noise team as such the Licensing Authority was duty bound to issue the TEN.

The premises was visited by Licensing Authority before the event took place as clearly there where some concerns regarding potential noise effecting local residence. Management staff where informed the importance of monitoring noise over the weekend due to the proximity of local residents and importance of monitoring the noise.

The Premises was visited by Licensing Officers on the evening of the 1st July 2022 on the first night of Rebel Fest. It was very apparent that advice given by Licensing Authority pre the event was not being adhered to. The premises also went beyond the hours specified within the TEN notice by approximately 30 minutes. It was felt by the Licensing Authority there was no controls in place or lack of control to promote the Licensing Objectives of public nuisance.

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

- a. for premises located in predominantly commercial areas, such as the City Centre and where there is a high level of accessibility to public transport services;

or

- b. the licensable activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it;
- or

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

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

7. Legal Considerations

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

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

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

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

All decisions taken by the Sub-Committee must

- a. be within the legal powers of the Council and its Committees;
- b. comply with any procedural requirement imposed by law;
- c. be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations;
- d. be fully and properly informed;
- e. be properly motivated;

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Making a unlawful decision	High	Low	The Committee will consult with the Legal Officer and Licensing Officer to determine if any decision is lawful and proportionate. Members training.	Chairperson. Legal Officer.
The licensing committee departing from the licensing policy.	Medium	Low	If the Committee wishes to depart from the Councils policy they must give good reason for this and obtain advice from the Legal Officer when departing from the Policies to ensure the decision is lawful. Members training.	Chairperson. Legal Officer.
The applicant does not have a fair hearing	High	Low	A Licensing Committee procedure should be followed by the committee. The Legal Officer alongside the Democratic Service Officer will advise the committee if at any stage an unfair hearing is taking place. Members training.	Democratic Service Officer. Chairperson. Legal Officer.

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

This report has been prepared in accordance with The Licensing Act 2003 and with regard to Newport City Council Statement of Licensing Policies 2015.

Options Available

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I N V e T i n y R e b e l L t d (I n s e r t n a m e (s) o f
a p p l i c a n t)

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

Premises licence number 17/00060/LAPRE
--

Part 1 — Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Road A Wern Industrial Estate Newport NP10 9FQ			
Post town		Postcode	

Telephone number at premises (if any)	07870668460
Non-domestic rateable value of premises	£59500

Part 2 — Applicant details

Daytime contact telephone number		
E-mail address (optional)	gazz@tinyrebel.co.uk	
Current postal address if different from premises address	Treduston House Cwmalsie Lane, Pontllanfraith Cearphilly	
Post town		Postcode NP12 2LX

--

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

--

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both — please tick	Indoors	CI
			(please read guidance note 4)	Outdoors	III
Day	Start	inis h F		Both	ID
Mon		-----5)	Please give further details here (please read guidance note		
Tue					
Wed			State any seasonal variations for performing plays (please -read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the -premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)		Please give further details (please read guidance note 5)
Day Start Finis		
Mon		
Tue		State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed		
Thur		
Fri		Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Sat		
Sun		

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both — please tick</u> (please read guidance note 4)	Indoors	ID
				Outdoors	
				Both	O
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) Music will be amplified with grounded PA Stack		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) Only for 'Rebel Fest' weekend which is one weekend a year between May 1st and August 31st and only within the area identified on the attached plan as being used for the said event.		
Thur					
Fri	11:00 0	23:0	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11:00 ----- 0	23:0			
Sun	11:00 ----- 0	23:0 -----			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both — please tick (please read guidance note 4)	Indoors	U
				Outdoors	ILI
				Both	IDI
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur			Non standard timings. Where you intend to use the ----- premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both — please tick (please read guidance note 4)		Indoors	
					Outdoors	
					Both	
Mon			Please give further details here (please read guidance note 5)			
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)			
Wed			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)			
Thur						
Fri						
Sat						
Sun						

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

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

Please tick as appropriate

- | | |
|---|----|
| <input type="radio"/> I have enclosed the premises licence | EI |
| <input type="radio"/> I have enclosed the relevant part of the premises licence | ID |

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

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

Premise Licence Reference Number: 17/00060/LAPRE

Checklist:**Please tick to indicate agreement**

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

IT IS AN OFFENCE, 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 5 - Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	_____,____7____.____
Date	.3//3/3
Capacity	--if26-,c,,--rog. --- <i>put</i>

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

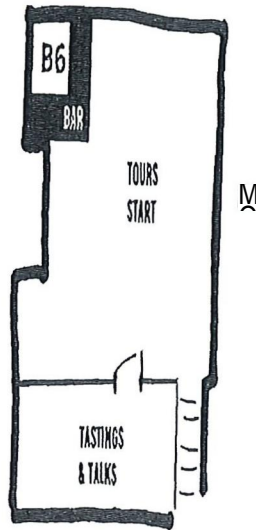
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town	Post code

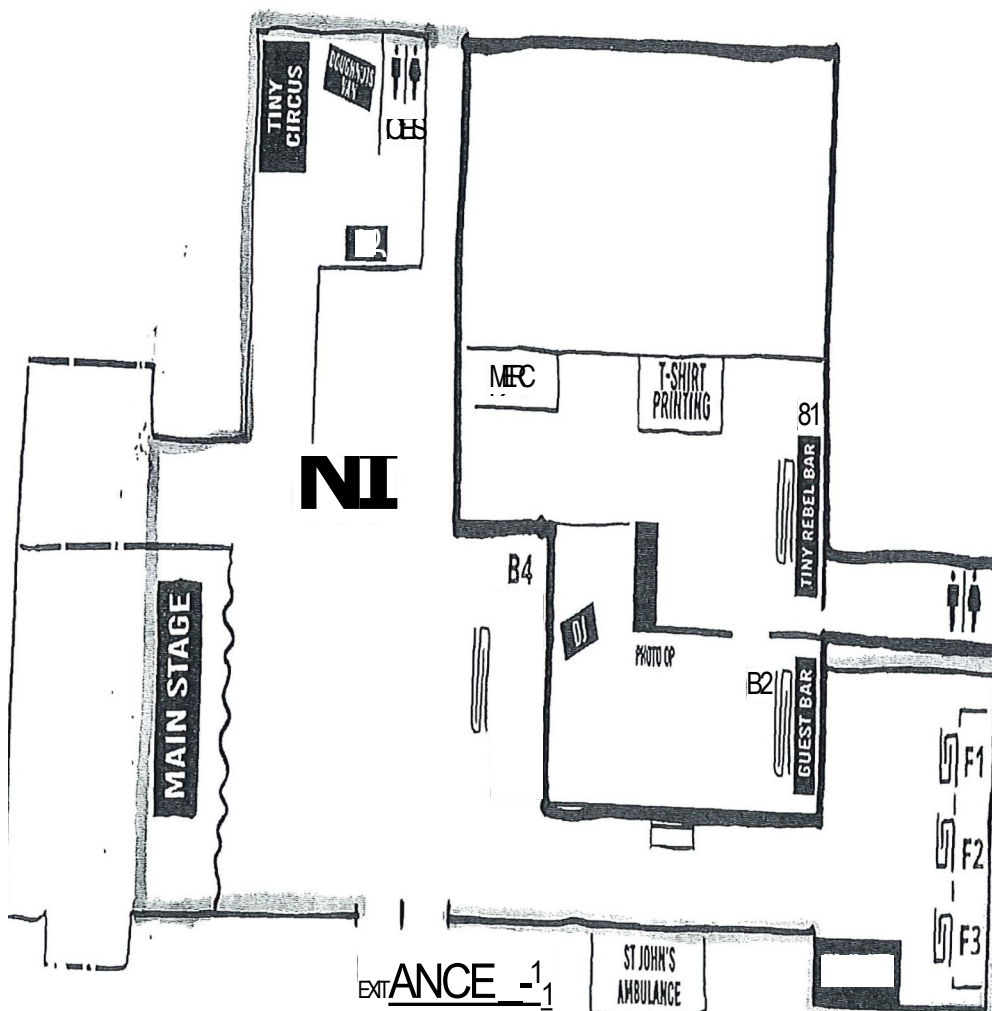
- alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance>4cence is required for performances between 08.00 and 23.00 on any 1,.Fy-provided that the audience does not exceed 500. However, a perform.,t-qwhich amounts to adult entertainment rpm;-^
- Cross activity exemptions: no licenuc is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the prehliques of the local authority where the entertainment is provided by k:r on behalf of the local authority;
 - any entertainment taking place on the hospital premises of thb health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus

Appendix 2 Plans of the premises

- 1-1
- Existing Licensed Area
 - Additional Licensed Area For "Rebel Fest"



SITE PLAN FOR
"Rebel Fest"



Appendix 3 Responsible Authority Representation

Ask James Holland
forlGofynntuch
am Our Ref/Eta JH/Neigh bourhoodTeam/Let.
Cyf Your Ref 17/00060/LAPRE
/Etch Cyf 01633 656656
TellFfon Direct 01633 414720
Dial/Rhif DX E- 99463 Newport (Gwent) 3
Mail/E-Bost James.holland@newport.gov.uk>

Law and Regulation

Y Gyfraith a Rheoleiddio

Environment & Community/
Yr Amgylchedd a'r Gymuned
Civic Centre/Canolfan
Ddinesig Newport/Casnewydd
South Wales/De Cymru NP20
4UR

Newport
CITY COUNCIL
CYNGOR DINAS
Casnewydd

MEMORANDUM

DATE: 27 April 2023

TO: Alastair Dearling (Licensing Manager)
Michelle Tett (Community Protection Manager)

FROM: Noise & Neighbourhood Team

Application to vary a Premises License under the Licensing Act 2003

PREMISES DETAILS: TINY REBEL LTD., ROAD A WERN INDUSTRIAL ESTATE, NEWPORT, NP10 9FQ

I refer to the above-mentioned application for a license variation, which was received by the Noise & Neighbourhood Team on the 5th April 2023 for comment. I wish to make representation under the "prevention of public nuisance" licensing objective.

The application sought the following variation to facilitate the 'Rebel Fest' event across the external areas of the Premises, as identified on the submitted site plan;

Sale of Alcohol 11:00am — 23:59pm

Live Music 11:00am — 23:00pm

Recorded Music 11:00am — 23:00pm

Friday to Sunday for the weekend of 'Rebel Fest' event in the outside area proposed on the amended plan.

The concern of the Noise & Neighbourhood, acting in our capacity as the Responsible Authority for Environmental Health, is that the requested hours may cause nuisance to nearby residential properties. Unfortunately a significant number of complaints were received in relation to the 2022 Rebel Fest which was held under reduced hours, and with a smaller capacity. A site meeting was held on 14th March 2023 attended by the applicant and members of the Newport City Council Licensing Authority, and Environmental Health team. A comprehensive operating schedule, and licensable activity hours which were agreed would promote the Prevention of public nuisance licensing objective, as follows;

Sale of Alcohol 12:00pm - 23:00pm

Live Music 12:00pm - 22:30pm

Recorded Music 12:00pm - 22:30pm

Friday to Sunday for the weekend of 'Rebel Fest' event in the outside area proposed on the amended plan.

Appendix A : Rebel Fest 2023 - Proposed event noise conditions

1. The Licensee shall appoint a suitably qualified and experienced noise consultant to the approval of the Licensing Authority, no later than 12 weeks prior to the event. The noise control consultant shall liaise between all parties including the licensee, promoter, sound system supplier, sound engineer and the Responsible Authority for Environmental Health etc on all matters relating to noise control prior to and during the event.
2. The Licensee shall appoint a suitably qualified and experienced noise consultant to produce a Noise Management Plan (NMP) and provide representatives on site during the live hours of the event. The NMP shall include details of noise monitoring procedures, the Music Noise Levels and complaint handling & resolution procedures.
3. The Licensee shall ensure a noise propagation test shall be undertaken at least 6 hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music to the music likely to be produced during the event.
4. The Licensee shall have full control over the sound amplification equipment and the volume shall be adjusted according to the requirements of the Responsible Authority for Environmental Health.
5. The Licensee shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
6. The Licensee shall ensure unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant, sound engineer and monitoring license conditions.
7. The Licensee shall ensure all complaints about noise received shall be logged and shall be notified to the Responsible Authority for Environmental Health within one hour of the complaint being received.
8. The Licensee shall effect full control over traders or other organisations on site where there is amplified music being played. The Event Organiser shall arrange for the volume to be reduced or the playing to cease, or if necessary the equipment to be confiscated.
9. A logging noise level meter shall remain at the mixing desk of any external stage or sound system so that the noise consultant and sound engineers can ensure that the predetermined noise levels are not exceeded. Authorised officers of the Responsible Authority for Environmental Health shall have access to the noise monitoring levels at any time.
10. The appointed noise control person shall aim to monitor noise levels at regular intervals throughout the event at locations agreed in writing with the Responsible Authority for Environmental Health.
11. The occupiers of premises detailed below shall be informed in writing as to:
 - (a) The exact times of all performances and sound checks
 - (b) A contact name and telephone number should they wish to make a complaint of noise

Premises
Bethesda Close
Bethesda Place
Wern Terrace

A detailed map of the area around Ty Dyl Fegynfawr, showing a circular highlighted region. The map includes various roads such as Riverhead Way, Fuschia Way, Great Oaks Park, and others. A scale bar indicates a radius of 0.60 km (0.37 mi).

RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY — Gwent Police

<u>Name of Applicant</u> <u>Tiny Rebel LTD</u>	
<u>Premises</u>	TINY REBEL, WERN INDUSTRIAL ESTATE, NEWPORT, NP 10 9FQ
<u>Your Name</u>	Mark Williams
<u>Job Title</u>	Police Constable 1689
<u>email Address</u>	LicensingEast@gwent.police.uk
<u>Contact Telephone Number</u>	07870912407
<u>Date</u>	14/04/2023

Which of the four Licensing Objectives does your representation relate to?	
The Prevention of Crime and Disorder	X
Public Safety	X
The Prevention of Public Nuisance	
The Protection of Children from Harm	

<u>Please outline the reasons for your Representations</u>
<p>The applicant has requested the following times:</p> <p>Sale of Alcohol- 11:00- 23:59</p> <p>Gwent Police believe that 12:00- 23:00 hours would be more sufficient, given that this is an outside area. The reduction of the hour will enable a quieter atmosphere for nearby residents, as well as reduce the likelihood of any potential public order offences taking place</p>

operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music to the music likely to be produced during the event.

- The Licensee shall have full control over the sound amplification equipment and the volume shall be adjusted according to the requirements of the Responsible Authority for Environmental Health.
- The Licensee shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health regarding noise levels are complied with.
- The Licensee shall ensure unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Responsible Authority for Environmental Health for the purpose of sound level measurements, communications with the nominated noise consultant, sound engineer and monitoring license conditions.
- The Licensee shall ensure all complaints about noise received shall be logged and shall be notified to the Responsible Authority for Environmental Health within one hour of the complaint being received.
- The Licensee shall effect full control over traders or other organisations on site where there is amplified music being played. The Event Organiser shall arrange for the volume to be reduced or the playing to cease, or if necessary the equipment to be confiscated.
- A logging noise level meter shall remain at the mixing desk of any external stage or sound system so that the noise consultant and sound engineers can ensure that the predetermined noise levels are not exceeded. Authorised officers of the Responsible Authority for Environmental Health shall have access to the noise monitoring levels at any time.
- The appointed noise control person shall aim to monitor noise levels at regular intervals throughout the event at locations agreed in writing with the Responsible Authority for Environmental Health.
- The occupiers of premises detailed below (also refer to Appendix 1) shall be informed in writing as to:
 - (a) The exact times of all performances and sound checks

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

Please remember if you intend to make representations to copy this file to all other RA's

	<ul style="list-style-type: none"> • The fabric used for the tented structures shall be of inherently flame retarded fabric or durably flame retarded fabric when tested to BS 5438 test 2A and 2B or alternatively to BS7157. The Council requires a certificate for each structure stating that it meets with the above British Standard. • The tents shall be properly assembled, structurally stable and adequately supported. <p>5. Electrical Installations and Lighting</p> <ul style="list-style-type: none"> • All electrical installations will comply with the requirements of the Electrical at Work Regulations 1989. • All cables must be run and be out of reach of the audience, either overhead on catenary wires or in cable ducts buried below ground, or if conditions allow in properly designed cable matting securely spiked into the ground so as to prevent a tripping hazard. Cable Protectors across walkways. • The Premises Licence Holder shall ensure that all risk assessments, method statements carried out for the event on his/her/their behalf, accepts that the author(s), have examined all possible incident(s), dangerous situation(s) or occurrence(s) and that satisfactory steps and actions have been implemented are in place to prevent or address them. <p>6. Exits and Entrances</p> <p>The size, location and the type of all exits will be highlighted on the site plan. Exits from the site will be clearly visible, directly and indirectly by signage. The exits will be kept free from obstruction. Exit gates will operate efficiently and effectively. When possible, separate exits should be provided for pedestrians and vehicles and wheelchair access and exit will also need to be considered.</p> <p>7. Stewards - Security and Marshals</p> <ul style="list-style-type: none"> • The Premises Licence Holder and co-coordinator shall ensure that stewards shall be employed to undertake and assist SIA registered security personnel at the entrances and exits to the site. • There shall be a minimum of 2 SIA registered Door Supervisors for the first 200 persons in attendance, then 1 further SIA Door Supervisor for every further 200 persons in attendance from start of event until finish.
--	--

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

Please remember if you intend to make representations to copy this file to all other RA's

at each of these bars to demonstrate that this policy is in operation.

12. Either Plastic/Polycarbonate glasses only, should be used in all outside areas (unless approved in writing by the Licensing Authority).

13. The Designated Premises Supervisor shall be present for the duration of each day of the event or the Licensing Authority should be notified of a manager who will be present in the absence of the DPS.

14. The Premises Licence Holder shall provide adequate illumination to the festival site including any car park areas.

15. No under 18 should be in attendance at the festival unless accompanied by an adult.

16. A minimum of 4 first aid response should be present on site

17. Admission to all parts of the site shall be given to Authorised Officers at all times. (All access bands should be given to Authorised Officer at their request)

18. No entry to the event after 22:00 hrs

Are you prepared to discuss these representations with the applicant by way of mediation?

Yes. The representations made are reasonable and appropriate. If the applicant agrees to the conditions as proposed, Gwent Police will withdraw their representations.

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

Please remember if you intend to make representations to copy this file to all other RA's

fish Our Steve Pontin
Ref/62'n Cyf 23/00869/LAPV
Your Ref/Eich
Tel/Flan 01633 656656
Direct Dial/Rhil 01633 851333
DX99463 Newport (Gwent) 3 6-
/11,221/6-BasO Steve.pontin@newport.gov.uk

Principal Licensing Officer
Licensing Authority
Newport City Council
Floor 4, Information Station
Queensway
Newport

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



19 April 2023

Dear Sirs,

SECTION 69 LICENSING ACT 2003: NOTICE OF OBJECTION

TO AN APPLICATION UNDER SECTION 34 LICENSING ACT 2003 TO VARY A PREMISES LICENCE IN RESPECT OF 'Tiny Rebel, Road A Wern Industrial Estate, Newport, NP10 9FQ, served upon the Licensing Authority on 04 April 2023.

Newport City Council's Licensing Authority acting in their capacity as a 'Responsible Authority' by virtue of section 182 (4) Licensing Act 2003 (amended guidance) wish to object to the application to vary a premises licence as detailed above, on the grounds that the hours requested for the licensable activities of sale of alcohol and provision of live and recorded music within the area on the plan proposed for the annual 'Rebel Fest' event, may undermine promotion of the licensing objective of:

- Prevention of public nuisance

The application seeks:

Sale of Alcohol 11:00am — 23:59pm

Live Music 11:00am — 23:00pm

Recorded Music 11:00am — 23:00pm

Friday to Sunday for the weekend of 'Rebel Fest' event in the outside area proposed on the amended plan.

The Licensing Authority, along with Environmental Health and supported by Gwent Police, have concerns that the requested hours may cause undue nuisance to nearby residents. This is based on the large number of complaints received following the same event in summer of 2022 which was held under a Temporary Event Notice, with a smaller audience and lesser hours for licensable activity. These concerns were addressed at a meeting with the applicant prior to submission of the variation application and along with a comprehensive Operating Schedule agreed between all parties to promote the licensing objectives and minimise public nuisance, licensable activity hours were also provisionally agreed of:

Sale of Alcohol 12:00pm - 23:00pm

Appendix 4 "Other Persons Representation"

Dearling, Alastair (Licensing Manager)

From: Roberts, Llyr (Licensing Officer)
Sent: 02 May 2023 11:21
To: Pontin, Steve (Licensing Officer)
Subject: FW: RE: your noise complaint reference 21/31344/ABNDM Tiny rebel Brewery

Rep mate

From: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Sent: 02 May 2023 11:00
To: Roberts, Llyr (Licensing Officer) <Llyr.Roberts@newport.gov.uk>
Subject: FW: RE: your noise complaint reference 21/31344/ABNDM Tiny rebel Brewery

From:
Sent: 02 May 2023 10:45
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Subject: Fwd: RE: your noise complaint reference 21/31344/ABNDM Tiny rebel Brewery

Further to the email below I would like to object to the variation of premises license described below.

The reason for this is that there is no way to mitigate love outdoor music. It is a matter of fact that the brewery **is** adjacent to a residential area. This limits what can reasonably be done at the brewery. Brewing and selling alcohol does not require outdoor entertainment.

Kind regards
Anthony Davies

-----Forwarded message -----

From: "Holland, James (Environmental Health Officer) " <James.Holland@newport.gov.uk>
Date: 2 May 2023 09:54
Subject: RE: your noise complaint reference 21/31344/ABNDM Tiny rebel Brewery
To: "Coughlan, Michael (Pollution Control Officer) " <Michael.Coughlan@newport.gov.uk>, ANTHONY DAVIES
<41*OMMOINOMM>
Cc:

Licensing Act 2003

Application to Vary Premises Licence

Tiny Rebel Brewery, Wern Industrial Estate, Newport, NP10 9FQ

Good morning Mr Davies,

Dearling, Alastair (Licensing Manager)

From: Roberts, Llyr (Licensing Officer)
Sent: 02 May 2023 13:07
To: Pontin, Steve (Licensing Officer)
Subject: FW: Variation on licence for tiny rebel

Another one

-----Original Message -----

From: Ceri Freeman eamplipmaft>
Sent: 02 May 2023 11:00
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Subject: Variation on licence for tiny rebel

To who it may concern,

I've just found out that tiny rebel are hosting another festival this year. I fully object to this! Last year the noise was unbearable and I had the police and council round my house to monitor the noise level. I am dreading the lack of sleep and constant noise headaches that I will get, the same as last year.

I've a serious health condition, as do several of my neighbours. A weekend of loud noise is not healthy for us nor my children.

In summary, why haven't we local residences been contacted? I fully object and hope that the festival does not go ahead.

Kind regards,
Ceri Chapman
12 Bethesda Rise
NP10 9SY

Sent from my iPhone

Dearling, Alastair (Licensing Manager)

From: Ceri Freeman amosiksompoeilimil >
Sent: 02 May 2023 18:12
To: Pontin, Steve (Licensing Officer)
Subject: Re: Variation on licence for tiny rebel

Dear Steve,

Thank you very much for your response.

I most certainly do object to this! My house is less than 100m from the pub. Live music in the past has kept my young daughters awake far too late into the night. The walls of my house literally shake, as do my neighbours; this has been witnessed by your staff and the police. 23:00 is unacceptable, as is 3 days of constant music. Live music is extremely bad, but so is background music.

I definitely want to attend any further meetings.

The fuss I made last year, together with the noise recordings I submitted via the app, should have been included in your decision. Why has it not been please? Do you treat businesses better than residences?

Regards,
Ceri Chapman

Sent from my iPhone

> On 2 May 2023, at 16:33, Pontin, Steve (Licensing Officer) <Steve.Pontin@newport.gov.uk> wrote:
> Good afternoon Miss Chapman,
>
> Many thanks for your correspondence.
>
> I attach for your information the conditions proposed by the Licensing Authority and Environmental Health, with support of Gwent Police, which the applicant has agreed to in order for their application for this event to be granted. Please note, following further mediation since these representations were served on the applicant, some minor amendments have been agreed for licensable activity. For clarity, the currently agreed hours between all parties for licensable activity at the event are:
>
> Sale of alcohol 11:00am — 23:00pm
> Live and Recorded Music 12pm — 22:30pm *background music only may be
> played between 11:00am-12pm and 22:30pm-23:00pm subject to compliance with the noise conditions stated in the Environmental Health representation.
>
> If these conditions allay your concerns, you may wish to withdraw your representation? If not, please advise by way of response and a Licensing Hearing will be held in the near future in order to determine the application. You will be informed of the date of the hearing and may attend if you wish.
>
> Regards,
>
> Steve Pontin
> Swyddog Trwyddedu / Licensing Officer
> Y Gyfraith a Rheoleiddio / Law & Regulation Cyngor Dinas Casnewydd /
> Newport City Council
> 01633 851333
> Steve.Pontin@newport.gov.uk

Dearling, Alastair (Licensing Manager)

From: NCC - Environment Licensing
Sent: 02 May 2023 17:33
To: Pontin, Steve (Licensing Officer); Roberts, Llyr (Licensing Officer)
Subject: FW: Rebel Fest @Tiny Rebel

Fyi

Thanks
kate

-----Original Message -----

From: Main <roputisallailenftiagewmiiimmio>
Sent: 02 May 2023 16:51
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Subject: Rebel Fest @Tiny Rebel

Good afternoon

I would like to submit my objection to the planned music event at Tiny Rebel

Last year was unbelievably loud and disruptive to our living environment.

There were multiple complaints made by the residents of Bethesda Rise - yet this has been approved again without even consulting us. It really does beggar belief. A flyer telling us of the event does not equate to consultation.

Please advise.

Regards
Mrs Maria Bradley
7 Bethesda Rise
Sent from my iPhone

Appendix 5 Location of the Premises

