

# Agenda



## Licensing Sub-Committee

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Date: Wednesday, 9 August 2023

Time: 10.00 am

Venue: Council Chambers - Civic Centre

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

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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>Rootys</u> (Pages 17 - 78) The consideration and decision in respect of an application by NP Entertainment Ltd under Section 17 Licensing Act 2003 for the Grant of a Premises Licence in respect of Rootys, 40 Cambrian Road, Newport, NP20 4AB.	Stow Hill

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Date of Issue: Wednesday, 26 July 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 or where this is necessary for proper consideration). The proceedings will generally be conducted in public unless it is in the public interest to hear cases in private. Any applications to exclude the press and public should be dealt with at this stage.

### 4 Applications

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

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 Chair will ascertain whether any representations have been or are now to be withdrawn.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

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

### 5 Report from Licensing Officer

The Licensing Officer presents the Report outlining

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

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

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

### 7 The Applicant's case

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

8 The Objector(s) case

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

9 Closing Statements

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

10 Decision

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

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

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

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

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

11 Repeat process for each hearing

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# Report



## Licensing Sub-Committee

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Part 1

Date: 10<sup>th</sup> August 2023  
Item No:

Subject Licensing Application

Purpose The consideration and decision in respect of an application by NP Entertainment Ltd under Section 17 Licensing Act 2003 for the Grant of a Premises Licence in respect of Rootys, 40 Cambrian Road, Newport, NP20 4AB.

Author Steve Pontin

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 Steve Pontin

## 1. Application

An application made by NP Entertainment Ltd under section 17 of the Licensing Act 2003 for the grant of a Premises Licence was served on the Licensing Authority of Newport City Council on 15<sup>th</sup> June 2023. (A copy of the application can be found in Appendix 1 of this report).

In accordance with statutory provisions, copies of the application were served on each of the responsible authorities and details of the application were advertised on the premises and in the South Wales Argus, giving the responsible authorities and any other persons until midnight on 13<sup>th</sup> July 2023 to make written representations.

NP Entertainment Ltd seeks the grant of a Premises Licence on 40 Cambrian Road, Newport to provide a number of Licensing Activities as highlighted in Section 2 of the report, including sale of alcohol. The application stipulates Christopher Chick is to be specified as the Designated Premises Supervisor. (Consent of Designated Premises Supervisor can be found in Appendix 2 of this report).

The Premises is located on Cambrian Road found within the City Centre of Newport. Cambrian road has a number of mixed use including some residential flats, business and shops but predominantly the road consists of licenced premises and is considered as one of three roads that currently forms the hub of the night time economy with the City centre of Newport.

(Location and photographs can be found in Appendix 3 of the report.)

## 2. Licensable Activities

The application seeks to be granted a Premises Licence for the authorisation of :

- Sale of alcohol for consumption ON / OFF the premises only: Monday to Sunday, 08:00hrs till 03:00hrs
- Provision of Late Night Refreshment: Monday to Sunday 23:00hrs – 03:00hrs
- Live music (Regulated entertainment) Monday to Sunday 19:00hrs -01:30hrs
- Recorded music (Regulated entertainment) Monday to Sunday 08:00hrs-03:30hrs
- Provision of films (Regulated entertainment) Monday to Sunday 08:00hrs-03:00hrs
- The applicant also seeks to have the following non-standard times for the above licensing activities, other than films, for the following hours:
  - Christmas Eve 04.30hrs
  - Boxing Day 04.30hrs
  - New Years Eve 05.30hrs

- Sunday prior to a bank holiday 04.30hrs

### **3. Promotion of the Licensing Objectives**

The applicant has described in an Operating Schedule, the steps that will be taken to promote the four licensing objectives if the application is granted. These are contained in section 18 of the application form at Appendix 1 to this report.

### **4. Representations**

#### **Responsible Authority Representations**

On 5<sup>th</sup> July 2023 a formal representation was received from Heddlu Gwent Police acting in their capacity as a Responsible Authority, objecting to the application on the basis that the application could undermine the licensing objectives of prevention of crime and disorder, ensuring of public safety and protection of children from harm.

On 5<sup>th</sup> July 2023 a formal representation was received from Newport City Council Licensing Authority in their capacity as a Responsible Authority, objecting to the application on the basis that the application could undermine the licensing objectives of prevention of crime and disorder, ensuring of public safety and protection of children from harm.

On 5<sup>th</sup> July 2023 a formal representation was received from Newport City Council Environmental Health Noise team in their capacity as a Responsible Authority, objecting to the application on the basis that the application could undermine the licensing objective of prevention of public nuisance.

No other representation were received from any further Responsible Authorities or Other persons.

(Full details of the representations can be found as Appendix 4 of this report.)

#### **Other Person Representations**

No Representation were received

### **5. Licensing History**

Rootys, 40 Cambrian Road, Newport has historically operated as a Licence Premises, first obtaining a Premises Licence in 2016:

20.07.2016

A New Premises Licence was granted to NP Clubs Ltd, authorising Licence activities till 01:30hrs including the Sale of Alcohol, Regulated Entertainment and Late Night Refreshment.

05.06.2017

NP Clubs Ltd were granted a variation to the Premises Licence removing some conditions which required the premises to trade predominantly as a restaurant and

also extending Recorded Music, Late Night Refreshment and sale of Alcohol until 02:00hrs. Live Music and Exhibition of Film were still to conclude at 01:30hrs.

01.10.2017

NP Clubs Ltd were granted a variation to the Premises Licence allowing Licensing Activities, other than Live Music, till 03:00hrs. Live music was still to conclude at 01:30hrs.

15.03.2019

The Premises Licence was transferred to Mojo Newport Ltd with the director being named as HARIS, Iftexhar Iqbal. Mojo Newport Ltd and the company was dissolved on the 29 June 2021.

Despite Mojo Newport Ltd being dissolved it continued to trade and thus all alcohol sales and regulated entertainment taking place were unauthorised.

Section 27 of the Licensing Act 2003

#### **27 Death, incapacity, insolvency etc. of licence holder**

(1) A premises licence lapses if the holder of the licence—

(a) dies,

**[F1(b)** becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence,**]**

(c) becomes insolvent,

(d) is dissolved, or

(e) if it is a club, ceases to be a recognised club.

**[F2(1A)** A premises licence that authorises premises to be used for a licensable activity within section 1(1)(a) or (d) also lapses if the holder of the licence ceases to be entitled to work in the United Kingdom at a time when the holder of the licence is resident in the United Kingdom (or becomes so resident without being entitled to work in the United Kingdom).**]**

(2) This section is subject to sections 47 and 50 (which make provision for the reinstatement of the licence in certain circumstances).

(3) For the purposes of this section, an individual becomes insolvent on—

(a) the approval of a voluntary arrangement proposed by him,

(b) being **[F3 made]** bankrupt or having his estate sequestrated, or

(c) entering into **F4**... a trust deed for his creditors.

(4) For the purposes of this section, a company becomes insolvent on—

(a)the approval of a voluntary arrangement proposed by its directors,

(b)the appointment of an administrator in respect of the company,

(c)the appointment of an administrative receiver in respect of the company, or

(d)going into liquidation.

(5)An expression used in this section and in the Insolvency Act 1986 (c. 45) has the same meaning in this section as in that Act.

### In summary Section 27 of the Licensing Act

The starting point, from a licensing perspective in terms of insolvency, is section 27 of the Licensing Act 2003, which provides that a Premises Licence lapses if the holder of the licence:

- dies;
- becomes a person who lacks capacity within the meaning of the Mental Capacity Act 2005;
- **becomes insolvent;**
- is dissolved;
- if the premises is a club, ceases to be a recognised club; or
- ceases to be entitled to work in the UK.

Section 27 goes on to say that a person becomes insolvent on:

- the approval of a voluntary arrangement; or
- being made bankrupt; or
- having his estate sequestered; or
- entering into a trust deed with his creditors.

Section 27 also sets out the position in respect of companies. Companies become insolvent on:

- the approval of a voluntary arrangement; or
- the appointment of an administrator; or
- the appointment of an administrative receiver; or
- going into liquidation.

The effect of a Premises Licence lapsing is that there is no Premises Licence to speak of and so any Licensable Activities (sale of alcohol, late night refreshment, and regulated entertainment) cannot be provided on or from the Premises that the Premises Licence pertains to.

If one of the triggers for the lapse of a Premises Licence has occurred it is important and strongly advised for premises to take action. This is because of the provisions of Section 50 of the Licensing Act 2003, which can, if not properly actioned, lead to the loss of a Premises Licence for good.

Section 50 applies where a Premises Licence has lapsed because one of the events in section 27 has taken place, or where a Premises Licence has been surrendered in accordance with section 28 of the Licensing Act 2003

The basic position is that Premises Licence holders have 28 days from the day the Premises Licence lapses to transfer the Premises Licence and “reinstate” it.

Section 50 provides that anyone who could apply for a Premises Licence under section 16 of the Licensing Act 2003 can apply to transfer of the “lapsed” Premises Licence provided:

- the application is made no later than 28 days after the day the Premises Licence lapsed; and
- the request to transfer the Premises Licence is requested with immediate effect.

Provided a transfer application is made in accordance with the provisions of section 42 of the Licensing Act 2003 (the correct form used/fee paid etc.), section 50 goes on to say that the “lapsed” Premises licence is reinstated from the time the application is received by the relevant Licensing Authority.

This means that from the time the application is with the Licensing Authority , Licensable Activities can be provided on or from the premises to which the Premises Licence pertains.

It is important to note that if the application to transfer the Premises is rejected or is withdrawn then the Premises Licence will lapse once more.

It is important to understand that failure to transfer a Premises Licence within the statutory time frame will result in the Licence lapse.

Once a Licence has lapsed any Licensing Activity that takes place is unauthorised as such an offence under Section 136 of the Licensing Act 2003 is committed.

Section 136 of the Licensing Act 2003 states it is an offence to carry on or attempt to carry on a licensable activity on or from any premises other than under and in accordance with an authorisation. A person guilty of this offence is liable to be imprisoned for up to 6 months and/or an unlimited fine.

The Premises continued to operate until 15th March 2023 when it became apparent as a result of the submission of a transfer application by NP Entertainment Ltd, that the previous licence held by Mojo Newport Ltd had lapsed as a result of Mojo Newport Ltd's insolvency.

## 6. Policy Considerations

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

### Section 31. Cumulative Impact Assessment & Newport Stress Area(s)

- 31.1 Under the Licensing Act 2003, Licensing Authorities have the power to introduce a cumulative impact policy where there is evidence showing that a significant number of licensed premises concentrated in one area has led to an increase in; Crime and disorder, Public nuisance or to both. Where adopted, a Cumulative Impact Policy creates a rebuttable presumption that applications for new premises licences, or club premises certificates or variations, that are likely to add to the existing cumulative impact will normally be refused
- 31.2 The Statutory Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Policy these include
- a) Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm
  - b) Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - c) If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
  - d) Identify the boundaries of the area where problems are occurring.
  - e) Consult with those specified by Section 5(3) of the Licensing Act and subject to the outcome of that consultation, include and publish details of any special policy in the licensing policy statement
- 31.3 In April 2018, Section 141 of the Policing and Crime Act 2018 introduced a new Section 5A to the Licensing Act 2003 relating to Cumulative Impact Assessments (CIA). Before an Impact assessment area can be introduced the Authority must give reasons why they are considering a CIA, what part(s) they are considering to be a CIA and whether it considers the CIA applies to all licences or those of a particular kind. As such, the Authority must conduct a thorough assessment and if a CIA is introduced it must be reviewed at least every 3 years.

31.4 Having taken into account the Statutory Guidance, an assessment in line with 31.3 above and guidance from Gwent Police, it has been determined to remove Newport City Centre Cumulative Impact area from its licensing policy.

31.5 The licensing authority recognises there are a number of existing measures available that are relevant to tackling unlawful and anti-social behaviour associated with licensed premises, including:

- Planning controls
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- The confiscation of alcohol from adults and children in designated areas
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issue of fixed penalty notices
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale) – Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a disturbance.
- Robust conditions on the licence promoting the four licensing objectives.
- The power of the police, or other responsible authorities or any person to seek a review of the licence or certificate.
- Regular monthly Responsible Authority meetings, for interested parties to comment on, and providing an action plan, when dealing with problematic premises and areas

### **Newport Stress Area(s)**

However, having regard to the levels of crime and disorder and public nuisance within Newport City Centre there is still evidence that the promotion of the licensing objectives within an identified area of Newport City Centre is being undermined as a consequence of the operation of licensed premises in the area.

The licensing authority considers that although the levels of problems do not currently justify the implementation / renewing of a cumulative impact area, the area is of a concern and will be kept under very close review.

Therefore, in retracting the historic **Cumulative** Impact area the Council has determined to adopt a Special Policy for the City Centre which shall be



known as the “City Centre Stress Area”; this area is identified on the map in Appendix A of this Licensing Policy.

The Licensing authority does not wish to see an increase in antisocial behaviour, however the authority does wish to diversify the night-time economy and continue to regenerate the city centre. The Council aim is to promote an ‘inclusive’ evening and night-time economy throughout the city to ensure people of all ages can participate in and enjoy a range of activities through a diverse array of licensed premises, not simply focused on the consumption of alcohol.

Where an application is located within a Special Policy Stress area, all parties are expected to have due regard to it. The licensing authority’s discretion to determine the application shall be engaged upon the receipt of relevant representations and the respective Special Policy shall be the starting point when doing so. No Special Policy is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the Special Policy. Where no representations are received for an application within a Special Policy area, the application will be granted as applied for. Applicants are expected to demonstrate an understanding of the Policy; how the Policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the Policy.

New and variation applications for premises and club premises certificates within the “City Centre Stress” area will not be subject to the presumption of refusal, but operators will be expected to pay very special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. It is strongly recommended to discuss the application with the Licensing Authority before submitting an application.

On receipt of any application in the City Centre Stress area, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules.

The adoption of Stress area(s) policy takes into consideration paragraph 10.13 of the Government’s statutory Guidance, which recognises that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas and that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.

With the above in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken

Type of Premises	Alcohol Licensing Hours / Other Licensing Activities
Restaurant	Alcohol Licensing Hours 07:00- 00:30hrs  Other Licensing Activities 08:00- 00:30hrs
Café	Alcohol Licensing Hours 07:00- 00:30hrs  Other Licensing Activities Midnight 08:00- 00:30hrs
Late Night Takeaways / Fast Food Outlet.	Late Night Refreshment  Sunday- Thursday 23:00-2:30am Friday- Saturday 23:00-03:00am
Night Club / Sexual Entertainment Venue	Alcohol Licensing Hours  Sunday-Thursday 07:00- 3:00am Friday-Saturday 07:00-3.30am  Other Licensing Activities  Sunday-Thursday 08:00- 3:30 am Friday-Saturday 08:00- 4:00am  (Additional Measures last entry to Night Club / Sexual Entertainment 2:00am)
Pub / Bars	Alcohol Licensing Hours Sunday- Thursday 07:00-2:00 am Friday-Saturday 07:00-2:30am  Other Licensing Activities Sunday –Thursday 08:00-2:00am Friday-Saturday 08:00-2:30am
Non-Alcohol lead	In general, will be granted a licence in line with trading hours.

<p>This may include:</p> <ul style="list-style-type: none"> <li>• Cinemas</li> <li>• Theatres</li> <li>•Bowling alleys, hairdressers, florists</li> <li>• Art galleries.</li> <li>• Workplace Bar solely for use of employees of the premises</li> </ul>	
<p>Hotel</p>	<p>Alcohol Licensing Hours 07:00-02:00am</p> <p>Or 24 hours to residents of hotel</p> <p>Other Licensing Activities 08:00- 02:00am</p> <p>Late Night Refreshment for residents of hotel 23:00hrs till 05:00hrs</p>
<p>Off Licence</p>	<p>Alcohol Licensing Hours 07:00-23:00pm</p>
<p>Members Clubs</p>	<p>Alcohol Licensing Hours 07:00-2:30am</p> <p>Other Licensing Activities 08:00-2:30am</p>
<p>Outdoor Events</p>	<p>Alcohol Licensing Hours 07:00-10:30pm</p> <p>Other Licensing Activities 08:00-23:00pm</p>

**It is imperative to stipulate No Special Policy** is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the Special Policy in light of the individual circumstances of the case. Though exceptions will only be made where the **applicant** proves that the grant would not harm the Licensing objectives.

Matters such as;

- longer hours will create slower dispersal;

- history of good management;
- Character of the applicant
- premises are well run;
- size of the proposal;
- alcohol is not sold;
- clientele are a cut above the usual;
- A neighbouring premises has longer hours

Will not be considered exceptional circumstances and the policy is intended to be strictly applied.

Where no representations are received for an application within a Special Policy area, the application will be granted as applied for. Applicants are expected to demonstrate an understanding of the Policy; how the Policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the Policy.

Existing licensees who wish to materially alter and/or extend the premises to which the authorisation relates are required to seek a new authorisation. This is because the Act prohibits the use of a variation application to substantially alter the premises to which the authorisation relates.

Where the only change is to the physical extent or material layout of the premises themselves (i.e. in the absence of additional features such as change in style of operation, capacity etc) it is highly unlikely this would trigger the special policy, but of course this policy cannot restrict the right of any responsible authority or interested party to make relevant representations in that regard and if such are forthcoming they will be diligently considered. Where other change is envisaged then the presumption may arise. Applicants in such circumstances are entitled to seek a Provisional Statement.

## **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 application as applied

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

All decisions taken by the Sub-Committee must

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

### 8. Issues for discussion

- a) The proposed licensable activity and permitted hours sought by the application.
- b) The content of the operating schedule in promoting the four licensing objectives.
- c) The representations made in respect of the application.
- d) Newport City Council's Statement of Licensing Policy (<https://www.newport.gov.uk/documents/Policies/Licensing-Act-2003-Statement-of-Policy-2021.pdf>)
- e) Revised Guidance issued under section 182 of the Licensing Act 2003. (<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

### 9. List of Appendices

- 1. Application for Grant of a Premises Licence
- 2. Consent of proposed Designated Premises Supervisor
- 3. Location pics of application site
- 4. Representation from Responsible Authority(s)

### 10. Financial Summary

- The costs and financial implications: You must discuss financial implications with the Head of Finance and the report must identify from where your proposals will be funded, together with any impact on budgets or any opportunity costs

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					
Net Costs					

<b>(Savings) Net Impact on Budget</b>					

## Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

In this section, you should consider the key risks facing the proposals in your report, particularly those which would impact on delivery or sustainability of the project or projected outcomes. You will need to include details of how risks will be managed. If your proposals rely on short or medium term grant aid or funding streams you will need to outline your exit or continuation policy here.

You will need to complete the following Risk table

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.	Democratic Service Officer.  Chairperson.  Legal Officer.

			Members training.	
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\* 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.

## APPENDIX 1

### Copy of application for Grant of a Premises Licence at Rootys, 40 Cambrian Road, Newport.



Newport  
Application for a premises licence  
Licensing Act 2003

For help contact  
[environment.licensing@newport.gov.uk](mailto:environment.licensing@newport.gov.uk)  
Telephone: 01633 656656

\* required information

#### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?  
 Yes  No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

#### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual
- A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

#### Applicant Business

Is your business registered in the UK with Companies House?  Yes  No Note: completing the Applicant Business section is optional in this form.

Registration number

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status



*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

late night cocktail bar

Mandatory conditions  
1 No supply of alcohol may be made under the premises licence:  
i)at a time when there is no designated premises supervisor in respect of the premises licence; or

*Continued from previous page...*

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

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

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

For the purposes of this section:

i) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies; and

ii) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

4 The admission of children to the exhibition of any film must be restricted in accordance with any recommendation

made

by

the

British

Board

of

Film

Classification

(BBFC)

or

in

the

absence

of

a

recommendation from the BBFC, the Licensing Authority.

For the purposes of this section:

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

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

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

7 (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

*Continued from previous page...*

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either :

(a) a holographic mark, or

(b) an ultraviolet feature

8 The responsible person must ensure that -

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

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

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

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

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

(2) In this condition:-

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

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

Conditions consistent with the Operating Schedule

1.

No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children, (for example, but not exclusively, nudity or semi nudity), regardless of whether children are present on the premises, are permitted within the premises at any time when the premises is open to the public.

2.

Plastic/Polycarbonate glasses should only be used at the written request of Gwent Police and will cover high risk events for example sporting events that could potentially cause disorder.

3.

CCTV will be installed inside (outside) the premises. The cameras will cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct and the CCTV system must be capable of recording images to a suitable medium that allows reply. Recordings must be retained for a minimum of 28 days. Staff shall be trained in the maintenance and operation of the CCTV system with a record kept of the date and name of person trained. A trained member of staff should

**Continued from previous page...**

be on duty to operate the system whenever the premises are open. Records shall be made available for inspection by the police and other responsible authorities as requested.

4.

The Premise Licence Holder shall participate in Newport City Centre's Radio net; the radio must be functioning at all times when licensing activities are provided.

5.

One Door supervisor shall be employed at entrance of premises /exit (other than fire exits) from 21:00hrs

till close, on each Friday, Saturday, Bank holiday Sunday and New Year's Eve and he/she shall be assisted from 2200 hrs until closing time by a second door supervisor.

6.

Door Staff will wear high visibility armbands which clearly displays their SIA licence at all times and produce their badge upon the request of a Responsible Authority. A log book shall be maintained at the premises, in which shall be recorded the following details:

The door supervisor's name;

His/her Security Industry Authority full licence number;

The time and date he/she starts and finishes duty;

Each entry shall be signed by the door supervisor.

That logbook shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable

7.

Seizing, retaining and documenting any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police in compliance with Gwent Police written policy.

8.

A Challenge 21 or 25 policy shall be operated at the premises at all times. All staff shall check identification of all persons who appear to be less than 21 or 25 years old. This check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.

9.

Publicity materials notifying customers of the operation of the Challenge 21 or 25 schemes shall be displayed at the premises, including a Challenge 21 or 25 sign of at least A5 size at each point of sale.

10.

All door staff and staff selling alcohol should be briefed on the premises Licensing Conditions. A log should be kept of the date and name person briefed and made available for inspection by a responsible authority.

11.

Staff training on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.

12.

Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.

13.

No Alcohol drinks are permitted outside the venue.

14.

There shall be no movement of equipment associated with the entertainment from the premises between the hours of 12 midnight and 08:00 hours.

15.

Acoustic door seals fitted to all external doors and that they are maintained so as to minimise the escape of sound from the premises;

16.

Sealed acoustic/double/secondary glazing windows are fitted to minimise sound escape from the premises.

17.

Works should be carried out to sound insulate/attenuate any ventilation/extract system within the kitchen area, so as to prevent sound break-out from the premises. Note: Noise can escape through an air intake just as

**Continued from previous page...**

easily as through an extraction system.

18.

All external doors shall be kept closed, allowing access and egress, whilst entertainment is being provided;

19.

All external fire doors shall be kept closed, allowing emergency egress, whilst entertainment is being provided;

20. The Delivery of Alcohol is permitted in line with the following conditions:

Alcohol must only be sold with a food order; the food order must be minimum of £3.

The Delivery of alcohol is only permitted during the coronavirus outbreak.

The Delivery service must cease if giving written notification to do so by either Licensing Authority, Gwent Police or Local Authorities Trading Standards Team.

Deliveries are only permitted to be delivered at either a home address or a work place.

The Premises must operate appropriate age verification scheme to prevent under 18s purchasing alcohol.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Section 6 of 21

##### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

#### Section 7 of 21

##### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

##### Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

THURSDAY

Start 08:00

End 03:00

Start

End

FRIDAY

Start 08:00

End 03:00

Start

End

SATURDAY

Start 08:00

End 03:00

Start

End

SUNDAY

Start 08:00

End 03:00

Start

End

Will the exhibition of films take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment



Continued from previous page...

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

christmas eve 04.30  
boxing day 04.30  
new years eve 05.30  
sunday prior to a bank holiday 04.30

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 08:00

End 03:30

Start

End

THURSDAY

Start 08:00

End 03:30

Start

End

FRIDAY

Start 08:00

End 03:30

Start

End

SATURDAY

Start 08:00

End 03:30

Start

End

SUNDAY

Start 08:00

End 03:30

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

music will be amplified

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

christmas eve 04.30  
boxing day 04.30  
new years eve 05.30  
sunday prior to a bank holiday 04.30

Continued from previous page...

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that will be provided

Continued from previous page...

djs and bands

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

christmas eve 04.30  
boxing day 04.30  
new years eve 05.30  
sunday prior to a bank holiday 04.30

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

christmas eve 04.30  
boxing day 04.30  
new years eve 05.30  
sunday prior to a bank holiday 04.30

#### Section 14 of 21

#### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes       No

#### Standard Days And Timings

MONDAY

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 23:00

End 03:00

Start

End

THURSDAY

Start 23:00

End 03:00

Start

End

FRIDAY

Start 23:00

End 03:00

Start

End

SATURDAY

Start 23:00

End 03:00

Start

End

SUNDAY

Start 23:00

End 03:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

music will be amplified

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

christmas eve 04.30  
boxing day 04.30  
new years eve 05.30  
sunday prior to a bank holiday 04.30

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

christmas eve 04.30  
boxing day 04.30  
new years eve 05.30  
sunday prior to a bank holiday 04.30

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises  Off the premises  Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

**Continued from previous page...**

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

bank holidays  
Christmas eve  
Boxing day  
New years eve

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

christmas eve 04.30  
boxing day 04.30  
new years eve 05.30  
sunday prior to a bank holiday 04.30

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?



Continued from previous page...

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

no adult entertainment

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Bank Holidays  
christmas eve  
boxing day  
new years eve

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

christmas eve 04.30  
boxing day 04.30  
new years eve 05.30  
sunday prior to a bank holiday 04.30

#### Section 18 of 21

#### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Mandatory conditions

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

- i) at a time when there is no designated premises supervisor in respect of the premises licence; or
- ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

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

For the purposes of this section:

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

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

For the purposes of this section:

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

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

*Continued from previous page...*

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

16th April 2020

7 (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either :

- (a) a holographic mark, or
- (b) an ultraviolet feature

8 The responsible person must ensure that -

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

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

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

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

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

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

(2) In this condition:-

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

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

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

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

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

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

*Continued from previous page...*

supply in question; and

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

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

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

16th April 2020

Conditions consistent with the Operating Schedule

1. No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children, (for example, but not exclusively, nudity or semi nudity), regardless of whether children are present on the premises, are permitted within the premises at any time when the premises is open to the public.

2. Plastic/Polycarbonate glasses should only be used at the written request of Gwent Police and will cover high risk events for example sporting events that could potentially cause disorder.

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

4. The Premise Licence Holder shall participate in Newport City Centre's Radio net; the radio must be functioning at all times when licensing activities are provided.

5. One Door supervisor shall be employed at entrance of premises /exit (other than fire exits) from 21:00hrs till close, on each Friday, Saturday, Bank holiday Sunday and New Year's Eve and he/she shall be assisted from 2200 hrs until closing time by a second door supervisor.

6. Door Staff will wear high visibility armbands which clearly displays their SIA licence at all times and produce their badge upon the request of a Responsible Authority. A log book shall be maintained at the premises, in which shall be recorded the following details:

The door supervisor's name;

His/her Security Industry Authority full licence number;

The time and date he/she starts and finishes duty;

Each entry shall be signed by the door supervisor.

That logbook shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable

7. Seizing, retaining and documenting any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police in compliance with Gwent Police written policy.

8. A Challenge 21 or 25 policy shall be operated at the premises at all times. All staff shall check identification of all persons who appear to be less than 21 or 25 years old. This check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.

9. Publicity materials notifying customers of the operation of the Challenge 21 or 25 schemes shall be displayed at the premises, including a Challenge 21 or 25 sign of at least A5 size at each point of sale.

10. All door staff and staff selling alcohol should be briefed on the premises Licensing Conditions. A log should be kept of the date and name person briefed and made available for inspection by a responsible authority.

11. Staff training on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.

12. Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.

13. No Alcohol drinks are permitted outside the venue.

16th April 2020

14. There shall be no movement of equipment associated with the entertainment from the premises between the hours of 12 midnight and 08:00 hours.

15. Acoustic door seals fitted to all external doors and that they are maintained so as to minimise the escape of sound from the premises;

16. Sealed acoustic/double/secondary glazing windows are fitted to minimise sound escape from the

**Continued from previous page...**

premises.

17. Works should be carried out to sound insulate/attenuate any ventilation/extract system within the kitchen area, so as to prevent sound break-out from the premises. Note: Noise can escape through an air intake just as easily as through an extraction system.

18. All external doors shall be kept closed, allowing access and egress, whilst entertainment is being provided;

19. All external fire doors shall be kept closed, allowing emergency egress, whilst entertainment is being provided;

20. The Delivery of Alcohol is permitted in line with the following conditions:

Alcohol must only be sold with a food order; the food order must be minimum of £3.

The Delivery of alcohol is only permitted during the coronavirus outbreak.

The Delivery service must cease if giving written notification to do so by either Licensing Authority, Gwent Police or Local Authorities Trading Standards Team.

Deliveries are only permitted to be delivered at either a home address or a work place.

The Premises must operate appropriate age verification scheme to prevent under 18s purchasing alcohol.

Conditions attached after a hearing by the licensing authority

NIL.

b) The prevention of crime and disorder

--

c) Public safety

--

d) The prevention of public nuisance

--

e) The protection of children from harm

--

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



\* required information

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A (No RV to £4300) the fee is £100.00  
Band B (£4301 to £33000) the fee is £190.00  
Band C (£33001 to £87000) the fee is £315.00  
Band D (£87001 to £125000) the fee is £450.00\*  
Band E (£125001 and over) the fee is £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee as follows:  
Band D (£87001 to £125000) the fee is £900.00  
Band E (£125001 and over) the fee is £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the Premises Licence that authorises the provision of regulated entertainment only, where the entertainment is provided by and at the school or college, and for educational purposes.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time:

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

190.00

**DECLARATION**

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

*Continued from previous page...*

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

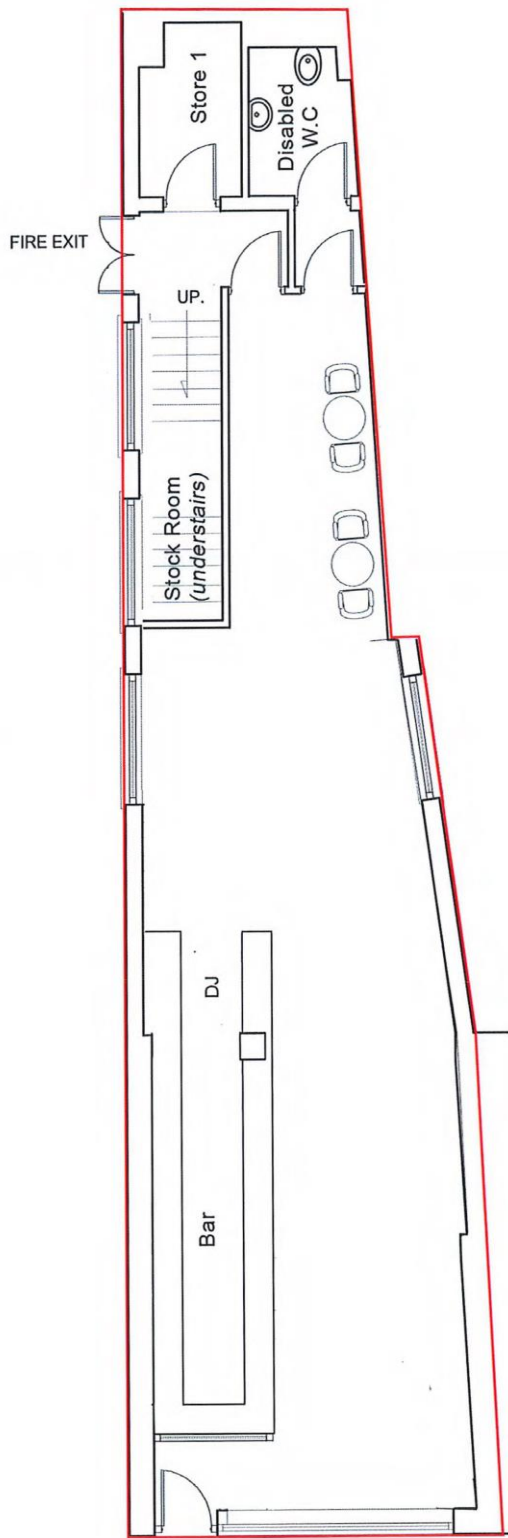
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/newport/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

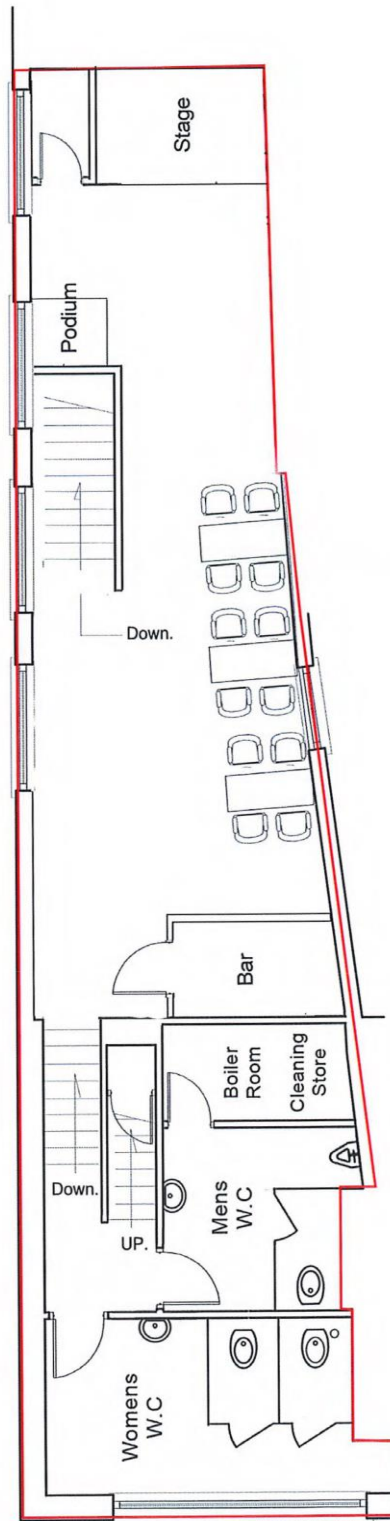
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#)



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



**Appendix 2**  
**Consent of Designated Premises Supervisor**

**Consent of individual to being specified as premises supervisor**

Christopher Charles Chick

I .....  
*[full name of prospective premises supervisor]*

of

*[home address of prospective premises supervisor]* 16 park street, Cwmcarn, np11 7el

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

*[type of premises licence application]* premises licence  
of .....

by

*[name of applicant]* np entertainment ltd

relating to a premises licence 19/01149/lapvpt  
*[number of existing licence, if any]*

for

*[name and address of premises to which the application relates]* rootys 40 cambrian road Newport np20 4ab

and any premises licence to be granted or varied in respect of this application made by

np entertainment ltd

[name  
of  
applicant]

concerning the supply of alcohol at

rootys 40 cambrian road, Newport, np20 4ab

[name  
and  
address  
of  
premises  
to  
which  
application  
relates  
]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal  
licence number, if any] ncc/15/0404

Personal licence issuing authority

[insert name  
and  
address and telephone number of personal licence issuing authority, if any] newport city council

Signed

Christopher Charles chick

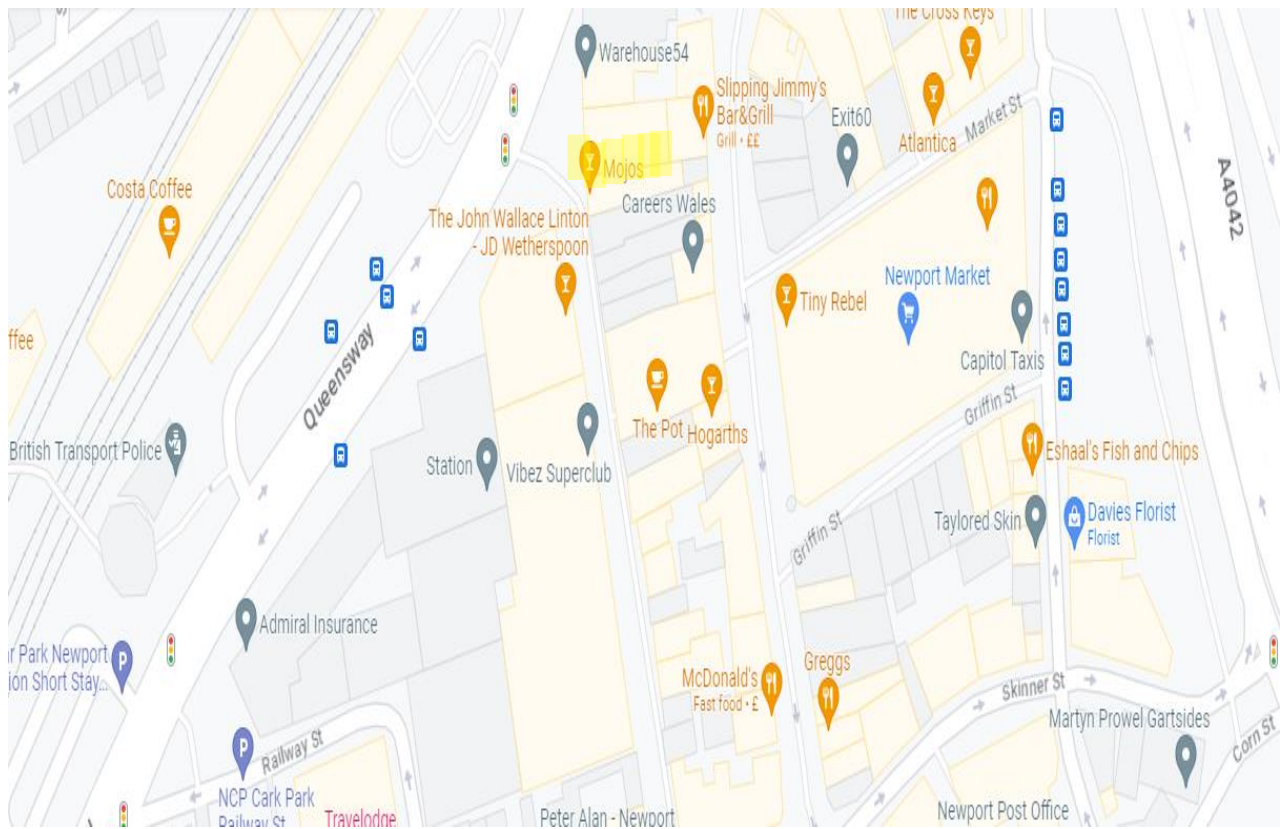
Name (please print)

Christopher chick

Date

17/03/23

**Appendix 3**  
**Location photographs of Rootys, 40 Cambrian Road, Newport.**







**Appendix 4**  
**Representation From Responsible Authorities**



**RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS**

**RESPONSIBLE AUTHORITY – Gwent Police**

<b>Name of Applicant</b>	Iftekhar Haris
<b>Premises</b>	Rooty’s 40 CAMBRIAN ROAD, NEWPORT, NP20 4AB

<b>Your Name</b>	Mark Williams
<b>Job Title</b>	Police Constable 1689
<b>email Address</b>	LicensingEast@gwent.police.uk
<b>Contact Telephone Number</b>	07870912407
<b>Date</b>	05/07//2023

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

<b>Please outline the reasons for your Representations</b>
<p>The applicant Iftekhar Haris is seeking a new premises license to allow for a number of licensable activities, including Provision of films, Provision of live music, provision of recorded music, late night refreshment and supply of alcohol at the address Rooty’s 40 CAMBRIAN ROAD, NEWPORT, NP20 4AB</p> <p>located within the city centre, previously MOJO, CAMBRIAN ROAD, NEWPORT, where the majority of NEWPORT’S night time economy premises reside, of which there is a lot of</p>

foot fall through this area.

The applicant has stated that the premises will be a cocktail bar, as such this is reflected in the following times:

The opening times of the premises will be:

Monday- 08:00- 02:30

Tuesday- 08:00- 02:30

Wednesday-08:00- 02:30

Thursday- 08:00- 02:30

Friday- 08:00- 03:00

Saturday- 08:00- 03:00

Sunday- 08:00- 03:00

Seasonal variations:

Christmas Eve/ Christmas Day- 04:00

Boxing day- 04:00

New years Eve 05:00

Sunday prior to a bank holiday 04:00

Non Standard Timings:

Christmas Eve/ Christmas Day- 04:00

Boxing day- 04:00

New years Eve 05:00

Sunday prior to a bank holiday 04:00

The applicant has requested supply of alcohol for the full opening hours. Gwent Police suggest that the supply of alcohol end 30 minutes before the closing time to allow customers to finish their drinks and make arrangements for transportation from the premises when it closes. Gwent Police propose the following times for supply of alcohol and the other requested license provisions.

Newport council guidelines state: *Drinking up time / cooling down time 5.8* Even though the traditional drinking up time was not carried over into the Act, the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period. During this time music volume may be reduced, customers may finish their drinks and make arrangements for transportation from the premises. The Council considers that a 30 /45 minutes drinking up time will assist in the gradual dispersal of customers and consequently reduce any potential negative impact on the area.

Hours for the sale of alcohol:

Monday - 08:00- 02:00

Tuesday- 08:00- 02:30

Wednesday- 08:00- 02:30

Thursday- 08:00- 02:00

Friday- 08:00- 2:30

Saturday- 08:00- 2:30

Sunday- 08:00- 2:30

The 30 minute drinking up period will also apply to the seasonal variations of the license and non standard timings, sale of alcohol to end 30 minutes before the closing times.

The applicant already has already suggested conditions to promote the four licensing objectives. Gwent Police would advocate the re-wording of some of the proposed conditions and advocate a small number of additional conditions that would support the applicant in the promotion of the licensing objectives.

**What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account**

The suggested conditions and variations to the license are as follows:

**The applicant has proposed:**

**One Door supervisor shall be employed at entrance of premises /exit other than fire exits from 21:00hrs till close, on each Friday, Saturday, Bank holiday Sunday and New Year's Eve and he/she shall be assisted from 2200 hrs until closing time by a second door supervisor.**

**Gwent police would like this to be reworded to:**

A minimum of 3 Security Industry Authority SIA-licensed door supervisors shall be on duty at the entrance of the premises from 20:30hrs. Two door staff should be located at entrance of the premises and a door supervisor inside the premises. When the second floor is utilised a further SIA door staff is required to be located on this level on Fri, Sat, Bank Holiday Sunday and non standing times.

All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high-visibility jackets or vests.

All door supervisors shall be briefed on their responsibilities and relevant company operating procedures before they commence duty.

- The Premises Licence Holder shall ensure that the following details for each Door Supervisor/ Steward, are contemporaneously entered into a bound register kept for that purpose:



- (i) Full name;
- (ii) (ii) Where applicable- SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);
- (iii)(i) The time they began their duty;
- (iv)(iv) The time they completed their duty.

This register is to be kept and shall be maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request. This documentation should be available and retained for a 12 month period.

Door Supervisors/ Stewards shall be responsible for preventing the admission and ensuring the departure from the premises of persons who are drunk and disorderly in such a manner as not to cause further disorder

**The applicant has proposed:**

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

**Gwent police would like this to be reworded to:**

**Gwent Police would like this reworded to:**

CCTV shall be in use at the premises.

- (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the day the licence is granted.
- (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;
- (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
- (iv) The correct time and date will be generated onto both the recording and the real time image screen;
- (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
- (vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable.
- (vii) The system shall also record clear images permitting the identification of individuals.
- (viii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during operating hours.
- (viiii) The position of CCTV cameras at the premises shall be to the satisfaction of Gwent Police and a plan showing the cameras shall be provided for the licensing authority and the Police.
- (x)The CCTV system shall ensure all licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points and external areas including licenced café pavement areas, and should ensure frontal identification of every person entering and in any light condition.

**The applicant has proposed:  
The Premise Licence Holder shall participate in Newport City Centre's Radio net; the radio must be**

**functioning at all times when licensing activities are provided.**

**Gwent Police would like this reworded to:**

A Pub watch radio/ Nitenet must be made available for use by staff trained in its use at all times the premises are open to the public. The radio will be kept in good working order, monitored by a responsible member of staff, and used to report incidents of crime and disorder to the CCTV control room or to the Police. The radio must be carried by the person responsible for its use.

The Nitenet radio link shall be operated 20:00hrs hours until the premises have closed] [at all times the premises are open to the public]. The radio shall be kept in good working order, operated by a responsible member of staff and used to report incidents of crime and disorder to the CCTV control room and other radio users.

**In addition, Gwent Police would like to add the below conditions which would assist the applicant in promoting the licensing objectives:**

Alcohol is to be served in Plastic or polycarbonate after 23:00hrs in any Licenced Café Pavement area.  
Open containers of alcohol shall not be removed from the premises.

Premises undertaking Licensing Activity of Regulated Entertainment ( live or recorded music) beyond 0:30hrs and has predominantly has little or no seating for patrons (approximately 70% of the customers to be seated ) will require patrons to be fully searched on entry on Friday , Saturday, bank holiday Sunday from 20:30hrs.

A written policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operated at the premises

A clearly visible notice shall be placed at each entrance to the premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons.

No patron shall be admitted or readmitted to the premises after [20:30} hours unless they have passed through a metal detecting search arch or wands and been physically searched

by an SIA- trained member of staff (in an area monitored by premises CCTV) which will include a 'pat down search' and a full bag search.

Fully documented staff training, to include training on the Premises Licence conditions as well as the premises' Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, at a minimum every 6 months. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them. This can be made for inspection by any Responsible Authority under the Licensing Act 2003. All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in proxy sales and how to refuse sales to difficult customers. Safeguarding training should also be undertaken with all staff. Training should be clearly documented, signed and dated by both the trainer and member of staff receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable. These records shall be kept for a minimum of 12 months

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport  
(ii) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident.

The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. These records shall be kept for a minimum of 12 months

Staff shall ensure that any glass bottles or glasses are removed from persons leaving the premises.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them unless to Licenced pavement café area.

There shall be a lockable 'drugs box' at the premises to which no member of staff shall have access, other than Gwent Police. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Gwent Police for appropriate disposal.

The Premises allows Gwent Police to swab for drugs at the premises during Licensing Hours.

The Premises Licence Holder and Designated Premises Supervisor are to co-operate with pre-arranged Police operations involving the searching of customers at entry for weapons and drugs.

Whilst licensable activities are taking place, the toilets at the premises must be checked at least hourly for illegal drug use or supply. A written log of all checks must be kept at the premises for at 31 days and made available for immediate inspection on the request of Gwent Police or an authorised officer of the licensing authority.

Staff training shall include procedures to deal effectively with emergency incidents, including:

- i) reporting an emergency to the relevant emergency service
- ii) safe evacuation of customers
- iii) dealing with terrorist threats or incidents.

Entry by children under the age of 18 [to the premises] is prohibited after 20:30hrs unless authorised in writing by Gwent Police and the Licensing Authority.

	<p>The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.</p> <p>No entertainment, performance, service, or exhibition involving nudity or sexual stimulation that would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 shall be provided.</p> <p>There shall be no striptease or nudity, and all persons shall be decently attired at all times</p>
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p>Yes. The representations made are reasonable and appropriate. If the applicant agrees to the conditions as proposed, Gwent Police will withdraw their representations.</p>

**From:** Dearling, Alastair (Licensing Manager) <[Alastair.Dearling@newport.gov.uk](mailto:Alastair.Dearling@newport.gov.uk)>

**Sent:** Wednesday, July 5, 2023 3:48 PM

**To:** NCC - Environment Licensing <[Environment.Licensing@newport.gov.uk](mailto:Environment.Licensing@newport.gov.uk)>

**Subject:** Representation Rootys

**DATE:** 5<sup>th</sup> July 2023

**TO:** Licensing Authority

**FROM:** Licensing Authority Acting as a Responsible Authority

## **Application for a premises licence to be granted under the Licensing Act 2003**

**PREMISE DETAILS: ROOTY'S, 40 CAMBRIAN ROAD, NEWPORT, SOUTH WALES, NP20 4AB**

I refer to the above-mentioned application for a premises licence, which was received by Licensing Authority on the 15<sup>th</sup> June 2023 for comment. I wish to make representation under the following Licensing Objectives:

- The Prevention of Crime & Disorder
- Public Safety
- The Protection of Children from Harm

The Licensing Authority fully supports the representation made by PC Mark Williams of Gwent Police. The applicant is seeking a new premises licence and stipulates that the premises is proposed to be a "Cocktail Bar" it felt the conditions proposed by the Police are relevant and proportionate for the Premises to Promote the Licensing Objectives. If it was the case the applicant wishes to agree to the conditions and hours set out in the Police objection the Licensing Authority would clearly withdraw its objection.

In regard to the Licensing Hours the applicant has failed to consider Newport City Council Policy specifically regarding Newport Stress Area(s) within the application operating schedule. The Policy stipulates:

### **Newport Stress Area(s)**

However, having regard to the levels of crime and disorder and public nuisance within Newport City Centre there is still evidence that the promotion of the licensing objectives within an identified area of Newport City Centre is being undermined as a consequence of the operation of licensed premises in the area.

The licensing authority considers that although the levels of problems do not currently justify the implementation / renewing of a cumulative impact area, the area is of a concern and will be kept under very close review.

Therefore, in retracting the historic **Cumulative** Impact area the Council has determined to adopt a Special Policy for the City Centre which shall be

known as the “City Centre Stress Area”; this area is identified on the map in Appendix A of this Licensing Policy.

The Licensing authority does not wish to see an increase in antisocial behaviour, however the authority does wish to diversify the night-time economy and continue to regenerate the city centre. The Council aim is to promote an ‘inclusive’ evening and night-time economy throughout the city to ensure people of all ages can participate in and enjoy a range of activities through a diverse array of licensed premises, not simply focused on the consumption of alcohol.

Where an application is located within a Special Policy Stress area, all parties are expected to have due regard to it. The licensing authority’s discretion to determine the application shall be engaged upon the receipt of relevant representations and the respective Special Policy shall be the starting point when doing so. No Special Policy is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the Special Policy. Where no representations are received for an application within a Special Policy area, the application will be granted as applied for. Applicants are expected to demonstrate an understanding of the Policy; how the Policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the Policy.

New and variation applications for premises and club premises certificates within the “City Centre Stress” area will not be subject to the presumption of refusal, but operators will be expected to pay very special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. It is strongly recommended to discuss the application with the Licensing Authority before submitting an application.

On receipt of any application in the City Centre Stress area, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules.

The adoption of Stress area(s) policy takes into consideration paragraph 10.13 of the Government’s statutory Guidance, which recognises that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas and that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.

With the above in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken



Type of Premises	Alcohol Licensing Hours / Other Licensing Activities
Restaurant	Alcohol Licensing Hours 07:00- 00:30hrs Other Licensing Activities 08:00- 00:30hrs
Café	Alcohol Licensing Hours 07:00- 00:30hrs Other Licensing Activities Midnight 08:00- 00:30hrs
Late Night Takeaways / Fast Food Outlet.	Late Night Refreshment Sunday- Thursday 23:00-2:30am Friday- Saturday 23:00-03:00am
Night Club / Sexual Entertainment Venue	Alcohol Licensing Hours Sunday-Thursday 07:00- 3:00am Friday-Saturday 07:00-3.30am Other Licensing Activities Sunday-Thursday 08:00- 3:30 am Friday-Saturday 08:00- 4:00am (Additional Measures last entry to Night Club / Sexual Entertainment 2:00am)
Pub / Bars	Alcohol Licensing Hours Sunday- Thursday 07:00-2:00 am Friday-Saturday 07:00-2:30am Other Licensing Activities Sunday –Thursday 08:00-2:00am Friday-Saturday 08:00-2:30am
Non-Alcohol lead  This may include:  • Cinemas	In general, will be granted a licence in line with trading hours.

<ul style="list-style-type: none"> <li>• Theatres</li> <li>•Bowling alleys, hairdressers, florists</li> <li>• Art galleries.</li> <li>• Workplace Bar solely for use of employees of the premises</li> </ul>	
Hotel	Alcohol Licensing Hours 07:00-02:00am Or 24 hours to residents of hotel Other Licensing Activities 08:00- 02:00am Late Night Refreshment for residents of hotel 23:00hrs till 05:00hrs
Off Licence	Alcohol Licensing Hours 07:00-23:00pm
Members Clubs	Alcohol Licensing Hours 07:00-2:30am Other Licensing Activities 08:00-2:30am
Outdoor Events	Alcohol Licensing Hours 07:00-10:30pm Other Licensing Activities 08:00-23:00pm

**It is imperative to stipulate No Special Policy** is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the Special Policy in light of the individual circumstances of the case. Though exceptions will only be made where the **applicant** proves that the grant would not harm the Licensing objectives.

Matters such as;

- longer hours will create slower dispersal;
- history of good management;

- Character of the applicant
- premises are well run;
- size of the proposal;
- alcohol is not sold;
- clientele are a cut above the usual;
- A neighbouring premises has longer hours

Will not be considered exceptional circumstances and the policy is intended to be strictly applied.

Where no representations are received for an application within a Special Policy area, the application will be granted as applied for. Applicants are expected to demonstrate an understanding of the Policy; how the Policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the Policy.

Existing licensees who wish to materially alter and/or extend the premises to which the authorisation relates are required to seek a new authorisation. This is because the Act prohibits the use of a variation application to substantially alter the premises to which the authorisation relates.

Where the only change is to the physical extent or material layout of the premises themselves (i.e. in the absence of additional features such as change in style of operation, capacity etc) it is highly unlikely this would trigger the special policy, but of course this policy cannot restrict the right of any responsible authority or interested party to make relevant representations in that regard and if such are forthcoming they will be diligently considered. Where other change is envisaged then the presumption may arise. Applicants in such circumstances are entitled to seek a Provisional Statement.

If the applicant has any questions or queries I would clearly be happy to further discuss the representation with them.

Yours Sincerely

Alastair Dearling

Prif Swyddog Trwyddedu / Principal Licensing Officer

Y Gyfraith a Rheoleiddio / Law & Regulation

Cyngor Dinas Casnewydd / Newport City Council

01633656656 / 01633851328

[Alastair.Dearling@newport.gov.uk](mailto:Alastair.Dearling@newport.gov.uk)

# MEMORANDUM

DATE: 5<sup>th</sup> July 2023

TO: Environmental Licensing

FROM: Environmental Protection

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## Application for a premises licence to be granted under the Licensing Act 2003

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**PREMISE DETAILS: ROOTY'S, 40 CAMBRIAN ROAD, NEWPORT, SOUTH WALES, NP20 4AB**

I refer to the above-mentioned application for a premises licence, which was received by the Environmental Protection on the 15<sup>th</sup> June 2023 for comment. I wish to make representation under the “**prevention of public nuisance**” licensing objective as I am concerned that the application to licence for the provision of regulated entertainment could have an adverse impact on nearby residents.

Based on the information currently provided within the application, I would object to this application. My main concern is the noise disturbance caused by amplified music (live and/or recorded) emanating from the premises.

However, should the applicant wish to amend the application to include the following suggested conditions shall apply, I would then withdraw my representation:

### **Music and speech, both amplified and not**

- All doors and windows will be kept closed. Doors will only be opened to allow access, or for persons to leave the premises
- Ventilation by artificial means will be provided.
- Amplified music and speech will not be played in rooms that will affect neighbouring properties with structure-borne sound and/or vibration.
- Loudspeakers will not be located near wall or ceiling mounted extractors.

### **Noise Limiting Devices**

A Noise Limiting Device (NLD) of a type approved by the Noise & Neighbourhood team of Newport City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure the pre-set volume does not cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section at least 14 days before its' initial operation and shall fulfil the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
- b) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD
- c) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational
- d) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Section as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Section.

#### **Use of open areas**

- There shall be adequate supervision of the external areas in order to control both patrons visiting, leaving and to control noise from external drinking areas.
- No activities that give rise to noise disturbances within the neighbourhood will be permitted in open areas.
- There will be no loud speakers or amplification equipment used in external areas including the street

#### **Vehicles arriving, waiting, parking and departing**

- Clear signage will be provided to customers on departure routes to taxis.

#### **Building structure and fabric thereof**

- Acoustic doors or lobbies will be provided to prevent noise break out.

#### **Any other factors to reduce noise disturbance**

- Refuse and/or bottles will not be placed into external receptacles between the
- hours of 00:00 and 07:00 hours.

Should the applicant wish to discuss these proposed amendments/conditions they may contact the Licensing Authority.

Regards

**Mike Coughlan**  
**Pollution Control Officer**  
*Swyddog Rheoli Llygredd*

