

Report

Licensing Sub-Committee



Part 1

Date: 10th 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 15th 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 13th 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 5th 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 5th 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 5th 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"> • Cinemas • Theatres •Bowling alleys, hairdressers, florists • Art galleries. • Workplace Bar solely for use of employees of the premises 	
<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					

(Savings) Net Impact on Budget					

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
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 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 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

Start

End

TUESDAY

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...

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 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 08:00

End 03:30

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 08:00

End 03:30

Start

End

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

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

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:

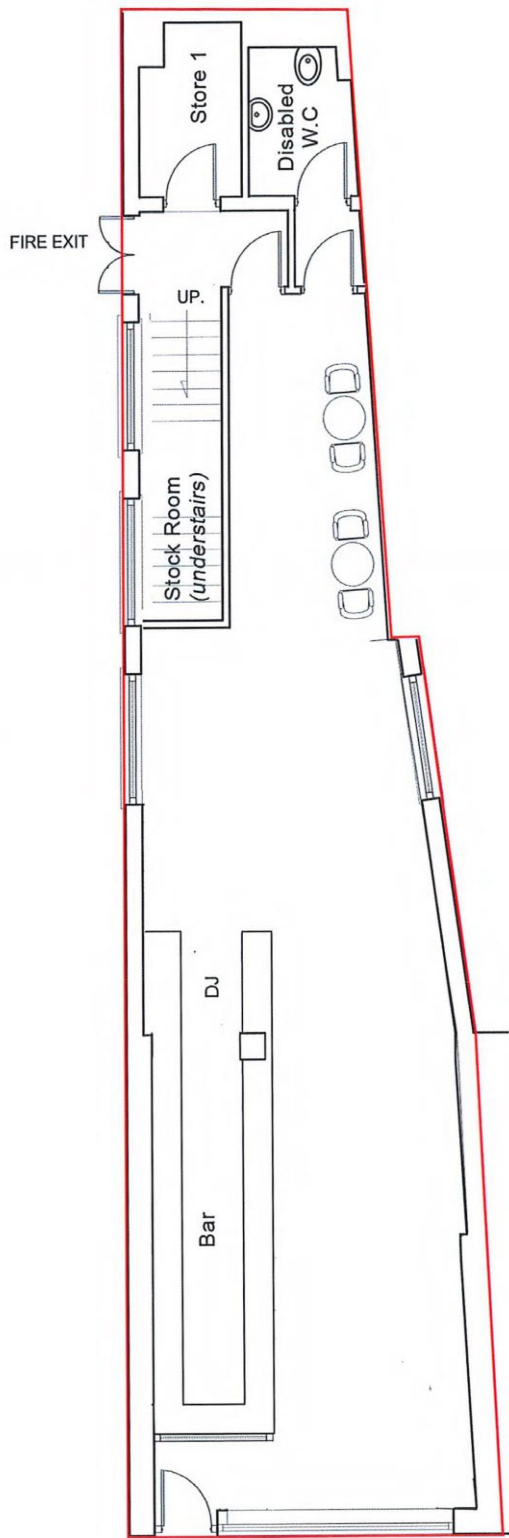
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/newport/apply-1> to upload this file and continue with your application.

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

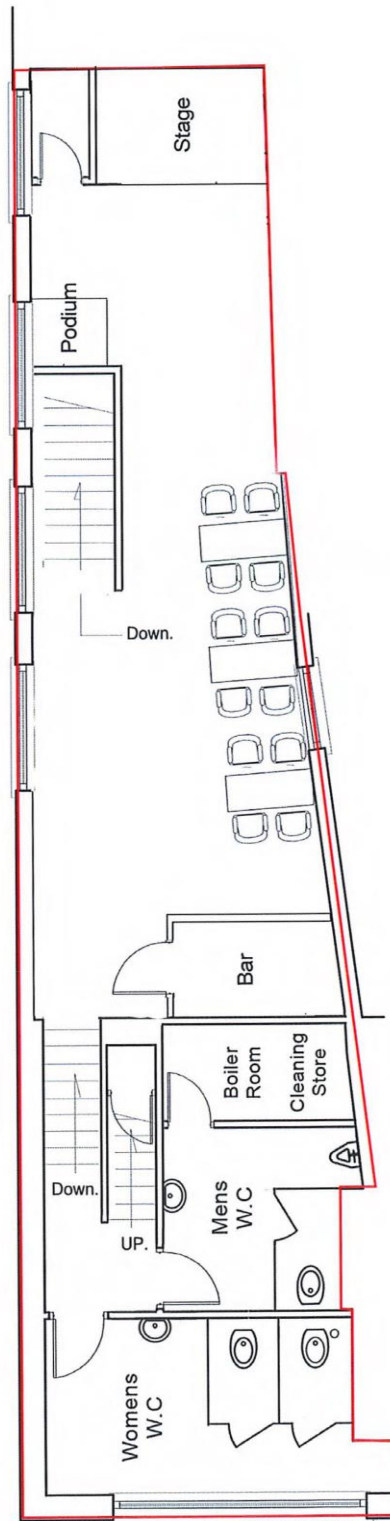
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

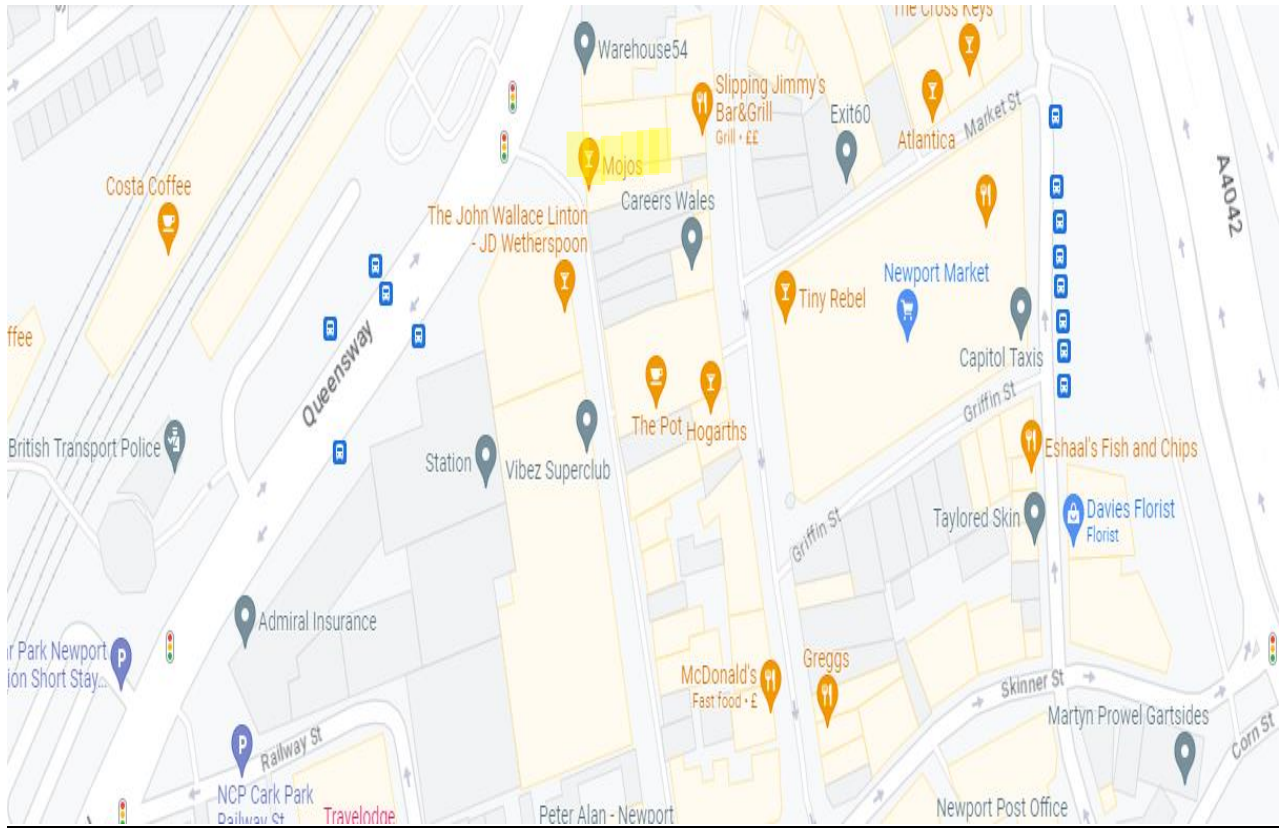
Name (please print)

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

Name of Applicant	Iftekhar Haris
Premises	Rooty's 40 CAMBRIAN ROAD, NEWPORT, NP20 4AB

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

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

Please outline the reasons for your Representations
<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>Are you prepared to discuss these representations with the applicant by way of mediation?</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>

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

To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>

Subject: Representation Rootys

DATE: 5th 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 15th 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"> • Theatres •Bowling alleys, hairdressers, florists • Art galleries. • Workplace Bar solely for use of employees of the premises 	
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

MEMORANDUM

DATE: 5th July 2023

TO: Environmental Licensing

FROM: Environmental Protection

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 the Environmental Protection on the 15th 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

