

Agenda

Is-bwyllgor Trwyddedu

Dyddiad: Dydd Llun, 14 Medi 2020

Amser: 10.00 am

At: Cynghorwyr: J Hughes (Cadeirydd), H Thomas (Dirprwy Gadeirydd), K Thomas, I Hayat, M Al-Nuaimi, J Cleverly, Y Forsey, T Suller and W Routley

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>Parminder Singh and Tejinder Pal Singh - Grant of a Premises Licence in respect of Fair Price, 128 Chepstow Road, Newport, NP19 8EF (Tudalennau 17 - 52)</u>	All Wards
5	<u>Greenwoodblue Limited for the Grant of a Premises Licence in respect of Coffiology, 29 High Street, Caerleon, Newport, NP18 1AE. (Tudalennau 53 - 94)</u>	All Wards

Mae'r dudalen hon yn wag yn

Conduct and Procedure of Licensing Sub-committee

1 Membership and appointment of Chair

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

2 Ward Councillors

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

3 Lobbying

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

4 Chair of the Licensing Sub-Committee

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

5 Quorum

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

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

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

6 Statutory Guidance

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

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

7 Notice of Hearings

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

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

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

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

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

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

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

8 Timescale for arranging hearings

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

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

9 Form of Notice

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

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

10 Information to be provided

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

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

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

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

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

11 Requirements for Applicants and any other persons

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

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

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

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

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

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

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

13 The Hearing

13.1 Exclusions

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

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

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

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

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

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

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

14 Failure of parties to attend the hearing

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

15 Procedure at the hearing

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

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

16 Site Visits

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

17 Determination of applications

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

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

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

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

18 Right of appeal

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

19 Record of proceedings

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

20 Irregularities

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

Organisation of Cases for the Hearing

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

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

Principles of Decision-Making

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

- 4 All licensing applications must be considered on the basis of whether they promote the four licensing objectives set out in the Act and incorporated in the Statement of Licensing Policy, namely
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

- 5 In reaching their decisions under the Act, the Licensing Sub-Committee must have regard to all relevant considerations including (but not limited to)
 - The relevant statutory provisions
 - Relevant Statutory Guidance issued under Section 182 of the Act
 - The Council's Statement of Licensing Policy
 - The licensing objectives
 - The material facts based on the relevant evidence presented and representations received
 - The individual merits of each case
 - The public interest

- 6 The Licensing Sub-Committee must disregard any irrelevant considerations, including (but not limited to) information or evidence which is not relevant to the application or to the promotion of the licensing objectives. Members must also disregard any party political considerations or decisions taken in political group meetings.

- 7 Members of the Licensing Sub-Committee must act fairly, objectively and impartially throughout. They must not show any bias or predetermination and must keep an open mind on all applications until they have heard all the relevant representations and evidence. Members must not prejudge any application, express any view on the merits of any application, organise any support or opposition to any application, in advance of the hearing. Any Member with a "closed mind" on any application would be disqualified from sitting on the Licensing Sub-Committee which considers that application.

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

Procedure to be Followed at The Hearing

- 1 Preliminaries and Opening remarks

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

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

The Chair introduces the members and the officers present.

- 2 Apologies/declarations of interest

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

3 Introductions

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

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

4 Applications

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

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

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

5 Report from Licensing Officer

The Licensing Officer presents the Report outlining

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

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

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

7 The Applicant's case

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

8 The Objector(s) case

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

9 Closing Statements

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

10 Decision

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

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

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

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

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

11 Repeat process for each hearing

Mae'r dudalen hon yn wag yn

Report

Licensing Sub-Committee

Part 1

Date: 14 September 2020

Subject **Licensing Application**

Purpose The consideration and decision in respect of an application by Parminder Singh and Tejinder Pal Singh under Section 17 Licensing Act 2003 for the Grant of a Premises Licence in respect of Fair Price, 128 Chepstow Road, Newport, NP19 8EF.

Author Samantha Turnbull

Ward All Wards

Summary The Licensing Committee have statutory and delegated powers to take decisions in relation to licensing applications. The Licensing Committee will make the decision on the application pursuant to the Licensing Act 2003.

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

Contact Licensing Officer

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed Samantha Turnbull

1. Application

An application made by Parminder Singh and Tejinder Pal Singh under section 17 of the Licensing Act 2003 for the grant of a Premises Licence was served on the Licensing Authority of Newport City Council on 16 July 2020. (A copy of the application can be found in Appendix 1 of this report).

In accordance with statutory provisions, copies of the application were served on each of the responsible authorities and details of the application were advertised on the premises and in the South Wales Argus, giving the responsible authorities and any other persons until midnight on 14 August 2020 to make written representations.

A location map and images of the exterior of the premises are detailed in appendix 4 of this report.

Parminder Singh and Tejinder Pal Singh seek the grant of a Premises Licence that would permit the provision of the licensable activity of the sale by retail of alcohol for consumption 'off the premises'. The application proposes that Parminder Singh is to be specified as the Designated Premises Supervisor and his signed consent is included within a copy of the application (Appendix 1).

2. Licensable Activities

The application seeks to be granted a Premises Licence for the authorisation of :

- Sale of alcohol for consumption off the premises only: Monday to Sunday between the hours of 07:00 – 22:00.

3. Promotion of the Licensing Objectives

The applicant has described in an Operating Schedule, the steps that will be taken to promote the four licensing objectives if the application is granted. These are contained in section 18 of the application form at Appendix 1 to this report.

4. Representations

Responsible Authority Representations

On 17 July 2020 a formal representation (Appendix 2) was received from PC 531 Austin, Police Licensing Officer, Heddlu Gwent Police responsible authority objecting to the application with a proposal that if additional conditions detailed in the representation were agreed by the applicant the objection would be withdrawn.

This representation was forwarded to Parminder Singh and Tejinder Pal Singh on 17 July 2020, who responded on 20 July 2020 agreeing to all of the proposed conditions. This response was communicated to PC 531 Austin who formally withdrew the objection of Heddlu Gwent Police.

Other Person Representations

Representations were also received from 'other persons' and are detailed at Appendix 3.

1. Connor Roberts, 104 Chepstow Road, Newport
2. Emma Lewis, 8 Exeter Road, Newport

3. Josh Gray, 10 Exeter Road, Newport, NP19 8DB
4. Michael Jordan, 64 Archibald Street, Newport
5. K Hackwood, 4 Oxford Street, Newport
6. Antoinette Helmich, Flat 2 Victoria Court, Maindee, Newport
7. Mujahid Ahmed, 185 Chepstow Road, Newport
8. N. Issac, 22 Albert Avenue, Newport
9. Paul Powell, 9 Wharf Road, Newport
10. John Collins, 2 Exeter Road, Newport
11. Tania Roberts, 7 Archibald Street, Newport
12. Joanne and Russell Taylor, 14 Archibald Street, Newport, NP19 8ER
13. J Gibbons, 185 Chepstow Road, Newport
14. James Oliver, 126 Chesptow Road, Newport
15. Mr and Mrs M Bonsall, 65 Archibald Street, Newport, NP19 8ER
16. Mr Lee Wall, 66 Archibald Street, Newport, NP19 8ER
17. Thomas Jeffrey, 48 St Johns Road, Newport
18. Aleksander Ryzinski, Delikatesy ABC, 148 - 152 Chepstow Road, NP19 8EG
19. Iskender-Dogres 123 Chepstow Road, Newport
20. Nadeem Hussain, 26 Livingstone Place, Newport, NP19 8EY
21. Jacqueline Littlejohns, 12 Hereford Street, Newport, NP19 8DT
22. A Hussain, Tamarind, 122 Chepstow Road, Newport, NP19 8EF
23. Stephen Littlejohns, 12 Hereford Street, Newport, NP19 8DT
24. Tony Anderson, 56 Summerhill Avenue, Newport
25. Mr Ramoun Panting, 27 Oxford Street, Newport, NP19 8ES
26. Cuma Elina, 119 Chepstow Road, Newport, NP19 8BZ
27. Jayson Willmott, 6 Kengsington Place, Newport
28. Carl Layton, 109 Victoria Avenue, Newport, NP19 8GF
29. M A Raza, 33 Harrow Road, Newport, NP19 0BL
30. Martin Berry, 5 Jackson Court, Newport
31. Andrew Erskine, Ash Cottage, Mill Lane, Caldicot, NP26 4BN
32. Demebo Wario, 14 Duckpool Road, Newport, NP19 8FH
33. Danielle Wall, 10 Exeter Road, Newport, NP19 8DB
34. Adrian Taylor, 104 Chepstow Road, Newport, NP19 8EE
35. Marcelle Greygans 62 Worcester Crescent, Newport, NP19 7NF
36. Tracy Waddon, 85 Albert Avenue, Newport, NP19 8FF
37. Michael Bevan, 56 Marlborough Road, Newport, NP19 0BY
38. L.H. Sage, 49 Bishton Street, Newport
39. Mr Mohinder Singh, My Maindee Store, 108 Chepstow Road, Newport, NP19 8EE
40. C Bingham, 10 Merriott Place, Newport, NP19 8DA
41. Shamraz Khan, Flat 4, 104 Chepstow Road, Newport, NP19 8EE
42. Jason Bird, 104 Chepstow Road, Newport, NP19 8EE
43. Lee Crupton, Flat 5, 104 Chepstow Road, Newport, NP19 8EE
44. Mr M Maloney, 130 Chepstow Road, Newport, NP19 8EF
45. Lee McDonald, 20 Glebe Street, Newport
46. The Occupier, 24 Sandalwood Court, Newport
47. Gita Amin, 165A Chepstow Road, Newport, NP19 8GH
48. Neyaz Crib, 155 Chepstow Road, Newport
49. Bhavesh Amin, 165A Chepstow Road, Newport, NP19 8GH
50. S Winstone, 228 Chepstow Road, Newport
51. Gonzalo Porras, 38 Kensington Place, NP19 8GL
52. Suzanne Allman, 125 Victoria Avenue, Newport, NP19 8GF
53. Denise Evans, 163A Chepstow Road, Newport, NP19 8GH
54. Aydin Kavak, 151 Chepstow Road, Newport, NP19 8GE
55. Charlotte Parkinson-White, 87 Victoria Avenue, Newport
56. Motor Body Repairs, 149A Chepstow Road, Newport, NP19 8GE
57. Mr K Roberts, 22 Eveswell Court, Newport, NP19 8EJ

- 58. The Occupier, 5 Maindee Parade, NP19 8FJ
- 59. Pepino's, 172 Chepstow Road, Newport, NP19 8EG
- 60. Thomas Dearden, 153A Chepstow Road, Newport, NP19 8GE
- 61. Mortuza Miah, 124 Victoria Avenue, Newport, NP19 8GF

5. Policy Considerations

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

IMP 1 The Council will normally grant applications for premises licences and club premises certificates subject to conditions which are consistent with the Operating Schedule and any mandatory conditions prescribed within the Act. Where relevant representations are received the Council may impose additional conditions as considered necessary in order to promote the licensing objectives which arise out of those representations.

IMP 2 The Council will strike a fair balance between the benefits of a licensed premises to a community and the risk of disturbance to local residents. Consequently, in certain areas, upon receipt of representations by any Responsible Authority or any other person, the Council may restrict the hours of operation of licensable activities.

IMP 3 The Council will normally grant premises licences for a time period of not earlier than 10.00 a.m. and a terminal hour of no later than 11.30 p.m. for those premises licensed to sell alcohol for consumption on the premises and which are located in primarily residential areas. However, hours beyond 11.30 p.m. may be permitted:

- a. for premises located in predominantly commercial areas, such as the City Centre and where there is a high level of accessibility to public transport services;

or

- b. the licensable activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it;

or

- c. there will not be any increase in the cumulative adverse impact from these or similar activities, on any neighbouring residential area and the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.

G2 The Council will attach conditions to licences, which are tailored to the individual style and characteristics of the premises. Such conditions will normally be drawn from the Council's pool of conditions. Where appropriate, additional conditions will be formulated based on an individual case following receipt of relevant representations.

6. Legal Considerations

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

- a. Prevention of crime and disorder
- b. Public Safety
- c. Prevention of Public Nuisance
- d. Protection of Children from Harm

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

- a. To grant the application as applied
- b. To grant the application and modify what is requested by the application in respect of activities, times and conditions, by altering, omitting or adding to them, where relevant.
- c. Reject the whole or part of the application.

All decisions taken by the Sub-Committee must

- a. be within the legal powers of the Council and its Committees;
- b. comply with any procedural requirement imposed by law;
- c. be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations;
- d. be fully and properly informed;
- e. be properly motivated;
- f. be taken having regard to the Council's fiduciary duty to its taxpayers; and
- g. be reasonable and proper in all the circumstances.

7. Issues for discussion

- a) The proposed licensable activity and permitted hours sought by the application.
- b) The content of the operating schedule in promoting the four licensing objectives.
- c) The representations made in respect of the application.
- d) Newport City Council's Statement of Licensing Policy 2015

8. List of Appendices

1. Application for Grant of a Premises Licence, including plan and DPS consent form.
2. Representation from Responsible Authority (Heddlu Gwent Police).
3. Representations from 'Other Persons'.
4. Location Map and images of exterior of premises.

9. Financial Summary

- The costs and financial implications: You must discuss financial implications with the Head of Finance and the report must identify from where your proposals will be funded, together with any impact on budgets or any opportunity costs

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

on Budget				
------------------	--	--	--	--

Risks

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

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

You will need to complete the following Risk table

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

Options Available

- To grant the application as applied.
- To grant the application and modify what is requested by the application in respect of times and conditions, by altering, omitting or adding to them, where relevant.
- Reject the whole or part of the application.

APPENDIX 1

Copy of application for Grant of a Premises Licence at Fair Price, 128 Chepstow Road, Newport, NP19 8EF



Newport
Application for a premises licence
Licensing Act 2003

For help contact
environment.licensing@newport.gov.uk
Telephone: 01633 656656

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual
- A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Partnership

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text" value="NCC-20-1135"/>
Issuing licensing authority (if known)	<input type="text" value="Newport City Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The licensee that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the police. The licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises. Cameras must be sited to observe the entrance and exit doors both inside and outside. Have signage displayed in the customer area to advise that CCTV is in operation. Digital images must be kept for 31 days. Police will have access to images any reasonable time. Copies must be made available to police on request.

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers, fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting. All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A (No RV to £4300) the fee is £100.00
Band B (£4301 to £33000) the fee is £190.00
Band C (£33001 to £87000) the fee is £315.00
Band D (£87001 to £125000) the fee is £450.00*
Band E (£125001 and over) the fee is £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee as follows:

Band D (£87001 to £125000) the fee is £900.00
Band E (£125001 and over) the fee is £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the Premises Licence that authorises the provision of regulated entertainment only, where the entertainment is provided by and at the school or college, and for educational purposes.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time:

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

Continued from previous page...

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

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

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#)



* required information

Section 1 of 3

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Note: completing the Applicant Business section is optional in this form.

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

[1](#) [2](#) [3](#) [Next >](#)



* required information

Section 2 of 3

CONSENT

Name Of Proposed Premises Supervisor

* First name

* Family name

Address Of Proposed Premises

* Building number or name

* Street

District

* City or town

County or administrative area

Postcode

* Country

I hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the following application, and any premises licence to be granted or varied in respect of this application concerning the supply of alcohol at the premises

* Type of application For instance 'Application for a premises licence' or 'Variation of a premises licence'

Is the application or variation that this consent is being submitted in connection with being supplied electronically to the authority

- Yes No Don't know

Reference number of electronic application (if known) If the application or variation form is already submitted, ask its applicant for the form's 'system reference' or 'your reference'.

Premises Licence Holder

* Name

Continued from previous page...

Address Of Premises

* Building number or name	<input type="text" value="128"/>
* Street	<input type="text" value="Chepstow Road"/>
District	<input type="text"/>
* City or town	<input type="text" value="Newport Gwent"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="NP19 8EF"/>

Premises

Premise licence number	<input type="text"/>
* Name of premises	<input type="text" value="Fair Price"/>

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below

Personal licence number	<input type="text" value="NCC-20-1135"/>
Personal licence issuing authority name	<input type="text" value="Newport City Council"/>

Address Of Personal Licence Issuing Authority

Building number or name	<input type="text" value="Information Station"/>
Street	<input type="text" value="Queensway"/>
District	<input type="text"/>
City or town	<input type="text" value="Newport Gwent"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="NP20 4AX"/>

Contact Details Of Personal Licence Issuing Authority

Telephone number	<input type="text" value="01633656656"/>
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< Previous [1](#) [2](#) [3](#) Next >



* required information

Section 3 of 3

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

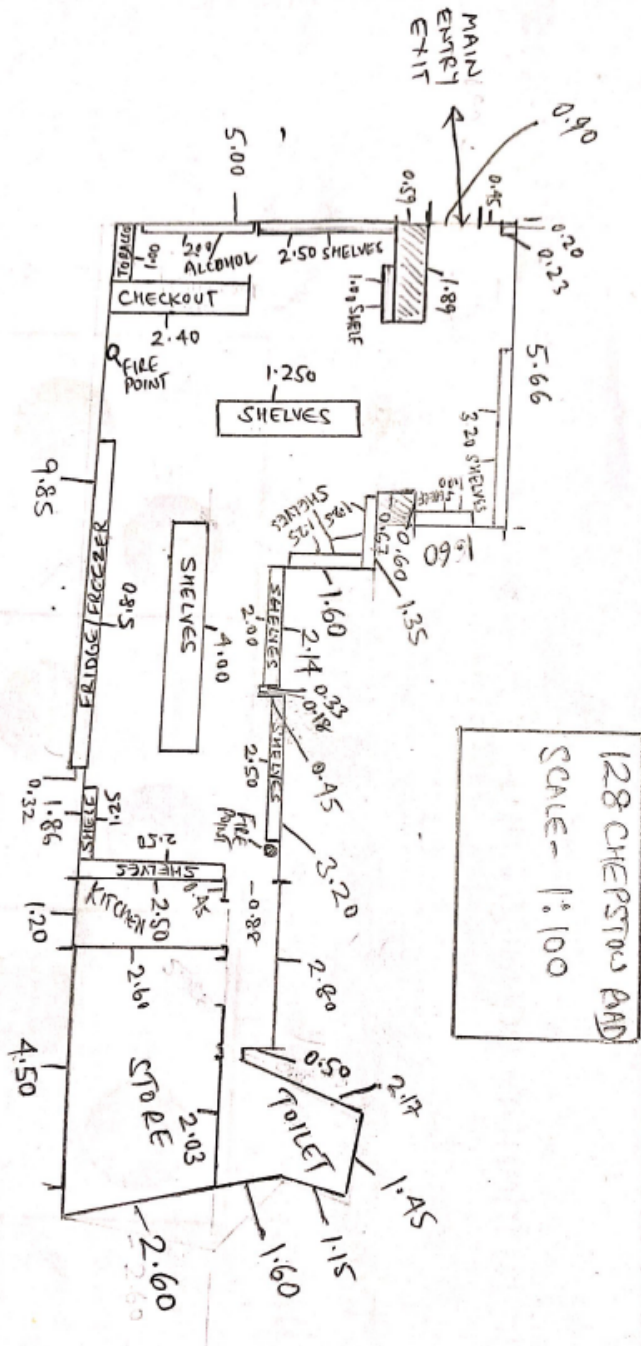
* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/newport/change-7> to upload this file and continue with your application.

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

< Previous 1 2 3



128 CHEPSTON ROAD
 SCALE - 1:100

Scanned with CamScanner

APPENDIX 2

Representation served by PC 531 Austin, Police Licensing Officer, Heddlu Gwent Police - Responsible Authority



HEDDLU GWENT POLICE

RELEVANT REPRESENTATIONS
PREMISES LICENCE / CLUB PREMISES CERTIFICATE
UNDER S. 17 OF THE LICENSING ACT 2003

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

Date application received: **14TH July 2020**

Date representations sent to Licensing Authority: **17th July 2020**

Name of authority: **Newport County Council**

Premises Name and address: **Fair Price, 128 Chepstow Road, Newport, NP19 8EF**

Applicant's Name: **Parminder Singh & Tejinder Singh**

Applicant's Contact Address: [REDACTED]

Representations made on the following grounds due to undermining of one or more of the Licensing Objectives.

The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance, The Protection of Children from Harm

This application for a new Premises Licence has been considered by Gwent Police and contact made with the applicant. To clarify, it is the wish of the applicant that the opening hours of the premises will be 06:00 hours to 22:00 hours Monday – Sunday and that alcohol sales will start from 07:00 hours until 22:00 hours Monday – Sunday.

It is the opinion of Gwent Police that the application in its original form could undermine the licensing objectives. Gwent Police would ask that the following conditions be added.

- (i) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place.
- (ii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority and any other authorised person.
- (iii) The correct time and date will be generated onto both the recording and the real time image screen;
- (iv) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
- (v) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
- (vi) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.
- (vii) Alcohol sales will not start until 09:00 hours. As it stands, 07:00 hours is not acceptable due to the fact many pubs / clubs in the city centre have a licence until 06:00 hours so there is nothing stopping intoxicated persons from attending this location and purchasing more alcohol which would undermine one or more of the licensing objectives. If the applicant does not agree with a 09:00 hours start time for the sale of alcohol then Gwent Police would require SIA registered door staff to be in place between the hours of 07:00 and 09:00.
- (viii) The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a month ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
- (ix) The premises shall operate a Challenge 25 policy and signage will be displayed to indicate this is in operation. The age check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
- (x) Fully documented staff training, to include training on the Premises Licence conditions as well as the premises' Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, at a minimum every 6 months. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them.

This can be made for inspection by any Responsible Authority under the Licensing Act 2003.

It is felt that the representations made are reasonable and appropriate having regard to the location. If the applicant is agreeable to the addition of conditions as proposed in the representation Gwent Police would withdraw their representations.

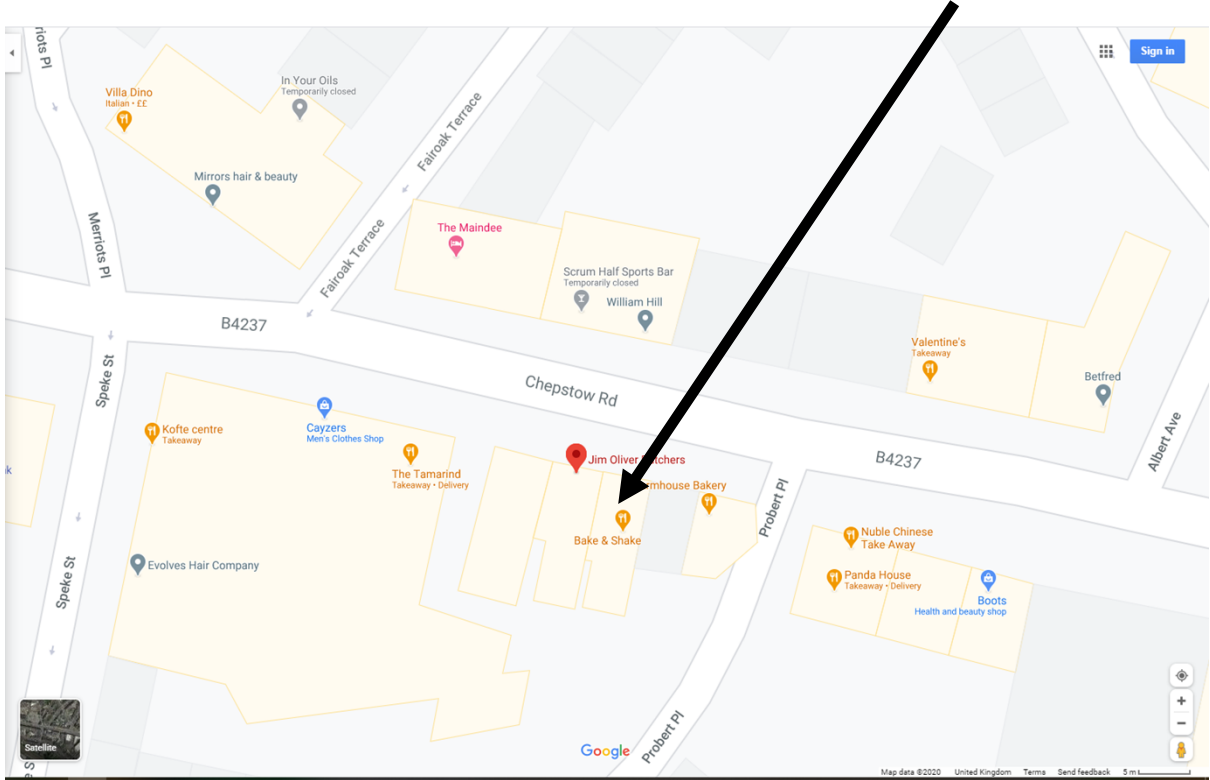
Authorised Officer: PC 531 Austin

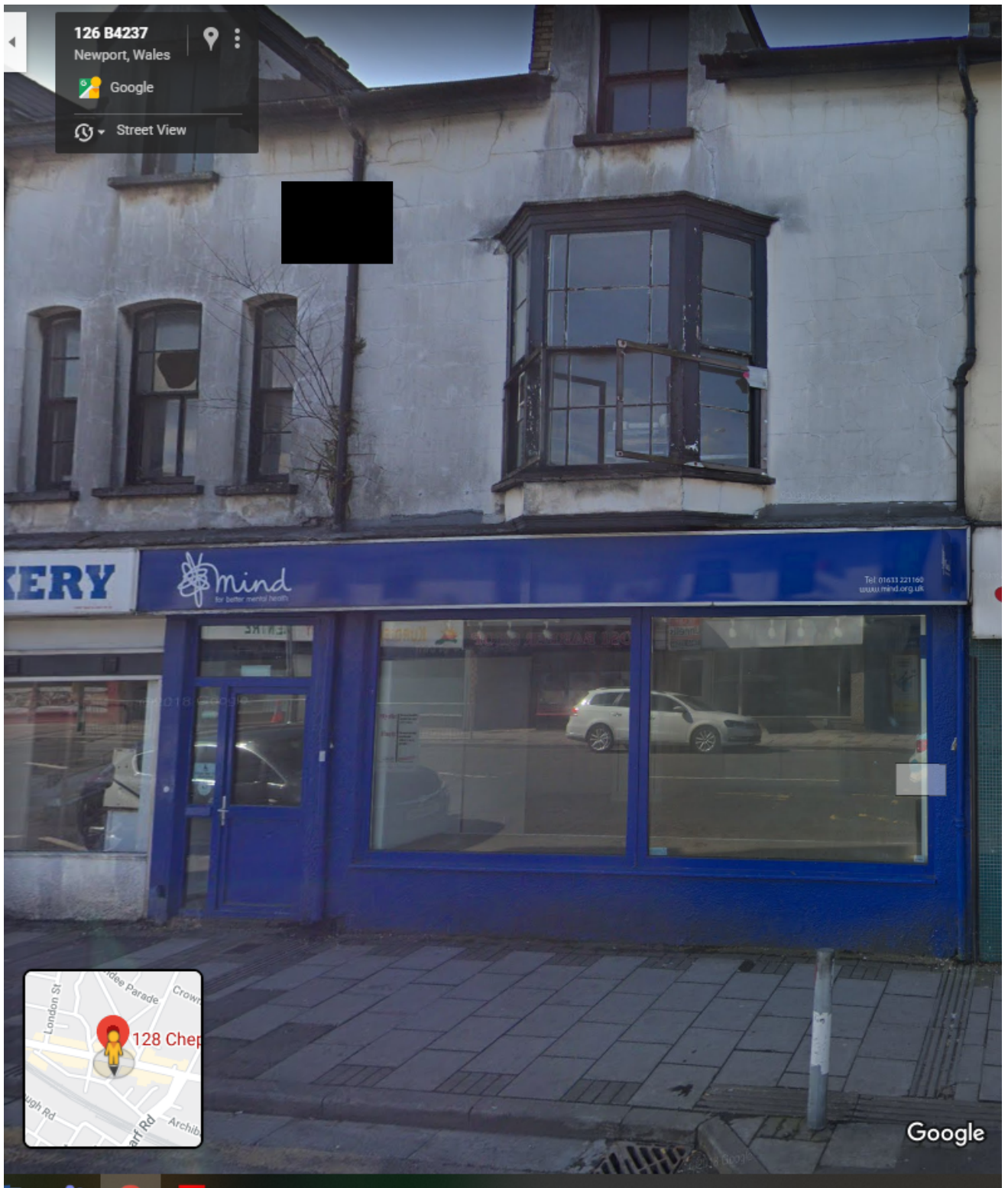
Date: 17/07/20

OR 121

APPENDIX 3
Representations from 'other persons'

APPENDIX 4





Tudalen 51

Mae'r dudalen hon yn wag yn



Report

Licensing Sub-Committee

Part 1

Date: 19 May 2020

Item No:

Subject Licensing Application

Purpose The consideration and decision in respect of an application by Greenwoodblue Limited under Section 17 Licensing Act 2003 for the Grant of a Premises Licence in respect of Coffiology, 29 High Street, Caerleon, Newport, NP18 1AE.

Author Samantha Turnbull

Ward All Wards

Summary The Licensing Committee have statutory and delegated powers to take decisions in relation to licensing applications. The Licensing Committee will make the decision on the application pursuant to the Licensing Act 2003.

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

Contact Licensing Officer

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed Samantha Turnbull

1. Application

An application made by Greenwoodblue Limited under section 17 of the Licensing Act 2003 for the grant of a Premises Licence was served on the Licensing Authority of Newport City Council on 10 March 2020. (A copy of the application can be found in Appendix 1 of this report).

In accordance with statutory provisions, copies of the application were served on each of the responsible authorities and details of the application were advertised on the premises and in the South Wales Argus, giving the responsible authorities and any other persons until midnight on 20 April 2020 to make written representations.

The application details that the Coffiology premises is “*A Coffee Shop with food that will offer alcohol for sale on premises. It is located in Caerleon village with pubs and restaurants and cafés in the area. The Layout comprises of one hospitality room, one toilet and one kitchen with one exit.*”

A location map and images of the exterior of the premises are detailed in appendix 4 of this report.

Greenwoodblue Limited seeks the grant of a Premises Licence that would permit the provision of the licensable activity of the Sale of Alcohol for consumption ‘on the premises’. The application proposes that Justine Desmond is to be specified as the Designated Premises Supervisor and her signed consent is included within a copy of the application (Appendix 1).

Following the end of the consultation period supplementary information has been provided to the Licensing Authority by the applicant; it details the business plan and objectives of the Coffiology premises. This information is detailed in appendix 5 of this report.

2. Licensable Activities

The application seeks to be granted a Premises Licence for the authorisation of :

- Sale of alcohol for consumption On the premises only: Monday to Sunday between the hours of 11:00 – 23:00.

3. Promotion of the Licensing Objectives

The applicant has described in an Operating Schedule, the steps that will be taken to promote the four licensing objectives if the application is granted. These are contained in section M of the application form at Appendix 1 to this report.

4. Representations

Responsible Authority Representations

On 07 April 2020 a formal representation (Appendix 2) was received from Mr Alastair Dearling, Licensing Manager of Newport City Council Licensing Authority acting in his capacity as a Responsible Authority objecting to the application with a proposal that if additional conditions detailed in the representation were agreed by the applicant the objection would be withdrawn.

This representation was forwarded to Greenwoodblue Limited on 07 April 2020, who responded on 09 April 2020 agreeing to all of the proposed conditions. This response was communicated to Mr Alastair Dearling who formally withdrew the objection of the Licensing Authority.

Other Person Representations

Representations were also received from 'other persons' and are detailed at Appendix 3.

1. Ms Joanne Costello, Flat above 29 High Street, Caerleon, NP18 1AE
2. Mr David Meloy, Flat above 29 High Street, Caerleon, NP18 1AE
3. Ms Elinor Meloy, Flat above 29 High Street, Caerleon, NP18 1AE
4. Ms Rose Howells, 30 High Street, Caerleon, NP18 1AE

5. Previous History of licensed premises at 29 High Street, Caerleon 2015-2018

A premises licence issued to the Attorre Partnership was issued under the Licensing Act 2003 on 26 September 2015 in respect of the premises trading as Bar Piazza at 29 High Street Caerleon.

Authorisation was issued for the sale by retail of alcohol (consumption on and off the premises) Monday to Sunday 12 noon – 22:00 and playing of recorded music Monday – Saturday 8am – 22:00, Sunday 10am – 22:00.

The Premises Licence was formally surrendered by the Attorre Partnership on 25 July 2018.

6. Policy Considerations

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

IMP 1 The Council will normally grant applications for premises licences and club premises certificates subject to conditions which are consistent with the Operating Schedule and any mandatory conditions prescribed within the Act. Where relevant representations are received the Council may impose additional conditions as considered necessary in order to promote the licensing objectives which arise out of those representations.

IMP 2 The Council will strike a fair balance between the benefits of a licensed premises to a community and the risk of disturbance to local residents. Consequently, in certain areas, upon receipt of representations by any Responsible Authority or any other person, the Council may restrict the hours of operation of licensable activities.

IMP 3 The Council will normally grant premises licences for a time period of not earlier than 10.00 a.m. and a terminal hour of no later than 11.30 p.m. for those premises licensed to sell alcohol for consumption on the premises and which are located in primarily residential areas. However, hours beyond 11.30 p.m. may be permitted:

- a. for premises located in predominantly commercial areas, such as the City Centre and where there is a high level of accessibility to public transport services;
- or
- b. the licensable activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it;
- or
- c. there will not be any increase in the cumulative adverse impact from these or similar activities, on any neighbouring residential area and the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.

G2 The Council will attach conditions to licences, which are tailored to the individual style and characteristics of the premises. Such conditions will normally be drawn from the Council's pool of conditions. Where appropriate, additional conditions will be formulated based on an individual case following receipt of relevant representations.

7. Legal Considerations

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

- a. Prevention of crime and disorder
- b. Public Safety
- c. Prevention of Public Nuisance
- d. Protection of Children from Harm

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

- a. To grant the application as applied
- b. To grant the application and modify what is requested by the application in respect of activities, times and conditions, by altering, omitting or adding to them, where relevant.
- c. Reject the whole or part of the application.

All decisions taken by the Sub-Committee must

- a. be within the legal powers of the Council and its Committees;
- b. comply with any procedural requirement imposed by law;
- c. be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations;
- d. be fully and properly informed;
- e. be properly motivated;
- f. be taken having regard to the Council's fiduciary duty to its taxpayers; and
- g. be reasonable and proper in all the circumstances.

8. Issues for discussion

- a) The proposed licensable activity and permitted hours sought by the application.
- b) The content of the operating schedule in promoting the four licensing objectives.
- c) The representations made in respect of the application.
- d) Newport City Council's Statement of Licensing Policy 2015

9. List of Appendices

1. Application for Grant of a Premises Licence, including plan and DPS consent form.
2. Representation from Responsible Authority (Licensing Authority).
3. Representations from 'Other Persons'.
4. Location Map and images of exterior of premises.
5. Supplementary information provided to the Licensing Authority on 28/4/20.

10. Financial Summary

- The costs and financial implications: You must discuss financial implications with the Head of Finance and the report must identify from where your proposals will be funded, together with any impact on budgets or any opportunity costs

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

Risks

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

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

You will need to complete the following Risk table

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Making a unlawful decision	High	Low	The Committee will consult with the Legal Officer and Licensing Officer to determine if any	Chairperson. Legal Officer.

			<p>decision is lawful and proportionate.</p> <p>Members training.</p>	
The licensing committee departing from the licensing policy.	Medium	Low	<p>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.</p> <p>Members training.</p>	<p>Chairperson.</p> <p>Legal Officer.</p>
The applicant does not have a fair hearing	High	Low	<p>A Licensing Committee procedure should be followed by the committee.</p> <p>The Legal Officer alongside the Democratic Service Officer will advise the committee if at any stage an unfair hearing is taking place.</p> <p>Members training.</p>	<p>Democratic Service Officer.</p> <p>Chairperson.</p> <p>Legal Officer.</p>

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

Options Available

- To grant the application as applied.
- To grant the application and modify what is requested by the application in respect of times and conditions, by altering, omitting or adding to them, where relevant.
- Reject the whole or part of the application.

APPENDIX 1

Copy of application for Grant of a Premises Licence at Coffiology, 29 High Street, Caerleon, Newport, NP18 1AE

Application for a premises licence to be granted 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/ Greenwoodblue Ltd
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Coffiology, 29 High Street, Caerleon			
Post town	Newport	Postcode	NP18 1AE
Telephone number at premises (if any)	07796 330302		
Non-domestic rateable value of premises	£9,800		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Greenwoodblue Ltd
Address Shop Cottage, Llandegveth, Monmouthshire
Registered number (where applicable) 12277852

Description of applicant (for example, partnership, company, unincorporated association etc.) Company Limited Company
Telephone number (if any) 07831 441109
E-mail address (optional) barriedes@gmail.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
27	03	20 20

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

A Coffee Shop with food that will offer alcohol for sale on premises. It is located in Caerleon village with pubs and restaurants and cafés in the area. The Layout comprises of one hospitality room, one toilet and one kitchen with one exit.

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

N/A

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	11.00	23.00			
Tue	11.00	23.00			
Wed	11.00	23.00			
Thur	11.00	23.00			
Fri	11.00	23.00			
Sat	11.00	23.00			
Sun	11.00	23.00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Justine Desmond	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) CCC105730	
Issuing licensing authority (if known) Cardiff	

K

Please highlight any 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 (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07.00	23.00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	23.00	
Fri	07.00	23.00	
Sat	07.00	23.00	
Sun	07.00	23.00	

M

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

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

To promote all four licensing objectives together we will;

Ensure a full and regularly updated Risk Assessment covering all four licensing objectives is in place, taking into account public and employee safety which will be carried out at the premises to identify potential hazards posed to staff and customers and set out precautions to manage the hazards. The risk assessment will be regularly reviewed every 6-12 months. All staff will be made aware of the Risk assessment and trained on precautionary measures. A copy of the risk assessment will be kept at the premises.

We will have clear documented policies in place which identify risks associated with our premises and the measures which we will implement to prevent, manage and respond to those risks.

We will also engage and communicate with local residents and businesses on a regular basis to ensure that we are being good neighbours and be proactive to any problems.

Staff Training is essential in promoting all four objectives and ALL training will be thorough with all staff and logged and recorded. Refresher training will also be given. Especially concerning their responsibilities in relation to the sale of alcohol with regard to drunkenness and underage persons.

The Licensee shall ensure that all times that the premises is open for any licensable activity, there are sufficient and capable staff on duty for the purpose of fulfilling the terms and conditions of the licence and for ensuring all four objectives and being promoted and followed.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the police.

We will have CCTV covering all areas accessible to the public to ensure the prevention of crime and disorder. The CCTV will be set up to ensure all time and dates are correct and be backed up in the correct manner. Recordings will be kept for a minimum of 28 days with all staff trained on how to manage the system.

There is only one entrance/exit which is visible from all areas of the venue so staff will be able to observe the entrance in all areas. This entrance will be kept clear at all times.

Staff briefings will be held daily regarding any planned activities during the day that could cause any unforeseen problems e.g. large parties, nationwide events etc, bank holidays.

We will also ensure that we are on or below the maximum capacity at all times in order to stop and aggressive behaviour through overcrowding.

A Glass collection policy will be in order and staff will be trained so they are regulary collecting glasses so they cannot be removed or used as an assault weapon.

Again staff will be trained on conflict management so that they have the knowledge and confidence to deal with any aggressive behaviour and or difficult situations should they arise. If any incident occurs then all details will be logged and reported and all staff training on this will also be logged.

We will also ensure that we have regular contact with the community and local businesses and share any information of unruly behaviour or persons that we know could cause trouble.

There will be a Zero Tolerance Policy in place in regards to Drugs and carrying of weapons. We will have a duty of care policy regarding people that we are aware of suffering from the effects of drugs. All staff will be trained on this so that they can recognise the effects of drug abuse and put the policy into action if needed. Entry will be refused to anyone showing signs of drug use and emergency services will be contacted if necessary. A log book of any incident will be kept and also a record of all staff training. On occasions when we feel necessary we will execute a search policy to ensure no drugs or weapons are brought into the venue, the search policy will be formulated after consulting the Gwent Police Policy and be in view of our CCTV footage. Again Staff will be trained on this policy and any incident logged with the police notified. To aid the Zero Tolerance policy we will ensure that the toilets are regularly checked every hour and a record of the check will be in place.

If we have any drink promotions at the venue, they will be socially responsible and a policy on responsible drinking and promotions will be in place with the venue in accordance to industry codes and recommendations from the BBPA. Training will be given to all staff on the effects of alcohol and how to spot early signed of customers being too drunk so that they will have the knowledge and confidence to deal with drunken patrons including making every effort to prevent patrons from deteriorating to an uncontrolled intoxicated extent. The training will also ensure that staff are aware of their responsibilities under LA2003 and recognise cut of points for serving alcohol to those that appear drunk to stop the likelihood of aggressive behaviour. As per the drug policy it will also cover a duty of care policy for those that are suffering from the effects of alcohol – all staff will be trained on this policy details recorded and all incidents logged.

At the end of the evening we will minimise the potential for disorder from all customers leaving the premises at once. Our Customer Dispersal policy will out line how we do this such as increasing lighting levels, lower or turn off the music and swiftly remove empty glasses. Sufficient staff will be available at the end of the evening to manage a controlled shit down and maintain good order as customers leave. Staff will be trained on this and records on training recorded and any incident that arises will be logged.

c) Public safety

To ensure public safety a full risk assessment taking into account public and employee safety will be carried out at the premises to identify potential hazards posed to staff and customers and setting out precautions to manage the hazards. The risk assessment will be regularly reviewed every 6-12 months. All staff will be made aware of the Risk assessment and trained on precautionary measures. A copy of the risk assessment will be kept at the premises.

At least one member of staff on duty will have a recognised qualification in first aid to aid with public safety.

Temperature levels will be controlled for the comfort and safety of customers.

As mentioned above, we will have a Duty of Care Policy on any persons suffering adversely from the

effects of drugs and alcohol. All staff will be trained on these policies with training recorded. All incidents will be logged. We will refuse entry to anyone who appears to show signs of drug use or suffering adversely from alcohol and emergency services will be contacted in appropriate circumstances. All incidents on this subject will be logged and recorded. If a customer suspects that their drink has been spiked we will report to the police immediately and take the appropriate actions.

A Capacity Policy will be in place to avoid over crowding. Staff will be trained on this and running below capacity on certain times / events will be enforced.

Appropriate fire safety procedures will be in place. All exits will be kept free from obstruction at all times.

A glass collection policy will be in place with all staff trained on this policy. Staff will regularly collect glasses and it will be their responsibility to ensure all glasses / bottles / cans are regularly collected and disposed of in the correct methods. This is to include internal and external areas. In addition and spillages and broken glass will be seen to immediately by staff to prevent any slips or falls.

To ensure the safety of clients when leaving the premises we will try and ask people to start leaving early on so that their can be a slow dispersal and not a max exodus from the premises. There will be water freely available so customers can sober up before leaving. Lighting will be increased at the end of the evening to affect the alertness of customers before they leave and again help with the slow dispersal from the premises.

d) The prevention of public nuisance

We will have a clear documented policy in place which identify all public nuisance risks associated with our premises and the measures which we will implement to prevent, manage and respond to those risks.

We will also engage and communicate with local residents and businesses on a regular basis to ensure that we are being good neighbours and be proactive to any problems. A contact number will be available to local residents and businesses so they can report any disturbances to a responsible person at the venue as and when they occur.

A Noise management policy will be in place that sets up sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises. All staff will be trained on the content of the policy to ensure a commitment to good noise management. Simple perimeter checks will be carried out and logged on a regular basis to ensure the prevention of public nuisance. Windows and doors will be closed at unsocial times to prevent noise breakout. All staff will be briefed and trained on this.

To aid in noise management the policy will also set out measures when customers are entering or leaving the property. We do not foresee the likelihood of queues and will not allow this to happen and if we are at capacity we will ask customers to move on. Anyone behaving in an antisocial way will not be admitted into the premises and also be asked to move on. Upon closing as mentioned above we will have a customer dispersal policy - To ensure the safety of clients when leaving the premises we will

try and ask people to start leaving early on so that there can be a slow dispersal and not a max exodus from the premises. There will be water freely available so customers can sober up before leaving. Lighting will be increased at the end of the evening to affect the alertness of customers before they leave and again help with the slow dispersal from the premises. Sufficient members of staff will be on hand in the evening to manage a controlled shut down and maintain good order when customers leave. As customers are leaving staff will be also briefed to remind them to be respectful of our neighbours.

Staff will regularly check and manage external areas to ensure that customers are not causing a disturbance. Smokers will be discouraged from loitering outside by not being able to take their drinks with them as the smoking area is around the corner, away from residential properties. This will ensure they are not causing a disturbance to local residents.

Commercial deliveries, collections and storage/disposal of waste in external areas will be restricted to normal working hours between 8am and 6pm Mon-Fri.

To ensure there is no litter or waste from our premises in any external areas around the area we will have procedures and policies in place for staff to promptly collect any litter that is in and around the vicinity. Regular patrols by staff will be in place.

e) The protection of children from harm

We will take a pro-active approach to protecting and managing the wellbeing of children at our premises.

A documented policy will be in place that sets out measures to protect children from harm. This will include restricting children 16 and under from access to the venue after 8pm, where we anticipate most of the alcohol sales will be done. In addition the admittance of children will only be permitted if they are accompanied by an adult. All staff will be trained on this policy.

There will be a strict 'No ID – No Sale' policy in place and there will also be a challenge 25 scheme in place. We will only accept photographic driving licences, passports or PASS. Till prompts will also be in place to remind staff when serving alcohol. Staff will be thoroughly trained in these schemes with every training logged. A refusals book will be in place so staff can log when they refuse a sale to anyone who cannot prove they are over the age of 18.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12).
If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	B. Desmond
Date	10/03/2020
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Justine Desmond
Shop Cottage, Llandegveth

Post town	Newport	Postcode	NP18 1HX
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Telephone number (if any)	07796 330302
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Consent of individual to being specified as premises supervisor

Justine Desmond

I

[full name of prospective premises supervisor]

of

*[home
address
s of
prospective
premises
supervisor]*

[REDACTED]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

[type Premises Licence

of application]

by

*[name
of
applicant]*

Greenwoodblue Ltd

relating to a premises licence

[number of existing licence, if any]

for

*[name
and
address
s of
premises
to
which
the
application relates]*

Coffiology, 29 High Street, Caerleon, NP18 1AE

and any premises licence to be granted or varied in respect of this application made by

[name Greenwoodblue Ltd
of
applicant] -----

concerning the supply of alcohol at

[name Coffiology, 29 High Street, Caerleon, NP18 1AE
and
address
of
premises to
which
application
relates
]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert CCC10573
personal
licence
number,
if any]

Personal licence issuing authority

[insert Cardiff Council, City Hall, Cardiff, CF10 3ND, 02920 871651
name
and
address and telephone number of personal licence issuing authority, if any]

Signed

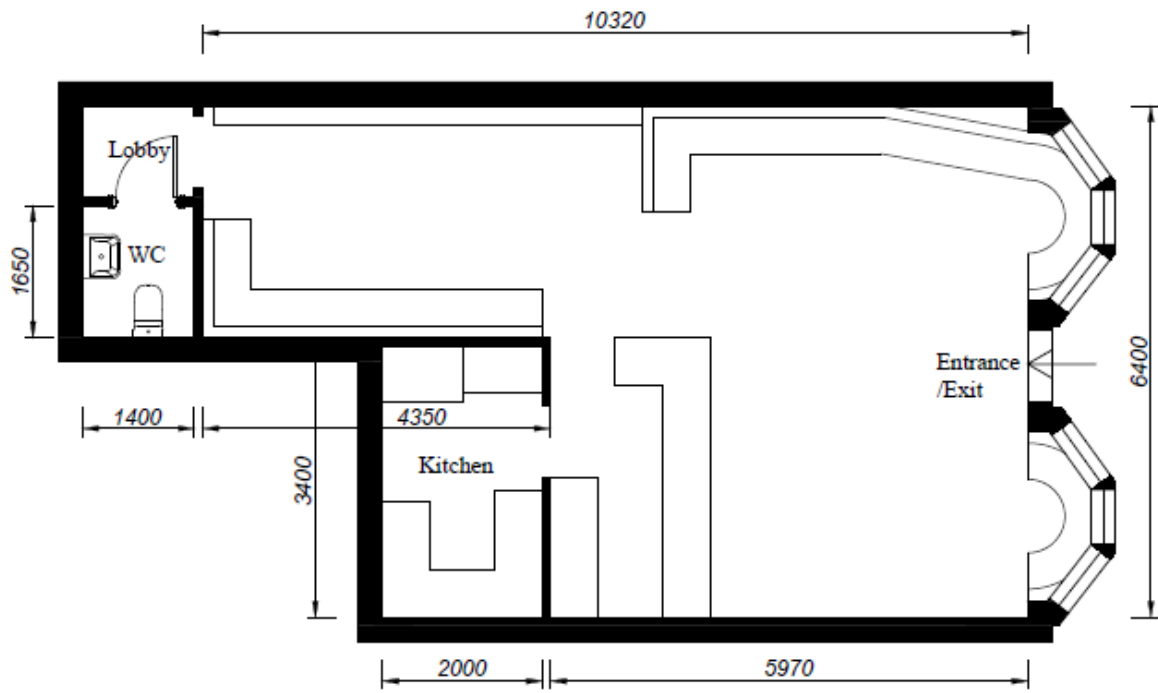
J.Desmond

Name (please print)

Justine Desmond

Date

09/03/2020



APPENDIX 2

Representation served by Licensing Manager Mr Alastair Dearling, Licensing Authority Responsible Authority

From: Dearling, Alastair (Licensing Manager)

Sent: 07 April 2020 11:15

To: Turnbull, Samantha (Licensing Officer) <Samantha.Turnbull@newport.gov.uk>

Subject: Coffiology, 29 High Street, Caerleon

RELEVANT REPRESENTATIONS

PREMISES LICENCE / CLUB PREMISES CERTIFICATE

UNDER S. 17 OF THE LICENSING ACT 2003

Re: Coffiology, 29 High Street, Caerleon

I Alastair Dearling Licensing Manager of Newport City Council's Licensing Authority acting in my capacity as a 'Responsible Authority' by virtue of Section 182 (4) Licensing Act 2003 (amended guidance) wish to object to the granting of a Premises Licence regarding **Coffiology, 29 High Street, Caerleon** on the grounds of:

- Public Nuisance
- Crime & Disorder

I think it imperative to stipulate that the Licensing Authority (Acting as a Responsible Authority) is not averse to the granting of a Premises Licence for a late night café/ coffee shop, but feels that the application operating schedule is not sufficient for premises to become a "pub" / bar, specifically due to the location.

If it is simply the case the premises wishes to operate as late night café and the applicant was happy to agree to the below conditions the Licensing Authority acting as responsible authority would withdraw its objections.

Though If it is the case the applicant wishes to have a "pub" / bar the Licensing Authority acting as a responsible authority feels that the application is currently insufficient to promote the four licensing objectives in its current form:

Conditions:

- After 20:30hrs The sale of alcohol shall only be by waiter service only to those customers that are **seated at a table**.
- The Last entry to the premises for customers should be no later than 22:00hrs no readmission is permitted after 22:00hrs.
- The Last sale of alcohol should cease 22:30hrs, customers should be informed that after 22:30hrs they have 30 minutes to consume alcohol & food and will be requested to leave the premises, this can be done by signage on the premises or on relevant menus.
- Substantial table meals or tapas should be made available to be purchased between the hours of 20:30hrs till 22:00hrs if alcohol is to be sold on the premises.
- No Drinks or food is permitted to be taken outside the premises after 20:30hrs.
- All windows and doors should be kept closed after 20:30hrs to reduce noise from patrons inside the premises.

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

If you have any questions or queries please don't hesitate to contact myself

Yours Sincerely

Alastair Dearling

APPENDIX 3

Representations from 'other persons'

Flat 29 High St
Caerleon
Newport NP18 1AE
15.4.2020

To whom it may concern:

We the undersigned wish to object to the license application made by Greenwood Blue, 29 High St Caerleon Newport NP18 1AE

The intention to serve alcohol until 23.00hrs seven days a week will impact greatly upon our right to enjoy our residence.

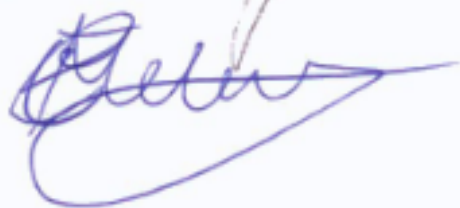
Noise from the property has already been heard in our living area and hallway, this is ~~workman's~~ radio and general

Conversation. The main cafe bar area is situated under two of our bedrooms, leading to noise filtering up and disruption of sleep as we are early risers due to work and commuting.

Thank you for your consideration of this objection.

Kind regards
Joanne Costello

DAVE MILD



From: Joanne Costello [mailto:joannecee66@gmail.com]

Sent: 20 April 2020 16:48

To: Turnbull, Samantha (Licensing Officer) <Samantha.Turnbull@newport.gov.uk>

Subject: Re: Sam turnbull - licensing officer

Dear Samantha,

Thank you for your time and advice this morning.

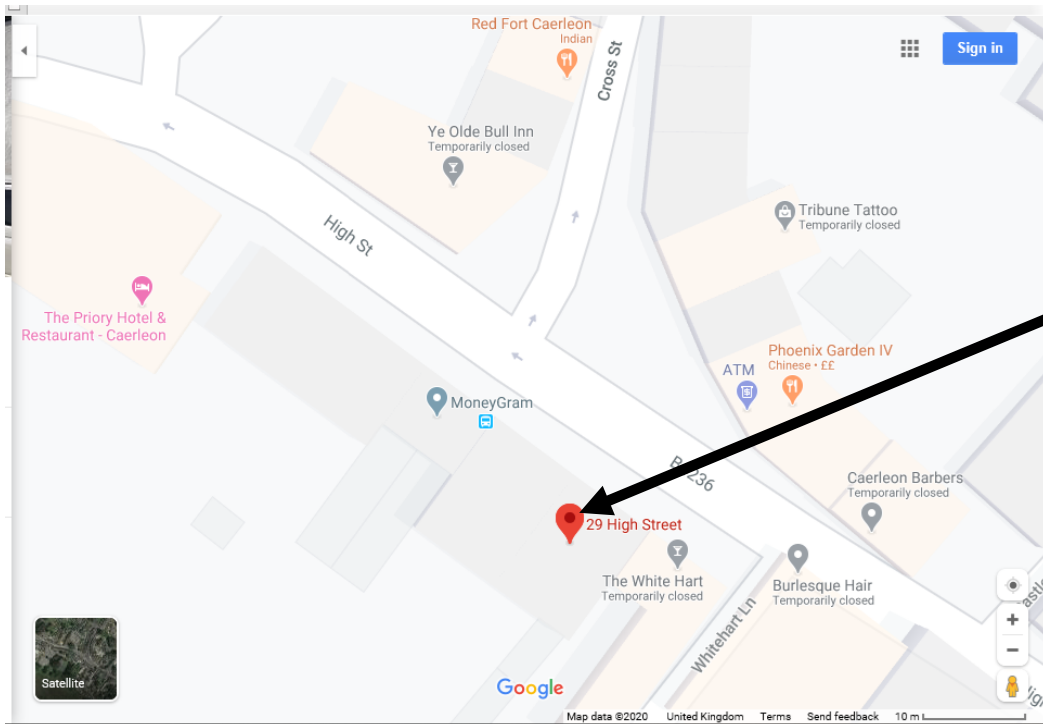
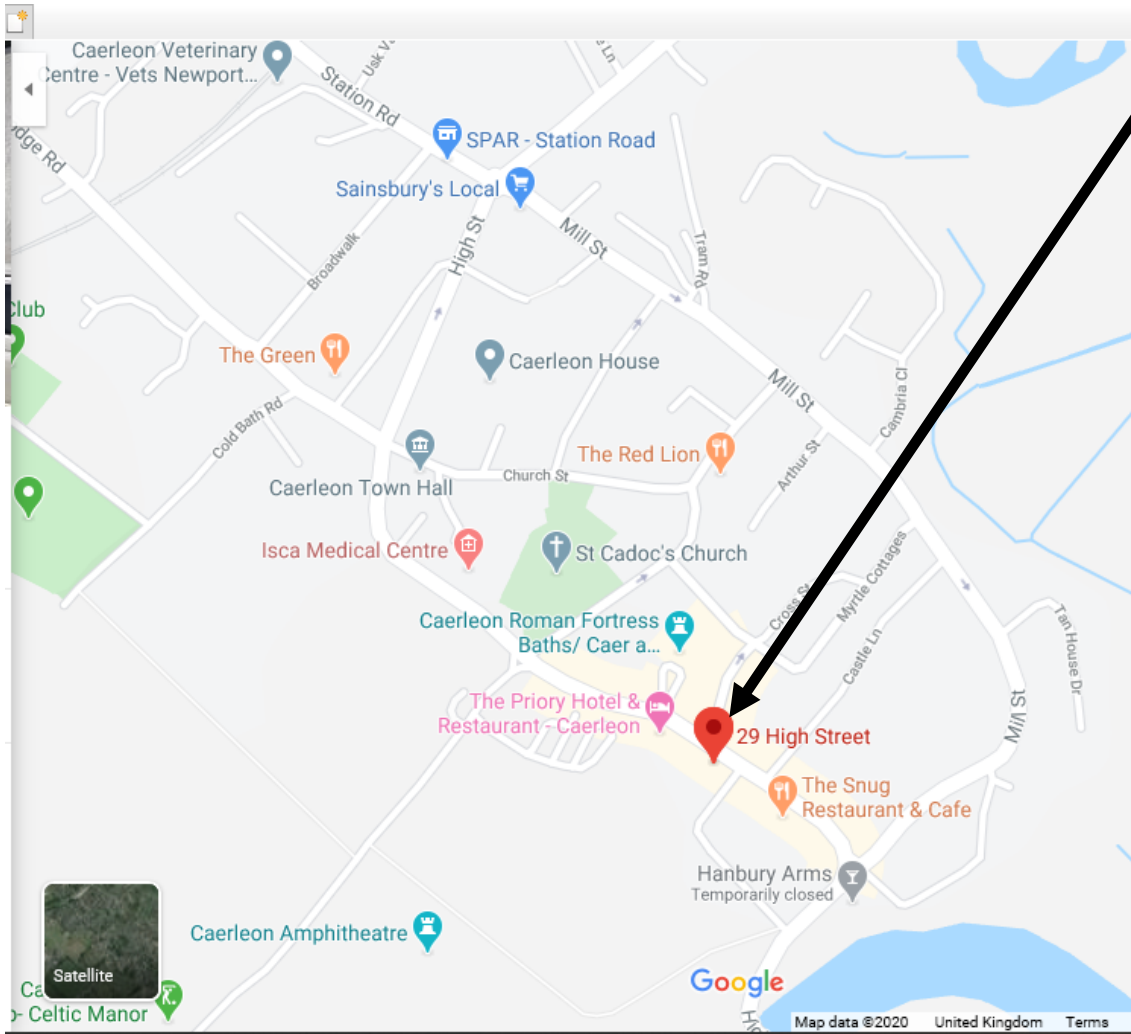
I spoke with my neighbour and she wishes to object to the alcohol licence application.

Her name is Rose Howells, residing at 30 High Street Caerleon NP19 1 AE Telephone [REDACTED]

She has voiced concerns about the noise but is mostly concerned about potential customers congregating outside to smoke, this would impact on our bedrooms above and her living space.

Mrs Howells also mention in the past that the Police have been called due to the increase in taxis waiting outside the existing pubs.

APPENDIX 4





Tudalen 90



Tudalen 91

APPENDIX 5

Supplementary information served on Licensing Authority by the applicant on 28/4/2020.



Coffiology – About Us

Coffiology – brought to you by Barrie and Justine Desmond, A Father and Daughter Team that have worked in the Technology industry for many years, where working remote and finding the perfect venue to work and socialise from has been very difficult.

Coffiology, is a new concept Coffee Shop that combines the best artisan coffee and nutritional fare, the latest technology, and good physiology. Its first shop is situated in Caerleon with ambitious plans to grow into a number of select locations. Coffiology aims to be a hub for the community.

Our logo has come from Welsh History and from the likeness of Celtic Knots. We want to give back to Wales and this is important to us. Our Logo also incorporates 3 symmetrical O's which are our 3 main pillars. COFFEE. WORK. PLAY.

WORK:

Technology – Coffiology will be the perfect spot for workers on the move, with excellent wifi and business facilities onsite.

Events – A place to inspire, Coffiology will offer its space for small workshops, specialist events and meet-ups.

Workspace – A place for you to work from with business services e.g. printing, scanning etc, plenty of power and good connectivity.

PLAY:

Social - From early morning catch-ups to Lunchtime gatherings and late afternoon champagne celebrations – Coffiology has you covered

Fitness – Coffiology will host community-based activities such as running clubs, a cycling hotspot and bootcamps.

Wellbeing – A big part of wellbeing is a good wholesome and nutritional based food with a twist. Our menu is designed to be simple yet nourishing with a selection of naughtiness designed to keep everyone happy in a relaxing and enjoyable space.

Coffiology – 07796 330302

Mail – Justine717@hotmail.com

Tudalen 92

COFFEE:

Great Coffee – Supplied by the brilliant and Welsh Coaltown Coffee Roasters.

Best Quality – The best local ingredients and produce will be used for everything in Coffiology

Locally Sourced: Whenever and wherever possible, locally sourced ingredients, suppliers and products will be on offer.

Values – Driven, Balanced, Connective, Active, Modern, Sustainable, Friendly, Community.

These will be our Published Opening Hours

Monday – 7.00am – 6.00pm

Tuesday – 7.00am – 6.00pm

Wednesday – 7.00am – 6.00pm (Running Club to go from the venue @ 7pm)

Thursday – 7.00am – 6.00pm

Friday – 7.00am – *11.00pm

Saturday – 7.00am – *11.00pm

Sunday – 8.00am – 5.00pm

FACT SHEET

WHAT IT IS

SPECIALIST COFFEE SHOP WITH THE EMPHASIS ON TRANSPARENT AND ETHICAL SOURCING

WORKSPACE TO ENCOURAGE NOMADIC WORKERS & ENTREPRENEURS

MEETING PLACE FOR COFFEE EFFICIARDOS AND SOCIAL GATHERINGS LIKE COFFEE MEET UPS

FOCAL POINT FOR QUIRKY WELLBEING EVENTS LIKE VEGAN COOKING CLASSES & OUT OF THE BOX FITNESS IDEAS

DESTINATION VENUE FOR PEOPLE INTERESTED IN WELLBEING AND A DIFFERENT EXPERIENCE

OPPORTUNITY TO SOCIALISE ON WEEKENDS WITH SPECIALIST HIGHEND, BUT LIMITED, DRINKS MENU OF WINE, CHAMPAGNE & A LOCAL ALE. (NO SPIRITS)

COFFIOLOGY IS AIMED AT A MORE NICHE AND MATURE AUDIENCE

WHAT IT IS NOT

JUST ANOTHER COFFEE SHOP

CAFÉ/RESTAURANT DEPENDENT ON HIGH VOLUMES

A BAR DEPENDENT ON WET SALES – QUITE THE OPPOSITE, NO SPIRITS, ALCO DRINKS OR SHOTS WILL BE AVAILABLE

MUSIC VENUE/ROWDY PUB/BAR

*Summary

Coffiology – like the name, is first and foremost focused on delivering a specialist coffee experience prepared by professional baristas. The coffee will be ethically sourced, direct from plantations our Welsh based roasters have visited, with a transparent supply line, guaranteed to ensure the smaller coffee bean producer is rightly rewarded. It is a destination venue, where people want to find us and enjoy or hospitality, artisan coffee and healthy, if not quirky menu. Our second pillar is technology, we want the local mavericks and makers to work from here and to enjoy a productive and helpful environment – our collective experience of running global technology companies will be shared with these nomads, hopefully to help these early stage start-ups become fledgling businesses of the future. Finally, the physiology aspect will focus on offering nutritional fare and wellbeing activities with a twist. ‘Phys’ also ‘Fizz’, is our hope we can turn the coffee shop into an early evening pre-drinks meeting place with a small and limited selection of champagnes, Wines and one locally made beer with a limited menu of tapas & platters. Our intention is to close by 9pm on the Fridays and Saturdays, but with the flexibility to open until 11pm on special occasions when we run workshops, special interest lectures and private functions.

PLEASE CONTACT US ☺

If you would like to chat about our plans or your interest – please do feel free to email us or call us, we’ll happily answer any questions!!