

Agenda

Is-bwyllgor Trwyddedu

Dyddiad: Dydd Mercher, 18 Medi 2019

Amser: 10.00 am

Lleoliad: Committee Room 1 - Canolfan Dinesig

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	<u>Ymddiheuriadau dros Absenoldeb</u>	
2	<u>Datganiadau o ddiddordeb</u>	
3	<u>Is-bwyllgor Trwyddedu: Cod Ymarfer (Tudalennau 3 - 16)</u>	
4	<u>Adolygiad o Drwydded Safle o dan Adran 51 Deddf Trwyddedu 2003 (Tudalennau 17 - 56)</u> Ye Olde Bull Inn, High Street, Caerleon, NP18 1AE.	Caerllion

Person cyswllt: Meryl James, Governance Officer, Ffôn: 01633 656656

Ffôn:

E-bost:

Dyddiad cyhoeddi: Dydd Mercher, 4 Medi 2019

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 Report.

Part 1

Date: 18th September 2019

Subject Review of Premises Licence under Section 51 Licensing Act 2003, Ye Olde Bull Inn, High Street, Caerleon, NP18 1AE.

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

Author Steve Pontin (Licensing Officer)

Ward As indicated within the report

Summary An application for a review of the premises licence was made by Newport City Council Licensing Authority, acting in its role as a Responsible Authority, on 26th July 2019 on the basis that the premises is undermining the prevention of public nuisance.

Proposal To make a decision on the application to review the Premises Licence issued in respect of Ye Olde Bull Inn, High Street, Caerleon, NP18 1AE

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed Steve Pontin

1. Review Application

- A review application under Section 51 of the Licensing Act 2003 was received on the 26th July 2019 from Newport City Council Licensing Authority, acting in its role as a Responsible Authority, to review the Premises Licence issued in respect of Ye Olde Bull Inn, High Street, Caerleon, NP18 1AE.

The application for review relates to the following Licensing objective(s):

The prevention of public nuisance

A copy of the review paperwork and supporting documents can be found in **Appendix A** of this report.

The application was received by the Licensing Authority on 26th July 2019 and in accordance with section 51(3)(a) of the Licensing Act 2003 a copy of the application was served on the holder of the Premises Licence and on all Responsible Authorities.

Following receipt of the application, the Licensing Authority advertised the application in accordance with the regulations of the Act, thereby inviting representations to be made by interested parties. Any representation in respect of this application made by a responsible authority or an interested party had to be received by the Licensing Authority by 23rd August 2019.

2. Licensable Activities

The current premises licence holder is:

Yobi Caerleon Limited, C/O UHY Hacker Young, Lanyon House, Mission Court, Newport, NP20 2DW

The Premises Licence relates to:

Sale by retail of alcohol -

Monday to Wednesday inclusive 10:00 - 23:00
Thursday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30
Maundy Thursday 10:00 - 01:00
Good Friday 12:00 - 23:30
Friday prior to a Bank Holiday 10:00 - 01:00
Saturday prior to a Bank Holiday 10:00 - 01:00
Sunday prior to a Bank Holiday 10:00 - 23:30
Bank Holiday Mondays 10:00 – Midnight

- i) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Monday to Wednesday inclusive, between the hours of 10:00 to Midnight
- ii) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Thursday to Saturday inclusive, between the hours of 10:00 to 01:00
- iii) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Sunday, between the hours of 10:00 to 23:30
- iv) Christmas Day, between the hours of 12:00 to 15:00 and 19:00 to 22:30
- v) New Years Eve, from the end of permitted hours until the commencement of permitted hours on New Years day.

Performance of Dance –

Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Exhibition of a Film -

Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Indoor Sporting Event –

Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Performance of Live Music –

Monday to Saturday inclusive 10:00 – Midnight
Sunday 10:00 – 22:30

Playing of Recorded Music -

Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Late Night Refreshment -

Monday to Wednesday inclusive 23:00 - Midnight
Thursday to Saturday inclusive 23:00 - 00:30
Maundy Thursday 23:00 - 01:00
Friday prior to a Bank Holiday 23:00 - 01:00
Saturday prior to a Bank Holiday 23:00 - 01:00
Sunday prior to a Bank Holiday 23:00 - 01:00
Bank Holiday Mondays 23:00 – Midnight

- i) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Monday to Wednesday inclusive, between the hours of 23:00 to Midnight
- ii) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Thursday to Saturday inclusive, between the hours of 23:00 to 01:00.

A copy of the premises licence can be found in **Appendix B** of this report

3. Representations

The following representations were received:

1. Peter and Kathryn Hitchings, owners of Pendragon House Bed and Breakfast Accommodation, 18 Cross Street, Caerleon, NP18 1AF.
2. Dr P Tudball, resident 21 Cross Street, Caerleon
3. Stuart Nicholson, Managing Director of Burlesque Hair Co Ltd, 28 High Street, Caerleon, NP18 1AG

The representations can be found in **Appendix C** of this report.

4. Background/Premises Licence History

The Premises itself is a public house and is located on High Street, Caerleon, NP18 1AE. The premises is one of a number of pubs and restaurants situated in what is also a partially residential square in Caerleon. The location of the premises can be found in **Appendix D** of this report;

Other than the issues contained within this report, historically the premises has previously had a couple of minor issues with noise related nuisance.

In November 2018, the Licensing Authority issued an advice letter following an evening of enforcement by Licensing Officers where music could be heard emanating from the premises due to windows and doors being open.

In November and December 2015, Environmental Health and Licensing Officers had cause to engage in written dialogue with the Premises Licence holders in respect of noise complaints received from residents in respect of occasions of live music. The issue was resolved with the premises licence holder agreeing to a number of suggestions from the licensing authority including ceasing live music and having only acoustic music.

It should be noted that both of the historic issues described above occurred well before the current licence holder, subject of this review application, had any involvement at the premises.

5. Policy Considerations regarding a review of a Premises Licence

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

9. 1 The Council can consider a review of a premises licence where it is alleged by a Responsible Authority, such as the Police, Fire Authority or other persons, that any of the licensing objectives are being undermined. It views particularly seriously applications for the review of any premises licence which involves the:

- 1) use of licensed premises for the sale and distribution of classified drugs and the laundering of the proceeds of drugs crimes;
- 2) use of licensed premises for the sale and distribution of illegal firearms;
- 3) evasion of copyright in respect of pirated films and music;
- 4) underage purchase and consumption of alcohol;
- 5) use of licensed premises for prostitution or the sale of unlawful pornography;
- 6) use of licensed premises for unlawful gaming;
- 7) use of licensed premises as a base for organised criminal activity;
- 8) use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- 9) use of licensed premises for the sale of smuggled tobacco or goods;
- 10) use of licensed premises for the sale of stolen goods;
- 11) Police being frequently called to attend to incidents of disorder;
- 12) prolonged and/or repeated instances of public nuisance;**
- 13) serious risk to public safety;
- 14) serious risk to children.

And

Where a review hearing is held, the Council has a variety of courses of action ranging from taking no action at all, varying conditions, suspending or revoking the licence.

Revised Guidance issued under section 182 of the Licensing Act 2003

Beer gardens or other outdoor spaces

8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

8.36 In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed Revised Guidance issued under section 182 of the Licensing Act 2003 application form requires the applicant to provide a description of where the place is and its proximity to the premises.

6. Legal Considerations

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

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

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

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

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

- The content of the application made by Newport City Council Licensing Authority, acting in its role as a Responsible Authority, for a review of the Premises Licence.
- Any evidence and mitigation provided by Licence Holder

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

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

9. 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.	Chairperson. Legal Officer.

			Members training.	
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

10. Links to Council Policies and Priorities

This report has been prepared in accordance with The Licensing Act 2003 and with regard to Newport City Council Statement of Licensing Policies 2015.

APPENDIX A

Application for Review of a Premises Licence under the Licensing Act 2003
From Newport City Council Licensing Authority, acting in its role as a Responsible Authority.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Newport City Council Licensing Authority (Acting as a Responsible Authority)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Ye Olde Bull Inn, High Street, Caerleon. NP18 1AE.	
Post town Newport	Post code (if known) NP18 1AE

Name of premises licence holder or club holding club premises certificate (if known)
Jonathan Collingbourne

Number of premises licence or club premises certificate (if known)
19/00808/LAPVPT

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Newport City Council Licensing Authority. Newport City Council PO Box 883 Civic Centre Godfrey Road Newport NP20 4UR
Telephone number (if any) 01633 656656
E-mail address (optional) environment.licensing@newport.gov.uk

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

Please tick one or more boxes ✓

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

<p>Please state the ground(s) for review (please read guidance note 2)</p> <p>Newport City Council</p> <p>Licensing Authority (acting as a Responsible Authority)</p> <p>Has made an application for review of the Ye Olde Bull Inn, Caerleon because the operation at the premises undermines the Prevention of Public Nuisance.</p> <p>The application is supported by evidence that entertainment noise via live and recorded music is causing disturbance to local residents.</p>

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

Newport City Council Licensing Team first received a complaint back on the **26th May 2019**, regarding excessive noise associated with entertainment from the Ye Olde Bull Inn, Caerleon.

The complainant who resides at 21 Cross Street, Caerleon stipulated that on the evening of the **25th May 2019** music noise from the Bull was “intolerable” between the hours of 20:30hrs and midnight.

The complainant also stipulated that there where live bands taking place every Saturday night and “over the last few weeks the noise has been deteriorating; but the **25th May 2019** it was terrible”.

Historically licence premises within High Street / Cross Street area of Caerleon have caused issues to local residents, specifically from entertainment noise. However, in the last 4 years the Licensing Authority has not received any **notable** complaints from local residents.

The location of licence premises within this small area are within close proximity of a number of the local resident’s. As such, premises are required to carefully manage noise when holding entertainment events. In many cases, this requires venues to ensure both all windows and double door systems are closed at all times and the management team of the premises closely monitor the noise from the boundary of the premises.

Due to historic issues in Caerleon and the fact the Licence holder and the Designated Premises Supervisor (DPS) of the Bull where relative new. (the Premise licence was transferred and the DPS was changed on the 22nd February 2019) It was felt important to have discussion with the Licence Holder and DPS to discuss the resident complaint.

Licensing Officers Pontin and Lewis meet with the DPS of the premises on Thursday the **30th May 2019** to discuss the noise complaint relating to the evening of the 25th May 19. At the meeting, the DPS Mr Jonathan Collingbourne stipulated that there had been a DJ playing at the venue on the 25th May and due to the evening being, relatively warm customers had determined to open the windows without knowledge of the staff.

Officers explained to Mr Collingbourne the importance of closing the windows and doors and monitoring sound due to the very sensitive nature of the local area. Mr Collingbourne stipulated that they were looking at placing locks on the windows and looking at alternative means of ventilations to prevent further noise escaping.

Officers stipulated that despite the conditions of the Premises Licence regarding regulated entertainment disapplie (due to the introduction of the Live Music Act 2012) it would still good practice to follow the conditions when entertainment is taking place specifically that **all windows and doors are closed**.

These conditions being:

2H01 *On occasions when regulated entertainment is provided within the premises, door supervisors shall be on duty from 21:00 until the close of premises.*

2H09 *At all times when regulated entertainment is being provided staff shall/door supervisors shall patrol the outside areas of the premises every 30 minutes.*

3H04 *No live music shall take place within the area marked on the licensing plan number M2348 until a full noise assessment has been undertaken by a competent noise consultant and all identified works have been completed to the satisfaction of the Environmental Health Department of Newport City Council.*

3H06 *All windows shall be kept closed and all doors within the premises shall be kept closed, save for access and egress, at all times during which regulated entertainment is provided within the premises.*

3H08 *The Designated Premises Supervisor shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.*

It was felt by the Licensing Officers at the time this was simply a "one off" noise nuisance complaint and felt confident that the DPS would ensure that both windows and doors were closed and music noise be closely monitored.

The Premises Licence holder also sent a video to the Licensing Department on the 5th June 2019 demonstrating the type of music taking place (an Acoustic Set) and the fact the windows were in fact closed. The DPS also stipulated that "they were really trying to be good neighbours and will work with you to ensure this but I feel that this complaint has been greatly over exaggerated"

Despite the conditions regarding entertainment not being enforceable under the provisions of the Live Music Act 2012, it should be noted that this does not permit a premises **to cause a noise nuisance.**

On the **17th June 2019**, unfortunately the Licensing Authority received a further complaint from the resident of 21 Cross Street, once again stipulating that they had been disturbed by music coming from the Bull on **Friday 14th, Saturday 15th and Sunday 16th June 2019.**

The complaint from 21 Cross Street once again complained regarding the level of music noise coming from the Bull on the **23rd June 2019** and sent a short video clearly showing the premises windows open despite the advice of the Licensing Officer's. (a snapshot of the video is exhibited as Bull 1)

In light of the continue complaints and the fact the windows remained open during entertainment it was felt appropriate to hold a further and final mediation meeting with the premises licence holder/DPS.

The mediation meeting was arranged for **28th June 2019** and a letter of warning was also sent to the licence holder stipulating if nuisance was to continue and witnessed

that formal, action may take place. (a copy of the email is exhibited as Bull 2)

Unfortunately when attending the pre-arranged meeting on the **28th June 2019** the DPS was unable to attend the meeting, as such the Licensing Officer Pontin and Licensing Manager Dearling spoke to the bar manager with the consent of the DPS.

Once again, the officers clearly reminded the premises of the importance of closing windows and monitoring noise when entertainment takes place at the venue. This would allow the premises to continue to have entertainment but without causing nuisance to local residence.(this has been achieved previously by previous licence holders at the Bull)

The bar manger then demonstrated the level of music being played at the premises, It was evident to the officers standing outside of the premises that the music noise would probably have of caused a noise nuisance to local residence if the doors or windows remained open at the premises.

Officers again stipulated the importance of ensuing levels of music noise should be closely monitored and should not be clearly heard across the road / the boundary of the premises. This being the most effective way of monitoring the noise.

The Licensing Officers on leaving the premises unfortunately had little confidence that the management of the premises would in fact take on the advice of the Licensing Officers, as such, it was determined by the Licensing Manager to visit the premises on the evening of Saturday the 6th July 2019.

The premises was in fact visited before the 6th August 2019 by the Council warden service on the **29th June 2019** where on three separate patrols carried out on the evening the wardens could **not** hear excessive music noise from the premises.

However, on the **30th June 2019** the resident of 21 Cross Street was required to contact the warden's service due to alleged noise emulating from the Bull.

The wardens witnessed the noise nuisance for approximately 20 minutes from the complainants kitchen. The Wardens stipulated that both windows were shut in the complaints property and complainant stated this was because they no longer had the luxury of opening the windows due to the loud music.

The wardens stipulated that music noise could still be heard even when the TV was turned to a standard volume - complainant said she usually has the TV volume turned to maximum (100) to try and tune out the constant noise. (The Wardens stipulated when she first turned on the TV the sound was already at maximum volume - complaint turned it down). The Wardens stipulated that the vibrations of bass could be felt when standing in the kitchen as well as, being able to make out what songs were being playing such as; Hey Jude - The Beatles.

While having a normal conversation between the wardens, the complainant's neighbour of ██████████ stipulated that he could not enjoy the use of their garden because of the intolerable noise nuisance from both the music and the crowds of people. Both complainants told the Wardens that both their properties have gone up on the market because, they can no longer put up with the noise disturbance and the effect that it is having on their lives. The Wardens left the property at 19:09hrs. At 19:13hrs the Wardens went to the carpark next to the Bull pub to gain a different perspective of the noise but the music had ceased.

The Complainant of 21 Cross street also sent a video via her mobile phone before

the attendance of warden, the video clearly shows the windows wide open whilst entertainment is taking place in the Bull both at 16:50hrs and 18:30hrs on the 30th June 2019. (A snapshot of Video Exhibit in Bull3)

Once again, the resident of 21 Cross Street was required to call the warden service on the **Friday 5th July 2019** and then on **Saturday 6th July 2019 due to music noise**. The Licensing Authority also received a complaint from resident from number [REDACTED] regarding the noise from the premises. The resident tried to send a video of the event but was unsuccessful but stipulated “the noise pollution was unbelievable” on both evenings.

Council Warden Sidney visited the complaint house 21 Cross Street on the 6th July 2019 at approximately 21:45 hrs. On arrival, the warden witness that the music could be heard **but not excessive**. Once inside the property the music could still be heard within the kitchen the possibly due to single glazing.

The Music noise was also witnessed in the lounge with the TV on at a normal volume only the bass could just be heard. From what we witnessed in selected rooms I would **not deem** the volume to be excessive. The windows of the Pub were open and the bass was high which did not help the situation. The warden stipulated the worst of the noise was from the drinkers in the beer garden which was packed, shouting and singing.

Alongside the Wardens attending complaints property on the 6th July the Licensing Manager also attended the area from the hours of 21:15 till 22:15hrs. Once again the officer witnessed that the windows where open and double door entrance was not in operation. It was noted that it was an extremely warm evening.

Unfortunately, the music from the Bull could clearly be heard at the Roman Gate that is located 100m away from the Bull and at 21:53 hrs the officer could clearly here the music and the base alongside the full words of the song “Greece Lighting” from the Film Greece. The Music also could be clearly heard from outside the complaint front door.

It is felt if the windows and the double door system had been closed as recommended and the base of the music turned down it would of help mitigate the noise issue. It would also greatly assisted if the DPS or the manager of the premises had undertaken regular noise checks on the perimeter of the premises, once again recommended by licensing officers unfortunately this was not witnessed at the time.

At the time of listen to the noise levels, it also witnessed that patrons of the premises where not being controlled at the premises despite two SIA door staff being present. It was witnessed a number of patrons leaving the premises with glasses of alcohol and then patrons seen walking outside 21 Cross Street drinking chatting, shouting and then returning into the pub with drinks in the hand. It also seemed little control also in a very busy beer garden.

Unfortunately Shouting, swearing, singing and glass smashing could be clearly heard from the beer garden area that could only be described as “raucous” behaviour. The Door Staff did little to control the situation and in fact seemed simply happy to chat between themselves. To point that patrons of the pub waiting for a taxi outside the front door started picking up and throwing / Playing with the premises coffee A board, the Door Staff simply continued to eat a take away.

Though the night in question was extremely busy night and due to hot weather many

people where likely to have been drinking most of the day it was felt that there no control of either the patrons or music in question.

Due to the continuing complaints a Noise Abatement Notice in respect to Statutory Noise was served on Jonathan Collingbourne by the Community Protection Manager on the **11th July 2019**. (a copy of this notice is exhibited as Bull 4)

Licensing Officers also briefly visited the premise on **the 12th July 2019** from 20:50hrs till 21:15 hrs and found no noise nuisance emitting from the premises. Licensing Officers also visited the premises on the **13th July 2019** at approximately 23:25hrs again no issue where witnessed by the licensing officers.

The local resident of 21 Cross Street was contacted by the Licensing Authority to see if what was briefly witnessed by the officers was a true reflection for all the day / evening relating to the 12th & 13th July. The resident confirmed that the Friday 12th July was "tolerable" but the Saturday was terrible and once again all the windows and doors where open. In regard to the Saturday the officers noted that the windows where open but at the time of monitoring from 23:25hrs until 23:42hrs only background music was being played and no regulated entertainment was taking place at the venue.

The resident of 21 Cross street then was required to make a further complaint regarding noise from the Bull on **Saturday the 20th July 2019** stipulating that the noise was "Terrible". To the Point that at 19:00hrs they actually went into the pub and asked them to turn the music down and shut the windows. The resident stipulated that the premises did close the windows but did not turn the music nor the base, as such the Council Wardens where contacted again.

At 20:45hrs the Wardens attended complainants property in order to witness the noise nuisance. On arrival, the wardens could clearly hear from the location in question, loud music and a thumping base, roughly 20 yards from complainant's property. It is important to note that all windows were closed on the east side of Ye Old Bull Inn.

The wardens witnessed the noise from the resident's living room. All of the residents windows were shut though still loud music and thumping base could not only be heard but vibrations from the base were felt. While the wardens were in attendance the level of constant music/base continued and could be heard over all conservation between resident and the wardens. Wardens left the property at 21:05 - music/base could still be heard on leaving the property and for up to 20 yards from departure.

The Licensing Authority also received a further complaint from another local resident residing in [REDACTED] (as such the 3rd resident to complain regarding noise from the Bull). The resident stipulated that on Saturday 20th July live music from 20:00hrs till 00:00hrs and outdoors noise was "a high level". From within indoors there property they stipulated the music noise was muted due to his double-glazing however a deep base rhythms.

The resident also stipulated on the **Sunday 21st July** the music was even louder and music concluded approximately 20:30hrs. The resident of [REDACTED] stated "that this been going on for a couple of months now with more and more anti residential noise pollution coming from the pub". They appear to take no notice of residents' complaints or have any concerns for them

This was also verified by the resident of 21 Cross Street who said once again stipulated the windows where open again and music booming into their house over

that weekend. (Exhibit in Bull 5)

I think it is imperative to say that the Licensing Authority is not adverse to the premises having entertainment though the entertainment noise **must be controlled** to protect the local residents.

It is felt if the Designated Premises Supervisor had taken on the advice of the Licensing Officers, by simply closing windows /doors reducing levels of bass and ensuring entertainment could not be heard from the boundary a review **would not** have been required to be called.

I very much doubt it is the intention of the premises to deliberately cause nuisance to local residents and the recent hot weather has not assisted, **but** it is down to the premises to manage this and to ensure the promotion of the four licensing objectives.

To ensure the Licensing Objectives are upheld by the premises it is felt that the conditions that relating to Live / recorded music that are current on the premises licences should also apply between the hours of 8am and 11pm thus meaning the “privileges” under the Live Music Act are removed.

It is also felt appropriate for the following conditions to be attached to the premises licence:

After 23:00hrs only maximum of 8 persons should be permitted in the “beer” garden for the purpose of smoking only, No drinks should be present in the beer garden after 23:00hrs.

No drinks are permitted to leave the premises and clear signage should be displayed on the exit doors of the premises highlighting this point to customers.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate,

- as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

.....

Date **26/07/2019**

.....

Capacity **Licensing Authority, Responsible Authority**

.....

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

Notes for Guidance

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

This is the address which we shall use to correspond with you about this application.

Exhibited Bull 1: Windows Open 23rd June 2019



Exhibit Bull 2 Letter of warning

Yobi Caerleon Limited
C/O UHY Hacker Young
Lanyon House
Mission Court
Newport
NP20 2DW

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

18/06/2019

Dear Sirs

**Licensing Act 2003,
Ye Old Bull Inn, Caerleon, Newport, NP18 1AE
Noise Complete from Live Music**

Unfortunately, the Licensing Authority is still receiving noise complaints from live music taking place at the above named premises. As you are aware, Licensing Officers visited the premises on the 30th May 2019 to discuss a noise complaint regarding live music taking place on the evening of the 25th May 2019. At the time of the meeting it was discussed the importance of ensuring that all doors and windows were closed and the levels of music are closely monitored to help mitigate any further noise complaints from the live music.

It has now been brought to my attention by the Councils Warden service that on Saturday 15th June 2019 they were further required to witness noise from live music coming from the Bull. At the time it was witnessed by the Warden that the noise levels were not being controlled and unfortunately once again the windows and doors of the pub were open at the time of the entertainment.

You will note that your premises licence has a number of conditions relating to controlling music noise at the venue. (Though it is noted these are not enforceable between the hours of 08:00hrs until 23:00hrs due to Live Music Act) I think it is imperative to stipulate that despite the Live Music Act this does not allow a licenced premise to cause a noise nuisance.

Unfortunately, if the premises continues to cause a noise nuisance from either live or recorded music the Licensing Authority/Council Pollution Control Team (Noise) or Local Resident(s) may have no other option than to call the Premises Licence into review. As part of the review the Responsible Authority is likely to request that the Licensing Committee determine that conditions on the premises licence relating to live or recorded music should also apply between the hours 8am and 11pm, this includes the condition 3H04 that stipulates:

“No live music shall take place within the area marked on the licensing plan number M2348 until a full noise assessment has been undertaken by a competent noise consultant and all identified works have been completed to the satisfaction of the Environmental Health Department of Newport City Council”.

I am sure it is not your intention to cause nuisance to the Local resident(s) but it is imperative that noise levels are clearly controlled when live or recorded music is taking place at the premises. If you feel, it would be beneficial to meet again, or if you require any further advice please do not hesitate to contact myself directly.

Yours sincerely,

Alastair Dearling
Licensing Manager

Exhibit Bull 3

30th June 2019

16:30hrs



18:30hrs



10th May 2019

Tudalen 38

Exhibit Bull 4: Noise Abatement Notice

**LAW AND REGULATION
ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80
ABATEMENT NOTICE IN RESPECT OF STATUTORY
NOISE NUISANCE**



TO:

Mr Jonathan Collingbourne

ADDRESS:

[REDACTED ADDRESS]

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the **NEWPORT CITY COUNCIL** being satisfied of the likely recurrence of a noise amounting to a statutory nuisance under section 79[1][g] of that Act at the premises known as;

ADDRESS:

Ye Old Bull Inn, High Street, Caerleon, Newport, South Wales, NP18 1AE

within the district of the said Council, arising from;

the playing of loud amplified (recorded / live) music.

The Council **HEREBY REQUIRE YOU** as the person responsible for the said nuisance to abate the nuisance forthwith and to **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to;

Adequately control the volume of the music so that it does not materially interfere with the use and enjoyment of neighbouring accommodation

You may appeal against this notice to a magistrates' court within the period of 21 days beginning with the date on which this notice was served on you.

IN the event of an appeal this notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80[4] of the Environmental Protection Act 1990 and on summary conviction will be liable to an unlimited fine on summary conviction at a Magistrates' Court (and possibly further daily fines for each day on which the offence continues after conviction).

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

Signed

**Michelle Tett
Community Protection Manager**

Dated this 11th day of July 2019

Notice Reference Number: PC/19/00134/EP90G

YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED TO THIS NOTICE

Exhibit 5 21/7/19



Additional Information after serving Review.

On the Saturday the 10th August 2019 Licensing Officer Dearling and Leen visited Caerleon. It was noted that the music Noise from the Bull was being controlled and all windows and doors were closed at the premises at approximately 21:30 pm. Music could not be clearly heard from the boundary of the premises only a faint base noise could be heard. The Officers visited a complaints property that is within very close proximity of the Bull public house. No music noise could be heard within the property itself, though you could hear patrons of the Pub shouting singing in the complaints property. We sat within the complaints property from 21:45hrs till approximately 22:15 hrs the best way of describing the noise was in fact like you were sat within the pub itself. Singing and shouting could be clearly be heard and the complainant could not enjoy their property due to the public nuisance caused by the beer garden. After leaving the complaints property we monitored the noise from the beer garden from the surrounding area. You could clearly hear shouting and singing from the beer garden approximately 120 yards away. Video footage of the monitoring is Exhibit Bull 6.

APPENDIX B

**Schedule 12
Part A**

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

**Premises Licence
City of Newport**



Premises Licence Number	19/00808/LAPVPT
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code Ye Old Bull Inn High Street Caerleon Newport South Wales NP18 1AE
Telephone number

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Sale by retail of Alcohol Performance of Dance Provision of facilities for dancing Exhibition of a Film Provision of facilities for making music Indoor Sporting Event Karaoke Performance of Live Music Playing of Recorded Music Late Night Refreshment
--

Times the licence authorises the carrying out of licensable activities Sale by retail of Alcohol Monday to Wednesday inclusive 10:00 - 23:00 Thursday to Saturday inclusive 10:00 - Midnight Sunday 10:00 - 22:30
--

Maundy Thursday 10:00 - 01:00
Good Friday 12:00 - 23:30
Friday prior to a Bank Holiday 10:00 - 01:00
Saturday prior to a Bank Holiday 10:00 - 01:00
Sunday prior to a Bank Holiday 10:00 - 23:30
Bank Holiday Mondays 10:00 - Midnight

Performance of Dance
Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Provision of facilities for dancing
Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Exhibition of a Film
Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Provision of facilities for making music
Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Indoor Sporting Event
Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Karaoke
Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Performance of Live Music
Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Playing of Recorded Music
Monday to Saturday inclusive 10:00 - Midnight
Sunday 10:00 - 22:30

Late Night Refreshment
Monday to Wednesday inclusive 23:00 - Midnight
Thursday to Saturday inclusive 23:00 - 00:30
Maundy Thursday 23:00 - 01:00
Friday prior to a Bank Holiday 23:00 - 01:00
Saturday prior to a Bank Holiday 23:00 - 01:00
Sunday prior to a Bank Holiday 23:00 - 01:00
Bank Holiday Mondays 23:00 - Midnight

For sale by retail of Alcohol

- i) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Monday to Wednesday inclusive, between the hours of 10:00 to Midnight
- ii) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Thursday to Saturday inclusive, between the hours of 10:00 to 01:00
- iii) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Sunday, between the hours of 10:00 to 23:30
- iv) Christmas Day, between the hours of 12:00 to 15:00 and 19:00 to 22:30
- v) New Years Eve, from the end of permitted hours until the commencement of permitted hours on New Years day.

For the provision of Late Night Refreshment

- i) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Monday to

Wednesday inclusive, between the hours of 23:00 to Midnight

ii) St. David's, St. Patrick's Day, St. George's Day and St. Andrew's Day, where these dates fall on a Thursday to Saturday inclusive, between the hours of 23:00 to 01:00.

The opening hours of the premises

Monday to Wednesday inclusive 09:00 - 23:30

Thursday to Saturday inclusive 09:00 - 00:30

Sunday 09:00 - 23:00

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

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2

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

Yobi Caerleon Limited
C/O UHY Hacker Young
Lanyon House
Mission Court
Newport
NP20 2DW

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

Registered Charity Number 11834116

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

Jonathan Collingbourne
Whitson Court
Whitson Road
Whitson
Newport
South Wales
NP18 2AY

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

Party Reference: 19/01078/LAI Licensing Authority: Newport City Council

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

Dated this 7th May 2019



Gareth Price
Head of Law and Regulation

Mandatory conditions

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

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

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

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

For the purposes of this section:

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

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

For the purposes of this section:

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

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

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

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

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

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

8 The responsible person must ensure that -

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

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

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

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

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

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

(2) In this condition:-

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

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

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

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

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

Conditions consistent with the Operating Schedule

1A03 This Licence shall be subject to the restrictions pursuant to Section 59, and 201 and the exceptions pursuant to Section 63(2), (3) and (4) of the Licensing Act 1964.

4SO00 The total number of persons permitted on the premises shall not exceed 100.

1SO00 No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children, (including, but not exclusively, nudity or semi nudity), regardless of whether children are present on the premises, are permitted within the premises at any time when the premises is open to the public, save for the provision of AWP machines.

2SO25 All incidents of crime and disorder shall be reported to Heddllu Gwent Police and recorded in an incident log book.

3SO18 Signs shall be on display within the premises reminding patrons to have consideration for the neighbouring properties of the premises.

3SO25 When a disc jockey is used at the premises announcements will be made reminding customers to respect residents and leave quietly.

4SO14 Drinking water shall be available free of charge, at all times.

5SO04 There shall be no admission to the premises of unaccompanied children at any time.

5SO07 Staff shall ensure that persons under 18 years of age do not use any AWP machines in the premises.

5SO24 Non-alcoholic drinks shall be made available within the premises for patrons.

5SO21 No children shall be permitted within the area of the premises immediately adjacent to the bar servery.

Conditions attached after a hearing by the licensing authority

2H01 On occasions when regulated entertainment is provided within the premises, door supervisors shall be on duty from 21:00 until the close of premises.

2H04 A CCTV system shall be installed at the premises to include two cameras located to monitor the car park of the premises and one camera to monitor High Street in front of the premises.

2H06 The premises shall adopt a policy of requiring the production of proof of age for those who look underage. Passports or photocard driving licences shall be the only acceptable forms of identification for proof of age.

2H09 At all times when regulated entertainment is being provided staff shall/door supervisors shall patrol the outside areas of the premises every 30 minutes.

3H04 No live music shall take place within the area marked on the licensing plan number M2348 until a full noise assessment has been undertaken by a competent noise consultant and all identified works have been completed to the satisfaction of the Environmental Health Department of Newport City Council.

3H06 All windows shall be kept closed and all doors within the premises shall be kept closed, save for access and egress, at all times during which regulated entertainment is provided within the premises.

3H07 The outside seating area shall be cleared of all persons no later than 23:00 from Monday to Saturday and no later than 22:30 on Sundays.

3H08 The Designated Premises Supervisor shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

3H010 There shall be no admittance to the premises after Midnight on any day.

3H011 When the premises is operating with the use of registered door supervisors, the door onto High Street, Caerleon shall serve as a fire exit only and shall not be used as an entrance/exit for use by customer or staff.

4H01 When Door Supervisors are on duty, the Designated Premises Supervisor shall ensure that the maximum number of persons on the premises are not exceeded and shall be aware of the number of persons on the premises at any one time. This information shall be provided to an Authorised Officer upon request.

Plans

Please see attached plans (reference number 06/02696/LAPDPS)

APPENDIX C

Representations:

1.

Licencing act 2003 Section 51

Review of Premises Licence for the Ye Old Bull Inn, High Street Caerleon NP181AE

Prevention of Public Nuisance

Response from Peter and Kathryn Hitchings owners of Pendragon House Bed and Breakfast Accommodation 18 Cross Street, Caerleon, NP18 1AF

While in principle we welcome the recent refurbishment of the Ye Olde Bull Inn and support any business trying to improve Caerleon's offer to visitors, we are concerned that a number of recent, and increasing, anti-social incidents have occurred since these renovations were carried out and beer garden extended (without planning permission). These are having an adverse impact on our own personal wellbeing and on our business and our guests' experience of staying in Caerleon. Our regular guests have commented on how lively and noisy it has become on weekends since the pub was refurbished and the beer garden extended.

The live music on Sunday afternoons has been very loud and clearly audible within our premises so we would welcome moves to soundproof the Ye Olde Bull to limit the disturbance to nearby properties.

We have experienced an increase in anti-social behaviour and higher levels of noise from customers walking away from the premises and along Cross Street late at night. Taxis drivers have been sounding their horns late at night, this continues to between 1am and 1:30am most weekends. We believe this is unacceptable and as the premises licence restricts them to not serve alcohol beyond midnight, their clientele should have dispersed well before then. We have also collected numerous silver coloured drug canisters in Cross Street and its surrounding areas since the pub has been relaunched. These weren't in evidence previously.

We are not opposed to the betting office being converted to a gin/prosecco bar linked to the pub, provided that there is no direct access onto Cross Street. If direct access onto Cross Street was allowed this would provide an unacceptable circulation of people from the pub onto the predominately residential Cross Street and the adjoined residential network of streets. If this was allowed it would encourage clientele to hang around in the street late at night, taxis to idle in Cross Street and then to travel through these quiet residential streets. This would have a huge impact on some of Caerleon's most vulnerable residents living in Myrtle Cottages. The noise from the Ye Olde Bull's patrons and taxis would become intolerable.

There would be increased levels of traffic fumes from taxis using Cross Street as a rat run out of Caerleon.

Since the beer garden has been extended there are a higher number of people sitting outside making a great deal of noise. A higher level of clientele will increase these problems if they can enter and exit the premises via the gin in the new gin/prosecco bar area bar door directly onto Cross Street.

In summary we would not object to the proposed changes at the Ye Olde Bull Inn if the suggested conditions were put in place:

- All clientele for pub and gin/prosecco bar should enter and leave by the two main entrances onto High Street and the adjoining car park if the gin in the new gin/prosecco bar area bar is to be interconnected to pub. The door directly onto Cross Street to be blocked up.
- There should be a curfew on the beer garden (alongside High Street) at 11 pm, when users should be required to come into the pub. There was a precedent with Boleros where they had to bring people in from the outdoor space at 11pm. This reduced previous disruption and noise nuisance substantially.
- A high level of sound proofing is installed in the gin/prosecco bar to drown out music and noise
- Only quiet background music will be played in the new gin/prosecco bar area and no live music
- Taxis should pick up and leave via the Ye Olde Bull car park
- Taxi drivers should not beep horn, they can text their clients
- There should be no return to the taxi rank in Cross Street ideas which resulted in taxis roaring down Cross Street and around Myrtle Cottages

Peter and Kathryn Hitchings – Pendragon House
22nd August 2019

2.

-----Original Message-----

From: P. [REDACTED] Tudball <[REDACTED]>

Sent: 22 August 2019 14:54

To: Dearling, Alastair (Licensing Manager) <Alastair.Dearling@newport.gov.uk>

Subject: Ye Old Bull Inn

I am emailing to summarise my concerns about the above pub as it is now subject to a licensing review. My main concern has been noise disturbance occurring on Friday, Saturday and Sunday evenings since the end of May 2019. During week nights the pub is quiet but on weekends a nightclub atmosphere is promoted there and the pub has a much noisier and lively vibe. My enjoyment of my home on weekend nights has been affected with an inability to relax, concentrate and some nights sleep. Over the last 3 weekends the noise disturbance has significantly improved presumably due to measures they have taken at the advice only of the licensing departments intervention.

2. There has been an increase in antisocial behaviour in the vicinity of the pub and my home; with drinking on the streets; increased levels of drunkenness; shouting, swearing and fighting. Numerous alcohol bottles and glasses I pick up on a following morning. The Beer Garden has large numbers of punters and the noise emanating from there is very loud. I do not believe the pub is able to control the drinks that are taken outside of the pub and they cannot control the noise and behaviour of punters in their beer garden. During the week nights there is no problems at all.

3. The taxi and general vehicle traffic has significantly increased. They park everywhere and anywhere; create noise disturbance and further pollution to a heavily polluted high street anyway.

I would like to see measures put in place to ensure 1. The pub can demonstrate to authorities it is soundproof.

2. The pub ensures there is no drinking and smoking on surrounding pavements and the bouncers do their job in managing crowd control and behaviour 3. The noise in the beer garden is controlled on weekend nights.

4. Taxis have to park in the pubs own car park and not on the Highways of High St and Cross St Finally and vet sadly I have made a decision to move away from the area and start afresh. I had a wonderful 13 years in my home but feel I could no longer enjoy the village as it once was. With thanks Dr P Tudball 21 Cross St Caerleon.
Sent from my iPhone

3.

burlesque

Alastair Darling
Licensing Service
PO Box 883
Civic Centre
Newport NP20 4UR

License Review
Ye Olde Bull Inn
Letter of Support

19/05/2019

Newport
16-18 Cambrian Road,
NP20 4AB
01633 221 063

Caerleon
28 High Street,
NP18 1AG
01633 431 222

Usk
67 Bridge Street,
NP15 1BQ
01291 671 007

newport@burlesquehair.co.uk
www.burlesquehair.co.uk

Dear Alastair,

My name is Stuart Nicholson and I am the Managing Director at Burlesque Hair Co Ltd.

Burlesque has been trading in the Newport area for 36 years and have 3 sites in Newport city centre, Caerleon square and also in Usk.

I am contacting you as I would like to formally offer my full support regarding the License Review at Ye Olde Bull Inn, situated in Caerleon square which is directly opposite one of our salons.

Since the recent change of ownership at Ye Olde Bull Inn, the business there seems to have gone from strength to strength, it has without doubt brought the village centre back to life.

With it comes a renewed sense of optimism in Caerleon and already the management team at The Bull are already looking to collaborate with businesses in the immediate locality towards collectively decorating the square at Christmas in a bid to make Caerleon a more attractive offering during the festive period.

I would also like to mention that the clients that frequent our salon are so happy that Caerleon's most historical pub has at last had some life put back into it, I believe The Bull being the latest "new" business to have joined the square, has already added value to a previously struggling area and brought a quality offering to Caerleon.

My business, my team and our clients fully support it.

Many thanks for taking the time to read this.

Best wishes.

Stuart Nicholson
Managing Director
Burlesque Hair Co Ltd

APPENDIX D

Location of premises



Tudalen 53



Tudalen 54



Tudalen 55

