

Report



Licensing Sub-Committee Report

Part 1

Date: 5 June 2018

Item: 5

Subject Review of Premises Licence under Section 51 Licensing Act 2003

**The Ivy Bush Inn 65 Clarence Place, Newport NP19 7AB
Premises Licence Number 15/00607/LAPVM**

Purpose The consideration and decision in respect of a review application under Licensing Act 2003.

Author Alastair Dearling (Licensing Manager)

Ward St Julians

Summary An application for a review of the premises licence was made by Gwent Police on 25th April 2018 on the basis that the premises is associated with serious criminal activity concerning offences committed under the Misuse of Drugs Act 1971.

Proposal To make a decision on the application as detailed within this report.

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed

Application

1. An application was submitted on the 25th April 2018 on behalf of the Chief Officer of Gwent Police for a review of a premises licence under Section 51 of the Licensing Act 2003 for the Ivy Bush Inn 65, Clarence Place, Newport, **(Images of the premises can be found in Appendix A)** premises licence number 15/00607/LAPVM held by Griffin Properties (South Wales) Limited of 52B Severn Bridge Industrial Estate, Portskewett, Caldicot, NP26 5PW.
2. This application and associated documentary evidence alleging that persons at the premises were arrested having allegedly been involved in offences under the Misuse of Drugs Act 1971 can be found at **Appendix B** of this report. It is the view of the Chief Officer of Police that consequent to the execution of a search warrant at the premises on 24th March 2018 which resulted in the seizure of a quantity of both Class A and Class B drugs that the Premises Licence Holder – Griffin Properties (South Wales) Limited failed to promote the Licensing Objective concerning the Prevention of Crime and Disorder.
3. The application offers no suggestion as to what measures should be taken in respect of the Premises Licence but indicates that an expedited review would have been submitted had the Premises Licence Holder not decided to cease trading immediately following the execution of the search warrant.
4. In accordance with the provisions of Section 51 Licensing Act 2003 the Licensing Authority electronically served a copy of the Police application on the 'Responsible Authorities' on 25th April 2018 and the application was also published on Newport City Council website detailing that representations from any person should be served on the Licensing Authority no later than the end of the 28 day consultation period on 23rd May 2018.

Representations

Newport City Council Licensing Authority

1. On 04th May 2018 a representation from Licensing Officer William Lewis in his capacity as a 'responsible authority' under section 182 (4) of the Licensing Act 2003 was served on the Licensing Authority. This representation (included in this report at **Appendix C**) relates to an investigation conducted by that officer commencing in August 2017 in relation to authorised licensable activities being provided at the premises.

Griffin Properties (South Wales) Limited

2. On 23rd May 2018 Mr David Barton of Griffin Properties (South Wales) Limited served a representation **(included at Appendix E of this report)** on the Licensing Authority responding to the application for the review of the Premises Licence.

Current Premises Licence

The Premises Licence 15/00607/LAPVM Included at **(Appendix F)** of this report authorises the following licensable activities:

Sale by retail of Alcohol

Monday to Thursday inclusive 10:00 - 01:00

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 02:00

Performance of Live Music and Playing of Recorded Music

Monday to Sunday inclusive 10:00 - 01:00

Late Night Refreshment

Monday to Thursday inclusive 10:00 - 01:00

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 02:00

Background/Premises Licence History

5. The Ivy Bush Inn is an established Licensed Premises operating as a traditional public house. It has been a pub premises since long before the introduction of the Licensing Act 2003 on 24th November 2005 when the licence was converted and varied to allow extended hours for licensable activities.
6. On 11th April 2012 the premises were acquired by Griffin Properties (South Wales) Limited and that company became the holder of the Premises Licence. Since its acquisition there have been a number of 'tenancy at will' agreements between Griffin Properties and such tenants.
7. Since April 2012 Griffin Properties have varied the Premises Licence to specify a new Designated Premises Supervisor on four separate occasions coincidental to a change in the tenancy.
8. On 05th June 2013 an application for variation of the Premises Licence to extend the times during which licensable activities were permitted was submitted to the Licensing Authority. The application attracted a representation from Licensing as a 'responsible authority' seeking attachment of specified conditions to the Premises Licence. Griffin Properties agreed to these conditions being attached, the representation was withdrawn and the varied Premises Licence (**see Appendix F**) was granted on the 04th July 2013.
9. On 03rd March 2017 an application to vary the Premises Licence specifying Alexandra Chapman as the Designated Premises Supervisor was granted.
10. The Licensing Authority periodically conduct inspections of Licensed Premises to ensure that permissions and any conditions attached to the premises licence are fully compliant.
11. On 12th July 2017 a scheduled inspection was conducted at the premises by Samantha Turnbull a Licensing Officer of Newport City Council. Present at the premises at this time was Mr Alan Edwards. The inspection revealed several issues in respect of compliance with conditions upon which the Premises Licence may lawfully be operated. These issues were pointed out to Mr Edwards and a letter (**copy included at Appendix D**) was sent to Griffin Properties and Alexandra Chapman detailing the condition breaches and the consequences of these failures. Officer of the Licensing Authority visited the Premises on the evening of 15th July 2018 where once again Mr Edwards was present. The conditional breaches identified during the inspection of the 12th July had not been addressed.
12. In response to noise complaints and information received, William Lewis of Newport City Council commenced investigation and enforcement activity on 10th August 2017 in relation to the operation and conduct of the Premises at which time the Designated premises Supervisor was Alexandra Chapman.
13. In the course of that investigation it was suspected that the carrying on of unauthorised licensable activities was occurring regularly and it was further established that Griffin Properties had entered into a 'tenancy at will' agreement with Alexandra Chapman and her father Alan Edwards. Both Miss Chapman and Mr Edwards were given a number of opportunities to be interviewed concerning the premises and the unauthorised activities taking place there.
14. In consideration of the evidence available, it was decided to refer a case file to Newport City Council Legal Services with a view to the prosecution of Alexandra Chapman and Alan Edwards rather than seek to review the Premises Licence.
15. On 06th October 2017 Griffin Properties submitted an application for a variation of the Premises Licence to specify Julian Blake as the Designated Premises Supervisor. This application was granted

in accordance with the provisions of the Licensing Act 2003. Griffin Properties confirmed that the 'tenancy at will' agreement with Alexandra Chapman/Alan Edwards had been terminated.

16. On 04th April 2018 Mr Julian Blake gave written notice to the Licensing Authority that he was removing his consent as the Designated Premises Supervisor. The premises have not traded in any authorised licensable activity since the police executed the search warrant on 24th March 2018.
17. The details and information gathered by the officers of the Licensing Authority from 12th July 2017 onwards concluded that the premises were problematic, that the premises were poorly managed by the tenancy and that they failed on several fronts to comply with the permissions and conditions under which that Premises Licence could lawfully operate and consequently its operation undermined the Licensing Objectives.

Legal Considerations, Guidance, Policy Consideration.

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

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

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

- To modify the conditions of the Premises licence
- To exclude a licensable activity from the scope of the premises licence
- To remove the designated premises supervisor from the licence
- To suspend the premises license for a period not exceeding 3 months
- To revoke the premises licence
- Take No Action in respect of the Premises Licence.

Guidance

19. Relevant extracts of the Statement of Newport City Council Licensing Policy as regards this application include:

Paragraph 33.1

The Licensing Authority can only review a licence where it is alleged by a "responsible authority", or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. Only Responsible Authorities or other local persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence. At any subsequent hearing, the Sub-Committee will consider evidence and make a determination. It views particularly seriously applications for the review of any premises licence which involves the:

- **use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;**
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the storage or sale of stolen goods;
- the police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance;
- serious risk to public safety have been identified and the management is unable or unwilling to correct;
- serious risk to children.

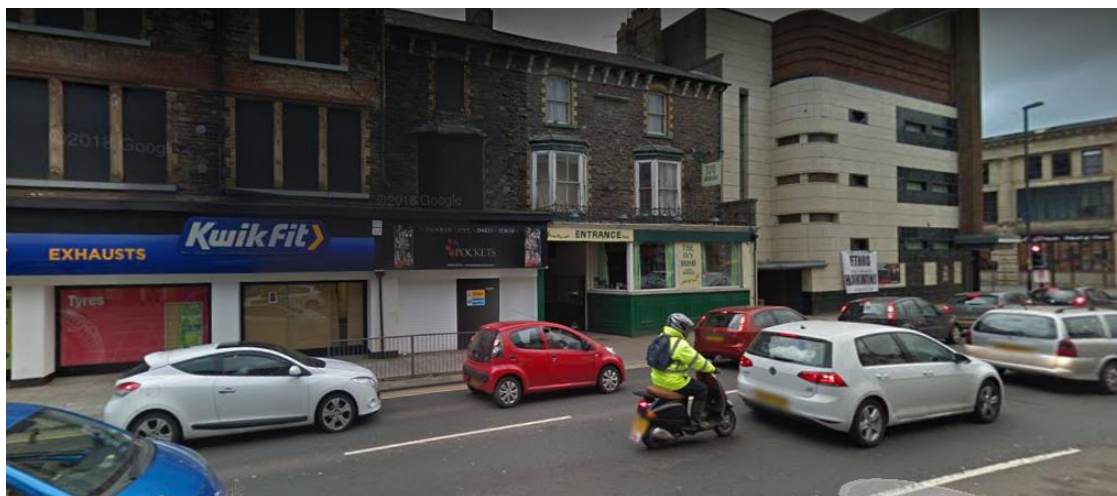
The Licensing Sub-Committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making its decision. It will consider all sanctions at its disposal by virtue of the Act and guidance, including taking no action, if appropriate. In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be considered where appropriate to ensure the licensing objectives are promoted.

Issues for discussion

20. The content of the application made by Heddlu Gwent Police for a review of the Premises Licence.
21. The content of the representation from the 'responsible authority' of Newport City Council Licensing Authority.
22. Any evidence and mitigation provided by Griffin Properties (South Wales) Limited.
23. What actions, as defined in section 18 of the report should be applied in respect of the Premises Licence.

APPENDIX A

Images of The Ivy Bush Inn from 'Google'



APPENDIX B

THE APPLICATION FOR REVIEW AND DOCUMENTARY EVIDENCE OF HEDDLU GWENT POLICE.

Heddlu Gwent Police

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I PC 257 ANDREW LEWIS.....

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description IVY BUSH INN 65 Clarence Place	
Post town Newport	Post code (if known) NP19 7AB

Name of premises licence holder or club holding club premises certificate (if known) Griffin Properties (South Wales) Limited, 52B Severn Bridge Industrial Estate Portskewett Caldicot NP26 5PW

Number of premises licence or club premises certificate (if known) 15/00607/LAPVM
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Heddlu Gwent Police, C/O East LPA Licensing Team, 1 - 3 Cardiff Road, Newport NP20 2EH
Telephone number (if any) 01633 245229
E-mail address (optional) EastLPALicensing@gwent.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

A drugs warrant has been executed on the premises on Saturday 24th March 2018 and significant quantities of cannabis plants were found to have been cultivated in rooms on the first floor of the premises. A male who was at the premises and in control of the keys to the pub was also arrested on suspicion of Possession with intent to supply a controlled drug of Class A.

At the time of the warrant being executed Western Power attended, upon looking at the electricity supply, which is situated in the cellar area of the pub, they were able to say that at some time in the past the electricity had been by past, but had since been repaired.

I am confident that serious crime will continue on the premises if action is not taken. It is apparent that the person being investigated in this matter are involved in the management of the premises, although they are not named party on the Premise License.

Therefore I will say that the Premises License Holder (Griffin Properties) is failing to promote the licensing objectives of the Prevention of Crime and Disorder, in that as the owner of the premises known as the Ivy Bush Inn they should be taking responsibility for the promotion of the licensing conditions attached to their premises license, and the promotion of the licensing objectives.

Gwent Police have not requested a Summary Review on this occasion as the premises is currently closed.

Gwent Police, East Local Policing Area, Licensing Department feels that revocation of the Premises Licence is the only option.

Please provide as much information as possible to support the application (please read guidance note 3)

I have attached copies of photographs taken at the time of the search warrant being conducted at the Ivy Bush Inn, Clarence Place, Newport.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature *[Handwritten Signature]* PC257

Date 24th April 2018

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Occurrence No:

URN:

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Statement of: **ANDREW LEWIS**

Age if under 18 Over 18

Occupation: **PC 257**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

E-Signature:  PC257 Date: 24/4/18.

Tick if witness evidence is visually recorded (supply witness details on MG09)

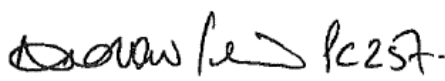
I am PC 257 Andrew Lewis of Gwent Police. I am the Licensing Officer for the East Gwent Local Policing Area. I am an authorised and delegated officer of the Chief Constable.

I am aware that on Saturday 24th March 2018 officers from the Neighbourhood Policing Team executed a warrant granted under the Misuse of Drugs Act at the Ivy Bush Inn, 65 Clarence Place, Newport (premises licence number 15/00607/LAPVM).

On reviewing police systems and from speaking with officers involved in the search I became aware that the search of the premises led to the discovery of the following items;

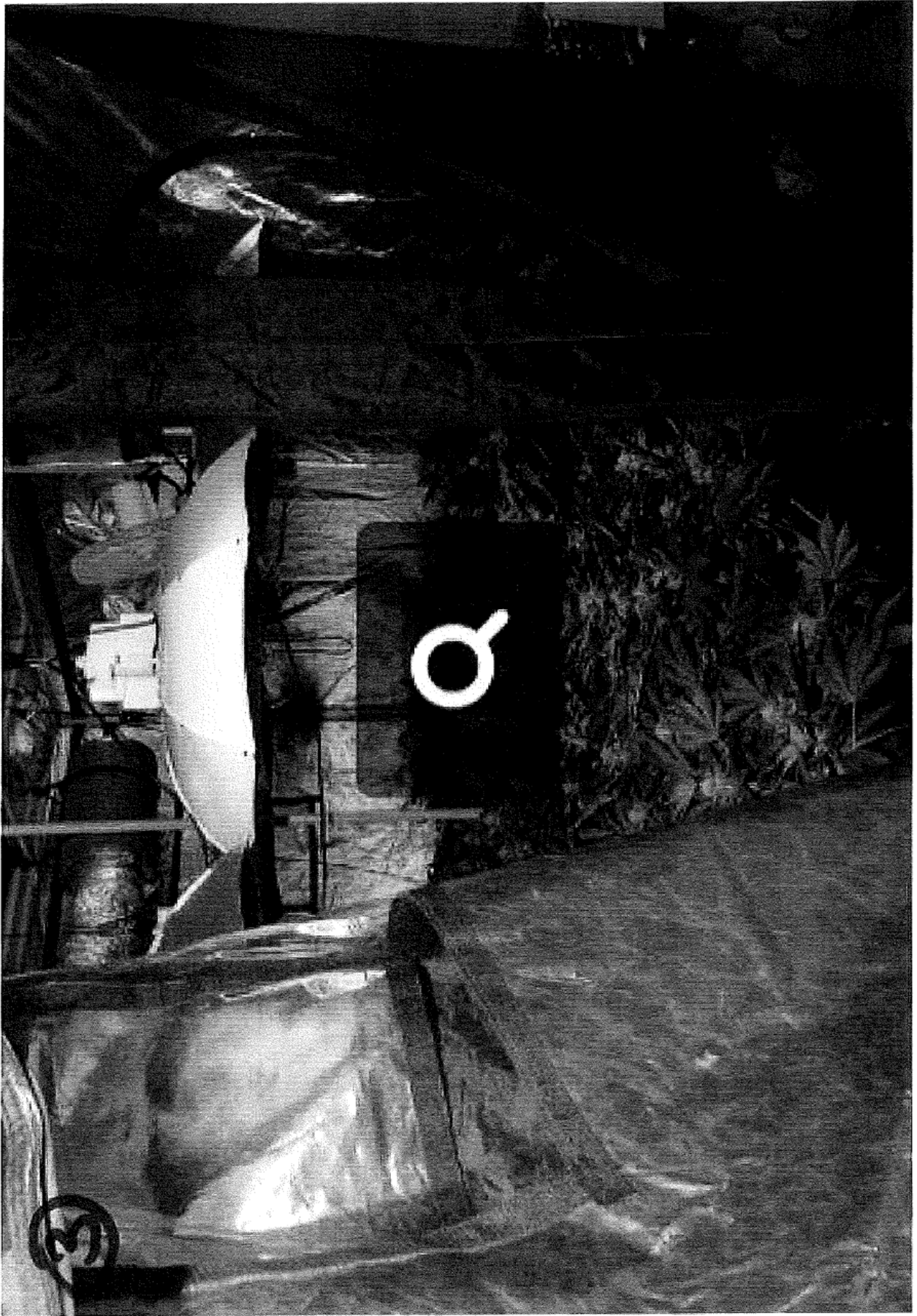
- Approximately 20 cannabis plants. 14 of these were mature (photos 1 – 2)
- These plants were being grown in a purpose purchased hydroponic tent, which was fitted with growing lights and was vented through the chimney of the premises (photos 3 – 7)
- The hydroponic system was being powered from the pubs electricity (photos 8 – 10)

Police records show that one male was arrested for the offence of producing cannabis and on suspicion of possession with intent to supply Class A drugs. This male has been released pending further police enquiries.

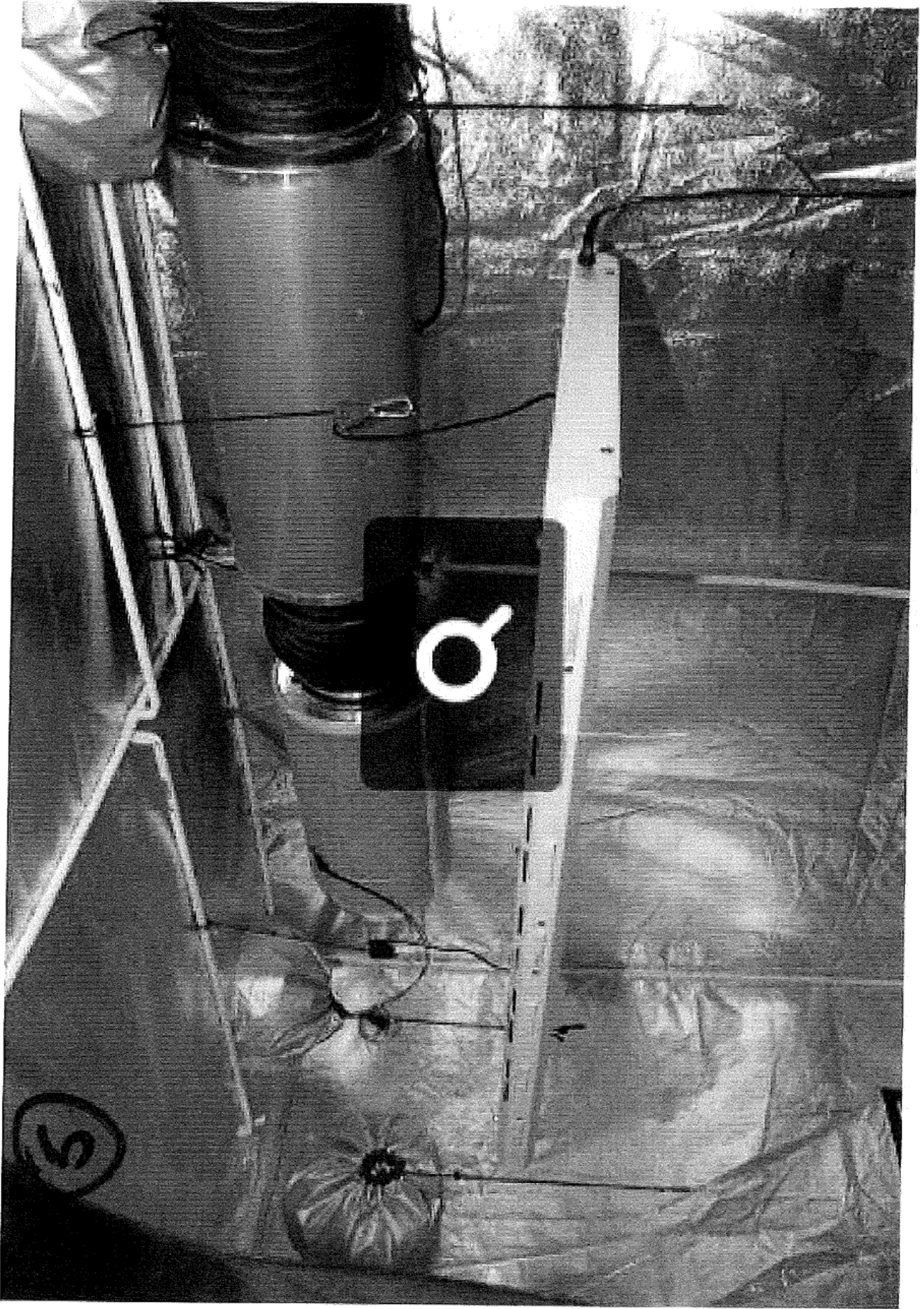
Signature:  PC257.

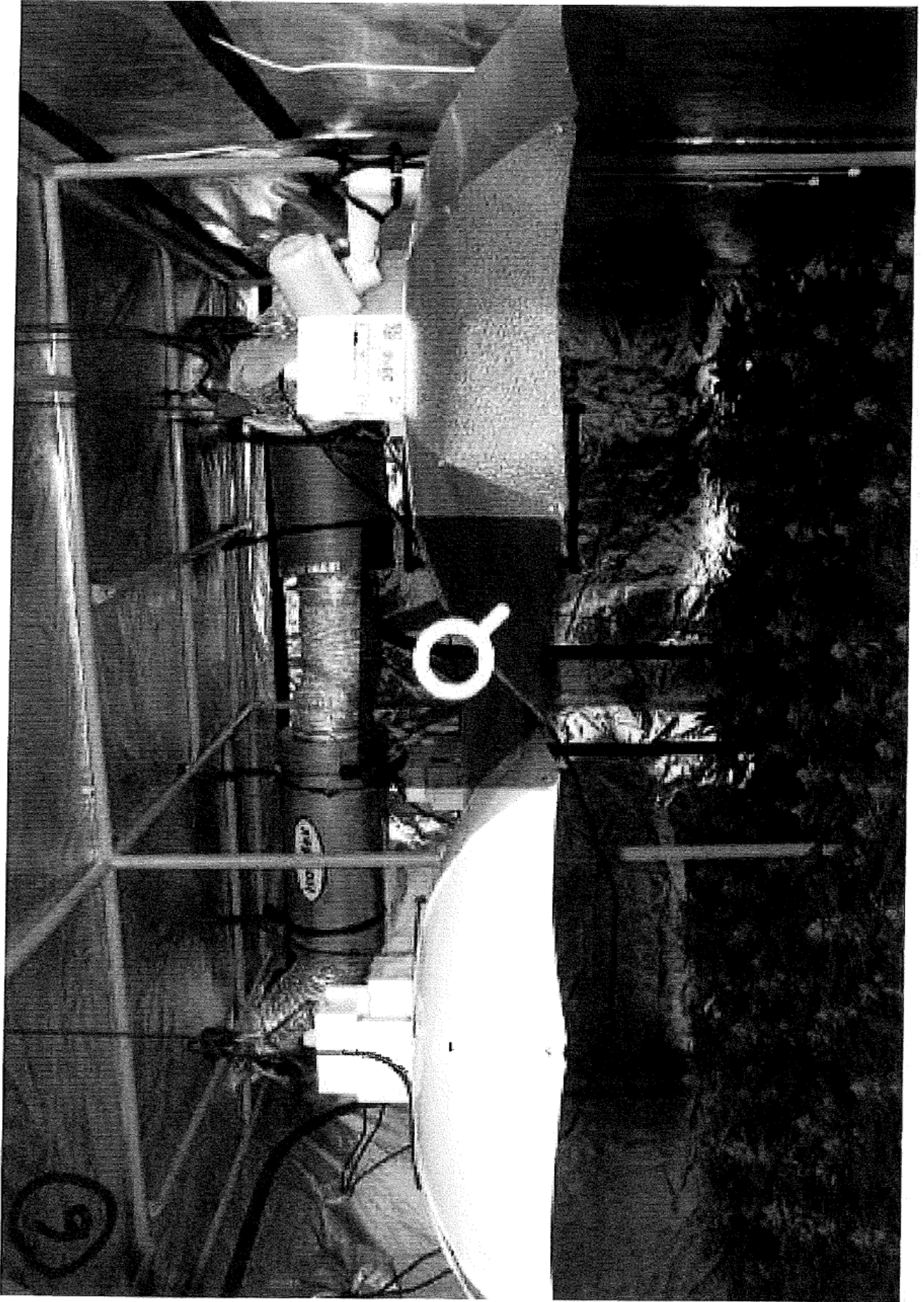




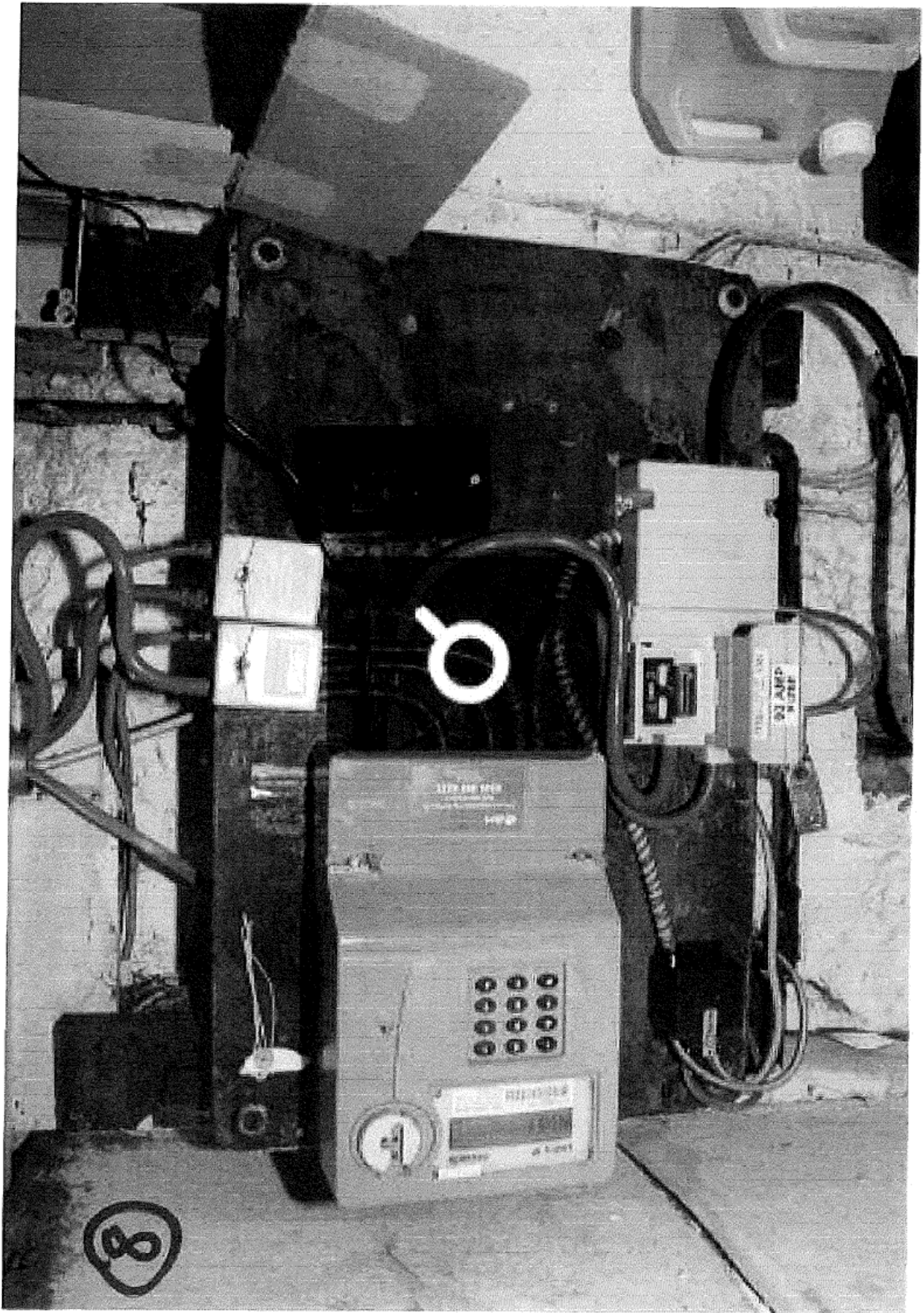


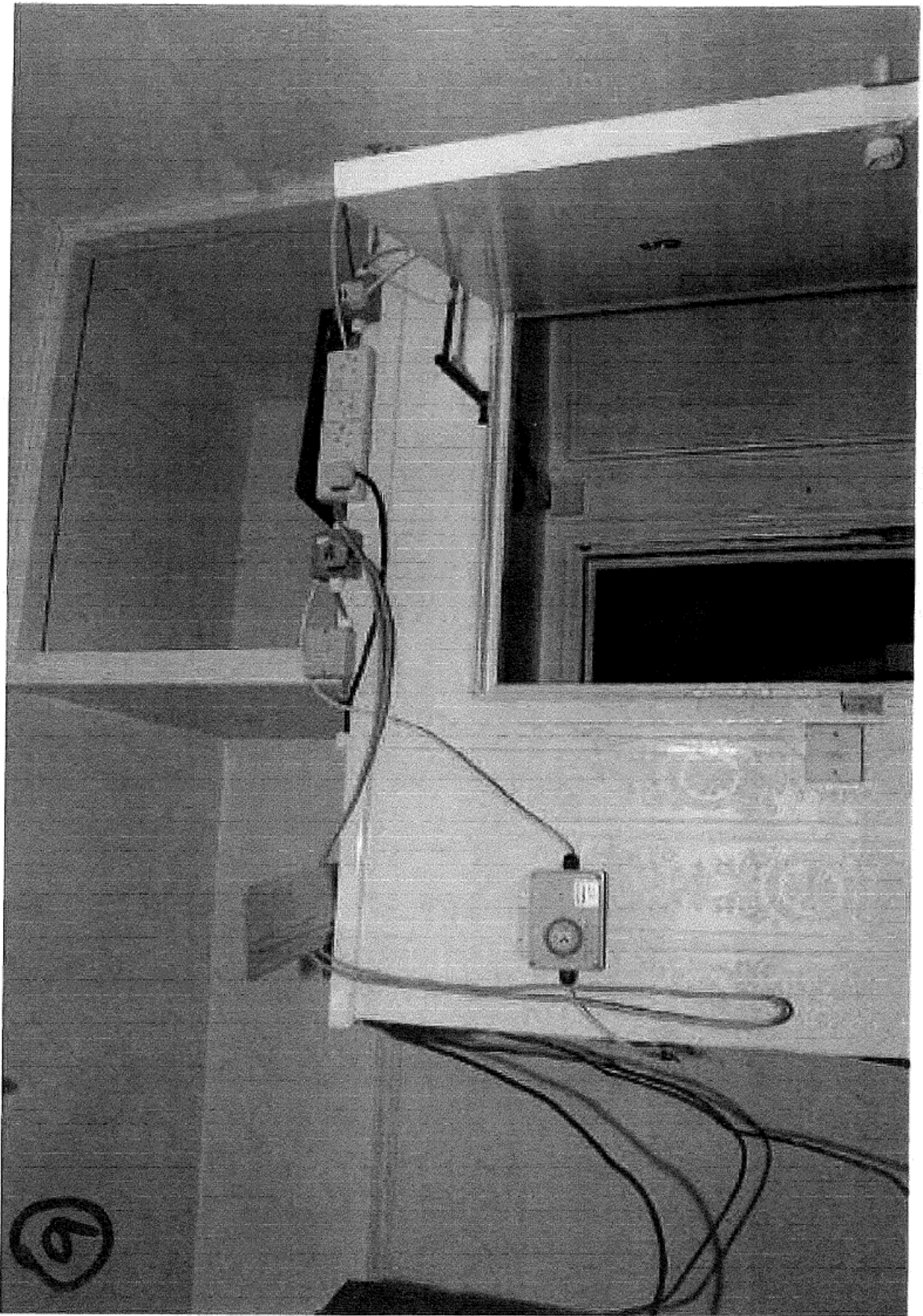


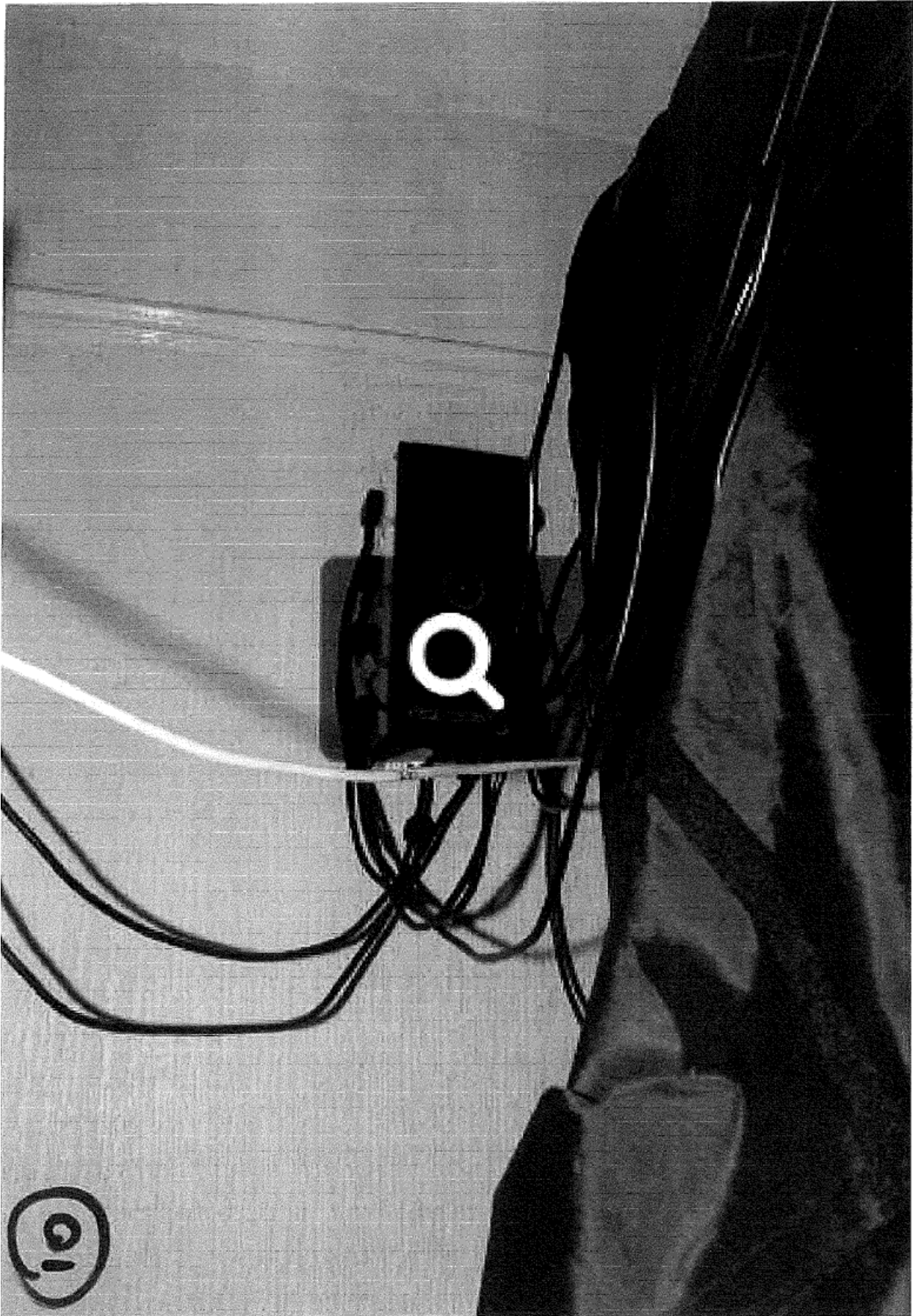












APPENDIX C
REPRESENTATIONS FROM THE LICENSING AUTHORITY IN THEIR CAPACITY OF A
'RESPONSIBLE AUTHORITY'

LICENSING ACT 2003

Review of Premises Licence under Section 51 Licensing Act 2003 in respect of the Ivy Bush Inn 65, Clarence Place, Newport

Newport City Council's Licensing Authority acting in their capacity as a 'Responsible Authority' by virtue of Section 182 (4) Licensing Act 2003 (amended guidance) wish to make representations concerning an application under Section 51 of the Licensing Act 2003 for the review of the Premises Licence for the Ivy Bush Inn, 65, Clarence Place, served on the Licensing Authority by Heddlu Gwent Police on 25th April 2018.

In consideration of the grounds of the application by Heddlu Gwent Police the Licensing Authority concur with the view of Heddlu Gwent Police that the premises have failed to comply with the provisions of the Licensing Act 2003 insofar that there has been a failure by the holder of the Premises Licence (Griffin Properties (South Wales) Limited and associated persons) to promote the Licensing Objective of the Prevention of Crime and Disorder.

The Licensing Authority wish to provide further information in respect of the application for the review which further demonstrates an undermining of the Licensing Objective concerning the prevention of Public Nuisance and the Prevention of Crime and Disorder as a consequence of failures by the Premises Licence Holder/Tenancy and Management to comply with the permissions and conditions of the Premises Licence number 15/00607/LAPVM.

The Licensing Act 2003 is the statute under which premises are permitted to provide 'licensable activities' of sale of alcohol, provision of live and recorded music and similar and provision of hot food and/or drink after 23:00hrs.

To provide such activities, premises must have been granted either a Premises Licence/Club Premises Certificate or Temporary Events Notices.

These authorisations detail the times when activities may be lawfully provided.

Mandatory Conditions and Operating Schedule Conditions attached to a Premises Licence must be complied with at all times as non-compliance renders that provision of licensable activities are unauthorised and contrary to Section 136 Licensing act 2003.

The purpose of the Mandatory and Operating Schedule Conditions attached to a licence is to address the promotion of the four Licensing Objectives of the Act which are: Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Protection and the Protection of Children from Harm.

The Premises Licence in respect of the Ivy Bush Inn permits Sale of Alcohol between the hours of 10:00am until 01:00 Monday to Thursday and 10:00 until 02:00 Friday to Sunday and permits the provision of Regulated Entertainment between 10:00 and 01:00 Monday to Sunday.

On 03rd March 2017 Griffin Properties (South Wales) Limited submitted an application to the Licensing Authority to specify Alexander Chapman as the Designated Premises Supervisor. It was later revealed that this was as a consequence of a signed tenancy agreement between Griffin Properties (South Wales) Limited with Miss Chapman and her father Alan Edwards dated 20th February 2017. Section 1.7 of this Tenancy agreement places all responsibility for permitted use of the premises and conditions set out on the Premises Licence in the hands of the tenants.

The Licensing Authority regularly conducts programmed inspections of Premises issued with a Premises Licence under the Licensing act 2003. Should such inspections find that conditions attached to the Premises Licence are not being complied with the Premises Licence Holder/Designated Premises Supervisor are afforded a short period in which to attend to these infractions and advised that non-compliance means that licensable activities are unauthorised.

Such an inspection was conducted at the Ivy Bush Inn on 11th July 2017.

On 27th July 2017 the Licensing Authority received an email from a member of the public querying the Premises Licence providing loud music until 0400 hours. In response to this the Licensing Authority communicated with Griffin Properties to question the information and remind them of what the Premises Licence permits and to take the necessary actions to ensure compliance. Griffin Properties responded advising that the tenants had been accordingly advised.

On 10th August 2017 The Licensing Department were advised by Newport City Council Environmental Health Pollutions Officer that they had received a complaint from a member of the public via The Noise App where loud music coming from the Ivy Bush had been recorded at 01:44 on 10th August 2017, which suggested that unauthorised licensable activity was being provided at the premises.

As a result of this complaint the Designated Premises Supervisor, Alexander Chapman was contacted by telephone requesting her presence at the Ivy Bush at 2.00pm on 11th August 2017 to secure CCTV footage (a condition of the premises licence.) Miss Chapman inferred that she was unable to attend but said that her father Mr Alan Edwards would be present to see the Licensing Officer. The officers attended at the appointed time but found that it was closed and despite waiting and telephone calls made to Griffin Properties and Alexandra Chapman, Mr Edwards failed to attend. No access was gained and the request not complied with.

Further arrangements were made with Mr David Barton the director of Griffin Properties (South Wales) Limited and officers attended the Ivy Bush at 3.00pm on 14th August 2017 at which time they spoke with Mr Barton, Alan Edwards and Alexandra Chapman. They were informed of the noise related complaints and requested to operate the CCTV so that playback captured between 0100 and 0300 on both 27/07/17 and 10/08/17 could be viewed. Mr Edwards stated that this could not be provided because the CCTV had been upgraded with a larger memory hard drive over the previous weekend. He stated that this had been done due to a Licensing Inspection by the Licensing Authority which had revealed that the CCTV was not recording for the amount of days as required by the condition of the Premises Licence. Mr Edwards provided the hard drive from the CCTV that had been removed that previous weekend. This nevertheless amounted to a breach of condition 13 attached to the Premises Licence which states:

*A CCTV system will be installed and maintained at the premises covering the interior and exterior immediately outside the entrance exit. A monitor for the cameras covered by the CCTV shall be positioned behind the bar in order for it to be seen at all times by any member of staff. Images recorded are to be retained for a period of 31 days. **The system must be capable of copying images to a portable medium and made available to the police or an officer of the licensing authority upon request.** There will always be a member of staff on site when the premises are open to the public, trained to be able to provide the police or licensing authority officer with CCTV images if requested. The use of CCTV within the premises shall be displayed with prominently displayed signage at the entrance and exits.*

Also, on the occasion of this visit the glazing to the front elevation was inspected and was still of 'single glazing'. This signified a failure to comply with condition 21 of the Premises Licence which states:

All glazing shall be double glazed.

On 15th August 2017 the 'hard drive' provided by Mr Edwards was returned to David Barton requesting that he take steps to have it examined by someone with technical expertise to retrieve from it copies of the images and times specified when officers attended at the Ivy Bush the previous day.

On Monday 28th August 2017 a further noise complaint was supported by 3 recordings via The Noise App where loud music coming from the Ivy Bush had been recorded at 00:44, 00:47 and 00:53 on that date.

In response to that complaint officers attended at the Ivy Bush Inn on 04th September 2017 where they were met by Alan Edwards. Upon request he operated the playback from CCTV from 23:00 hours 27th

August 2017. The recording showed both prior to and after 0100 hours, a DJ with music decks and strobe lighting with customers dancing. It also showed two persons behind the bar serving from various beer/lager pumps and payment being made by customers, the recording went blank at 01:11 and Mr Edwards said that this was due to a power cut. There was no further recorded footage after that. The playback viewed was indicative of a carrying on of 'unauthorised licensable activities' because condition 21 of the Premises Licence was still in breach and additionally licensable activities were still occurring after the terminal hour of 01:00.

Mr Edwards was presented a 'usb' recording stick for copying the requested CCTV recording. He was unable to comply with that request as he stated that he didn't know how to do that. This amounted to a further breach of condition 13 which includes: ***There will always be a member of staff on site when the premises are open to the public, trained to be able to provide the police or licensing authority officer with CCTV images if requested.***

Mr Barton was contacted and requested to provide playback from the CCTV and on 12th September 2017 he provided a USB stick on which were stored CCTV recordings from 8 cameras at the Ivy Bush between 23:30 and 00:00 on 27th August and between 00:00 and 00:30 on 28th August 2017. These recordings are evidence of unauthorised licensable activities as a consequence of breach of conditions, albeit they were occurring during permitted hours. Mr Barton also provided the hard drive previously supplied by Mr Edwards and a copy of a technician report which identified that the hard drive had been corrupted and no images could be retrieved from it.

The noise complaints and subsequent investigation of the same by the Licensing Authority provided reasonable suspicion that the premises were persistently operating beyond what was permitted by the Premises Licence insofar that conditions were not being complied with and that licensable activities were being provided beyond the terminal hour for cessation of licensable activities as detailed on the Premises Licence. Further evidence of this was found on 'Facebook' the social media site where there were adverts and many references to 'Wonky Wednesdays' at the Ivy Bush advertising DJ sets and Drum and Bass music sets for times well beyond the terminal hour for activity on Wednesday nights (Adverts shown at Appendix 1)

To further the investigation both tenants Alan Edwards and his daughter Alexandra Chapman (also DPS) were requested in writing to attend the office of the Licensing Authority for interview under caution, to be recorded on 'compact disc' in accordance with the provisions of the Police and Criminal Evidence Act 1984. Neither of them attended at the appointed time. They were each given another opportunity and again failed to attend. A third opportunity was offered with the alternative of providing their answers in writing by completing a questionnaire sent to them. Neither attended the appointment nor did they return the completed questionnaire.

During the course of the investigation by the Licensing Authority and while attempting to arrange to interview with Alan Edwards and Alexandra Chapman the tenancy agreement that existed was terminated by Griffin Properties (South Wales) Limited and on 06th October 2017 the Premises Licence was varied to specify that Julian Blake was the Designated Premises Supervisor.

Prosecution reports in respect of the investigation by the Licensing Authority concerning the operation of the premises by Alexandra Chapman and Alan Edwards were subsequently submitted to Newport City Council Legal Services Department. A decision of the intended disposal of these reports has yet to be confirmed.

On or about 26th March 2018 the Licensing Authority received notice from Heddlu Gwent Police concerning an investigation being conducting in respect of criminal activity relating to the supply of controlled drugs associated with the Ivy Bush Inn.

On 29th March 2018 Julian Blake communicated to the Licensing Authority that he was withdrawing his consent as the Designated Premises Supervisor. There is currently no Designated Premises Supervisor specified on the premises licence which means that there is no authority to allow the sale of alcohol at the premises.

The Licensing Authority contend that between March and September 2017 the tenants/management of the Ivy Bush consistently failed to adhere to the permissions and conditions of the Premises Licence and as a result prepared to take legal action against those persons responsible for the premises at that time. Any actions under Section 51 of the Licensing Act 2003 were deferred pending a successful result concerning the intended prosecution of offenders.

Newport City Council Licensing Authority wish to make this representation in support of the application for a review of the Premises Licence under Section 51 Licensing Act 2003 submitted by Heddlu Gwent Police on 25th April 2018 as the conduct of the Premises clearly demonstrates that there has been a complete failure to promote the Licensing Objectives in respect of the Prevention of Crime and Disorder and Prevention of Public Nuisance.

William Stephen Lewis
Licensing Officer

04th May 2018

APPENDIX D

Post Inspection letter of 13th July 2017

Ask Samantha Turnbull
Our Ref/Ein Cyf 15/00607/LAPVM
Your Ref/Eich
Tel/Ffôn 01633 656656
Direct Dial/Rhif 01633 851330
DX 99463 Newport (Gwent) 3
E-Mail/E-Bost samantha.turnbull@newport.gov.uk

Alexandra Chapman
Ivy Bush Inn
65 Clarence Place
Newport
NP19 7AB

Law and Regulation
Y Gyfraith a Rheoleiddio

Licensing Service/
Gwasanaeth Trwyddedu
PO Box 883/Bwlch Post 883
Civic Centre/Canolfan Ddinesig
Newport/Casnewydd
South Wales/De Cymru
NP20 4UR



13 July 2017

Dear Ms Chapman

LICENSING ACT 2003 – PREMISES LICENCE INSPECTION IVY BUSH INN, 65 CLARENCE PLACE, NEWPORT, NP19 7AB

I refer to a visit to the above named premises carried out by Newport City Council (the Licensing Authority) on 12 July 2017. During the visit we met with your dad, Mr Alan Chapman in order to carry out a routine inspection of the premises licence.

At the time of our inspection a number of breaches of licensing conditions were identified, please see details below which require your immediate attention:

CCTV system – at the time of the inspection the hard drive for the CCTV system was located on an extremely high shelf behind the bar area of the premises. Without the availability of step ladders to access this equipment we were unable to be shown CCTV recordings being retained by the current system. In order not to compromise health and safety a decision was made to return to the premises imminently to view the recordings when the hard drive equipment had been re-located.

Please be advised your premises will be re-visited during the evening of Saturday 15 July 2017 in order for us to see the CCTV system in operation and view recordings.

As you will be aware condition 13 attached to the Ivy Bush premises licence requires all CCTV recordings to be retained for **31 days**.

Part B premises licence (2 pages) not available at the premises and therefore not on display. Alan advised that he had never been given part B of the premises licence. Part A of the premises was readily available to produce to us.

Part A of the premises licence details your old address following you recently moving address, Alan was advised that there is a requirement the address details are updated on both the premises licence and on your personal licence.

Price List - currently unavailable. Please ensure this is placed on display and details the smaller measures listed in mandatory condition 8.

Door supervisor register - Not one being maintained at the premises currently, Alan indicated he would obtain one in readiness for completion when the premises are required to have door supervisors (Conditions 11 and 12)

Condition 18 – leave quietly notices - Please ensure that these notices are prominently displayed at all exits and entrances to the premises.

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Appendix E

Representation of Premises Licence Holder – Griffin Properties (South Wales) Limited

Licensing Act 2003-section 51

Application for the Review of a premises Licence by Heddlu Gwent Police re The Ivy Bush Inn 65 Clarence Place Newport. NP19 7AB

Representation by Premises Licence Holder Griffin Properties (South Wales)Ltd

1 The Licensed premises had been leased to Alex Chapman. She is a holder of a Personal Licence . I understand her father Alan Chapman was employed behind the Bar.

2 She ceased trading at the Ivy Bush on 30th September and gave due notice to the Licensing authority by e mail on Monday 2nd October 2017

3 The premises were then leased to Julian Blake who also had a personal Licence and he traded there having applied to be a DPS at the premises.

4 Julian Blake ceased trading on 15th February 2018.

5 The premises have not been open since that time.

6 Alan Chapman was a tenant of rooms above the licensed premises whilst Julian Blake was trading there, as were others.

7 The entrance to the floors above was from a side alley and not through the licensed property.

8 I understand that only 1 person was arrested although there were other tenants present. The person arrested had nothing to do with the management of the Licenced premises

9 I am not aware that there have been any charges relating to this matter.

10 I have read the statement Andrew Lewis

11 The cannabis plants were found in rooms above the Licensed premises.

12 The premises had been closed since Julian Blake ceased trading there.

13 The Company must acknowledge that cannabis plants had unknowingly to them been cultivated above the licensed premises.

14 There are no current plans to re open the premises until a new lease has been agreed.

15 The new lessee will have to apply to the licensing authority with a suitable person to be the DPS.

16 The Company will ensure that any future lessee will comply fully with Licensing Act 2003

17 The Company feels that revocation of the Licence in the circumstances above is not proportionate and would not be the only way to deal with the matter.



David Barton on behalf of Griffin Properties

Appendix F

Copy of the Premises Licence

Schedule 12

Part A

(THIS PART OF THE LICENCE
MUST BE KEPT AT THE
PREMISES AT ALL TIMES AND
PRODUCED UPON REQUEST OF
AN AUTHORISED OFFICER)

Premises Licence City of Newport



Premises Licence Number	15/00607/LAPVM
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
Ivy Bush Inn 65 Clarence Place Newport South Wales NP19 7AB	
Telephone number	01633 267571

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale by retail of Alcohol Performance of Live Music Playing of Recorded Music Late Night Refreshment

Times the licence authorises the carrying out of licensable activities
Sale by retail of Alcohol Monday to Thursday inclusive 10:00 - 01:00 Friday and Saturday 10:00 - 02:00 Sunday 10:00 - 02:00
Performance of Live Music Monday to Sunday inclusive 10:00 - 01:00
Playing of Recorded Music Monday to Sunday inclusive 10:00 - 01:00
Late Night Refreshment Monday to Thursday inclusive 10:00 - 01:00 Friday and Saturday 10:00 - 02:00 Sunday 10:00 - 02:00

The opening hours of the premises
Friday and Saturday 10:00 - 02:00 Monday to Thursday inclusive 10:00 - 01:00 Sunday 10:00 - 02:00

Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Griffin Properties (South Wales) Limited
52B Severn Bridge Industrial Estate
Portskewett
Caldicott
NP26 5PW

E Mail Louisa@harveyswholesale.ltd.uk Business Phone Number 01633 267571

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 7307349

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

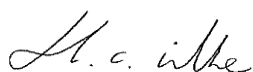
Mr Julian Blake
35 Windermere Square
Newport
South Wales
NP19 7BS

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: NCC-05-0643 Licensing Authority: Newport City Council

This Premises Licence is issued by Newport City Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 6th October 2017



Helen Wilkie
Public Protection Manager

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.

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.

(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

10. 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, (including, 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, save for the provision of 2 gaming machines.

11. When the premises are operating at a patron capacity of 100 or more persons and providing Live or Recorded Music:

12. SIA registered door supervisors shall be employed to control and prevent any customers who have behaved in such a way as to cause a public nuisance or disturbance from entering the premises. SIA registered door supervisors registered with the SIA shall keep an accurate record of the numbers in attendance. SIA registered door supervisors shall be positioned at each entrance/exit (other than fire exits) to ensure that no customer leaves with any bottles or glasses. SIA registered door supervisors will remain at the entrance/exits of the premises until after the last customer has left.
13. A CCTV system will be installed and maintained at the premises covering the interior and exterior immediately outside the entrance exit. A monitor for the cameras covered by the CCTV shall be positioned behind the bar in order for it to be seen at all times by any member of staff. Images recorded are to be retained for a period of 31 days. The system must be capable of copying images to a portable medium and made available to the police or an officer of the licensing authority upon request. There will always be a member of staff on site when the premises are open to the public, trained to be able to provide the police or licensing authority officer with CCTV images if requested. The use of CCTV within the premises shall be displayed with prominently displayed signage at the entrance and exits.
14. The Designated Premises Supervisor shall ensure that no noise shall emanate from the licensed premises, or vibration be transmitted through the structure of the licensed premises, which causes occupiers of premises in the neighbourhood to be unreasonably disturbed.
15. A log book shall be maintained at the premises, and shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable. The log book shall be signed by the DPS or Nominated Person at the end of trading and contain a daily record of door supervision including 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.
Full details of incidents or accidents that occur during trading.
16. The Designated Premises Supervisor must ensure that no intoxicating liquor shall be removed from the premises other than in sealed containers; open bottles, glasses or cans shall not be allowed to be taken from the premises.
17. All drinking vessels shall be manufactured from polycarbonate or strengthened glass.
18. Notices shall be exhibited requesting that all patrons shall be requested to leave the premises and surrounding areas quietly.
19. All windows and doors shall be kept closed, save for access and egress, and an alternative means of ventilation shall be used.
20. Deliveries to the premises shall take place at sociable times only.
21. All glazing shall be double glazed.
22. A Challenge 21 policy shall be operated at the premises at all times. Upon entry to the premises door supervisors' staff shall check identification of all persons who appear to be less than 21 years old. This policy shall also be practised by bar staff engaged in the sale of alcohol. 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. Signage informing customers that this scheme is being operated shall be prominently displayed at all entrances.
23. Staff training attending to Licensing Act, Premises Licence and local procedures shall be conducted on a monthly basis and such training sessions will be recorded in the premises log book by the designated premises supervisor or similarly appointed person. This log shall be made available to an authorised officer upon request.
24. A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers or consumed by customers, except in the case of an emergency.

25. Whenever a designated premises supervisor is not at the premises, another individual must be nominated as being the responsible person nominated by the designated premises supervisor to manage the premises and they must have the contact details of the designated premises supervisor.
26. There shall be no admission to the premises of unaccompanied children at any time.

Conditions attached after a hearing by the licensing authority

NIL.

Plans

Please see attached plans (reference number P13/01208/LAPV/23/3/15)