

Decision Schedule



Licensing Sub-Committee

TO ALL MEMBERS OF NEWPORT CITY COUNCIL

Decision Schedule published on 1 November 2023

The Licensing Sub-Committee took the following decisions on **31 October 2023**, which became effective immediately.

Councillors Allan Morris, Alex Pimm, David Fouweather

LIC PAN 05/23

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

Background

On 14th September 2023 Newport City Council, being the relevant Licensing Authority, received an application for a review of the above Premises Licence from Gwent Police pursuant to section 51 of the Licensing Act 2003.

Submissions were made by both parties and submitted to the Licensing Authority by 12th October 2023. Between the submissions deadline and the hearing date of 31st October 2023, mediation meetings took place between the Licence holder, his legal representative, Gwent Police and the Licensing Authority. These meetings resulted in proposed agreed conditions being submitted to the Licensing Sub-Committee.

A hearing took place on 31st October 2023 to review the Premises Licence. This hearing was attended by a member of the Gwent Police. The Licence holder was also in attendance and was represented by his solicitor. No representations from other persons were received.

The Licensing Sub-Committee took into consideration that there had been a significant level of constructive mediation between the Premises Licence Holder and Gwent Police who were acting as the Responsible Authority with ample assistance from the Licensing Authority prior to the hearing. The Committee noted the drafted set of 55 conditions that had been agreed by both the Responsible Authority and the Premises Licence Holder. It was raised that condition number 36 had been recorded incorrectly and the Committee were informed of the correct amendment that had been previously agreed.

Decision

The Panel took into account the evidence presented and the comments made on behalf of the Police and the licence holder at the hearing. The Panel also considered the four licensing objectives set out in the Licensing Act 2003 as well as the statutory guidance issued in accordance with that Act and the Council's Licensing Policy.

The Licensing Sub-Committee decided that the conditions put forward and agreed alongside reduction of Licensing hours by both the Responsible Authority and the Premises Licence Holder promoted the 4 Licensing Objectives and should be added to the Premises Licence, taking into

consideration the amendment to Condition 36. The approved conditions are to be annexed to the premises Licence and are detailed in the schedule below.

SCHEDULE: Conditions to be added to the premises licence following the hearing dated 31st October 2023.

The Conditions and hours being:

Hours:

Opening Hours	Hours:
Day of the Week:	
Monday	07:00 – 04:30
Tuesday	07:00 – 04:30
Wednesday	07:00 – 04:30
Thursday	07:00 – 04:30
Friday	07:00 – 04:30
Saturday	07:00 – 04:30
Sunday	07:00 – 04:30

Non-Standard timings for Sales of Alcohol (off-sales):

- None

Late Night Refreshment	Hours:
Day of the Week:	
Monday	23:00 – 04:00
Tuesday	23:00 – 04:00
Wednesday	23:00 – 04:00
Thursday	23:00 – 04:00
Friday	23:00 – 04:00
Saturday	23:00 – 04:00
Sunday	23:00 – 04:00

Non-Standard timings for Late Night Refreshment:

- **23:00 to 04:45 on any Sunday prior to a bank holiday Monday, any bank holiday, Christmas Eve, Boxing Day, New Year's Eve.**
- **23:00 to 04:45 on occasions when the Premises is showing live televised broadcasts of national and international sporting events and other live televised broadcasts of international significance provided that the Gwent Police Licensing Team and the Licensing Authority are given 14 days' notice prior to the event taking place.**

Regulated Entertainment **Hours:**

**(Films, Indoor
Sporting
Events, Live
Music,
Recorded
Music,
Performance of
Dance) (all
indoors) Day of
the Week:**

Monday	07:00 – 04:00
Tuesday	07:00 – 04:00
Wednesday	07:00 – 04:00
Thursday	07:00 – 04:00
Friday	07:00 – 04:00
Saturday	07:00 – 04:00
Sunday	07:00 – 04:00

**Conditions:
THE FOLLOWING CONDITIONS SHALL APPLY AT ALL TIMES THAT LICENSABLE
ACTIVITIES ARE PROVIDED AT THE PREMISES:**

1. A direct telephone number for the manager at the premises shall be available the premises is open. This telephone number is to be made available to residents and businesses in the vicinity, the Licensing Authority, and the Gwent Police Licensing Team.
2. There shall be a Personal Licence Holder on duty at the Premises at all times when the Premises are open for Licensable Activities.
3. The Designated Premises Supervisor (DPS) for the Premises shall not be named as the DPS at any other Premises concurrently.
4. The Premises Licence Holder shall ensure that the DPS is on duty at the venue for at least 2 weekends (Friday and Saturday night) each calendar month (January to December).
5. The Premises shall install and maintain a comprehensive CCTV system per the minimum requirements of the Gwent Police Licensing Team. All entry and exit points shall be covered enabling frontal identification of any person entering in any light condition. The CCTV system shall continuously record whilst the Premises is open for Licensable Activities and during all times when customers remain on the premises. The CCTV system shall include the external area outside any entrances/exits at the Premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon request of a Responsible Authority Officer throughout the 31-day period.
6. A staff member at the Premises who is conversant with the operation of the CCTV system shall be at the Premises at all times the Premises is open. This staff member must be able to provide Responsible Authority Officers with copies of CCTV footage or date with a minimum of delay when requested.

7. If the CCTV system or part thereof fails, the Premises Licence Holder shall notify the Licensing Authority and Gwent Police Licensing Team of the failure as soon as practicable after the failure is discovered. Any failure of the CCTV system shall be recorded in the Premises' incident register including the date and time of the report, and the name of the person to whom the report was made. CCTV failures shall be rectified with a minimum of delay and the Licensing Authority and Gwent Police Licensing Team notified when faults are rectified.

8. An incident log shall be kept at the Premises and made available to Responsible Authority Officers on request. The incident log shall be completed within 24 hours of an "incident" taking place and shall record the following: all crimes reported to the venue

- all ejections of customers
- any complaints received regarding crime or disorder
- any incidents of disorder
- any seizures of drugs or weapons
- any faults in the CCTV system or searching equipment
- any refused sales of alcohol
- any requests for "Angela" or similar
- any visits by a Responsible Authority or emergency service

9. If a serious assault is committed at the Premises (or appears to have been committed) the Premises Licence Holder will immediately ensure that:

(a) The Police (and, where appropriate, the Ambulance Service) are called without delay;

(b) All measures reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;

(c) Any crime scene is preserved to enable a full forensic investigation to be carried out; and

(d) Such other measures are taken (as appropriate) to protect the safety of other persons present at the Premises.

10. The Premises Licence Holder will devise, implement, and maintain the following policies for the Premises:

- (a) Dispersal Policy
- (b) Security and Search Policy
- (c) Drugs Policy
- (d) Customer Welfare Policy (including policy on checking toilet areas)
- (e) External Management Policy
- (f) Staff Training Policy

Copies of these policies (which may be electronic) shall be kept at the Premises and made available for inspection by Responsible Authority Officers upon request.

11. The Premises Licence Holder will devise, implement, and maintain a system of staff training for the Premises. The training shall include (as a minimum):

- (a) The Licensing Act 2003 and the Licensing Objectives;
- (b) The conditions of the Premises Licence;
- (c) Age verification;

- (d) Customer welfare;
- (e) The premises' policies and procedures;
- (f) Intoxication;
- (g) Proxy sales;
- (h) Refusing service;
- (i) Conflict management;
- (j) Reporting emergencies;
- (k) Evacuation; and
- (l) Terrorist threat/incidents.

All training shall be fully documented and recorded in staff members' training records. Staff members shall sign to acknowledge that they have received and understood the training given. Training shall be repeated at least every 6 months. Training records shall be kept for at least 12 months and shall be produced on request to Responsible Authority Officers.

12. The Premises shall participate in Newport City Centre's Radionet.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. The Premises Licence Holder shall advertise the operation of the Challenge 25 scheme at each entrance to the Premises and at suitable locations within the interior of the Premises.
15. The Premises shall not be used for Relevant Entertainment.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. The Premises shall participate in the Ask for Angela Scheme (or similar) and shall display notices advertising its participation in the scheme at prominent locations within the Premises, including within the customer toilets. The Premises shall keep a record of any requests for "Angela" in the Premises incident log together with any actions taken. These records shall be produced to Responsible Authority Officers on request.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of residents and use the area quietly.
20. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on or immediately outside the premises except for customers using any external seating area.
21. Except for bottles, all drinking vessels at the Premise shall be made from strengthened glass or polycarbonate.
22. Noise from the playing of amplified music at the Premises shall not exceed 97dB(A) measured as an LAeq, T over a period of 5 minutes.
23. The Premises Licence Holder shall register with Newport City Council's Anti-Crime Group Radio Network, shall obtain a suitable radio, and shall abide by the terms of the agreement between themselves and Newport City Council.

24. No unaccompanied children under 18 years of age will be permitted entry to the Premises at any time.
25. Suitable and sufficient sanitary conveniences shall be provided for each sex and free of charge to customers. The sanitary conveniences shall be kept in good order and repair and all such installations shall be properly and effectively cleansed, ventilated, and disinfected. All such installations shall be supplied with running water and the doors leading to the conveniences shall be suitably marked.
26. The Premises Licence Holder shall ensure that persons at or leaving the Premises conduct themselves in an orderly manner and do not cause a public nuisance.
27. The Designated Premises Supervisors (DPS) shall not be Mr Jack Bannister.
28. The Deputy Manager (in the absence of the DPS) shall not be Mr Jack Bannister.
29. The Premises shall have keep a comprehensive list of duties of the DPS (and in their absence, the Deputy Manager). The list of duties shall be agreed with the Licensing Authority and the Gwent Police Licensing Team. The DPS and any Deputy Manager will be required to sign to confirm that they understand their duties and responsibilities and reconfirmation is required at least every 6 months. Records will be kept for 12 months and produced on request to Responsible Authority Officers.

THE FOLLOWING CONDITIONS SHALL APPLY WHEN THE PREMISES PROVIDES LICENSABLE ACTIVITIES BEFORE 22:00 ON ANY DAY:

30. The Premises Licence Holder shall risk assess the need to engage SIA Licensed Door Supervisors (SIA) at the Premises. Where a risk assessment indicates that SIA should be engaged then the Premises Licence Holder shall engage SIA in such numbers and at such times as indicated by the risk assessment.

31. Where SIA are engaged, the Premises Licence Holder shall retain the following information for each SIA:

- (a) Their full name;
- (b) Their SIA number;
- (c) The company they are contracted to;
- (d) The time they began their duty; and
- (e) The time they completed their duty.

This information shall be kept in a register at the Premises for a period of 12 months and shall be produced to Responsible Authority Officers on request.

32. No individual that has worked as an SIA Licensed Door Supervisor at Vibez or The Greyhound during the period 01/10/22 to 01/10/23 shall be employed at the Premises in the capacity of a SIA Licensed Door Supervisor.

33. When engaged at the Premises, SIA are to wear a high visibility jackets or vests and shall correctly display their SIA badge so that it can be seen at all times.

THE FOLLOWING CONDITIONS SHALL APPLY WHEN THE PREMISES PROVIDES LICENSABLE ACTIVITIES AFTER 22:00 ON ANY DAY:

34. There shall be no sales of alcohol for consumption off the premises after 22:00 hours.

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- 35. After 22:00 hours all drinking vessels used at the Premises shall be polycarbonate or plastic except for: Drinks sold in glass bottles e.g. bottles of beer.
Champagne or other spirits with a minimum size of 70cl supplied by waiter/waitress service to customers at tables. Staff shall clear empty bottles promptly.
- 36. All external tables and chairs shall be rendered unusable by 22:00 hours on a Friday, Saturday, Bank Holiday Sunday & nonstandard timings .
- 37. No external drinking/seating area shall be provided from 22:00 hours each day.
- 38. From 22:00 hours each day there shall be a member of staff designated for the purpose of monitoring and ensuring customer welfare.
- 39. There shall be no admittance (or re-admittance) to the Premises after 03:00 (04:00 hours during non-standard timings) hours except for customers who have been permitted to temporarily leave the premises e.g. to smoke, make a phone call etc.
- 40. Customers permitted to temporarily leave the premises e.g. to smoke, make a phone call etc. shall be restricted to a designated area approved in writing by Gwent Police and the Licensing Authority any variation to this area must be approved in writing by Gwent Police and Licensing Authority.
- 41. Any customers permitted to temporarily leave the premises e.g. to smoke, make a telephone call etc. shall not be permitted to take drinks with them including the designated smoking area. (unless approved by Gwent Police and Licensing Authority in writing)
- 42. The Premises Licence Holder shall supply a safe location for customers to leave their drinks, which shall be monitored, whilst they use the designated external area.
- 43. The Premises Licence Holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by SIA to ensure that there is no public nuisance or obstruction to the public highway.
- 44. From 22:00hrs a queue system must be approved in writing by the Licensing Authority and Gwent Police Licensing Team.
- 45. The Premises Licence Holder shall display a notice at the entrance to the premises and at the entrance to the queue advising customers that it is a condition of entry that they agree to being searched and that the Police will be informed of any controlled substances or weapons discovered during a search.
- 46. No customer shall be admitted (or re-admitted if they have left the external area) to the Premises unless they have either: Passed through a metal detecting arch and been physically (pat down) searched by SIA; or
Scanned using a metal detecting wand and physically (pat down) searched by SIA.

Searches must comprise either a metal detector or wand scan **and** a physical search of all customers.

- 47. No customer in possession of a bag shall be admitted (or re-admitted if they have left the external area) to the Premises without a full bag search.
- 48. The Premises Licence Holder shall (at a minimum) engage and station SIA at the Premises as follows Sunday to Thursday (excluding bank holidays): One (1) SIA at the entrance to the Premises.

- One (1) SIA within the interior of the Premises.
- One (1) SIA within the VIP/upstairs area (if open).

SIA shall be engaged from 21:00 hours until 30 minutes after the Premises closes to the public.

49. The Premises Licence Holder shall (at a minimum) engage and station SIA at the Premises as on a Friday, Saturday, Bank Holiday, or any other non-standard timings: Two (2) SIA at the entrance to the queue.

- Two (2) SIA within the interior of the Premises.
- One (1) SIA within the VIP/upstairs area (if open)
- One (1) SIA monitoring the smoking area.

SIA shall be engaged from 21:00 hours until 30 minutes after the Premises closes to the public.

50. The Premises Licence Holder shall ensure that SIA shall keep an accurate record of the number of customers at the Premises at any one time by using clickers to count customers in and out of the Premises.

51. The Premises Licence Holder shall retain the following information for each SIA:

- (a) Their full name;
- (b) Their SIA number;
- (c) The company they are contracted to;
- (d) The time they began their duty; and
- (e) The time they completed their duty.

52. This information shall be kept in a register at the Premises for a period of 12 months and shall be produced to Responsible Authority Officers on request. No individual that has worked as an SIA Licensed Door Supervisor at Vibez or The Greyhound during the period 01/10/22 to 01/10/23 shall be employed at the Premises in the capacity of a SIA Licensed Door Supervisor.

53. When engaged at the Premises, SIA are to wear a high visibility jackets or vests and shall correctly display their SIA badge so that it can be seen at all times.

54. The Premises Licence Holder shall risk assess the need to engage additional SIA at the Premises. Where a risk assessment indicates that additional SIA should be engaged then the Premises Licence Holder shall engage additional SIA in such numbers and at such times as indicated by the risk assessment.

55. SIA shall actively check customers leaving the Premises for glass bottles and where discovered these shall be prevented from leaving the Premises.

Consultation

Not applicable.

Implemented by: Head of Law & Standards

Implementation Timetable: Immediate
