

# Agenda

## Is-bwyllgor Trwyddedu

---

Dyddiad: Dydd Mawrth, 23 Gorffennaf 2019

Amser: 10.00 am

Lleoliad: Ystafell Bwyllgor 1 - Y Ganolfan Ddinesig

At: Cynghorwyr: D Davies (Cadeirydd), H Thomas (Dirprwy Gadeirydd), J Cleverly, M Rahman, C Ferris, J Hughes, Y Forsey, T Suller and M Kellaway

---

### Eitem

### Wardiau Dan Sylw

- 1 Ymddiheuriadau dros Absenoldeb
- 2 Datganiadau o ddiddordeb
- 3 Is-bwyllgor Trwyddedu: Cod Ymarfer (Tudalennau 3 - 16)
- 4 Cais am Drwydded Eiddo (Tudalennau 17 - 64)

Mae'r dudalen hon yn wag yn

## Conduct and Procedure of Licensing Sub-committee

### 1 Membership and appointment of Chair

- 1.1 The Licensing Sub-committee comprises all members of the committee, other than those who have an interest or who is the ward member for the ward in which premises under consideration is located. The quorum is three. The Chair will be elected on the day by a simple majority vote.
- 1.2 For example, if they live in the vicinity of the licensed premises, or have a friendship or a close personal association with either the applicant or any objector this would disqualify the Member from considering the matter.
- 1.3 Members of the Licensing Sub-Committees should inform the Senior Democratic Services Officer immediately if they consider that they are disqualified from considering any application, if members of the Licensing Sub-Committee become aware of any personal interest in any application before them they should declare the interest at the beginning of the meeting and withdraw immediately.

### 2 Ward Councillors

- 2.1 Ward Councillors are no longer expressly permitted to make representation in their capacity as Ward Councillors although they are entitled to make representations as individuals falling within the category of “any other person”, if they are likely to be affected by an application (for example if they live in close proximity to the licensed premises). Councillors however must comply at all times with the Members Code of Conduct (“the Code”). Ward Councillors should avoid discussing the application with any of the Licensing Sub-Committee beforehand to avoid any suspicion of undue influence or breach of the general obligation in the Code not to improperly use their position as a Councillor to secure any advantage.
- 2.2 If a Ward Councillor has a personal interest in an application (for example, because he/she lives in close proximity to the premises), then this is also likely to be a “prejudicial” interest under the Code. Provided that the Member declares the interest and withdraws from the hearing after making representations, then he/she is entitled under paragraph 14(2) of the Code to appear at the hearing in the same way as any other member of the public having made a relevant representation within the meaning of the Act (“any other person”). This also applies whether or not the Councillor is a Member of the Licensing Committee. Because of this “personal and prejudicial” interest the Ward Councillor cannot have any other involvement with officers or members regarding the application.
- 2.3 Ward Councillors who are not members of Licensing Committee may also act as the appointed representatives for any other person at the hearing, if requested to do so, but they should avoid discussing the application with any of the Licensing Sub-Committee beforehand. If a Ward Member is representing any other person, that other person must have objected by their own accord before a Ward Member can be requested to act as their representative at the hearing.
- 2.4 Ward Councillors who are members of Licensing Committee should not appear as the appointed representatives for any other person at the hearing because of the requirements of natural justice and the need to avoid giving any impression of undue influence or breach of the general obligation in the Code not to improperly use their position as a Councillor to secure any advantage.

### **3 Lobbying**

- 3.1 Other Members must not lobby any Member of the Licensing Sub-committee, directly or indirectly, about any application before them.
- 3.2 Members of the public or any of the parties must not lobby any members of the Licensing Sub-Committee about any application before them. If any of the members of the Licensing Sub-Committee are approached by any person about a licensing matter, they should explain that they cannot discuss the matter and refer the person to the Licensing Officer. Any written representations received by individual members of the Licensing Sub-Committee must be passed to the Licensing Officer and reported at the hearing.

### **4 Chair of the Licensing Sub-Committee**

The Chair of the Licensing Sub-Committee is to be elected by Members on the day by simple majority vote.

### **5 Quorum**

- 5.1 Although the Act allows for the hearing to continue with two members present, the Council's Constitution and the Statement of Licensing Policy provides that three Councillors shall constitute a quorum for any meeting and it is good administrative practice for three members to be present.

If the meeting becomes inquorate at any time, the matter will need to be adjourned or referred to full Licensing Committee.

- 5.3 Membership may change during the course of a Sub-Committee meeting only if an individual member is disqualified from considering some but not all of the applications on the agenda. All members considering an application however must be present throughout the individual hearing. If, for any reason, a member needs to withdraw during the hearing, the proceedings should be temporarily adjourned until the member returns. The meeting will only commence if quorate. If a member arrives late and after the hearing commences, he or she will be disqualified from hearing the specific case under consideration but can hear other cases set out in the agenda.

### **6 Statutory Guidance**

- 6.1 The Licensing Act 2003 (Hearings) Regulations 2005 SI 44/2005 and the The Licensing Act 2003 (Hearings) (Amendment) Regulations 2004 SI 78/2005 ("the Regulations") made under Section 183 of the Act set out the statutory framework for the Licensing Sub-Committee hearings.
- 6.2 These Regulations make provision for hearings required to be held by the Council as Licensing Authority, under the Licensing Act 2003. In particular, the Regulations provide for the timing of the hearings and the notification requirements regarding the time and date of the hearings and information to be given to the parties. In addition, provision is made for a party to provide information to the Licensing Committee about attendance at a hearing, representations, the seeking of permission for another person to attend to assist and whether a party believes that a hearing is necessary.
- 6.3 The Regulations provide for a range of procedural issues to govern the way in which preparations are made for a hearing, the procedures to be followed, the rights of parties at the hearing, the keeping of records and the manner of giving notices. The Regulations also make provision for the timing of the Licensing Committee's determination following a hearing.

6.4 Insofar as the Regulations do not make specific provision for procedures for and at hearings, the Licensing Authority can determine its own procedures.

## **7 Notice of Hearings**

7.1 The provisions of the Local Government Act 1972 requiring at least three clear working days' notice of Council and Committee meetings do not apply to hearings conducted under the Licensing Act 2003.

7.2 Instead Regulation 6 of the Regulations prescribes the period of notice to be given for a Licensing Committee hearing, depending upon the type of application being considered.

7.2.1 At least two clear working days' notice must be given if the hearing is to consider

- the cancellation of an interim authority notice following a police objection
- counter notice following a police objection to a temporary event notice

7.2.2 at least five clear working days' notice must be given if the hearing is to consider

- review of premises licence following a closure order
- determination of application for conversion of existing licence
- determination of application for conversion of existing club certificate
- determination of application by holder of justices' licence for the grant of a personal licence

7.2.3 In all other cases, at least 10 clear working day's notice of the hearing must be given.

## **8 Timescale for arranging hearings**

8.1 Regulations 4 and 5 and Schedule 1 set out the time periods within which the Council is required to arrange hearings. Where a hearing cannot be concluded in one day and has to be held on more than one day, the Regulations require that the hearing must be arranged to take place on consecutive working days.

8.2 The time frame for arranging hearings again depends on the nature of the application and varies from 20 working days from the last date when representation may be made or notice may be received from the Police to five working days in the case of cancellation of an interim authority notice following a police objection.

## **9 Form of Notice**

9.1 Regulation 34 requires that notice of the hearing shall be in writing although it is a matter for the Council to determine how the notice should be given. The Regulations specifically provide that notice can be given electronically (eg by email or fax transmission) provided that the recipient agrees to this method of notice beforehand and a hard copy of the notice is also despatched at the same time. The notice is then deemed to have been properly served at the time of the electronic transmission. Any notice served by second class post would generally be deemed to have been served within two working days.

9.2 It is recommended that all notices and information should be sent to the parties by second class post. In the case of emergency applications that have to be dealt with at short notice or where the parties specifically request, copies will also be sent by email or fax, where these details are known.

## **10 Information to be provided**

10.1 Regulation 7 provides that the following information must be sent out with the notice of hearing

- The rights of attendance, assistance and representation
- The consequences if a party does not attend or is not represented at the hearing (which will usually be that the hearing will proceed in the party's absence)
- The procedure to be followed at the hearing
- Any particular points on which the Licensing Committee considers that it wants clarification from any party at the hearing

10.2 Regulation 7(2) also provides that, in relation to the hearings listed in column 1 of Schedule 3 of the Regulations, certain specified documents must be sent with the notice of hearing to the persons identified. For most types of application, this means that copies of the relevant representations or notices given must be sent to the applicants or licence holders.

10.3 The Regulations require that the notice of the hearing and supporting information must be sent to the appropriate parties ie the applicant and any persons making relevant representations. There is no requirement for public notice to be given of the hearing or for the supporting information to be made available to the press and public or any other members of the Council. The Council however has a discretion as to whether or not to publicise the hearing more widely.

10.4 Having regard to the principles of open government, the Constitutional requirements that decisions are taken in a transparent and accountable manner and the requirements of Regulation 14(1) that hearings are generally conducted in public, it is recommended that the Licensing Sub-committees follow the same publicity arrangements as with other Committee meetings.

## **11 Requirements for Applicants and any other persons**

11.1 Upon receipt of the notice of the meeting, the Applicant and any other person must inform the Council in writing

- Whether they intend to attend or be represented at the hearing
- Whether they consider a hearing to be unnecessary
- Requests for any other people to attend the hearing eg witnesses (including their names and a brief description of the evidence that they can give and its relevance to the application)

11.2 In the case of emergency applications, such as the cancellation of an interim authority notice following representations by the police or a counter notice following a police objection to a temporary events notice, this information must be provided not later than one working day before the hearing. In the case of the review of premises licences following closure orders, an application for conversion of existing licences or club certificates and the grant of personal licences, the information must be provided at least two working days before the hearing. In all other cases the information must be provided at least five working days before the hearing.

11.3 It is recommended that a separate letter be sent to the Applicant and any other person at the same time as the agenda for the meeting, reminding them of the need for this information and asking them for a response as soon as possible before the meeting. If the Licensing Sub-committee is informed in good time before the meeting that the parties do not wish to attend, then it may be possible to reschedule other business or applications for that meeting.

- 11.4 Regulation 9 allows the Council to dispense with the need for a hearing if the Applicant and all any other persons agree. If all the parties respond to the request for information stating that they consider a hearing to be unnecessary, the hearing can be vacated and notice given to the parties accordingly. A determination must then be made within 10 working days of the notice.
- 11.5 Regulation 10 provides that any party may withdraw their representations by giving written notice at least 24 hours before the hearing or orally at the hearing itself. There are no powers to avoid wasted costs in favour of either party in the event of an abortive hearing due to late withdrawal of representations. The parties should be encouraged to give as much notice as possible if they intend to withdraw their representations to avoid the unnecessary time and expense of arranging a hearing.
- 11.6 Where all objections are withdrawn and/or all the parties agree that a hearing may be dispensed with, the applications may be determined by officers under delegated powers.

## **12 Extensions of Time and adjournments (Regulations 11-13)**

The Licensing Sub-Committee have a general discretion to extend the time limits contained in the Regulations or adjourn hearings if this is considered to be necessary in the public interest. Proper notice would have to be given of any extension of time or adjournment. Time cannot be extended or hearings adjourned if this would result in a failure to comply with the timescales set out in the Act.

## **13 The Hearing**

### **13.1 Exclusions**

Regulation 14 provides that all hearings must be held in public. The Licensing Sub-Committee may however exclude the press and public (including the parties and their representatives) from all or part of the hearing if they consider that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

13.2 The Access to Information provisions of Schedule 12A of the Local Government Act 1972 do not apply to hearings before the Licensing Sub-Committee. The test for exclusion of the press and public is not whether there is "exempt information" (as defined in Schedule 12A) which is likely to be disclosed, but whether it is in the "public interest" that the hearing (or part of the hearing) should be in private.

13.3 It is recommended that, as a general rule, all representations from the parties should be heard in public unless there are exceptional circumstances. The overriding public interest dictates that hearings should be conducted in a fair, open and transparent manner and justice should be seen to be done. The Council's constitution is also based on democratic open government, accountability and public access to meetings. The parties should be given the opportunity at the beginning of the hearing to make an application for a private hearing, but they would have to establish a clear reason why this should override the public interest in an open hearing. The fact that personal information or information relating to financial, business or commercial interests would be disclosed would not, in itself, justify exclusion. An application for exclusion of the press and public could be made, for example, where sensitive information relating to individual children could be disclosed in relation to a policy issue involving the protection of children from harm, or where there are criminal justice implications involving representations made by the police. The final decision as to whether the press and public should be excluded for all or part of the hearing on public policy grounds is a matter for the Licensing Sub-Committee.

13.4 It is however recommended that, as a general rule, the press, public and the relevant parties are all excluded from the meeting while the Licensing-Sub-committee deliberate and come to

their decision on the grounds that this private debate is considered to be in the “public interest”. Everyone should then be asked to withdraw from the room, except for the Licensing Officer, the Democratic Services Officer and the Head of Law and Standards or his nominated representative. These three officers shall be entitled to remain, but only for the purpose of offering advice as to procedure or any particular point of law and to record decisions. They must not participate in the decision-making by the Licensing Sub-Committee. Where it is more convenient, the Licensing Sub-Committee may withdraw to a private room rather than require everyone else to withdraw from the meeting room.

- 13.5 If there are any further points of clarification required, then all of the parties and the public should be allowed back into the meeting while these points of clarification are addressed.
- 13.6 Regulation 25 permits the Licensing Sub-Committee to exclude any person from the hearing if they are behaving in a disruptive manner, either permanently or temporarily (permitting them to return only if they comply with such conditions as may be specified). If one of the parties is excluded on these grounds and not permitted to return, they are entitled to submit to the Licensing Sub-Committee in writing any information which they would have been entitled to give orally had they not been excluded from the meeting.
- 13.7 Representations  
Any person or responsible authority may make written representations about an application for a premises licence or certificate within a specified period, which is generally 28 working days of the receipt of the application. Representations or requests for review will only be relevant if they relate to the four licensing objectives. The applicant will be provided with copies of all relevant representations received at the same time as the notice of hearing. The written representations will also be referred to as background papers to the Report of the Licensing Officer, which will be circulated to Members of the Licensing Sub-Committee and made available to the press and public as soon as possible and, in any event, at least two clear working days before the hearing.
- 13.8 Advice should therefore be given that, if any person responds to any notice or advertisement, their letter of objection or support will be made available to the public, including personal data (such as names and addresses) in accordance with the Data Protection Act 1988. If any person objects to their name and address, or any other personal information, being made public, then their representations will need to be redacted or anonymised before being circulated (but this may affect the weight that the Licensing Sub-Committee attaches to their representations).
- 13.9 Where relevant representations have been made and an application is to be determined at a hearing, the applicant and those parties who have made representations have a right to attend the hearing (subject to rights of exclusion) and may be assisted or represented at the hearing by any person (whether or not that person is legally qualified) (Regulation 15).
- 13.10 Regulation 16 provides that a party shall be entitled at the hearing to
- Give further information in response to a point upon which the Licensing authority has given notice that it wants clarification
  - Question any other party, if permission is given by the Licensing Sub-Committee
  - Address the Licensing Sub-Committee
- 13.11 Regulation 17 provides that Members of the Licensing Sub-Committee may question any party or other person appearing at the hearing.
- 13.12 In considering any application, representations or notice made by a party, the Licensing Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice, either before the hearing or, with the consent of the parties, at the hearing. The Licensing Sub-Committee has discretion as to whether to admit this documentary evidence but should, generally allow this to be presented



if it is relevant and material to the application, the representations or notice submitted and the licensing objectives. This however should not be seen as an opportunity to introduce new representations outside the statutory timescale. The parties should be advised to provide any additional documentary evidence as soon as possible before the hearing and, wherever possible, this should be circulated in advance to the Members of the Licensing Sub-Committee and the other parties. The Sub-Committee will then decide at the hearing whether or not this additional documentary evidence should be admitted and considered. If admitted, the additional information will then be made available to the press and public at the meeting. If the additional documentary evidence has not been produced before the hearing, it can only be admitted with the consent of all the parties. If any other party objects to the evidence being produced at the hearing, the Licensing Sub-Committee has no discretion to admit it or take it into account.

#### **14 Failure of parties to attend the hearing**

If a party has informed the Council that he/she does not intend to attend or be represented at the hearing, then the hearing may proceed in their absence. If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Licensing Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing proceeds in the absence of a party, the Licensing Sub-Committee must still consider the written representations or notice submitted by that party and follow the same principles of decision-making.

#### **15 Procedure at the hearing**

- 15.1 Subject to the provisions of the Regulations, the Licensing Sub-Committee has the discretion to regulate their own proceedings and procedure to be followed at the hearing. The proceedings should be kept as informal as possible although a logical and ordered approach should be maintained in order to ensure a fair and impartial hearing. A suggested form of procedure is attached however the Chair should make it clear that the Licensing Sub-Committee are not totally inflexible and would be prepared to vary the order of proceedings if this would facilitate the proper consideration of an application or notice.
- 15.2 Regulation 7(c) provides that parties should be informed of the procedure to be adopted at the hearing when they are sent notice of the arrangements for the meeting. It is therefore suggested that a copy of the written procedure is sent to the parties with the notice of the hearing.
- 15.3 Regulation 22 requires the Licensing Sub-Committee to explain the procedure to the parties at the beginning of the hearing and consider any request under Regulation 8(2) for permission for another person to appear at the hearing (such permission not to be unreasonably withheld). Prior notice should have been given if parties wish to call witnesses or other persons to address the hearing. Provided that their evidence or representations are relevant and material, permission should generally be allowed.
- 15.4 Regulation 23 provides that the hearing should take the form of a "discussion led by the authority" and cross-examination should not be permitted unless the licensing committee considers that this is required to enable them to consider the matter properly. Whilst parties and their representatives should not be allowed to make the hearing too adversarial, it is suggested that both parties should be allowed an equal opportunity to put questions to the other party and their representatives/witnesses (under Regulation 16). A period of five minutes each should be allowed for questions, with the Chair having discretion to disallow any questions which are considered by the Licensing Sub-Committee to be irrelevant, hostile or repetitive. Wherever possible, large groups of objectors should be encouraged to appoint a single spokesperson to present their case, to save time and avoid unnecessary duplication.

15.5 Regulation 24 provides that the Licensing Sub-Committee must allow the parties an equal maximum period of time in which to exercise their rights to put questions and address the hearing. It is suggested that, as a general rule, a maximum time of 20 minutes should be allowed for both parties, with 10 minutes for addressing the Sub-Committee, five minutes for questioning and five minutes for summing up at the end. The Licensing Sub-Committee can however extend time for both parties if this is necessary for the proper consideration of the matter.

## **16 Site Visits**

The Sub-Committee may, at its discretion, undertake a site visit of any premises that are the subject of any application. The visit may take place either before the hearing, by arrangement with the parties, or the Sub-Committee may adjourn the hearing at any time to visit the premises. If a site visit is undertaken, it should be a fact-finding exercise only and no representations should be heard from any party. Any questions should be addressed to licensing officer(s), wherever possible, but if it is necessary to ask a question of any party, this should be done in the presence of all the other parties.

## **17 Determination of applications**

17.1 Normally, the licensing Sub-Committee must make its determination at the conclusion of the hearing. In other cases the Sub-committee shall make its determination within five working days. Where a hearing has been dispensed with, the decision must be made within 10 working days of the notice to dispense with the hearing.

17.2 The Council's Statement of Licensing policy provides that every decision of the Licensing Sub-Committee shall be accompanied with reasons for that decision. A summary of the decision shall be posted on the Council's website as soon as possible after the decision has been made, where it will form part of the statutory licensing register.

17.3 Paragraph 24 provides that comprehensive reasons should be given and, on making findings of fact in its reasons, the Licensing Sub-Committee should ensure that they address the standard of proof and the burden of proof that they have adopted. The Licensing Sub-Committee should also address the extent to which the decision has been made with regard to its Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Act.

17.4 Regulation 28 requires the Council to notify the parties in writing of the determination of the Licensing Sub-Committee and their rights of appeal. The Council is also required to send notification of the determination to the Chief Officer of Police, where the police have not been a party to the hearing. This notification must be sent within the period specified in the Act or, if no period is prescribed, forthwith on making the determination.

## **18 Right of appeal**

Any aggrieved party will have the right of appeal to the Magistrates' Court within 21 days of being notified of the decision.

## **19 Record of proceedings**

Regulation 30 provides that the Council must keep a record of the hearing in a permanent and intelligible form for a period of six years from the date of the determination or, where any appeal is brought against the determination of the Licensing Sub-Committee, from the disposal of any appeal. A verbatim note or transcript of the proceedings is not required, but the Minute recording the decision must be sufficiently detailed so as to provide an accurate record of both the proceedings and the decision taken, together with the reasons given and any conditions imposed.

## 20 Irregularities

Regulations 31-33 provide that any irregularities or clerical errors shall not invalidate any decision or render a determination void and enables the Council to correct any error or cure any irregularity as soon as possible.

### Organisation of Cases for the Hearing

- 1 The hearings will normally take place at the Civic Centre, Newport at times to be agreed with the Sub-Committee.
- 2 The agenda for the meetings of the Licensing-Sub-committee shall be agreed by the Licensing Officer and the Senior Democratic Services officer after any necessary consultation with the relevant Chair of the Licensing Sub-Committee. The officers shall determine how many applications can be heard at each meeting and the order in which the applications should be considered, taking into account the number of parties who will be attending.
- 3 Hearings should be scheduled in accordance with the timescales prescribed by the Regulations. In general a hearing must be held within 20 working days after the time has expired for making representations.
- 4 Once the draft agenda has been agreed, the Senior Democratic Services Officer should send out notice of the agenda to the Members, press and public in the usual way. Members should immediately inform the Senior Democratic Services Officer if they consider they are disqualified from hearing or they have an interest in any specific case.
- 5 At the same time, the Licensing Officer shall send notice of the hearing to the parties, together with
  - A copy of the procedure to be followed at the hearing
  - Confirmation of the parties' rights to be assisted or represented at the hearing (whether or not that person is legally qualified)
  - Confirmation that the parties will be allowed to address the Licensing Sub-Committee and put questions to the other parties for a maximum of 20 minutes
  - Confirmation that, if a party does not attend the hearing, the hearing would generally proceed in his/her absence
  - A note of any particular point on which the Licensing Sub-committee requires further clarification.
  - Copies of all relevant representations received
- 6 The parties should also be requested to notify the Council as soon as possible (and in any event within the timescale prescribed by the Regulations) whether they intend to appear and/or be represented at the hearing or whether they consider a hearing to be unnecessary.
- 7 If they intend to proceed with a hearing, they should be requested to give advance notice of any application to adduce any further documentary evidence (which should preferably be provided as soon as possible before the hearing) or request for any other person to appear at the hearing. The request must contain details of the name of the witness and a brief description of that person's evidence.
- 8 The notice of hearing and supporting documents should be sent by second class post and, except in the case of emergency applications or where the Regulations specify a shorter period, at least 10 clear working day's notice should be given. The Licensing Officer may also send electronic copies by email or fax by agreement with the applicants or other party.

- 9 The Chair of the Licensing Sub-committee may meet with the Democratic Services Officer, the Solicitor to the Licensing Sub-Committee and the Licensing Officer(s) presenting the report in advance of the hearing to identify any issues where further clarification should be requested from the parties. These issues will be notified to the parties by the Licensing Officer to enable them to address these issues in their submissions at the hearing. During this preliminary meeting and any pre-agenda meeting, no decisions shall be made and no discussions shall be held regarding the substantive merits of the application or representations.
- 10 The hearings shall be attended by a Solicitor, a Democratic Services Officer and the Licensing Officer. The officers shall attend for the sole purpose of giving advice on law and procedure and are not parties to the decision.
- 11 The role of the Solicitor is to provide legal advice in relation to the applications and submissions.
- 12 The role of the Democratic Services Officer is to record the proceedings and the decisions of the Sub-Committee and ensure efficient administration.
- 13 The Licensing Officer shall prepare a written Report for consideration by the Licensing Sub-Committee, which should include
  - A brief summary of the application
  - A brief summary of the representations
  - The relevant licensing objectives
  - Relevant aspects of the Council's Statement of Licensing Policy and statutory Guidance
  - Other background information (such as copies of letters)
- 14 The Licensing Officer's Report should be sent out as soon as possible and, in any event, no later than 10 clear working days before the hearing, together with copies of relevant documentary evidence submitted by the parties. Wherever possible, the Licensing Officer's Report should be sent out at the same time as the notice of hearing and supporting documents, but this will not be reasonably practicable where there are a significant number of applications to be determined. If additional documentary evidence is provided later by the parties, it should be copied and sent to the other parties before the hearing, if reasonably practicable.
- 15 After hearing all the representations and prior to retiring to make its decision, the Licensing Sub-Committee may, if it wishes, seek the guidance of the Licensing Officer and/or Solicitor on possible conditions that could be attached to any licence.
- 16 The Democratic Services Officer shall keep a record of the decisions taken and the Licensing Officer shall send written confirmation of the decision to the relevant parties, together with the reasons, any conditions and their rights of appeal.

### **Principles of Decision-Making**

- 1 This note is intended to provide members of the Licensing Sub-committee with a guide to the principles of decision-making. The licensing hearings are of a quasi-judicial nature and the procedures are, therefore, markedly different to the usual arrangements for Committee meetings.
- 2 It should be noted that the proceedings are governed by adjudication procedures and the rules of natural justice will, therefore, apply. All the parties should be given a full and fair hearing, which should be conducted in an open, transparent and accountable manner.
- 3 Members must, at all times, comply with the Council's Member Code of Conduct.

- 4 All licensing applications must be considered on the basis of whether they promote the four licensing objectives set out in the Act and incorporated in the Statement of Licensing Policy, namely
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 5 In reaching their decisions under the Act, the Licensing Sub-Committee must have regard to all relevant considerations including (but not limited to)
  - The relevant statutory provisions
  - Relevant Statutory Guidance issued under Section 182 of the Act
  - The Council's Statement of Licensing Policy
  - The licensing objectives
  - The material facts based on the relevant evidence presented and representations received
  - The individual merits of each case
  - The public interest
- 6 The Licensing Sub-Committee must disregard any irrelevant considerations, including (but not limited to) information or evidence which is not relevant to the application or to the promotion of the licensing objectives. Members must also disregard any party political considerations or decisions taken in political group meetings.
- 7 Members of the Licensing Sub-Committee must act fairly, objectively and impartially throughout. They must not show any bias or predetermination and must keep an open mind on all applications until they have heard all the relevant representations and evidence. Members must not prejudge any application, express any view on the merits of any application, organise any support or opposition to any application, in advance of the hearing. Any Member with a "closed mind" on any application would be disqualified from sitting on the Licensing Sub-Committee which considers that application.

In the event of any licensing applications submitted by or on behalf of the Council or an officer of the Council, the same rules and procedures shall apply. No account shall be taken of the fact that the application is submitted by the Council or an officer and no favour or consideration shall be shown in relation to the application. Any member involved in the decision to apply for the licence shall be disqualified from sitting on the Licensing Sub-Committee which considers the application.

### **Procedure to be Followed at The Hearing**

- 1 Preliminaries and Opening remarks

At the commencement of the meeting, the Chair for the meeting shall be elected by simple majority of members present.

The Chair of the Sub-Committee opens the meeting and welcomes those attending.

The Chair introduces the members and the officers present.
- 2 Apologies/declarations of interest

The Chair deals with any apologies for absence and declarations of interest. Any substitution of members will be dealt with at this stage.

### 3 Introductions

The Chair invites the applicant, any other person and their representatives to introduce themselves and indicate who will be speaking.

The Chair explains the procedures to be followed and the time allocated to each party and asks if there are any questions. (The order of proceedings may be varied at the discretion of the Sub-Committee where the parties have any particular preference or where this is necessary for proper consideration). The proceedings will generally be conducted in public unless it is in the public interest to hear cases in private. Any applications to exclude the press and public should be dealt with at this stage.

### 4 Applications

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

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

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

### 5 Report from Licensing Officer

The Licensing Officer presents the Report outlining

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

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

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

### 7 The Applicant's case

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

8 The Objector(s) case

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

9 Closing Statements

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

10 Decision

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

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

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

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

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

11 Repeat process for each hearing

Mae'r dudalen hon yn wag yn





# Report

## Licensing Sub-Committee

---

### Part 1

Date: 23<sup>rd</sup> July 2019

**Subject** Licensing Application

**Purpose** The consideration and decision in respect of an application under Licensing Act 2003 for the grant of a Club Premises Certificate.

**Author** William Lewis – Licensing Officer as Administrative Authority

**Ward** As indicated in the report

**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 made pursuant to the relevant legislation under which the application has been made.

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

**Contact** Principal Licensing Officer

**Action by** Head of Law and Regulation

**Timetable** Statutory Consultation Period

**Signed**

## 1. Application

An application for the grant of a new Club premises certificate for the Pioneer Club, 1 Rochester Road, Newport NP19 8PB, was served on the Licensing Authority on the 20<sup>th</sup> May 2019 in accordance with Section 71 Licensing Act 2003.

The application was accompanied by a declaration for a club premises certificate to be granted, a copy of the intended Club Rules and a plan of the premises can be found in Appendix 1 of the report.

Albeit that this application is for the 'grant' of a new Club Premises Certificate it is of importance that the Licensing Sub-Committee are aware of a brief history of the previous Licensing History of the premises as detailed below. However, the application and the named officers of the club have had no known association with previous occupation of the premises.

### The Premises & History

The premises to which this application relates is located on the junction of Rochester Road and Conway Road, Newport, which, predominantly is a highly populated residential area surrounded on all sides by residential homes and occupancy. (Location and Images are found within Appendix 2 of the report).

The premises operated as a registered club (Newport Pioneer Working Mens Club) under the Licensing Act of 1964. In August 2005 the club converted their club registration to a Club Premises Certificate under the provisions of the Licensing Act 2003.

The premises then ceased to operate as a Club sometime between April 2008 and August 2008. The property was then acquired by Harvey's Leisure Limited who applied for a Premises Licence for the property. The premises was granted a Premises Licence under Section 17 Licensing Act 2003 on 06<sup>th</sup> October 2008 following a hearing before Newport City Council Licensing Sub-Committee. (The minutes and decision schedule in respect of the hearing are included at Appendix 3 of the report)

Between 06<sup>th</sup> October 2008 and 01<sup>st</sup> February 2018 Harvey's Leisure Limited had a number of tenancy agreements with various persons specified as the Designated Premises Supervisor and there were also periods when in the fact the premises were not in operation.

The premises was then sold in 2018 to Payne Lettings and on the 01<sup>st</sup> February 2018 the Premises Licence transferred to Mr Robert Steed. Simultaneous to this transfer there was an application for a full variation of the Premises Licence to remove the first floor of the premises from the licence as a result of re-development to residential accommodation and to increase the days and times for the provision of regulated entertainment.

This application was later amended by Mr Steed who withdrew the request for changes in respect of the provision of regulated entertainment.

During Mr Steed's tenure there were a number of complaints relating to noise from regulated entertainment which were dealt with by Newport City Council noise pollution team and officers of the Licensing Authority.

On 14<sup>th</sup> September 2018 the Premises Licence was then transferred to Ian Edwards and it is apparent that it was not trading regularly from that date.

On 26<sup>th</sup> January 2019 the premises attracted further complaints concerning noise and disorder and when this was investigated it was learned that there were new tenants who had opened the premises and were providing unlicensable activities on 26<sup>th</sup> January 2019 and that the likelihood was that Ian Edwards was no longer associated with the premises.

Ian Edwards was interviewed on 01<sup>st</sup> February 2019. He confirmed that he had no further involvement in the premises and formally surrendered the Premises Licence.

The tenants were formally interviewed on 06<sup>th</sup> February 2019 and it became clear that they had little awareness of the licensing requirements in respect of this premises and had been misled by the landlord whose own awareness of licensing requirements was also limited. The tenants determined to withdraw from the agreement and it was determined that there was no public interest in instigating proceedings against them because the licence had already been surrendered and that they would not be applying for a new Premises Licence or Club Premises Certificate.

## **2. Licensable Activities**

The application seeks to provide the following Licensable Activities

- **Supply of alcohol by or on behalf of a club.**  
Monday to Thursday between 2.00pm and 10.30pm  
Friday and Saturday between 2.00pm and 11.00pm  
Sunday between 10.00am and 4.00pm
- **Performance of Live Music**  
Monday to Thursday between 4.00pm and 9.00pm  
Friday between 4.00pm and 10.00pm  
Saturday between 4.00pm and 11.00pm
- **Playing of Recorded Music**  
Monday to Friday between 4.00pm and 9.00pm  
Sunday between 10.00am and 4.00pm

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

Section L (Page 19) of the application describes the proposed steps by the applicant for the promotion of the Licensing Objectives of:

- The Prevention of Crime and Disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

This should also be read in conjunction with the Club Rules that can be found in Appendix 1 of the report.

## **4. Representations**

### **Responsible Authorities**

On 20<sup>th</sup> May 2019 Heddlu Gwent Police served an objection notice on the Licensing Authority this objection can be found in Appendix 4 of the report. However, on the 21<sup>st</sup> May 2019 the Police withdrew their objection following agreement with the applicant to attach two further conditions to the proposed operating schedule.

On 30<sup>th</sup> May 2019 Newport City Council Environmental Health (Noise and Neighbourhood Team) served an objection notice on the Licensing Authority (Appendix 5).

On 04<sup>th</sup> June 2019 an objection (Appendix 6) to the application was served by Mr Alastair Dearling (Licensing Manager) exercising a role as a 'responsible authority' by virtue of Section 182 Licensing Act 2003 (amended guidance.)

## Other Persons

On 03<sup>rd</sup> June 2019 an objection (Appendix 7) to the grant of a Club Premises Certificate was served by email on the Licensing Authority by Mr Garrett of 24, Conway Road, Newport NP19 8PA. This objection is considered to be a relevant representation under the provisions of the Licensing Act 2003.

## 5. Policy Considerations

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

## 6. Legal Considerations

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

Prevention of crime and disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

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

- a) To grant the application.
- b) To modify the conditions of the licence, 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.

## 7. Issues for discussion

7.1 The proposed application for a new club certificate.

7.2 The representations made in respect of the application.

7.4 Newport City Council's Statement of Licensing Policy

7.5 If mindful to grant the application the attachment of any conditions in order to promote the four Licensing Objectives.

## 8. 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.

	<b>Year 1 (Current) £</b>	<b>Year 2 £</b>	<b>Year 3 £</b>	<b>Ongoing £</b>	<b>Notes including budgets heads affected</b>
<b>Costs (Income)</b>					
<b>Net Costs (Savings)</b>					
<b>Net Impact on Budget</b>					

## Risks

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

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

You will need to complete the following Risk table

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

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

This report has been prepared with regard to Newport City Council Statement of Licensing Policies 2015 and under the statutory requirements of the Licensing Act 2003 in respect of Licensing Hearings.

## Options Available

The Licensing Sub-Committee may:

- Grant the application as applied or Grant the application but modify activities and times during which can be provided.
- Attach conditions for the promotion of the Licensing Objectives in respect of either of above decisions.
- Refuse the application.

## Background Papers

Set out a list of any relevant background papers and whether they are available to the public.

Dated: 23 July 2019

**Appendix 1**

1. Copy of the application under section 71 Licensing Act 2003 for the grant of a Club premises certificate
2. Copy of the Declaration for the Club premises certificate to be granted.
3. Copy of the Rules of the Club

✓  
Application for a club premises certificate to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

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

THE PIONEER CLUB

(Insert name of club)  
club applies for a club premises certificate under section 71 of the Licensing Act 2003 for the premises described in Part 1 below (the club premises).

The club is making this application to you as the relevant licensing authority in accordance with section 68 of the Licensing Act 2003.

**Part 1 – Club premises details**

Name of club		THE PIONEER CLUB	
Postal address of premises or, if none, ordnance survey map reference or description			
1. Rochester Road NEWPORT NP19 8PB			
Post Town	NEWPORT	Postcode	NP19 8PB
Telephone number (if any)	07850546751		
E-mail address (optional)	Pioneer PIONEER CLUB		

Name of person performing duties of a secretary to the club		Jean Pierre Van der Westhuizen	
Address of person performing duties of a secretary to the club			
132 Gear Vale Newport NP20 3HT			
Post Town	NEWPORT	Postcode	NP20 3HT
Daytime contact telephone number (if any)	07860237991		
E-mail address (optional)	PioneerNewPort@gmail.com		

Non-domestic rateable value of premises	£ 4300
---	--------

Are the club premises occupied and habitually used by the club?

Yes  No

**Part 2 – Club Operating Schedule**

When do you want the club premises certificate to start?

DD MM YYYY  
17 06 2019

If you wish the certificate to be valid only for a limited period, when do you want it to end?

DD MM YYYY  
[ ][ ][ ][ ][ ][ ][ ][ ][ ]

**General description of club (please read guidance note 1)**  
THE PIONEER IS A WORKING MENS CLUB  
Established For THE PURPOSE OF SOCIAL INTERCOURSE  
MUTUAL HELPFULNESS, mental AND Moral Improvement  
AND Rational Recreation.

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

N/A

What qualifying club activities do you intend to conduct on the club premises?

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box I)

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (if ticking yes, fill in box J)

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)  Indoor's	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	16.00	21.00	<b>Please give further details here</b> (please read guidance note 4) Music via DUKE BOX : LIVE MUSIC Sat Nights. Music NOT Applified except Saturdays.	Both	<input type="checkbox"/>
Tue	16.00	21.00			
Wed	16.00	21.00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)  NONE		
Thur	16.00	21.00			
Fri	16.00	22.00	<b>Non-standard timings. Where the club intends to use the                      premises for the performance of live music at different times                      from those listed in the column on the left, please list</b> (please read guidance note 6)  NONE		
Sat	16.00	23.00			
Sun					



F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	16.00	21.00	Please give further details here (please read guidance note 4) Duke Box music NOT Amplified	Both	<input type="checkbox"/>
Tue	16.00	21.00			
Wed	16.00	21.00	State any seasonal variations for the playing of recorded music (please read guidance note 5)  NONE		
Thur	16.00	21.00			
Fri	16.00	21.00	Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 6)  NONE		
Sat					
Sun	10.00	16.00			

1

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	14.00	22.30	<b>State any seasonal variations</b> (please read guidance note 5)  NONE	Both	<input type="checkbox"/>
Tue	14.00	22.30			
Wed	14.00	22.30			
Thur	14.00	22.30		<b>Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list</b> (please read guidance note 6)  NONE	
Fri	14.00	23.00			
Sat	14.00	23.00			
Sun	10.00	16.00			

L

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)

To Promote all four licensing objectives we will keep strong management of Premises and staff will not sell alcohol to any one underage, or to drunk persons. No drunk or disorderly behaviour IN or around Premise area. Vigilant in prevention to use of drugs. Keep to operating schedule, AS A CLUB WE WILL PROMOTE THE LICENSING OBJECTIVES TO BEST OF OUR ABILITIES.

b) The prevention of crime and disorder

CCTV system installed to monitor entrances, exits, and other parts of the premises in order to address prevention of crime. Clear legal notice of hours outside. No selling of alcohol to drunk members or guests. Staff to be well trained IN asking customers to use premises in orderly fashion.

c) Public safety

Internal and external lighting to promote public safety objective. Staff trained for adherence to environmental health req. Training and implementing underage ID checks. All parts of the premises, all fittings, door fastenings, notices, lighting, sanitary, heating and electrical to be well maintained.

d) The prevention of public nuisance

~~Noise~~ Noise reduction measures to address public nuisance obj. Prominent notices to be displayed asking people to leave quiet and respect nearby residents. Delivery of goods necessary for operation will be carried out at times not to cause nuisance.

No members to hang around and talk outside  
 all outside lighting Angled so not to disturb residents.  
 No smoking outside after 22-30.

**Checklist:**


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and plan to the responsible authorities.
- I have completed and enclosed the club declaration and enclose a copy of the club rules.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

**Part 3 – Signatures (please read guidance note 11)**

I Jason Lewis  
 (Insert full name)  
 make this application on behalf of the club and have authority to bind the club

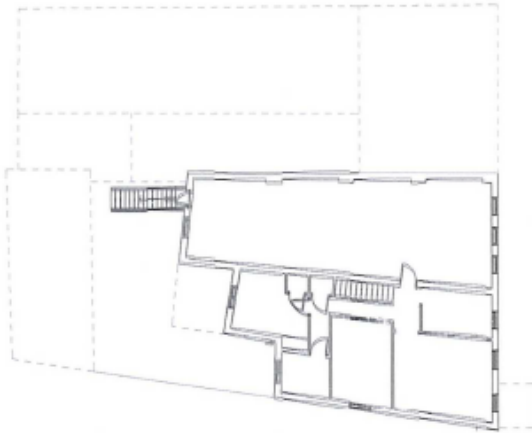
Signature	
Date	14/5/19
Capacity	President

Address for correspondence associated with this application (please read guidance note 12)

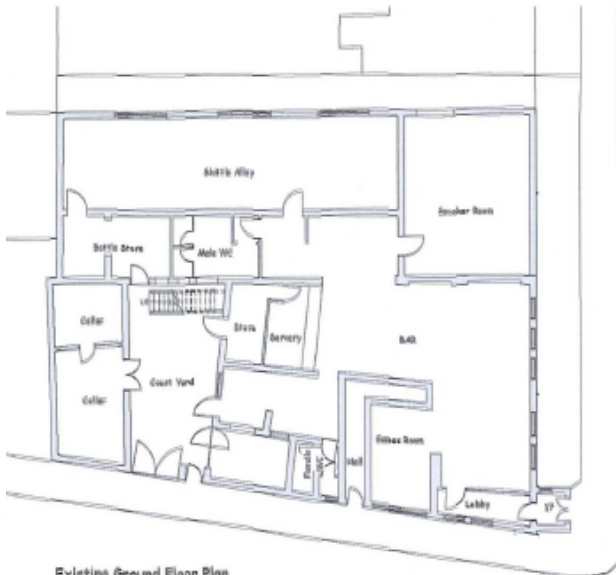
1. Rochester Road  
 Newport  
 NP19 8PB

Post town	NEWPORT	Post code	NP19 8PB.
Telephone number (if any)	07850546751		

If you would prefer us to correspond with you by e-mail your e-mail address (optional)  
*PioneerNewport@Cmail.com*



Existing First Floor Plan  
 1:100



Existing Ground Floor Plan  
 1:100



Existing East Elevation  
 1:100



Existing West Elevation  
 1:100



Existing North Elevation  
 1:100



Existing South Elevation  
 1:100

**Declaration for a club premises certificate to be granted under the LA 2003 and application for a club premises certificate**

**PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING DECLARATION**

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

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

**Club Premises details**

<b>Name of club</b> The Pioneer club	
<b>Postal address of club, if any, or, if none, ordnance survey map reference or description</b> 1 Rochester road Newport Np198pb	
<b>Post Town</b> Newport	<b>Postcode</b> Np198pb
<b>Telephone number (if any)</b>	
<b>E-mail (optional)</b> PioneerNEWPORT@gmail.com	

**CLUB DECLARATION AS TO QUALIFYING CLUB STATUS**

The Pioneer club  
*(Insert name of club)*

club makes the following declarations

- 1) Where the club to which this application relates is:  
a registered society within the meaning of the Industrial and Provident Societies Act 1965, a registered society within the meaning of the Friendly Societies Act 1974 or a registered friendly society within the meaning of the Friendly Societies Act,

the club declares that the club satisfies:

Please tick Yes

Condition 1 in section 62(2) of the Licensing Act 2003



Please give relevant club rule number(s)

Club Rule 7
-------------

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

Club RULE 7

Condition 4 in section 62(5) of the Licensing Act 2003

CLUB RULE 7 25 MEMBERS ENCLOSED

Does the club wish to supply alcohol to members and guests?

If yes the club declares that -

The purchase of alcohol for the club and the supply of alcohol by the club is under the control of the members or of a committee appointed by the members

Please give relevant club rule number(s), if any

Covered IN RULE 13 (a)

2) Where the club to which this application relates is: an association organised for the social well-being and recreation of persons employed in or about coal mines, the club declares that the club satisfies:

Please tick Yes

Condition 1 in section 62(2) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

Does the club wish to supply alcohol to members and guests?

If yes the club declares that it satisfies -

First condition in section 66(4) of the Licensing Act 2003

Please give relevant club rule number(s), if any

Second condition in section 66(5) of the Licensing Act 2003

Please give relevant club rule number(s), if any

**3) Where the club to which this application relates does not fall into the categories in 1 or 2 above, the club declares that the club satisfies:**

Please tick Yes

Condition 1 in section 62(2) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 3 in section 62(4) of the Licensing Act 2003

The club's arrangements for restricting the club's freedom of purchase of alcohol are:

(a) contained in club rule number(s),



(b) or, as follows

(please provide a short description)  
WE WILL ONLY purchase Alcohol By A NOMINATED  
PERSON ON THE COMMITTEE.  
NOBODY ELSE WILL PURCHASE/NO OTHER ALCOHOL ALLOWED

The club's provisions by which money or property of the club or any gain arising from the carrying on of the club is or may be applied for charitable benevolent or political purposes are:

(a) contained in club rule number(s),

RULE 5 INVESTMENT

(b) or, as follows

(please provide a short description)  
THE MONEY GENERATED BY THE CLUB WILL FIRSTLY  
BE PLACED BACK INTO THE CLUBS BANK ACCOUNT  
BY THE TREASURER.  
THE MONEY WILL BE PUT BACK INTO THE  
CLUB OR INVESTED INTO STOCK.

The arrangements for giving members information about the finances of the club are:

(a) contained in club rule number(s),

CLUB RULE 19 ACCOUNTS

or, as follows

(please provide a short description)  
BOOKS AND RECEIPTS OF INCOMINGS AND OUT GOINGS  
WILL BE KEPT AND BALANCE SHEET TO BE  
KEPT IN CLUB FOR ACCESS BY MEMBERS.

Please describe details of the books of account and other records kept to ensure the accuracy of the information about finances given to members of the club or give the relevant rule number(s)

Books of 1.) TILL

2.) STOCK

and general Incoming And out goings will Be Kept IN PAPER Form and Computer Format. for Inspection at Any Time.

Please tick Yes

Condition 4 in section 62(5) of the Licensing Act 2003



Condition 5 in section 62(6) of the Licensing Act 2003



The club proposes to supply alcohol to members and guests



and declares that the club satisfies:

additional condition 1 in section 64(2) of the Licensing Act 2003



Please give relevant club rule number(s), if any

RULE 7 MEMBERS

additional condition 2 in section 64(3) of the Licensing Act 2003



Please give relevant rule number(s), if any

RULE 2 (OBJECTS) Application of Funds

additional condition 3 in section 64(4) of the Licensing Act 2003

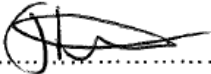


Please give relevant club rule number(s), if any

Rule 7

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

I Jason Lewis  
make this declaration on behalf of the club and have authority to bind the club

Signature  .....

Date 14/05/19 .....

Capacity ~~MEMBER~~ CLUB PRESIDENT. .....

As a public body, we are under a duty to protect the public funds that we administer, and to this end may use the information you have provided on this form for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

# **The Pioneer Social Club**

Established 1<sup>st</sup> May 2019

## **RULES**

**ALL PREVIOUS RULES RESCINDED**

## **The Pioneer Social Club -Rules Index**

<b>Section</b>	<b>Description</b>
1.	Name and Constitution
2.	Registered office
3.	Objects
4.	Application of funds
5.	Investment
6.	Borrowing
7.	Membership
8.	Subscription
9.	Arrears
10.	Disqualification and forfeiture of Membership
11.	Change of address and notices
12.	Meetings
13.	Officers
14.	Trustees
15.	Treasurer
16.	Secretary
17.	Assistant secretary
18.	Committee of management
19.	Accounts
20.	Inspection of books
21.	Auditor
22.	Annual returns
23.	Disputes
24.	Application to the registrar
25.	Hours of opening and closing
26.	Interpretation

**The Pioneer Social Club.**

**Established 1<sup>st</sup> May 2019.**

**ALL PREVIOUS RULES RESCINDED**

**RULES.**

**1. NAME AND CONSTITUTION**

The Pioneer is a Working mens club. It shall be called The Pioneer Social Club and hereinafter be referred to as the Club.

2. The Registered office shall be 1 Rochester Road Newport Np198pb
3. The registered office shall not be changed except by resolution of a special general meeting.
4. In the event of any change in the situation of the registered office, notice of such change shall be sent to the registry in the form of prescribed by the treasury regulations.

**5.OBJECTS**

The club is established for the purpose of providing for its members the means of social intercourse, mutual helpfulness, mental and moral improvement and rational recreation.

**5. Application of funds.**

**(1)All moneys received on account of the club from any source shall be applied in carrying out the objects of the club in accordance with the rules.**

**(2)Any Officer misapplying the funds shall repay the amount miss applied and be excluded without prejudice to his liability to prosecution for such misapplicstion.**

## **5. INVESTMENT.**

**(1)** So much of the funds as may not be wanted for immediate use, or to meet the usual accruing, shall with the consent of the Committee, or of the majority of the Members present and entitled to vote at a General Meeting, be invested by the Trustees in any of the following ways, namely:

- (a)** In the National Savings Bank.
- (b)** In any Trustee Savings Bank.
- (c)** In the Public Funds.
- (d)** In the purchase of land or in the erection or alteration of offices of or other building thereon.
- (e)** in any investment in which the Trustees are for the time being, by law authorised to invest trust funds.

**(2)** The Trustees may, when authorised thereto by a General Meeting, hold purchase, or take on lease, any land and may exchange, mortgage, lease or build upon the same with power to alter and pull down buildings and again rebuild.

## **6. BORROWING.**

The Trustees, with the consent of a Special General Meeting, may borrow money for the purpose of the Club upon the security of any assets of the Club and shall have power to execute all deeds or other documents which may be required for the purpose.

## **7. MEMBERSHIP.**

### **(1) Admission Of Members.**

A Candidate for election must be proposed and seconded by two Members able, from personal knowledge, to vouch for his respectability and fitness for Membership.

An entrance fee of such a sum as is decided by the Committee, but no more than £2, must be paid by the Candidate on nomination, to be returned in the event of his non-election.

The election shall be by the Committee and no Candidate who is under eighteen years of age shall not be admitted.

The name, address and occupation of the Candidate, with the names of the Proposer and Secunder shall be prominently placed in the Club premises, in a part frequented by the Members, at least seven days before the day on which his name is submitted for election.

A Candidate for Membership shall not be entitled to the full privileges of the Club until he has been duly elected.

Every Member, on election shall be supplied with a copy of the Rules free of charge.

The Committee may require the attendance of any Candidate, his Proposer and / or his Secunder to answer such questions as may be put to them.

Any Member who has reason to doubt the suitability of a Candidate for election shall report the fact to the Secretary who shall lay it before the Committee.

**(2) Temporary Members.**

A person who does not ordinarily reside in the ~~Reading~~ postal area but is visiting the town may be admitted as a Temporary Member for a period not exceeding three months, upon being properly proposed by a Member and approved by the Secretary upon payment of twenty five percent of the annual subscription. His Proposer shall sign a nomination paper on his behalf which shall be posted in the Club, and provided that no objections are lodged with the Secretary within two days, he shall be deemed to be duly elected.

A Temporary Member shall be entitled to all the privileges of the Club, except voting, attending meetings and introducing guests provided that no person may be admitted to Member of other Clubs, invited to take part in organised games, tournaments and other recreational activities, may be admitted to the Club's premises at the sole discretion of the Committee, and intoxicating liquor may be supplied to them for consumption on the premises. Persons so admitted shall be subject to the same rules as Members, except that they shall not be supplied with intoxicating liquor for consumption off the premises.

**(3) Visitors and Guests.**

Every Member shall have the privilege of introducing Guests to the Club with the following provisos, namely:

- (a) Not more than three Guests may be signed-in by Member on any given day.
- (b) The same Visitor shall not be permitted to attend the Club more than twice within seven days.
- (c) A Visitor shall not be permitted on the premises of the Club at any time in the absence of the Member introducing them.
- (d) A Member is responsible for his Guest, and is accountable to the Committee for their actions and behaviour in the event that these should cause offence.
- (e) Such Visitors as may attend are subject to, and bound by the Club's rules and bye-laws and the signing of the Visitors Book by the Member and his Guest is a recognition of this fact.
- (f) No person who is not a Member may be presenting the Club at any session that person has been signed-in for that session.
- (g) No Member may sign-in a Visitor whom he has not invited to be his Guest.
- (h) A Visitor may not be signed-in later than thirty minutes before normal closing time.

**(4) Special Guest Nights.**

On nights when special entertainment is provided, at the Committee's discretion, Guests may be charged for admission or may not be permitted into the Club.

**(5) Production of Membership Cards.**

Every Member shall produce his Card of Membership whenever called upon by any person authorised by the Committee to make such a demand, on the Club premises.

**(6) Honorary Members.**

The Committee shall have the right to elect as Honorary Members, people whose skill or competencies would be useful in the efficient running of the Club. Such Members would be entitled to all the rights and privileges enjoyed by ordinary Members.



**(7) Life Members.**

On the recommendation of the Committee, the Members in a General Meeting may, in their discretion, grant Life Membership to any Member who has rendered special service to the Club, or who in their opinion is deserving of special service to the Club, or who in the distinction or to a Member who attained the age of 65 years and completed at least 30 years continuous Membership of the Club.

Life Members shall not be liable to pay subscriptions under the Rule 8 but shall be entitled to all the rights and privileges of the Club Membership including the rights to attend meetings, vote at election and be nominated for Committee or any other Office. A Certificate of Life Membership shall be signed by the Secretary and issued to each Life Member.

**8. SUBSCRIPTION.**

Every Member of the Club (other than Honorary and Life Members) shall pay a Subscription of £25 or such lesser amount as has been decided by the Members at a General Meeting of the Club.

The Subscription becomes due on the first day of January annually.

There will be no Subscription payable by Honorary or Life Members.

A £5 charge for late payment of a Subscription (or Subscription Renewal) will be applied after 31st January 2018.

**9. ARREARS.**

Any Member failing to pay his subscription within a month after it has become due shall cease to be a Member of the Club on receipt of a notice from the Secretary. If however, the delay in payment can be accounted for to the satisfaction of the Committee the name of the person may be restored to the Membership list.

**10. DISQUALIFICATION AND FORFEITURE OF MEMBERSHIP.**

Membership shall cease to be Members

(a) By non payment of subscription. Any person whose Membership has ceased from this cause shall not again be nominated for Membership unless he previously pays all arrears due from him at the time of his ceasing to be a Member, and such additional fees or fines as the Committee may determine.

(b) By expulsion.

(c) By resignation.

**11. CHANGE OF ADDRESS AND NOTICES.**

Any Member changing his address shall give notice to the Secretary in writing of his new address, and until such notice is given, all communication and notices sent to his last address shall be deemed to have been properly served.

## **12. MEETINGS.**

**(1)** The Annual General Meetings shall be held on a date falling between 31st December and 31st May.

Balance Sheets will be sent by email only and will be available in the Club on request.

**(2)** A Special General Meeting shall be held whenever the Committee thinks it is expedient or whenever one-fifth of the Members entitled to attend and vote at General Meetings or 30 such Members, whichever is the fewer, request it in writing signed by them and delivered to the Secretary.

**(3)** Seven days notice of any General Meeting, stating the business to be transacted at such Meeting, shall be given to every Member in writing, left at or posted to his last known address.

**(4)** All general meetings shall be held in the Registered Office unless the Committee (either generally or in a particular case) decides otherwise.

**(5)** At a General Meetings the President, or if he be not present, the Chairman shall preside. Thirty Members shall form a quorum.

**(6)** Every Member present (and not disqualified by arrears or otherwise as mentioned in these Rules) shall have one vote.

## **13. OFFICERS.**

**(1)** The Club shall have the following Officers:

Three Trustees; President; Vice President; Treasurer; Secretary and Assistant Secretary.

**(2)** The Committee of Management, herein called the Committee, shall consist of Twelve Committeemen from whom the Chairman and Vice Chairman shall be elected annually at the General Meeting.

Committeemen shall be elected for a period of two years.

The senior half of the Committeemen which shall mean the six Committeemen senior in length of service, shall retire at the election held at the Annual General Meeting but shall be eligible for re-election.

**(3)** The same person shall not be the Secretary or Treasurer and a Trustee of the Club.

**(4)** The Trustees, Treasurer and the Secretary shall hold office during the pleasure of the Club.

All the other Officers shall continue in Office until the next Annual General Meeting, and at every such Meeting, the said Officers shall continue in Office until the next Annual General Meeting, and at every such Meeting the said other Officers shall be elected by a majority of Members present and entitled to vote or in the failure of such election, those last appointed shall continue in Office. The Treasurer and Secretary shall be elected by a majority of the Members present and entitled to vote at an Annual or Special General Meeting.

**(5)** Any Officer may be removed by a resolution of a Special General Meeting which may proceed to fill the vacancy.

**(6)** In case any Committee Member (other than a Trustee) shall die, resign, be removed, or become unfit or incapable to act, the Committee may appoint a person to fill the vacancy until the next Annual General Meeting.

**(7)** In the event of any Trustee dying, resigning, or being removed from Office, another shall be appointed by a resolution of a majority of Members present and entitled to vote at the Annual General Meeting or at a Special General Meeting.

Every resolution appointing a Trustee shall be in the Minutes of the Meeting at which he is

appointed.

**(8)** A copy of such resolution, signed by such Trustee shall be forwarded by the Secretary, to the Registrar in the form prescribed by the Treasury Regulations.

**(9)** At the first Committee Meeting following each annual General Meeting the Committee shall elect a Sub-Committee to be called the Finance Committee. It shall consist of three Committeemen and any other Officers who may be elected for the purpose. It shall be the duty of the Finance Committee to take a record of the stock of goods held on the first convenient day each month, unless an agent has been duly appointed for this purpose by the Committee of Management, to check all demands for payment with the order book, delivery notes and invoices and report to the Committee of Management whether such stocks vouches the correctness of the returns made by the Steward and whether the demands are in order and correct. The Finance Committee shall also see that vouchers are produced by the Secretary for payments made by him and shall report at each Meeting of the Committee whether the Secretary's cash book has been duly made up and that the amount there shown as standing to the credit of the Club appears also in the Treasurer's book and in the Club's bank pass book. These books duly made up to date shall be laid on the table at each Meeting of the Committee.

**(10)** The Steward and other Servants of the Club shall be appointed by and be subject to dismissal by the Committee.

**(11)** Every Officer or Servant having the receipt or charge of money shall, before taking on himself the execution of Office or Service, give security to the Trustees through a Guarantee Society or by a bond in pursuance of the Act. In such sum as the Committee may direct, being not less than a sum sufficient to cover the maximum of amount of cash which the Officer or Servant is likely to hold at any one time.

#### **14. TRUSTEES.**

**(1)** All Deeds, Documents of Title, and Securities for money shall be held by the Trustees, who shall take such measures for custody and preservation thereof, at the expense of the Club, as they may think fit, and they shall be responsible for the safe custody of all such Deeds, Documents and Securities as are placed in their hands or under their control, and shall produce them for inspection by Auditors when required by them, and whoever else required by a resolution of a General Meeting of the Committee.

**(2)** The Trustees shall be the persons to sue and be sued on behalf of the Club.

**(3)** If any Trustee, being removed from his Office, refuse or neglect to assign or transfer any property of the Club as a General Meeting of the Committee may direct, such Trustee shall (if he be a Member) be expelled and cease to have any claim on the Club without prejudice to any liability to prosecution.

**15. TREASURER.**

The Treasurer shall pay all moneys received by the Club from any source whatever without deduction for any purpose whatever, to credit of an account opened in the name of the Club at such bank and in such manner as the Committee direct. He shall produce all books, documents, property and money of the Club in his possession and render a full and clear account at each audit and whenever required by resolution of the Club or of the Committee or by the Trustees. He shall also give up all books, documents and moneys and property of the Club in his possession when required so to do by a resolution of the Club, or by the Committee or by the Trustees. For his services he shall receive such sum as the Committee shall determine.

**16. SECRETARY.**

The Secretary shall attend all meetings of the Club, and of the Committee. He shall cause to have recorded correctly the names of those present and Minutes of the proceedings, and to have transcribed into a book to be authenticated by the signature of the Chairman as the proceedings of the Meeting. He shall receive proposals for admission to the Club. He shall forthwith hand over all moneys received by him to the Treasurer (other than moneys drawn from the bank as an imprest account). He shall produce all books, documents, property and money of the Club in his possession, and render a full and clear account at each audit and whenever required by a resolution of the Club or of the Committee or by the Trustees. He shall also pay over all moneys, and give up books, documents and property belonging to the Club when ordered to do so by a resolution thereof, or of the Committee or by the Trustees. He shall summon and give due notice of all meetings of the Club and of the Committee and keep the accounts, documents and papers of the Club in such a manner and for such purposes as the Committee may appoint, and shall prepare all returns and other documents required by the Act or the Treasury Regulations and duly forward them to the Registrar. The Secretary shall on all occasions, in the execution of his Office, act under to superintendence control and direction of the Committee. For his services he shall receive such sum as the Committee shall determine.

**17. ASSISTANT SECRETARY.**

The Assistant Secretary shall attend all meetings of the Club and of the Committee. He shall record correctly the names of all those present, and the Minutes of the proceedings which he shall transcribe onto a book to be authenticated by the signature of the Chairman as the proceedings of the meeting. In general he will assist and co-operate with the Secretary as required by the Secretary, the Committee or the Club. For the service he shall receive such sum as the Committee shall determine.

## **18. COMMITTEE OF MANAGEMENT.**

The Committee shall meet once a month and five members shall form a quorum and shall have full power to superintend and conduct the business of the Club according to the rules thereof, and shall in all things act for and in the name of the Club.

Every question shall be decided by a majority of votes, and if the votes are equal the Chairman, or in his absence the Vice-Chairman, shall have the casting vote in addition to his vote as a member. Any three of the Committee may call a Special Meeting thereof, by giving seven clear days notice in writing to the Secretary, but at such Special Meeting no other business than that specified in the notice shall be taken into consideration.

The Committee shall have power from time to time to make, alter and revoke Bye-laws for the management of the Club. All such Bye-laws until revoked, shall be binding on all Members as if they were contained in these Rules, so long as they are not inconsistent therewith.

The Committee shall have power to appoint from their own Members, Sub-Committee for the Purposes, and to delegate to them any powers of the Committee, except those of electing and expelling Members, and making, altering, or revoking Bye-laws. Such Sub-Committee shall be required to meet regularly, at least once in every two months, and to report to the Committee as called upon to do so.

Apart from those Officers obliged to attend Committee Meetings under these Rules, the other Officers the Club may attend Committee and Sub-Committee Meetings as advisors if this is the wish of the Member of the Committee or Sub-Committee concerned and if they are invited to attend by the Chairman of the Committee concerned. No Officer of the Club may have a vote in Committee, nor may he initiate any business except in writing through the Secretary.

The Committee shall have the power to reprimand or expel any member who has infringed any Rule or whose conduct whether within or without the Clubhouse has in their opinion rendered him unfit for Membership, but no Member shall be expelled without being heard by the Committee and given an opportunity to advance a defence, nor unless a majority of the Committee then present vote for his expulsion. A member expelled shall have the right in the matter referred to arbitration in accordance with Rule 23 (DISPUTES). Every Member summoned to appear before the Committee shall receive at least three clear days notice by the Secretary. Such notice shall contain a statement of the charge brought against him. A Special Meeting of Committee may be called upon by the Secretary giving 48 hours notice to each Member of the Committee.

## **19. ACCOUNTS.**

(1) The Committee shall cause proper accounts of the Club to be kept by the Secretary in accordance with the requirements of Section 29 of the Friendly Societies Act 1974.

(2) It shall be the duty of the Committee to keep a copy of the last Annual Balance Sheet and the Report of the Auditor on the Balance Sheet, always displayed in a conspicuous place at the Registered Office of the Club.

## **20. INSPECTION OF BOOKS.**

The Committee shall cause the books to be available for inspection by any Member, or Person having an interest in the Funds of the Club at all reasonable hours, at the Registered Office or at any place where the books are kept, and it shall be the duty of the Secretary to produce them accordingly.

## **21. AUDITOR.**

**(1)** The Club shall in each year of account, appoint a qualified Auditor. For the purpose of this Rule "qualified Auditor" means a person who is qualified under Section 36 of the Friendly Societies Act 1974.

**(2)** Save as provided in paragraph (3) of this Rule, every appointment of an Auditor shall be made by resolution of a General Meeting of the Club.

**(3)** The Committee may appoint an Auditor to fill any casual vacancy occurring between General Meetings of the Club.

**(4)** A qualified Auditor appointed to audit the accounts of the Club and its balance sheet for the preceding year of accounts (whether by a General Meeting or by the Committee) shall be re-appointed as Auditor of the Club for the current year of accounts (whether or not any Resolution expressly appointing him has been passed) unless:

**(a)** A Resolution has been passed at a General Meeting of the Club appointing somebody instead of him or providing expressly that he shall not be re-appointed

or

**(b)** He has given to the Club notice in writing of his unwillingness to be re-appointed

or

**(c)** He is ineligible for appointment as Auditor of the Club for the current year of account

or

**(d)** He has ceased to act as Auditor of the Club by reason of incapacity

Provided that a retiring auditor shall not be automatically re-appointed by virtue of his notice of an intended resolution to appoint another person in his place has been given in accordance with Paragraph 5 of this rule and the resolution cannot be proceeded with because of the death, incapacity or ineligibility of that other person.

**(5)** A Resolution at a General Meeting of the Club

**(i)** Appointing another person as an Auditor in place of the retiring Qualified Auditor

or

**(ii)** Providing expressly that a retiring Auditor shall not be re-appointed, shall not be effective unless notice of the intention to move it has been given to the Club not less than twenty eight days before the Meeting at which it is moved. On receipt by the Club of notice of the intention to move such Resolution, the Club shall give notice of a Resolution to the Members in accordance with Section 34 of the Friendly Societies Act 1974. The Club shall also give notice to the retiring Auditor in accordance with Section 35 of the Friendly Societies Act 1974 and shall give notice to the Members in accordance with that section of any representation made or intended to be made by the retiring Auditor.

**(6) None of the following persons shall be appointed as Auditor of the Club:**

**(a) An Officer or Servant of the Club**

**(b) A person who is a partner of or in employment of or who employs an Officer or Servant of the Club**

**(c) A Body Corporate**

**(7) The auditor shall, in accordance with Section 38 of the Friendly Societies Act 1974 make a report to the Club on the accounts examined by him and on the revenue account or accounts and the balance sheet of the Club for the year of accounts to respect of which he is appointed.**

## **22. ANNUAL RETURNS.**

Every year before the 1st June the Secretary of the Club shall send to the Registrar an Annual Return relating to its affairs for the period required to be included in the Return.

The Return shall be made up for the period beginning with the 1st January of the year preceding the year in which the Return is required to be sent and ending with the 31st December than last inclusively.

The Return must be made in the form prescribed by the Chief Registrar and contain such particulars as may from time to time be required by the form. A copy of the Report of the Auditor on the accounts and balance sheet contained in the Return must be sent with the Annual Return.

The Secretary shall supply gratuitously to every Member or Persons interested in the Funds of the Club on application either a copy of the last Annual Returns or a balance sheet or other documents duly audited containing the same particulars relating to the affairs of the Club as are contained in the Annual Return together with a copy of the Report of the Auditor on the Annual Return or his Report on the balance sheet or other documents supplied in lieu of the Annual Return.

## **23. DISPUTES.**

**(1) If any dispute shall arise between a Member or Person claiming through a Member or under the Rules or any Person aggrieved who has ceased to be a Member, or any person claiming through such Person aggrieved and the Club, or any Officer of the Club, it shall be decided by reference to arbitration.**

**(2) Five Arbitrators shall be elected at a General Meeting, none of them being directly or indirectly interested in the Funds of the Club, and any vacancy or vacancies shall be filled at a General Meeting. The complaining party to a dispute, or someone appointed by him, shall draw three names out of five by lots in the usual way and the three Arbitrators whose names are first drawn shall decide the dispute. There shall be no appeal against the Arbitrators decision.**

**(3) In this Rule the expression 'dispute' includes any dispute arising on the question whether or Person aggrieved is entitled to be or continue to be a Member or to be reinstated as a Member but, save as aforesaid, in case of any Person who has ceased to be a Member, does not include any dispute other than a dispute on a question between him and the Club or an Officer thereof, which arose whilst he was a Member or arises out of his previous relation as a Member of the Club.**

**24. APPLICATION TO THE REGISTRAR.**

One-fifth of the total number of Members, or if the numbers of Members is 1,000 or more than such number of Members as is prescribed by the Act, by an application in writing to the Chief Registrar, signed by them in the forms respectively provided by the Treasury Regulations in that behalf, may apply,

- (a) For the appointment of one or more Inspectors to examine into and report on the affairs of the Club
- (b) For the calling of a Special Meeting of the Club
- (c) For an investigation into the affairs of the Club with a view to the dissolution thereof where the Funds are insufficient to meet existing claims thereon.

**25. VOLUNTARY DISSOLUTION.**

The Club may at any time be dissolved by the consent of three-fourths of the Members, testified by their signatures to an Instrument of Dissolution in the form prescribed by the Treasury Regulations.

**26. COPIES OF RULES.**

The Secretary shall be supplied by the Committee with copies of these Rules and shall deliver to every Person on demand a free copy.

**27. AMENDMENT OF RULES.**

- (1) No new Rules shall be made, nor shall any be amended or rescinded unless with the consent of a f those members present at a general meeting of which notice has been given specifying the intention to propose such new Rule or Amendment.
- (2) No new Rule or Amendment of Rule is valid until registered.

**28. HOURS OF OPENING AND CLOSING AND PERMITTED HOURS FOR THE SUPPLY OF INTOXICANTS.**

- (1) The Club shall be opened and closed at such hours as may from time to time be fixed by the Committee and posted in the Club premises.
- (2) The permitted hours shall be such as may from time to time be determined by the Committee in accordance with the provisions of The Licensing Act 1964 and as notified to the Magistrates Clerk, provided that if an order is made under Section 60, Sub-Section (3) or (4) of the said Act, the provisions of Section 62, Sub-Section (2) shall apply.



**ALL PREVIOUS RULES RESCINDED**

**RULES**

**THESE RULES WERE COMPILED BY THE FOLLOWING RULES OF  
COMMITTEE MEMBERS.**

**J.LEWIS**

**A.LEWIS**

**K.LEWIS**

**K.TEPPETT**

**D. TEPPETT**

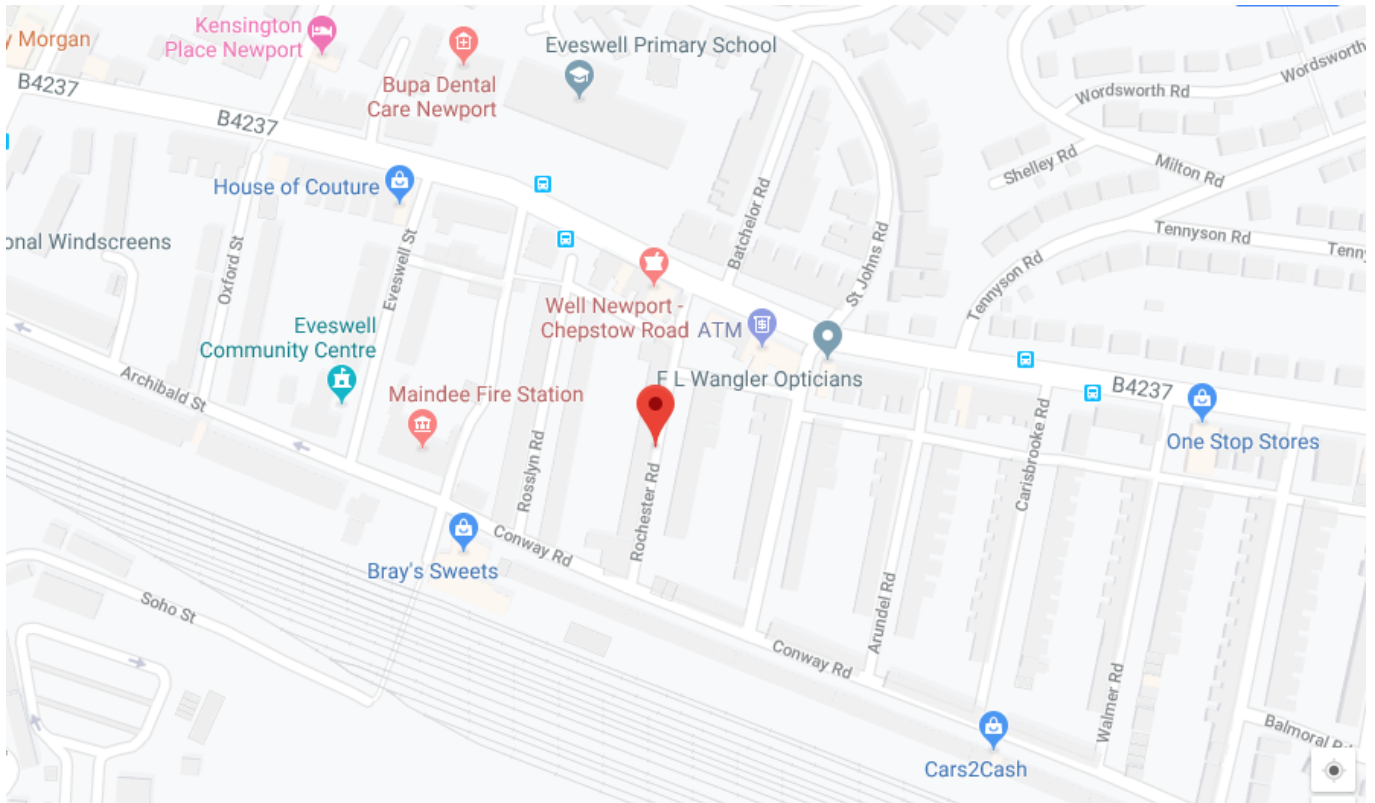
**SECRETARY**

**J.P. VAN DER WESTHUIZEN**

**END OF RULES**

## Appendix 2

### Street Map and Images courtesy of 'Google Maps'





Rochester Road



Pioneer Club

## Appendix 3

Minutes and Decision schedule in respect of application by Harveys Leisure (South Wales) Limited for the grant of a Premises Licence in respect of The Pioneer determined by Newport City council Licensing Sub-Committee on 06<sup>th</sup> Oct 2008

# Minutes

## Licensing Sub Committee

---

Date 6 October 2008

Time 9.30 am

Present Councillors Mrs Cornelious, Morris and Guy

Also in Attendance **Newport Pioneer Workingmen's Club, Rochester Road, Newport**  
D Barton, Harveys Leisure (South Wales) Ltd  
Keith Evans, Solicitor

### **Officers**

R Grey (Senior Licensing Officer), S Cadenhead (Solicitor) and D Tottle (Democratic Administrator)

### **Environmental Health**

K Ashton (Environmental Health Manager) and J Keen (Principal Environmental Health Officer)

### **Interested Parties**

No interested parties attended although 3 other members of the public and one ward councillor observed

41

### **Application for a Premises Licence, Newport Pioneer Workingmen's Club, Rochester Road, Newport**

Consideration was given to an application for a Premises Licence in respect of the Newport Pioneer Workingmen's Club, Rochester Road, Newport received from Harvey's Leisure (South Wales) Ltd, Newport. The application was received by Newport City Council (the Licensing Authority) on 13 August 2008.

A copy of the application was served on all responsible authorities and in accordance with the legislation and regulations, was advertised on the premises and in the South Wales Argus, giving the responsible authorities and any interested party until 10 September 2008 to make written representation.

Representations had been received in respect of the application and which is yet to be determined.

The ground floor of the premises comprises of a bar, snooker room, TV room, kitchen, dining room, skittle alley and toilets. The first floor of the premises comprises of a hall, office and accommodation.

### **Report from the Licensing Officer**

The report of the Senior Licensing Officer detailing the application was noted.

## **Application**

The applicants were applying to permit the following licensable activities within the premises:

1. The sale by retail of alcohol for consumption both on and off the premises

Monday to Thursday inclusive	10:00 to 23:00
Friday and Saturday	10:00 to 24:00
Sunday	10:00 to 23:30
New Year's Eve	From the end of permitted hours until 10:00 the following day

2. The Senior Licensing Officer reported an amendment to restrict the provision of regulated entertainment, limited to the performance of Live Music, the playing of Recorded Music and the provision of facilities for dancing to three functions per year namely

New Year's Eve

Pensioners Function to be held December of each year with the applicant to give written notice to Newport City Council and the Police of the date

Pensioners function to be held July of each year with the applicant to give written notice to Newport City Council and the Police of the date

3. The applicants are applying for the premises to be open to the public during the following hours:

Monday to Thursday inclusive	10:00 to 24:00
Friday and Saturday	10:00 to 01:00 the following morning
Sunday	10:00 to 00:30 the following morning
New Year's Eve	From the end of permitted hours until 10:00 the following day

## **Designated Premises Supervisor**

The applicants were also applying to specify Simon Christopher Binnie as the premises supervisor. Mr Binnie was granted a Personal Licence by Newport City Council on 22 February 2006.

Mandatory conditions and conditions consistent with the applicant's operating schedule were attached to the Premises Licence.

## **Existing Authorisation**

A Club Premises Certificate was granted to the Newport Pioneer Workingmen's Club on 8 August 2005.

The Club Premises Certificate authorises the provision of the following licensable activities:

1. Supply of Alcohol for members and guests for consumption on the premises

Monday to Saturday inclusive 10:00 - 23:00

Sunday 12:00 - 22:30

Good Friday 12:00 - 22:30

Christmas Day, as provided by the rules of the club and notified in writing by the chairman or secretary of the club to the Licensing Authority, where the hours shall:

- a) not exceed six and a half hours
  - b) not begin earlier than 12:00
  - c) not end later than 22:30
  - d) provide for a break of at least 2 hours, including 15:00 to 17:00
  - e) not extend for more than three and half hours after 17:00.
- New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.

The following condition is attached to the Certificate:

**1A02** This Licence shall be subject to the restrictions pursuant to Section 59 of the Licensing Act 1964.

The officer reported upon the policy and legal considerations and issues for discussion by the Sub Committee.

#### **Case by the Applicant**

The Solicitor acting for the applicant confirmed the amended application which he considered would satisfy the representations received from the interested parties. He also commented on the change in operation of the club from a committee style to a company led management style. The applicants were requesting an additional hour on Friday and Saturday and half hour on Sunday nights.

#### **Case by the Responsible Authority – Environmental Health**

The Principal Environmental Health Officer reported that his representation was based on the original application. The Solicitor for the applicant had offered a condition to support the amended application, and based on this condition the Environmental Health representation was withdrawn.

The Solicitor acting for the applicant read out the following condition:

That Regulated Entertainment shall only take place on three occasions per year namely the Pensioners Functions to be held in July and December, and also on New Years Eve. The Licensing Authority must be informed of the date of the event at least 21 days before each event with the exception of New Years Eve

#### **Case by Interested Parties**

No interested parties attended. The representations received from the 8 interested parties were read out by S Cadenhead, the Council's solicitor.

#### **Closing Statements**

No further comments were offered by the applicant or Interested Parties.

#### **Resolved**

In reaching its decision, the Sub Committee had taken into account the statutory Licensing Objectives and the Council's Statement of Licensing Policy and having carefully considered the application and the evidence given by the applicant and representations received from the interested parties, the Sub Committee had decided to grant the amended application in respect of Newport Pioneer Workingmen's Club, Rochester Road, Newport, with the following condition that was offered by the applicant attached to the Licence:

Regulated Entertainment shall only take place on three occasions per year namely the Pensioners Functions to be held in July and December, and also on New Years Eve. The Licensing Authority must be informed of the date of the event at least 21 days before each event with the exception of New Years Eve

**TO: ALL MEMBERS OF THE NEWPORT CITY COUNCIL**  
**Decision Schedule published on 7 October 2008**

## ***Decision Schedule***

### **Licensing Sub Committee**

---

Licensing Sub Committee took the following decisions on 6 October 2008 which become effective immediately.

---

**LICSUB40/08**

**Licensing Act 2003 Application for Grant of a Premises Licence – Newport Pioneer Workingmen's Club, Rochester Road, Newport**

#### **Decision**

To grant the amended application for a Premises Licence in respect of the Newport Pioneer Workingmen's Club, Rochester Road, Newport, with the following condition that was offered by the applicant attached to the Licence:

"Regulated Entertainment shall only take place on three occasions per year namely the Pensioners Functions to be held in July and December, and also on New Years Eve. The Licensing Authority must be informed of the date of the event at least 21 days before each event with the exception of New Years Eve."

#### **Consultation**

Statutory consultation

**Implemented By: Head of Public Protection & Environmental Services**  
**Implementation Timetable: Immediate**

---

**Appendix 4 Gwent Police Representation (conditions agreed with applicant)**

**HEDDLU GWENT POLICE**

**RELEVANT REPRESENTATIONS**  
**PREMISES LICENCE /CLUB PREMISES CERTIFICATE or**  
**VARIATION OF THE ABOVE**  
**S.18, 41A, 72 and 86A of the LICENSING ACT 2003**

**Representations by the Police to be made within 28 Days of receipt of the application.**

Date application received: 17/05/2019

Date representations sent to Licensing Authority: 20/05/2019

Date representations sent to applicant:

Name of authority: Newport City Council

Premises Name and Address: The Pioneer Club, 1 Rochester Road, Newport, NP19 8PB

Applicant Name: Jason Lewis

Applicant Address: C/o The Pioneer Club, 1 Rochester Road, Newport, NP19 8PB

**Representation made to add the following conditions to the licence to support the licensing objectives:**

1. A challenge 25 policy is to be adopted at the club. Fully documented staff training to be done in relation to this policy, as well as training on selling alcohol to drunk persons. Posters are to be displayed at the premise to promote the challenge 25 policy.
2. CCTV at the location is to cover the entirety of the licensable area. This is to have capability of recording for 28 days and should be made available to police officers/staff and other authorised persons upon request.

PC 246 Hurst – Harm Prevention Officer, East LPA, Gwent Police

00101



## MEMORANDUM

**DATE:** 29<sup>th</sup> May 2019

**TO:** Environmental Licensing

**FROM:** Noise & Neighbourhood team

---

### Application to for a Club Premises Certificate to be granted under the Licensing Act 2003

---

**PREMISE DETAILS: THE PIONEER CLUB, 1 ROCHESTER ROAD, NEWPORT, SOUTH WALES, NP19 8PB**

I refer to the above-mentioned application for a Club Premises Certificate, which was received by the Noise & Neighbourhood team on the 21<sup>st</sup> May 2019 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 likelihood of a noise disturbance being caused by unwanted noise (live and/or recorded) music emanating from the premises and possible noise disturbance from the personal behaviour of patrons, whilst using the external areas within the curtilage of the premises.

However, should the applicant wish to employ an acoustic engineer to prepare a scheme to make the premises suitable for both entertainment purposes and external usage by patrons, such a report must then be submitted to the Licensing Authority; and on the requirement that such sound insulation works are completed, I would then withdraw my representation.

Should the applicant wish to discuss my objection or comment on the issues raised further they may contact the Licensing Authority.

Regards

**Brian Miles**

**Brian Miles**

**Pollution Control Officer**

*Swyddog Rheoli Llygredd*

## Appendix 6 Objection (Licensing Authority)

Dear Sirs,

### LICENSING ACT 2003-NOTICE OF OBJECTION under Section 72 Licensing Act 2003

#### **TO AN APPLICATION UNDER SECTION 60 LICENSING ACT 2003 FOR A Club Premises Certificate IN RESPECT OF The Pioneer Club, 1 Rochester Road, Newport, NP19 8PB.**

I Alastair Dearing Licensing manager of Newport City Council's Licensing Authority acting in my capacity as a 'Responsible Authority' by virtue of Section 182 (4) Licensing Act 2003 (amended guidance) wish to object to the granting of a Club Premises Certificate to 1 Rochester Road, Newport, on the following grounds:

- Public Nuisance
- Crime & Disorder

I think it imperative to stipulate that the Licensing Authority (Acting as a Responsible Authority) is not averse to the granting of a Club Certificate for 1 Rochester Road but it's imperative that:

#### **A) That the Club runs in good faith.**

Factors which have a bearing upon whether or not a club is deemed to be established and conducted in good faith are:

- any arrangements restricting the club's freedom to purchase of alcohol
- any provision in the rules or arrangements under which the money or property of the club or any gain arising from the carrying on of the club is or maybe applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes
- the arrangements for giving members information about the finances of the club
- the books of account and other records kept to ensure the accuracy of that information
- the nature of the premises occupied by the club.

(I think it's also important to state that qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals or businesses for the purpose of profit. These require the normal Premises Licence. The definition of profit for this purpose is that those responsible for the club intended to make a profit. If they make a charge simply to cover costs and accidentally make a small profit owing to miscalculation, they need not worry. What matters is their intention at the outset.)

#### **B) That the club operates without causing nuisance to local resident** be that from entertainment or

Simply members of the club using the external areas of the property, for smoking, drinking or departing at the end of the night.

Concerning **Point A above**, despite the application being accompanied by a very comprehensive club constitution it seems to that it is an old template from a Club located in Reading and refers to the old 1964 Licensing Act. This will of course I be required to be changed before the club operates. Despite the consultation being comprehensive I feel that it's imperative that further evidence should be provided before the club operates to clearly demonstrate that it will run as a club of "Good will" and is not as a proprietary club.

As such, I would recommend the following conditions to be attached to the Club Certificate.

- Before any Alcohol is supplied in the premises, the Club must present to Licensing Authority evidence in that the club has at least 25 members.
- The Club must also provide the Licensing Authority with full details of its Committee Officers and contact details alongside their roles in the Club in line with the Club Constitution before alcohol is supplied. If a member of Committee changes the Committee must inform the Licensing Authority in writing within 14 days of the change.

- Details of the Auditor as stipulated with the Constitution should be supplied to the Licensing Authority before Alcohol is supplied, any changes to the accountant the club must inform the Licensing Authority in writing within 14 days of the change.
- A maximum of only 3 Guest can be signed in by each member (As stipulated within the Clubs Constitution)

Though only 15 guests are permitted on the premises at one time unless a registered SIA doorperson is present on the premises in this case a maximum of 30 guests are permitted on the premises.

- All guest must be signed in via a "Guest" book, the book must be kept for a minimum of 6 months and the following details should be recorded in the book (the "book" can of course be in a form of an electronic device)
  - The name and address of the guest.
  - The members name who has signed in the guest.
  - Date and Time the Guest Entered the Premises
  - Time of when Guest left the Premises.
- All members should only be supplied alcohol on the production of a Members Card. The members card should have the following details on the name, photo and Members Number/ID and the Date of the Grant of membership.

**In regard to point B raised above (Public nuisance)**

I fully support Newport City Council Noise & Neighbouring Team objection dated the 29<sup>th</sup> May 2019. Unfortunately, the premises of late has caused public nuisance to local resident(s). Despite the application having a comprehensive Club Constitution unfortunately, the operating schedule unfortunately does not full address the issue of public nuisance in light of historic issues. The premises itself has historically held a Club licence under the 1964 "Licensing" Act, this licence was then converted under the provisions of the Licensing Act 2003 back in 2005. The Premises has operated under a Club Premises Certificate until the summer of 2008. The premises then closed for a period before the Licensing Authority received a premises application for the building so it could operate as a "Public House".

This application was objected to by both local residents and responsible authorities as such the application was required to be determined by Licencing Committee, the committee determined to grant a licence to Harvey's Leisure Ltd on 6<sup>th</sup> October 2008. From October 2008 until 1<sup>st</sup> February 2018 the premises operated under a number of tenancy of wills agreements with various persons specified as the Designated Premises Supervisor and there were also known periods when the premises were closed down or functioning.

The Premises Licence was then transferred from Harvey's Ltd to a Mr Robert Steed on the 1<sup>st</sup> February 2018. Though the Licence at this stage was unable to operate legally due to the fact the plans attached to the premises licence no longer harmonized with the current layout of the property.

This was due to the "function" room that was previously located on the second floor of the building being converted into separate living accommodation. As such a full variation was submitted by the then Licence holder Robert Steed on the 31<sup>st</sup> January 2018 to vary the licence, the licence was granted on the 6<sup>th</sup> March 2018.

It is known after the variation the Pollution Control Team shortly received complaints regarding both entertainment noise and noise from patrons including patrons in the yard / "Beer garden of the property" Due to the complaints a letter of warning was sent by Pollution control team (I attach a copy of this letter to the representation). This letter was hand delivered by Alastair Dearling (Licensing Manager) who spoke with Mr Steed who stipulated without the provision of entertainment the business would simply not be viable and costs of soundproofing would simply not be feasible.

On 14<sup>th</sup> September 2018 the Premises Licence was then transferred to Ian Edwards though once again the premises did not trade regularly.

On 26<sup>th</sup> January 2019 the premises further attracted complaints concerning noise and disorder. To the extent that a local resident was required to contact Gwent Police.

PC Nick Frost of Gwent Police visited the premises and replied to the complainant  
“ A high number of youths in the street causing a noise nuisance, I suspect this is a regular occurrence from this club so by all means if it happens again contact the Police Immediately.

When the Licensing Authority investigating the complaint it learned that the premises had new tenants and Mr Edwards had left the premises but had failed to inform the Licensing Authority, this resulted in Mr Edwards surrendering the licence.

Though it is recognised by the Licensing Authority acting as responsible authority that the number of complaints regarding public nuisance is not significant in numbers, the premises rarely operates and when it does it unfortunately attracts complaints.

Though the application is of course for brand new applicant(s) the building, location and the structure of the building are of course the same and the historic issues are not always simply down to poor management.

I fully support Condition proposed by Noise & Neighbouring Team:

That the applicant should employ an acoustic engineer to prepare a scheme to make the premises suitable for both entertainment purposes and external usage by patrons, such a report must then be submitted to the Licensing Authority; and on the requirement that such sound insulation works are completed.

It is felt imperative that local resident(s) are protected. Though there are provision under the Licensing Act 2003 to call a premises into review alongside other legislation for example the Environmental Protection Act if the Club undermines the four Licensing objectives. Unfortunately in practice these processes can take time with a review taking minimum of 38 days to be heard and this is without any time allocated for investigation.

Once again I think it's imperative to stipulate that the Licensing Authority Acting as a Responsible Authority is not averse to the granting of a Club Certificate for 1 Rochester Road. But the applicant should be required to demonstrate before the opening the club it will firstly be run in good will and that it will not cause any further public nuisance to local resident(s) of course an acoustic report would help mitigate this allowing the club to operate within the four licensing objectives.  
I would be happy to mediate with the applicant after the end of consultation

Yours Sincerely

Alastair Dearling  
Prif Swyddog Trwyddedu / Principal Licensing Officer  
Y Gyfraith a Rheoleiddio / Law & Regulation  
Cyngor Dinas Casnewydd / Newport City Council  
01633656656 / 01633851328  
[Alastair.Dearling@newport.gov.uk](mailto:Alastair.Dearling@newport.gov.uk)

## Appendix 7

**(Representation of 'Other Person' Mr Garrett 24, Conway Road, Newport NP19 8PA. Served on the Licensing Authority on 03<sup>rd</sup> June 2019.)**

Representations regarding Club Premises Licence Application

I believe that the application for a Club Premises Licence in relation to the above premises should not be permitted. I believe that the application does not adhere to the Principals of the main Licensing Objectives as follows:-

Issues with Proposed Variation of Licence and Potentially Existing Licence

I believe that the licence could breach, at least one, if not more, of the Licensing Objectives and be a breach and contravention of the Licensing Act 2003 and Statement of Licensing Policy 2011.

### 1. The Prevention of Crime and Disorder

The area of Conway Road/Rochester Road is already a significantly prevalent area in terms of crime. The underpass and Tweedy Lane are well known as hot-spots in terms of drugs and youths congregating and causing damage to various cars. The recent, and historic, crime reported in this immediate area are a testament to this. I believe the risk is too great that this could be exacerbated with the proposed Licence.

The streets that run parallel with the Premises have residents' parking for the properties of Conway Road and Rochester Road. These residents have already been in a battle of vandalism from youths and also intoxicated adults who utilise Conway Road as a thoroughfare from Maindee pubs to other areas. Cars and properties have already been subjected to criminal damage (as reports will confirm).

The increased risk the Licence poses is I suggest too great.

### 2. Public Safety

I believe that public safety would be significantly and irretrievably compromised in the event that the proposed Licence be granted. The area surrounding the premises is exclusively residential properties. Indeed, the nearest commercial premises is on Chepstow Road. Many of the properties (including immediately bordering the Premises) have young families, pensioners and disabled people. Very much the most vulnerable of society. The risks associated with intoxicated individuals I believe to be too great. It is also likely that the increase in risk of crime associated with Licenced premises combined with that which the area is already battling would, I believe, place too great and unnecessary a pressure on our Authority's emergency services. Police and Community Support Officers are already too stretched to intensively patrol the area in a bid to combat the crime that is already present, regardless of adding the potential (however potentially small) of more alcohol related crime to that.

### 3. Prevention of Public Nuisance

I believe that the potential of the Premises and its customers to cause a public nuisance, given the surrounding area and the premises' neighbours is significant. It is grossly unfair for the residents to be subjected to the noise levels linked with the Premises and issues have already been raised in relation to noise from this premises.

It is also worth mentioning that an abutting lane that joins Tweedy Lane to Rochester Road has already had to be boarded up because of fly-tipping and drug paraphernalia being dumped.

### 4. Protection of Children from Harm

As mentioned previously, the area immediately surrounding the premises as well as being the homes for various residents who have purchased their homes, some are Council and Private Tenants but also many hold young families, whose children play on their bikes/skateboards etc. in the streets on either

side of the Premises. I believe there also to be a risk posed to children following the consumption of alcohol by frequenters of the premises. Whatsoever, regardless of how conscientious the Licensee and it's staff may be regarding the use of drugs etc. there is an inherent increased drug risk associated with Licensed Premises and it's frequenters and I believe that risk overflows to children and be too great.

I am aware that many residents share my concerns.

By way of background, the premises for which the Licence is sought is The Pioneer. It is situated on the corner of the junction of Conway Road and Rochester Road. This premises has stood empty and closed for some considerable time (in excess of 5 years) prior to the failed planning application lodged last year and a further failed planning application earlier this year when the intention was to utilise the Premises as a Public House.

I do not believe that the Premises being granted permission to operate again as a Club is compatible with the Adopted Local Development Plan 2011 - 2026.

Of significant concern is that the premises has not held a Licence since early December 2018 and yet proceeded to open and operate and sell alcohol unlawfully including as recently as 26th January 2019 when the police had to be called for a gang of youths emerging from the premises fighting in the street. The police entered the premises on this occasion and I believe may be consulted as part of this planning application. Indeed, the police have had to be called on previous occasion as I am sure that their own records will verify.

The Premises had unlawfully been operating as a Public House since March 2018 and there have already been significant issues experienced by both myself and other neighbours as a result of which we have had cause to raise issues.

Of great concern is the proximity of the property to neighbouring residents, the impact of the increased vehicles for frequenters of the Premises when it unlawfully opened as a Public House last year already had a detrimental impact upon the locality. Indeed, I have had cause myself to report issues of dangerous parking by frequenters of the Premises. The Premises is on the corner of a junction between Conway Road and Rochester Road and frequenters are blocking the junction to the extent that cars have had to drive on the wrong side of the road to pass parked cars for people using the Premises.

Photo evidence of this has been supplied to the Authority.

Also people parking alongside the Premises on Conway Road mean that people emerging from the Rochester Road junction have their view severely obstructed. This is obviously very dangerous. There has already been one really bad accident at this very junction previously within the last 2 years. I fear that it is only a matter of time before another serious accident occurs as a direct result of the impact that this Premises is having upon the highway.

I also understand that officers of planning department have attended on various occasions and witnessed for themselves the parking issues experienced in relation to this premises. Whatsoever, a further issue has been raised with the Planning Department that awaits further clarification in that there is a yard area within the Premises that previously was a passageway to the barrell store etc. This has been utilised by frequenters of the Premises when it was operating as a Public House as a beer garden/smoking area. This smoking area directly overlooks the bedroom and bathroom of myself and my immediate neighbours. This impacts significantly upon our privacy. Again, this yard was never created with the intention of it being utilised as a beer garden, for the obvious reasons that it overlooks neighbouring properties and the inherent noise associated with a beer garden/smoking area. I believe that this issue warrants it's own investigation in terms of change of usage, or should require it's own consideration – as the fundamental use of this area has changed and the impact of the conversion of this yard area to a smoking area/beer garden has not had it's impact to residential amenity appropriately scrutinised. I have raised this issue directly with Planning.

Within the Noise Assessment submitted in support of previous planning application of considerable note is the fact that the Acoustic Engineers have appeared to have deliberately excluded several properties for example, 20, 22, 26 Conway Road and, indeed, my own property 24 Conway Road (which is directly

opposite the yard area proposed to be utilised as the beer garden/smoking area). It is believed that these properties have been deliberately excluded as a "sensitive receptor" -page 5 of Report so as not to negatively reflect within the readings and ultimately deliberately mislead the Authority. This has been drawn to Environmental Health Department's attention. The closest property that they identified as a "sensitive receptor" is 18 Conway Road which is, in fact, nowhere near the beer garden/smoking area of the Premises. In view of this, and particularly as some of the most significantly affected properties have not been included for the purposes of the acoustic assessment, the readings contained therein cannot reasonably be trusted to be either accurate or, indeed, reliably reflective. As it would appear that the Club would be operating for similar hours to when the Premises was unlawfully run as a Public House then similar concerns are raised in terms of noise nuisance and it is imperative for Environmental Health to fully assess the impact of reopening the Premises as a Club will have.

Obviously at the time when the Premises last operated as Club smoking was still permitted within Clubs and Pubs and obviously the situation has changed significant since then.

Since the premises has been open, numerous noise complaints (evidenced with recordings) and warden attendance has been requested as a direct result of noise associated with the Premises – again including as recently as 26 th January 2019. I request that these logged recordings be included within the consideration of this application.

Both myself and my neighbour's have already had cause to raise complaints previously pertaining to the noise emanating from the Premises. We have had singing and shouting etc. up until past midnight. These have previously been the subject of numerous complaints, including an Enforcement Notice being issued to the previous Designated Premises Supervisor.

Also of concern is the impact of light nuisance which has formed the basis of a separate complaint to the authority and which are currently under investigation. Lighting from the yard area directly permeates habitable and, indeed, bedrooms opposite and it is unclear as to how this can be avoided whilst still providing light for the frequenters of the beer garden/smoking area. It is requested that this be borne into consideration in terms of the application.

I am also aware and have had a site of a Report that was prepared for the Licensing Sub-Committee dated 6th October 2008 by Robin Grey – then Head of Public Protection and Environmental Services. As cited within that Report - at that time various representations were made by various residents within the area regarding concerns with the then Club Premises Licence in relation to noise and nuisance etc. I believe that this is indicative of what would be to come in the event that a renewed Club Premises Licence were to be issued, especially taking into account the most recent issues with the Premises. I would be more than happy to expand upon any of the above points if so required. Mr Garrett – 24 Conway Road, Newport, NP19 8PA

Mae'r dudalen hon yn wag yn