

Agenda

Is-bwyllgor Trwyddedu

Dyddiad: Dydd Mawrth, 10 Tachwedd 2020

Amser: 10.00 am

Lleoliad: ar Dimau

At: Cynghorwyr: J Hughes (Cadeirydd), H Thomas (Dirprwy Gadeirydd), K Thomas, I Hayat, M Al-Nuaimi, J Cleverly, Y Forsey, J Watkins, 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</u> (<i>Tudalennau 3 - 16</i>)	
4 <u>Breeze adroddiad</u> (<i>Tudalennau 17 - 116</i>)	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: 10 November 2020

Subject **Review of Premises Licence under Section 51 Licensing Act 2003, Breeze, 11-15 Cambrian Road, Newport, NP20 4AD**

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

Author Alastair Dearling (Licensing Manager)

Ward Stow Hill

Summary An application for a review of the premises licence was made by Newport City Council Trading Standards, acting in its role as a Responsible Authority, 25th September 2020 on the basis that the premises is undermining The prevention of crime and disorder & public safety.

Proposal To make a decision on the application to review the Premises Licence issued in respect Breeze, 11-15 Cambrian Road, Newport, NP20 4AD.

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed Alastair Dearling

1. Review Application

- A review application under Section 51 of the Licensing Act 2003 was received on the 25th September 2020 from Newport City Council Trading Standards, acting in its role as a Responsible Authority, to review the Premises Licence issued in respect of Breeze, 11-15 Cambrian Road, Newport, NP20 4AD.

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

The prevention of crime and disorder & public safety.

A copy of the review paperwork and supporting documents can be found in **Appendix A** of this report, this also includes further information and evidence submitted by Trading Standards.

The application was received by the Licensing Authority on 25th September 2020 and in accordance with section 51(3)(a) of the Licensing Act 2003 a copy of the application was served on the holder of the Premises Licence and on all Responsible Authorities.

Following receipt of the application, the Licensing Authority advertised the application in accordance with the regulations of the Act, thereby inviting representations to be made by interested parties. Any representation in respect of this application made by a responsible authority or an interested party had to be received by the Licensing Authority by 23rd October 2020.

2. Licensable Activities

The current premises licence holder is:

Mr Colin Simpson, Breeze, 11-15 Cambrian Road, Newport, NP20 4AD

The current Designated Premises Supervisor is:

Mr Colin Simpson

Licensable activities authorised by the Premises Licence:

Sale by retail of Alcohol
Performance of Dance
Exhibition of a Film
Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities:

Sale by retail of Alcohol
Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00

Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Performance of Dance
Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Exhibition of a Film
Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Indoor Sporting Event
Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Performance of Live Music
Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Playing of Recorded Music
Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Late Night Refreshment
Monday to Friday inclusive 23:00 - 04:00
Saturday 23:00 - 05:00
Sunday 23:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

For the provision of regulated entertainment limited to Supply of Alcohol:

From the start of permitted hours New Years Eve until the end of permitted hours New Years Day.

The premises may operate and provide any of the permitted licensable activities until 05:00 hours on occasions when they are showing live televised broadcasts of national and international sporting events and other live televised broadcasts of international significance and provided that the Police and Licensing Authority are given 14 days' notice prior to the event taking place.

For the provision of regulated entertainment limited to films, performance of live music, late night refreshment:

From the start of permitted hours New Years Eve until the end of permitted hours New Years Day.

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

3. Representations

The Licensing Authority invited representation from responsible authorities and other persons to be submitted before Midnight on the 23rd October 2020. The Licensing Authority Received:

Representation from **Gwent Police & the Aneurin Bevan University Health Board**, a copy of the representations can be found in **Appendix C** of this report.

The Licensing Authority did not receive any representation directly from "other persons" though did received a number of letter of support from members of the public via the Premises Licence Solicitor. A copy of these documents can be found in **Appendix D**.

4. Background/Premises Licence History

The Premises has held a Premises Licence since Licensing Act transitions back in 2005, With Mr Simpson taking over the Licence Premises in 2011. Since Mr Simpson has held the Premises Licence no major licensing issues have occurred at the premises or licensing reviews. The Location of the Premises can be found in **Appendix E**.

5. Legal Considerations, Guidance, Policy Consideration

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

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

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

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

All decisions taken by the Sub-Committee must

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

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

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

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

- 13) serious risk to public safety;**
14) serious risk to children.

And

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

Revised Guidance issued under section 182 of the Licensing Act 2003

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps: 92 | Revised Guidance issued under section 182 of the Licensing Act 2003 • modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times; • exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰; • remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management; • suspend the licence for a period not exceeding three months; • revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an

inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

6. Issues for discussion

- The content of the application made by Newport City Council Trading Standards, acting in its role as a Responsible Authority, for a review of the Premises Licence and representations from Gwent Police and Aneurin Bevan University Health Board.
- Any evidence and mitigation provided by Licence Holder

7. 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					

8. Risks

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

In this section, you should consider the key risks facing the proposals in your report, particularly those which would impact on delivery or sustainability of the project or projected outcomes. You will need to

include details of how risks will be managed. If your proposals rely on short or medium term grant aid or funding streams you will need to outline your exit or continuation policy here.

You will need to complete the following Risk table:

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

* Taking account of proposed mitigation measures

9. 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.

Comments of Chief Financial Officer

There are no financial implications arising directly from this report.

Comments of Monitoring Officer

The legal implications and statutory powers are set out in the Report. The Council's constitution delegates powers to the Head of Regeneration and Regulatory Services to renew drivers' licences unless a refusal is considered possible due to criminal or driving offences or other matters in accordance with the Guidelines relating to licensing, in which case such applications are referred to Licensing Committee for a determination. The statutory powers for refusing to renew licences are set out in the Report itself and Committee must ensure that any grant or refusal is in accordance with the

statutory powers. Committee must also ensure that all relevant factors are taken into account including the Council's Guidelines, matters referred to in the Report and also relevant factors brought to Committee's attention by the applicant. The applicant has a right of appeal against any refusal to renew the licence.

Comments of Head of People and Business Change

This section **MUST** be completed by the Head of People and Business Change. This must be done before the report is submitted to any elected member for consideration. The Head of People and Business Change will discuss any staffing, performance, or policy matters along with the Well Being of Future Generations requirements. (See the section on this Act below)

You will have consulted the Head of People and Business Change to complete the 'Background' section above. This section should confirm that has been done and that the Head of People and Business Change is comfortable with the proposals.

Appendix A - Review Application by Trading Standards

Newport City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Heather Crutcher on Behalf of Newport City Council Trading Standards

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Breeze 11 - 15 Cambrian Road Newport South Wales NP20 4AD	
Post town Newport	Post code (if known) NP20 4AD

Name of premises licence holder or club holding club premises certificate (if known) Mr Colin Simpson Breeze 11 - 15 Cambrian Road Newport South Wales NP20 4AD
--

Number of premises licence or club premises certificate (if known) 14/02249/LAPV
--

Part 2 - Applicant details

I am

Please tick yes

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

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

X

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

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Heather Principal Trading Standards Officer Newport City Council Trading Standards Service Civic Centre Civic Centre Godfrey Road Newport NP20 4UR
Telephone number (if any) 07800718271
E-mail address (optional) Heather.crutcher@newport.gov.uk

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

Operating Breeze VIP area with total disregard of reasonable measures to minimise risk of exposure to coronavirus under Regulation 12(2) of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 on the evening Friday the 4th & Saturday 5th September 2020 subsequently risking public safety. The outcome of the breach of the Regulations has resulted in NHS Public Health Wales (PHW) stipulating that a number (cluster) of positive Covid 19 cases attended Breeze on the evenings in question.

When Breeze were notified of the Covid 19 outbreak from the premises, it was noted that the premises took the responsible action and closed for two days. The closure allowed the premises to be deep cleaned.

A witness statement has been obtained by Newport City Council Trading Standards from a customer of Breeze that tested positive for Covid 19, they visited Breeze on Saturday the 5th of September 2020. The witness statement details the customers experience of Breeze and states that upon entry there were no temperature checks taken, despite the customer being informed that there would be.

The customer had a seated booth in the upstairs VIP area and was informed that there would not be any table service. The customer states they had to go to the bar to get drinks, there was table service for downstairs but not upstairs. In order to get to the bar the customer described how they had to walk through standing tables and there were no screens up at the bar to shield bar staff and customers. The customer noticed throughout the evening that customers from different tables were mixing with one another. There was music on and a few people were dancing in the open spaces by the booths, the customer states that it was like a normal club night.

The witness statement described how there were bouncers and they did try to tell people to sit down however no one listened. There were no notices up warning customers to social distance, there was no hand sanitiser and no one way system. The customer states that they had to use a staircase to get up to the VIP area and downstairs for the toilets. There was no control on who went up or down, it was just left to the customers to move.

Upon being informed of the Covid 19 cluster cases Newport City Council's Licensing Manager, Mr Alistair Dearling, requested that the premises provide CCTV of the evenings in question to see if the premises were meeting their legal obligations under the aforementioned Regulations, this request was made via email.

In response to the email, the owner of Breeze, Mr Jack Bannister (not the licence holder or DPS) telephone called Mr Dearling on the 9th of September 2020 and stipulated that the CCTV would be ready for Mr Dearling to collect.

Mr Bannister stated during the telephone conversation that on the Friday and Saturday night in question four members of staff had not turned up for work. As such, they were no longer in the position to offer table service in the upstairs VIP area. Mr Bannister decided to open up the VIP bar upstairs which then caused customers to queue at the bar without any social distancing.

Mr Bannister asked what course of action Newport City Council would take regarding this issue. Mr Dearling stipulated that this would likely result in the Council serving an improvement notice on the premises but in principle the CCTV would still need to be reviewed as it was reported to NHS Public Health Wales that the VIP area was operating as a venue authorised for the supply of alcohol where live or recorded music was provided for members of the public or members of the venue to dance (hereafter referred to as a 'nightclub'), which is currently not permitted under The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020.

On the evening of Friday the 11th September 2020 Mr Dearling and Licensing Officer, Alan Leen, attended Breeze to obtain CCTV for the nights in question. The Officers met with DPS, Colin

Simpson, who provided the CCTV and officers asked to see footage on the night in question, briefly. It was clear from the footage that the queuing at the bar was complying with the social distancing measures and as such Mr Dearling determined to serve a Covid 19 improvement notice on Breeze. **A copy of this improvement notice is exhibited as AD/1.** Mr Dearling informed the DPS that he would be providing the CCTV to Newport City Council Trading Standards in order for it to be reviewed to determine if the premises was operating as a nightclub.

The CCTV exhibited as AD/1 does not provide evidence that the premises operated as a nightclub. Despite “disco lights” and music allegedly being played, there was no dance floor provided, no DJ or live acts. Throughout the period of the CCTV customers were mainly found not to be dancing, but on occasions customers are seen waving their hands in the air and on occasions periodically getting up to dance by tables, then they stop. It is felt after viewing the CCTV the premises was not operating as a nightclub and therefore the premises were trading in accordance with Regulation 7, schedule 2 of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020.

Further CCTV evidence was obtained by Mr Dearling on the 15th of September 2020 and is **exhibited as AD/2.** The CCTV footage is of Saturday 29th August 2020. It is evident that the premises was not operating as a nightclub that evening. Overall the downstairs of the premises seemed to be broadly compliant with the aforementioned Regulations. The CCTV footage from the 29th of August 2020 shows the premises was compliant both downstairs and in the upstairs VIP area.

Though the premises was not operating as a nightclub on the 4th and 5th September 2020, CCTV evidence clearly shows a total disregard to social distancing in the upstairs VIP area.

It is noted that on Friday the 4th & Saturday the 5th of September 2020 that the DPS/Licence holder, Colin Simpson, was not present on the premises. It is reasonable to expect that the owner of such a premises would take responsibility to ensure The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 were still being complied with in the upstairs VIP area but in fact it was the total opposite with the premises breaching the Regulations on Friday the 4th & Saturday the 5th of September 2020, while the owner was present.

Regulation 12 states the reasonable measures to minimise risk of exposure to coronavirus states a person must take all reasonable measures to ensure -

(i) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer);

(ii) where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them (except between two members of the same household, or a carer and the person assisted by the carer),

(b) take any other reasonable measures for that purpose, for example measures which limit close face to face interaction and maintain hygiene such as—

(i) changing the layout of premises including the location of furniture and workstations;

(ii) controlling use of entrances, passageways, stairs and lifts;

(iii) controlling use of shared facilities such as toilets and kitchens;

(iv) otherwise controlling the use of, or access to, any other part of the premises;

(v) installing barriers or screens;

(vi) providing or requiring use of personal protective equipment, and

(c) provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

The above has been highlighted to demonstrate which measures were not taken by Breeze on Friday the 4th & Saturday the 5th of September 2020 subsequently disregarding the relevant guidance by

virtue of Regulation 13 Guidance on minimising exposure of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020.

It is concerning that the downstairs area of Breeze (that can be seen from the roadside) was broadly compliant however the upstairs area that can't be seen without walking through the venue and going up the stairs was operating as a late night bar, the same as it would have prior to Covid 19. The attitude was that once you were upstairs the Regulations were not being followed and as a result a number (cluster) of people who attended the upstairs VIP area of Breeze have tested positive for Covid 19.

Licensing Officers, where briefly shown CCTV for 8th, 15th & 22nd August 2020 and it demonstrated broad compliance at the premises.

Newport City Council recognises the premises has been broadly compliant since re opening after the national lockdown and an improvement notice was served on the premises due to a failure to have a social distanced queue, this matter was shortly resolved by the premises. **A copy of this improvement notice is exhibited as AD/3.**

When the DPS is present it seems that the premises is able to comply with the four licences objectives. When the DPS is not present there seems to be no management or control of the premises. The actions of the owner of the premises, Mr Bannister, had no regard to public safety or the laws governing premises opening safely during Covid 19.

The premises operated as a late night bar, just like one that would have operated pre covid 19. The result is positive Covid 19 cases forming the cluster originating from the premises.

It is already recognised that the irresponsible behaviour has an extremely detrimental effect on our local communities including local lockdowns, which has now taken place in Newport.

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

Premises licence for Breeze

CCTV footage for Friday the 4th & Saturday 5th September 2020 exhibit AD/1

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

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

No

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature Heather Crutcher

.....

Date 25.09.20

.....

Capacity Principal Trading Standards Officer

.....

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

Notes for Guidance

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

1. Newport City Council Trading Standards Service understands the coronavirus pandemic has brought many months of unprecedented uncertainty to businesses. Trading Standards recognises the reopening of premises has been extremely challenging for all business, including the licensing trade.

The licensing trade has been required to follow a number of new Regulations and Guidance set out by the Welsh Government due to Covid-19.

In response to the Covid-19 pandemic The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, were introduced. The Regulations are in place to protect public safety and to slow down the spread of Covid-19. Regulation 12 states the reasonable measures to minimise risk of exposure to coronavirus states a person must take all reasonable measures to ensure -

- (i) **that a distance of 2 metres is maintained between any persons on the premises**
- (ii) **where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them**
- (b) **take any other reasonable measures for that purpose**, for example measures which limit close face to face interaction and maintain hygiene such as—
 - (i) **changing the layout of premises including the location of furniture and workstations;**
 - (ii) **controlling use of entrances, passageways, stairs and lifts;**
 - (iii) **controlling use of shared facilities such as toilets and kitchens;**
 - (iv) **otherwise controlling the use of, or access to, any other part of the premises;**
 - (v) **installing barriers or screens;**
 - (vi) **providing or requiring use of personal protective equipment, and**
- (c) **provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.**

2. I have been informed that Breeze are consistently represented at Pubwatch meetings and have been communicated with electronically by Newport City Council Licensing Department. Advice and guidance has been provided to the Breeze in relation to The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020.
3. On the evening of Friday the 4th & Saturday 5th September 2020 the Breeze VIP area operated with total disregard for the reasonable measures to minimise risk of exposure to coronavirus under Regulation 12(2) of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 subsequently risking public safety.

The outcome of the breach of the Regulations has resulted in NHS Public Health Wales stipulating that a number (cluster) of positive Covid 19 cases attended Breeze on the evenings in question.

I would like to note that when Breeze were notified of the Covid 19 outbreak from the premises, the premises took the responsible action and closed for two days which allowed the premises to be deep cleaned. Licensing Officers, where briefly shown CCTV for 8th, 15th & 22nd August 2020 and it demonstrated broad compliance at the premises. Newport City Council recognises the premises has been broadly compliant since re opening after the national lockdown and an improvement notice was served on the premises due to a failure to have a social distanced queue, this matter was shortly resolved by the premises.

4. Upon being informed of the Covid 19 cluster cases Newport City Council's Licensing Manager, Mr Alistair Dearling, requested that the premises provide CCTV of the evenings in question to see if the premises were meeting their legal obligations under the aforementioned Regulations.

CCTV from Friday the 4th & Saturday the 5th of September 2020 has been reviewed and demonstrated breaches under Regulation 12 of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020.

CCTV footage Friday the 4th & Saturday the 5th of September 2020, exhibit AD/1

CCTV REVIEW
1st Floor Mezzanine (VIP) area BREEZE, CAMBRIAN ROAD, NEWPORT
Saturday 05 September 2020 & Sunday 06 September 2020

No.	Date	Time	Camera	Event
Files A09_20200905020000 & A09_20200905021754 (Camera 9 – Sat 05/09/20)				Throughout both files there is no evidence of any sort of distancing. People routinely move around from table to table, group to group, handshakes, embraces and kissing between customers is commonplace.
1	05/09/20	02.11.15	9	Owner of premises visible and seated at 'U' shaped bench seat around table and among group of 6. Owner seen shaking hands with male sitting 2 places away.
2	05/09/20	02.12.34	9	Male staff member who had been standing next to owners table approaches female from adjoining table and can be seen to hug and kiss her.
3	05/09/20	02.12.55	9	Females dancing top left of screen and in full view of owner.
4	05/09/20	02.13.30	9	Door staff member appears to intervene to prevent dancing.
5	05/09/20	02.16.35	9	Owner leaves seat and seen attempting dance move on floor.
6	05/09/20	02.17.10	9	Owner returns to seat.
7	05/09/20	02.17.13	9	Female with hair in a bun bends down and appears to kiss the now seated owner. He responds and they appear to share a kiss at 02.17.15.
8	05/09/20	02.17.40	9	Females embracing top left of screen.
9	05/09/20	02.18.10	9	Owner seen to commence clapping before standing and dancing on the spot.
10	05/09/20	02.18.33	9	Female appears to respond and begins dancing in front of him on the table top.
11	05/09/20	02.18.37	9	Owner stops the female from continuing and she gets off the table.
12	05/09/20	02.19.12	9	Nine people can be seen seated around same table as owner.
13	05/09/20	02.19.42	9	Females dancing top left of screen.
14	05/09/20	02.19.55	9	1 female seen to squat and straddle another seated female in simulated dance move – top left of screen.
15	05/09/20	02.20.52	9	Same event as 14 above.
16	05/09/20	02.21.27	9	Owner puts his arm around female seated next to him.
17	05/09/20	02.21.30	9	3 people standing in close proximity at the bar.
18	05/09/20	02.22.40	9	2 females kissing at nearest table in foreground.
19	05/09/20	02.23.17	9	Same 2 females kissing again.

20	05/09/20	02.24.55	9	Same 2 females kissing again.
21	05/09/20	02.25.42	9	Same 2 females embracing.
22	05/09/20	02.26.22	9	1 female involved in events 18-21 above now gyrating around on floor.
23	05/09/20	02.44.47	9	Male door staff member makes appearance seemingly trying to enforce distancing measures.
24	05/09/20	02.51.04	9	Male wearing puffer jacket approaches female at table, embraces and kisses her.
25	05/09/20	02.52.30	9	Owner leaves area with male member of door staff.
26	05/09/20	02.55.50	9	Owner returns to seated area with beer.
27	05/09/20	02.58.10	9	4 people standing in close proximity at bar as owner walks by.
28	05/09/20	03.01.10	9	Owner standing at bar close to 5 other customers.
29	05/09/20	03.13.47	9	Dancing taking place directly in front of owner seated at table.
File A14_20200905020000 (Camera 14 – Sat 05/09/20)				1 hour 31 minutes of footage of this small area on the Mezzanine Level on Saturday 05/09/20 shows numerous examples of males and females in very close proximity, mingling with one another, touching and holding one another and very often moving between individuals and groups. Majority of the same individuals remain visible throughout and at no point is any form of distancing observed.
File A21_20200905020000 (Camera 21 – Sat 05/09/20)				No events of note on Saturday 05/09/20.
Files A09_20200906020000 & A09_20200906020619 (Camera 9 – Sun 06/09/20)				File 20200906020000 relates to 06/09/20 and is 6 mins 18 secs long only. Nothing observed of particular note except that throughout groups of males and females can be clearly seen to be in very close proximity and not practising any form distancing. File 20200906020619 also relates to 06/09/20 and is 1 hr 41 secs long. The first 36 minutes or so shows significantly less customers than on 05/09/20 but same behaviours around lack of any sort of distancing are clearly visible, e.g. table hopping, embracing and very close individual contacts. But as with yesterday (05/09/20) this entire footage contains numerous examples of zero social distancing, touching and very close personal contact between individuals and frequent movements of people between different groups.
30	06/09/20	02.42.25	9	Group of females dancing.
31	06/09/20	02.47.40	9	Dancing terminated by door staff.
32	06/09/20	03.00.07	9	Male member of staff hugging female customer.

File A14_20200906020000 (Camera 14 – Sun 06/09/20)				File 1 hour 30 mins long of small seating area on Mezzanine level on Sunday 06/09/20. 1 bench seat and 3 small sofas are visible. 10-12 young people in vicinity for most of the time, some seated, others standing or milling around. Plenty of close quarter interaction, hugging, kissing and handshakes.
File A21_20200906020000 (Camera 21 – Sun 06/09/20)				35 min 09 secs file of main VIP Mezzanine Level bar area.
33	06/09/20	02.08.20	21	3 male bar staff serving approximately 10 customers standing at the bar with no distancing between them.

5. I have spoken to a Breeze customer that was at the premises on Saturday the 5th of September 2020. The customer states that upon entry there were no temperature checks taken, despite the customer being informed that there would be. They had a seated booth in the upstairs VIP area and was informed that there would not be any table service.

The customer states they had to go to the bar to get drinks, there was table service for downstairs but not upstairs. In order to get to the bar the customer described how they had to walk through standing tables and there were no screens up at the bar to shield bar staff and customers. The customer noticed throughout the evening that customers from different tables were mixing with one another. There was music on and a few people were dancing in the open spaces by the booths.

The witness statement described how there were bouncers and they did try to tell people to sit down however no one listened. There were no notices up warning customers to social distance, there was no hand sanitiser and no one way system. The customer states that they had to use a staircase to get up to the VIP area and downstairs for the toilets. There was no control on who went up or down, it was just left to the customers to move.

6. Mr Bannister explained to Mr Dearling that on Friday the 4th & Saturday the 5th of September 2020 four members of staff had not turned up for work. As such, they were no longer in the position to offer table service in the upstairs VIP area. This weekend it is noted that the DPS/Licence holder, Colin Simpson, was not present on the premises.

It is reasonable to expect that the owner of such a premises would take responsibility to ensure The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 were still being complied with in the upstairs VIP area but in fact it was the total opposite with the premises breaching the Regulations on Friday the 4th & Saturday the 5th of September 2020, while the owner was present.

When the DPS is present it seems that the premises is able to comply with the four licences objectives. The actions of the owner of the premises, Mr Bannister, had no regard to public safety or the laws governing premises opening safely during Covid 19. The premises operated as a late night bar, just like one that would have operated pre covid 19. The result is positive Covid 19 cases forming the cluster originating from the premises. It is already recognised that the irresponsible behaviour has an extremely detrimental effect on our local communities.

7. I am not suggesting the licence gets suspended or revoked but I leave the outcome to be decided by the committee however I will list suggested conditions...

- All Licensing activity are required to cease at 23:00hrs unless the following conditions are met.
- That the named DPS must be on the premises from 21:00hrs until 30 minutes after closing of the premises, though in the absence of the DPS there should be a named “deputy manager” that holds a personal licence on the premises after 21:00hrs until 30 minutes after closing. The premises is required to Inform the Licensing Authority and Gwent Police in writing of the named “deputy manager” alongside their personal licence details. (The DPS or “Deputy Manager” cannot be Jack Bannister)
- The premises are required to have full written compressive list of duties of the “Deputy Manager” in the absence of the DPS. This must be agreed by Licensing Authority and Gwent Police in writing. The “Deputy manager” is required to sign and date that they clearly understand the duties in the absence of the DPS, the Deputy Manager must sign the document at least every 6 months that they fully understand their responsibilities.

- The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.
- When the Upstairs area / bar (VIP area) is open to the public/customers a minimum of 1 SIA door staff should be present in this area after 21:00hrs.
- All Staff will be appropriately trained in accordance with their role particularly at the point of service where they will be trained in respect of licensing offences, licence conditions and made aware of the Licensing objectives.

Appendix B – A copy of the premises licence

Schedule 12

Part A

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

**Premises Licence
City of Newport**



Premises Licence Number	14/02249/LAPV
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code Breeze 11 - 15 Cambrian Road Newport South Wales NP20 4AD
Telephone number

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

Licensable activities authorised by the licence Sale by retail of Alcohol Performance of Dance Exhibition of a Film Indoor Sporting Event Performance of Live Music Playing of Recorded Music Late Night Refreshment
--

Times the licence authorises the carrying out of licensable activities Sale by retail of Alcohol Monday to Friday inclusive 07:00 - 04:00 Saturday 07:00 - 05:00 Sunday 07:00 - 04:00 Maundy Thursday 07:00 - 05:00 Sunday prior to a Bank Holiday 07:00 - 05:00

Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Performance of Dance

Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Exhibition of a Film

Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Indoor Sporting Event

Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Performance of Live Music

Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Playing of Recorded Music

Monday to Friday inclusive 07:00 - 04:00
Saturday 07:00 - 05:00
Sunday 07:00 - 04:00
Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

Late Night Refreshment

Monday to Friday inclusive 23:00 - 04:00
Saturday 23:00 - 05:00
Sunday 23:00 - 04:00

Maundy Thursday 07:00 - 05:00
Sunday prior to a Bank Holiday 07:00 - 05:00
Bank Holiday Mondays 07:00 - 05:00
Christmas Eve 07:00 - 05:00
Boxing Day 07:00 - 05:00

For the provision of regulated entertainment limited to Supply of Alcohol:
From the start of permitted hours New Years Eve until the end of permitted hours New Years Day.

The premises may operate and provide any of the permitted licensable activities until 05:00 hours on occasions when they are showing live televised broadcasts of national and international sporting events and other live televised broadcasts of international significance and provided that the Police and Licensing Authority are given 14 days notice prior to the event taking place.

For the provision of regulated entertainment limited to films:

-From the start of permitted hours New Years Eve until the end of permitted hours New Years Day
For the provision of regulated entertainment limited to Performance of Live Music:

-From the start of permitted hours New Years Eve until the end of permitted hours New Years Day
For the provision of regulated entertainment limited to Late Night Refreshment:

-From the start of permitted hours New Years Eve until the end of permitted hours New Years Day
For the provision of regulated entertainment limited to Late Night Refreshment:

-From the start of permitted hours New Years Eve until the end of permitted hours New Years Day

The opening hours of the premises

Monday to Sunday inclusive 07:00 - 05:30

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

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

Alcohol is supplied for consumption both on and off the Premises

Part 2

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

Mr Colin Simpson
Breeze
11-15 Cambrian Road
Newport
South Wales
NP20 4AD

E Mail enquiries@breeze-newport.co.uk
Telephone Number 07732450373

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

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

Mr Colin Simpson
54 Larch Grove
Malpas
Newport
South Wales
NP20 6JJ

Contact Telephone Number 07732450373

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

Party Reference: NCC/06/0155

Licensing Authority: Newport City Council

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

Dated this 18th November 2014



Gareth Price
Head of Law and Regulation

Mandatory conditions

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

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

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

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

For the purposes of this section:

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

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

For the purposes of this section:

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

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

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

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

8 The responsible person must ensure that -

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

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

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

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

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

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

(2) In this condition:-

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

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

Conditions consistent with the Operating Schedule

10. The total number of persons to be accommodated at any one time in the premises hereby licensed shall be:
Ground Floor - 560 persons
First Floor - 130 persons.

11. Noise from the playing of amplified music within the premises shall not exceed 97dB(A) measured as an LAeq, T over a period of 5 minutes.

12. No alcoholic or non alcoholic drinks contained in open vessels shall be removed from the premises save for consumption by patrons within the outside designated street seating area in Cambrian Road.

13. The Designated Premises Supervisor shall ensure that all activities on the premises are conducted in a decent, sober and orderly manner and whenever a designated premises supervisor is not at the premises another individual must be nominated as being the responsible person nominated by the designated premises supervisor to manage the premises and they must have the contact details of the designated premises supervisor.

14. When the premises are operating at a patron capacity of 100 or more persons and the licensable activities includes the provision of 'regulated entertainment' the following conditions will be implemented in respect of the deployment of SIA registered door supervisors:

Two supervisors to control the queue to the premises to ensure that customers are advised of the amount of time they are going to have to wait to gain entry and to prevent any customers who have behaved in such a way as to cause a public nuisance or disturbance from entering the premises.

Door supervisors shall keep an accurate record of the numbers in attendance

Door supervisors shall be positioned at each entrance/exit (other than fire exits) to ensure that no customer leaves with any open bottles or glasses save for use in the authorised outside seated area in Cambrian Road.

Two door supervisors registered with the SIA will remain at the entrance/exits of the premises until after the last customer has left.

There shall be two supervisors at each public entrance where the capacity of the premises is more than 100 persons. A further door supervisor for each public entrance shall be employed for each additional 150 persons where the premises capacity is more than 200 persons.

15. At all premises with a terminal hour of later than 11.00 pm, all drinking glasses shall be manufactured from strengthened glass, polycarbonate or other plastic.

16. The premises shall not be used for striptease or entertainment of a like kind to dancing which involves nudity or the sexual stimulation of patrons, other than where this occurs as part of a licensed performance of a play.

17. A CCTV system shall be installed to cover the inside and entrance of the premises. The system shall comply with the Data Protection Act 1998 and Human Rights Act 1998. A suitably trained person shall maintain and manage the system. All recordings shall be kept for a minimum of 28 days and made available to an Authorised Officer on request.

18. The Premises Licence holder shall register with Newport City Council's Anti-Crime Group Radio Network, obtain a suitable radio, and abide by the terms of the agreement between themselves and Newport City Council.

19. The premises will comply with the Regulatory Reform (Fire Safety) Order 2005 and take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees and customers and take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

20. No unaccompanied children under 16 years will be permitted entry to the premises after 1900 hours on any day save for when taking table meals.

21. Suitable and sufficient sanitary conveniences shall be provided for each sex, free of charge to members of the public who use the premises, and shall at all times be kept in good order and repair. All such installations shall be properly and effectively cleansed, ventilated, disinfected and supplied with water and the doors leading thereto shall be suitably marked.

22. The Designated Premises Supervisor shall at all times ensure that persons on, or leaving the licensed premises, conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.

23. Suspended light fittings (other than single lamp pendants installed in accordance with the current Regulations of the Electrical Engineers) shall be provided with adequate means of suspension, independent of the electric conductors. Heavy light fittings shall be provided with a satisfactory secondary means of suspension.

24. Overhead lighting gantries, rigs and other suspended equipment for special effects are to be inspected annually by a competent person and certified as being in a safe condition. A copy of such certification shall be made available for inspection by an Authorised Officer on request.

25. All floor coverings shall be secured and maintained so that they will not be likely to ruck or be in any way a source of danger.

26. A valid certificate of fitness in respect of the electrical supply and fittings shall be kept on the premises and made available to officers of the Licensing Authority at all times. The inspection must be carried out by a competent person, and the date of the inspection shall be recorded in the log book.

27. Secondary lighting and fire alarms must be provided and maintained in good working order and shall be checked at least once each month. The results of such tests shall be recorded in the log book.

28. The Designated Premises Supervisor shall ensure that no noise shall emanate from the licensed premises, or vibration be transmitted through the structure of the licensed premises, which causes occupiers of premises in the neighbourhood to be unreasonably disturbed.

29. The Designated Premises Supervisor shall maintain a log book which shall be kept on the premises and shall be available for inspection by officers of the Licensing Authority at all times. The Designated Premises Supervisor or a nominee shall record all details in the log book required by these conditions and the Designated Premises Supervisor shall initial the log book weekly.

30. Persons awaiting admission to the premises shall only be allowed to congregate in that part of the premises identified for that purpose.

31. Door Supervisors and staff shall request proof of age from all patrons who appear to be under the age of 21 years. The national "Challenge 21" scheme shall be in operation within the premises, whereby the only accepted forms of proof of age shall be:

Photo card Driving Licence;

Passport; and

Proof of Age cards bearing the PASS hologram.

Conditions attached after a hearing by the licensing authority

NIL.

Plans

Please see attached plans (reference number)

Appendix C - Representation from Gwent Police & Health Board

HEDDLU GWENT POLICE

RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATION FOR REVIEW OF A PREMISES LICENCE

RESPONSIBLE AUTHORITY – Gwent Police

Name and Address of Applicant	Heather Crutcher on behalf of Newport City Council Trading Standards
Premises	Breeze 11 - 15 Cambrian Road Newport South Wales NP20 4AD

Your Name	Rhiannon Hurst	Date 20/10/2020
Job Title	Police Constable	
E.mail Address	Rhiannon.hurst@gwent.pnn.police.uk	
Contact Telephone Number	07464 653918	

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

I have the following to say in relation to my submission of representations in support of the review of Breeze brought about by the local authority:

Breeze is a popular licensed premise, located on Cambrian Road, Newport. I am aware that the property is owned by Mr Jack Bannister however he is neither the designated premise supervisor nor premise licence holder. I am aware however that Mr Bannister is the designated premise supervisor at another premise within Newport City centre and therefore ought to know the current rules and regulations that are upon us during the pandemic that we find ourselves in.

Breeze are always represented at Pubwatch meetings that are held monthly (again under normal circumstances) and have been communicated with electronically by Newport City Council on the mailing list for this group. This has been a regular communication I believe throughout the pandemic, and I believe I am fair in saying that much advice and guidance has been disseminated to the group which includes most if not all licensed premises on the city centre. Mr Bannister is always at Pubwatch, as is

the premise licence holder and designated premise supervisor of Breeze, Mr Colin Simpson whom I have always known as 'Tony'. He has held this position for a number of years.

Mr Bannister is usually very communicative in relation to his premises on the town and also represents the trade at Newport business improvement district meetings I believe. It would be my assumption that Mr Bannister would have a vested interest in the success of the night time economy in Newport at a number of premises he is linked to.

Under usual circumstances, Breeze trades from 07:00 hours until 04:00 hours but this changes to 05:00 on a Saturday.

On 25th September 2020 I received notification from Newport City Council that they were taking Breeze to a review due to them risking public safety on the evenings of Friday 4th September and Saturday 5th September. On these evenings, trading standards stated that Breeze VIP area had operated with a total disregard of the reasonable measures put in place by the Welsh Government to minimise the risk of exposure to Covid 19 under Regulation 12(2) of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020.

The department I work in has been checking the conformity to these regulations at premises across Newport and Monmouthshire throughout the pandemic. On Friday 31st July, I worked evenings to observe premises on Newport city centre to ensure compliance and to pick up any non-compliance issues. I worked with Mr Alastair Dearling, Principal Licensing officer at Newport City council. During the evening we attended at Breeze. It was clear to see that the outside area which I believe was all that was in operation at the time was being run reasonably well. Persons were all seated and being served at their tables and staff were wearing PPE when serving them. The seating area was segregated off from the road with barriers that I believe were supplied by Newport City council to support businesses in assisting to barrier off a larger area of outside space for customers.

The issue that I observed that evening was in relation to door staff. I could see Mr Simpson inside the barrier that evening where things were being well run however outside of the barrier, there was no social distancing in the queue, SIA door staff were not wearing PPE and were not controlling the queue. One door supervisor was hugging a customer at one point.

This matter has been taken up with the SIA who have provided no training in relation to Covid 19 to the supervisors that they licence, the onus on training is on the venue itself.

I saw via a post that was shared on social media at the beginning of September that Mr Banister had announced that Breeze was to close temporarily to be deep cleaned due to the fact that a confirmed Covid 19 patient had been in Breeze.

Following this, I was then informed by Mr Dearling that CCTV had been obtained from Breeze of the nights which had been attributed to when the Covid positive patient had attended, namely the 4th and 5th September. This was as a result of his attendance at the premise to issue an improvement notice.

I attended as part of joint working days at the civic centre in the following weeks and viewed this CCTV which is exhibit AD/1.

The footage I watched was of the early hours of the 5th and 6th September, between 02:00 and 03:15 hours. The footage that I viewed was mainly of the upstairs VIP area inside Breeze however I did view some footage of the downstairs of the premise.

I have to say that there was a stark difference between the two areas, one which is visible from the road through the windows of the premise and one which is not. This makes me think that the action or lack of action taken upstairs was done in a deceitful way because it was assumed that it would never be seen by anyone unlike the downstairs and outside areas which have broadly always been compliant with what we have expected.

From the footage it would appear obvious that there is music playing in the background as at different intervals, people are stood up dancing where they clearly should be sat at tables with member of their own household. The lights are low in the premise and there are what looks like disco lights strobing across the area. In my opinion, the combination of these things encourages people to get up and dance albeit not wildly, which is against guidance and regulation.

At intervals door supervisors walk through the area, Mr Bannister can clearly be seen on the footage walking around. It seems to me that having door supervisors walking through was a token gesture as despite the fact that they seem to be intermittently telling people to sit down, this was not followed up or enforced. In fact then, these supervisors with no PPE are seen talking in very close proximity to customers, no social distance is being observed at all. At points they then make physical contact with some customers, none of which is to eject them from the premise for not adhering to rules, the rules were obviously not being enforced.

People were milling around stood up, some were sat but I highly doubt that in particular one group of 5-6 women in their 20s were all from the same household although obviously I have no proof of this. There was clear freedom of movement between tables so clearly different households were mixing together, some people were moving from their own tables and joining others. Some were stood up around other people's tables.

No social distancing was being observed at all in this VIP area, households of tables were clearly mixing and people were not being served at their tables. It is also clear to see that the bar area was in full use, people are gathered together at the bar as if it was an ordinary night, not in the middle of a deadly pandemic.

It is clear to see from the footage the risk posed to public safety given the ongoing situation we are in. It is made worse by the fact that amongst that group was a customer that we now know to have been Covid 19 positive.

I understand that there are patients that are asymptomatic and often patients that do not display symptoms for some time after they have contracted the virus. I completely understand that premises cannot confirm on entry whether or not their customers are Covid 19 positive and that there is onus on customers too. However the guidance and regulations are in place for good reason. If the social distancing guidelines had been followed, sanitisation had been in place, no mixing had been enforced, table service used, customers sat down, no dancing and no queueing at the bar, the risk of transmission would have been greatly reduced.

Unfortunately Mr Bannister is leading a poor example on the footage mixing between everyone, dancing, stood at the bar, being too close to other people. I believe he created an atmosphere as the owner that the rules did not apply and therefore if the owner was not complying then the customers would not either.

It is clear that the premise can be run correctly in a broadly compliant manner, the downstairs of the premise was being run correctly whilst this was taking place upstairs which makes it all the more disappointing that this area was run with deliberate disregard for the rules which posed a huge risk to the safety of the public both inside and outside of this premise.

Following on from this, I was provided with information from a Newport IMT meeting which discusses the current situation with cases and their origin and the ongoing work by all services in relation to 'clusters'.

The data I was provided with shows via track and trace work that 12 cases had been confirmed at a garden party in Newport and of this number, 42% of them had been inside Breeze at the material time. If measures had been properly implemented and followed at Breeze, it is likely that Covid 19 would not have spread in the way that it did between customers and would then not have been transmitted into the wider community at garden parties and beyond. Soon after this cluster, Newport was put into a local lockdown.

I wholly support the review brought about by the local authority and believe that the upstairs at the premise on these nights whilst Mr Simpson was not working was being run irresponsibly by Mr Bannister.

PC 246 Rhiannon Hurst


N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

**Representation from
Aneurin Bevan University Health Board**

Representation made to support the Review of a Premise Licence

Responsible Authority Details

Name of Responsible Authority	Aneurin Bevan University Health Board
Name and title of Signatory	Dr Arif Mahmood, Consultant in Public Health Aneurin Bevan University Health Board
Signature	
Contact for more details	Jackie Williams Jackie.williams6@wales.nhs.uk
Date Representation Made	21 st October 2020

Premise Details

Premise Name	Breeze
Address and Licence No	11-15 Cambrian Road Newport Wales NP20 4AD Licence No: 14/02249/LAPV

Relevant Licensing Objective/s

Prevention of Crime & Disorder		Public Safety	X
Prevention of Public Nuisance		Protection of Children from Harm	

Representation from Aneurin Bevan University Health Board

The Aneurin Bevan University Health Board (ABUHB) make this representation in support of Newport City Council Trading Standard's application for a review of Breeze, Newport.

ABUHB make this representation after being talked through the visual evidence (CCTV) by partners and reviewing the written evidence (detailed in partner representations) shared by Newport City Council's Trading Standards team and Gwent Police.

Based on our assessment of this evidence, which details the upstairs VIP area of the Breeze on the evenings of Friday the 4th September and Saturday the 5th September 2020, ABUHB consider that this premise DID NOT adhere to Regulation 12(2) of the Health Protection (Coronavirus Restrictions) (No 2) (Wales) Regulations 2020. This Regulation imposes obligations on people responsible for premises open to the public, or where work takes place, to minimise the risk of exposure to Coronavirus on the premises and to minimise the risk of spread of Coronavirus by those who have been on the premises.

ABUHB also consider that the Breeze did not adhere to the Guidance issued under Regulation 13 of the Health Protection (Coronavirus Restrictions) (No 2) (Wales) Regulations 2020. This Guidance is aimed at any person who is required by Regulation 12 of the Coronavirus Regulations to take all reasonable measures to ensure that a distance of 2 metres between all persons is maintained on particular premises, ensure that other reasonable measures are taken to minimise the risk of exposure to the virus, in particular by limited close face-to-face interaction and by improving hygiene.

Therefore ABUHB consider that the Breeze:

- DID NOT take reasonable measures to minimise the risk of Coronavirus to its patrons or its staff and therefore
- DID NOT adequately protect staff or patrons from coronavirus.

Representation from Aneurin Bevan University Health Board

Based on discussing the visual and reviewing the written partner evidence ABUHB are certain that the Breeze did not promote the 'public safety' licensing objective on the weekend of 4th and 5 September 2020.

On the 4th and 5th September 2020, the dates of the alleged breaches, all businesses in Wales were required to adhere to the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ('the Regulations').

These Regulations:

- Were introduced in response to the serious and imminent threat to public health posed by the incidence and spread of severe acute respiratory syndrome coronavirus (SARS-CoV-2) in Wales;
- Placed a series of restrictions on gatherings, the movement of people, and the operation of businesses, including closure of businesses;
- Set out to protect public safety by reducing and slowing down the spread of Coronavirus.

As stated above, the Regulations required licensed premises which remained open to the public to take 'reasonable measures' to minimise the risk of exposure to coronavirus. Guidance¹ outlined what constituted 'reasonable measures'. On reviewing evidence, and having discussions with Responsible Authority partners as to what they had witnessed taking place within the VIP area of the Breeze on the evenings of the 4th and 5th September 2020 it is clear that the following examples of 'taking reasonable measures' were not adhered to by Breeze:

- That a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a Carer and person assisted by the Carer);
- Changing the layout of premises, including the location of furniture and workstations;
- Controlling use of entrances, passageways, stairs and lifts;

¹ <https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>

Representation from Aneurin Bevan University Health Board

- Otherwise controlling the use of, or access to, any other part of the premises;
- Installing barriers or screens;
- Providing or requiring use of personal protective equipment, and
- Provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

Regulations and Welsh Government Guidance are in place to protect the public and reduce the transmission from coronavirus in Wales. On 5th September 2020 there had already been 1,593 deaths from Coronavirus in Wales. In early September it was very clear that we were still in the middle of a severe pandemic, and the threat of death from Coronavirus had not gone away.

Coronavirus (SARS-CoV-2) is primarily transmitted between people through respiratory droplets and contact routes², which is why social distancing and/or reasonable measures to reduce the transmission are essential. The incubation period for Coronavirus, which is the time between exposure to the virus (and becoming infected) and symptom onset, is on average 5-6 days³. This is known as the 'pre-symptomatic' period. Coronavirus can be transmitted before a person who has been infected with the virus starts to show signs of symptoms. Coronavirus can also be transmitted by people who are infected with the virus but have no symptoms ('asymptomatic').

This is why adhering to Regulations and Guidance for social distancing are crucial. They are essential to protect the public.

From discussions with other Responsible Authority partners (namely Newport City Council Trading Standards and Gwent Police) it is clearly evident that:

² <https://www.gov.uk/government/publications/wuhan-novel-coronavirus-background-information/wuhan-novel-coronavirus-epidemiology-virology-and-clinical-features>

³ https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200402-sitrep-73-covid-19.pdf?sfvrsn=5ae25bc7_6

Representation from Aneurin Bevan University Health Board

- Social distancing was not being observed in the upstairs VIP area of the Breeze
- Tables of people from different households were clearly mixing
- Patrons were not being served at their tables, instead they were gathered at the bar area to be served, as if it was an ordinary night, not in the middle of a pandemic
- No sanitisation measures were in place.

ABUHBs Test, Trace and Protect team recorded 23 positive Coronavirus cases that self-reported having frequented the Breeze during the weekend of the 4th and 5th September 2020. One of these cases self-reported that they had attended the Breeze on 04/09/2020 and the other 22 cases self-reported that they had attended the Breeze on the 05/09/20. All these cases were residents of Newport.

By the Breeze disregarding the Regulations in the upstairs VIP area on the 4th and 5th September 2020, this could have contributed to increased risk of wider community transmission.

In conclusion, visual evidence (from videos and CCTV) demonstrates that Breeze did not promote social distancing on the 4th and 5th September 2020. In doing so, Breeze breached Regulations, did not adhere to national guidance and placed their staff, patrons and the wider community at increased risk of coronavirus. For this reason, ABUHB wholly support the review of the Breeze.

Although the Health Board appreciate that the economic and social consequences of a local lockdown, as a result of non-adherence to social distancing guidelines, is not for discussion as part of this review, we ask that they be noted.

We would however respectfully request that the consequences for the wider community and the Health Board, as a Responsible Authority, and its staff of non-adherence to social distancing guidance might be considered. If this is possible, witness statements from ABUHB staff are included in the Appendices.

Appendix A

Joint witness statement from Senior Sisters of Emergency Department, ABUHB

“As frontline NHS workers we have always been prepared to work above and beyond what is expected of us. Saving people’s lives is what we do. However, nothing prepared us for the impact on our service or our lives from this pandemic. We have witnessed things we never expected to.

Some of the most difficult times which come to mind are staff having to support patients to make a phone call to say a final goodbye to family members including their children before we placed them in a coma, as they knew they may not survive; having to witness our patients dying without family members or friends being at their bedside. It has been heart breaking. For those patients that have survived, for some their recovery will be long and the long term consequences of Covid are still unknown. Whilst we are fortunate to have the support of the employee wellbeing service, we are unsure what the long term consequences of the events will be on staff wellbeing as well.

With the staff having worked so tirelessly throughout the pandemic, it is extremely hard for us to hear of local people blatantly disregarding the national guidelines on social distancing and risking the NHS becoming overwhelmed by this virus”.

Witness Statement from Dr Adrian Neal, Head of ABUHB Employee Wellbeing Service

“The impact of Coronavirus on our staff’s mental wellbeing has been significant. Referrals to our Employee Wellbeing Service are double the same period last year, and we currently have a waiting list of over 100 members of staff”.

Appendix D - Representation Via Roger James Solicitors

Roger James

From: O'Briens Hospitality Ltd <greyhoundcitycentrenewport@hotmail.com>
Sent: 12 October 2020 22:11
To: Roger James
Subject: Re: Breeze 11-15 Cambrian Road, Newport

Dear Roger,

We have followed every "advisory" rule since the very beginning, I have constantly asked for guidance of Steve Pontin mainly and Alistair occasionally.

I have done every single thing asked of me, when they advised against it, I also never did it.

This witness statement is a load of nonsense, I have about 20 witness statements from people with highly respectable jobs that completely contradict this. MPS, clinical trials unit manager for the vaccine Bristol, health and safety executive for Taylor Wimpey, people of health risk, NHS workers, PT, professional sports players, insolvency practitioners etc! None of these people are going to put themselves at risk and take the rules very seriously as do I.

I provided CCTV footage to Mr. Dearling without hesitation.

I notified everyone who attended 5 minutes after learning of a positive case, I closed, deep cleaned the entire venue, I did everything I possible could since the very beginning I stated "health over wealth."

Alistair has got two bits of information wrong also, yes I did have a conversation with him, I told him that my acting manager made the decision to open the bar from table service to socially distanced queue (due to staff shortage for coronavirus precautions) which in hindsight was the wrong move. But, hindsight is a wonderful thing, and at this time table service was advisory only.

Also, I told him four staff never showed due to the virus itself on the Saturday not the Friday.

There was a socially distanced queue, however, people naturally move and come in to encroachment of the 2m rules. As soon as spotted by the human eye, my staff and security deal with the situation. As seen across the whole world, human beings will naturally break rules wherever they are. Be it at a supermarket, in the street, schools, hospitals, gyms etc

It then says "Its clearly we was complying with social distancing queue" then later on in the report, it says that's what part of the review is for? Doesn't make sense, a bit of a contradiction and I'm very confused by it.

It says we've been broadly compliant since the beginning, 4th and 5th VIP area was clearly not? As above we have witness statements completely contradicting there one witness statement and the moments of human error.

I as an owner did take all reasonable measures to ensure the safety of patrons, we had 4 security, expected (14 staff), however 4 never showed. 2 managers, one of whom is chairman of Pubwatch and an assistant manager. I may have been present but I briefed every single one of my management to the rules.

I am also a member on the BID committee, I'm in constant liaison with Kevin Ward about the rules, acquiring ppe, doing everything I can to ensure safety.

When I asked Steve Pontin to come down to the venue and point out with a fine toothcomb every single thing they wanted done and I will do it, he said "it is impossible to do that as we have thousands of licensees we need to assist", which in my opinion is fair enough, can't fault that. So I took it upon myself to have a constant liaison with

the head of the clinical trials unit in Bristol who is advising me accordingly throughout this whole pandemic of measures needed, who better to ask than someone finding a vaccine for the cure?

We have changed the layout to adapt for coronavirus restrictions.

We have security controlling the pathways to upstairs.

We had toilet attendants who's job it was to control the toilet situation, security were radio'd if any issues.

All our staff were provided ppe and were enforced to wear them.

Every single person who entered were temperature check, forced to sign in, sent to there table where table service would arrive, told they were not to leave there seats unless to leave or go to the toilet, no singing, no dancing, they were told absolutely everything.

Licensing and police have been upstairs to our VIP area several times and openly praised us about our compliance!!! So to say that because it was out of view rules were breached simply isn't true.

I was confused about how we were issued an improvement notice for social distancing, then taken to review despite rectifying the issues immediately.

The queue outside we manage with 2 security and management team, even telling them we are at capacity and to leave our queue and find another venue. We've liaised constantly with Nikki Hughes (chief inspector of the police) via email asking is there anything you wish for us to improve, she mentioned better control of the queue maybe but apart from that they were happy.

So we employed an extra person again specifically to distance the queue.

It said we operated as a late night bar like we would pre covid, completely not true, no loud music, table service, hygiene, temperature checks, escorted to tables on entrance, no dancing, no singing, do you think we really enforced this pre covid?

To say we are responsible for a cluster and helped contribute to a local lockdown is completely and utterly absurd! This virus is a global issue that no government in the whole world can control or contain, its a virus that despite its measures to help prevent, can attack at any place, any time and anywhere.

It says an application was made on the 24th of August for a licensing review of our premises for incidents on the 4th and 5th of September, how can they make an application for dates that haven't even happened yet? Is this pre meditated? Are they finding easy targets to use as scapegoats to alleviate pressure from high up the government and media pressure? I don't know but it all seems very conspicuous to me.

I attended several big chains this week including Nandos, Pierres, Wetherspoons next door, not one asked if we was from the same household, we didn't have to wear a mask to come in, there was clearly groups all over not from "ONE HOUSEHOLD" ...

Yet we have trading standards and licensing alike all over us every week despite the fact the industry is on its knees, closing us down at ten o'clock, one household etc. They're really is no need to check on us anymore, we are dead, diabolical, I'm losing approximately 4 grand a week just being open.

Why are they not targeting these big chains? Why are they picking on small businesses who have put there heart and soul in to doing everything asked and surviving?

I implore you to accept our reasoning and respect our professional approach during devastating times.

And, hopefully a sensible outcome of a "warning" can be obtained.

Kind Regards
Jack Bannister

Sarah Banwell
47 Gaer Park Lane
Newport
NP203NE

6 October 2020

To whom it may concern

Reference: Breeze Bar, Newport

My name is Sarah Banwell and I attended Breeze for a food tasting event on Friday 4 September, 2020. I visited the venue with my two sons, Joshua and Jacob Phillips and Jacob's girlfriend, Kelsey Johnsey.

On entering Breeze with Joshua, we passed security staff at the door, who advised us to use hand sanitizer, give our details for Track and Trace, have our temperature taken and to stay in our bubble, on the table allocated us in the VIP area. We complied with all.

There was signage advising of CV19 rules at the entrance, in the VIP area and the ladies toilet (I did not go anywhere else in the venue).

On entering the VIP area, Jack (the venue owner) and two members of staff were present. One lady behind the bar and another lady bringing drinks to the table. Jack was meeting and greeting guest to the food tasting event. All observed social distancing. I did not hear anyone singing or dancing whilst I was there. Contrary to what is being said by NCC, I can categorically confirm, on Friday 4 September, the VIP area did not operate as a nightclub.

It was my son, Joshua Phillips who contracted CV19. On Friday 4 and Saturday 5 September, my son was fit and well. However, on Sunday

6 September, Joshua developed a cough, was extremely fatigued and spent the day in bed.

On Monday 7 September, Joshua was advised by friends, people he had been in contact in the last week had tested positive for CV19. Immediately, Joshua secured a test for later that day. On Tuesday 8 September 2020, Joshua was informed by text he had tested positive.

My son behaved responsibly and informed Track and Trace of all the people he had been in contact with from Friday 4 September (apparently Track and Trace will only go back 2 days from symptoms developing).

Furthermore, Joshua made a status on social media and also informed Jack in Breeze, where he visited on Friday 4 and Saturday 5 September. Joshua also informed other Newport venues too. Jack immediately closed his venue for a deep clean and notified his clientele on social media of the positive case.

My son Jacob, his partner Kelsey and I also obtained tests on Thursday 10 September and we tested negative via texts on Friday 11 September.

On Thursday 10 September, I was contacted by Track and Trace. I was advised to self isolate for 14 days. Additionally, I was telephoned daily by Ceri in this team to see how I was doing. Surprisingly, Jacob and Kelsey were not contacted by Track and Trace, including other family members and friends. However, they behaved responsibly and self isolated for 14 days too.

Although, I have a few health issues, I did not feel compromised in anyway by visiting the venue on Friday 4 September. So much so, my partner and I had a wedding booked for Wednesday 9 September which had to be postponed due to Joshua contracting CV19. Myself,

1
2

nor my children are risk takers and we would never have stayed in a venue where we felt rules were not being adhered to!

I am a professional person, I work for a Member of Parliament, so I am extremely proficient with rules and regulations. I can categorically confirm, on Friday 4 September, Jack could not have done anything more to stop CV19 from entering his venue.

CV19 is a virus and until a vaccine is found, despite the many measures in place, this virus can and will attack anyone, any place, anywhere.

I am fully supportive of Breeze remaining open

Sarah Banwell



Roger James

From: Publicans Estate Ltd <publicansestateltd@outlook.com>
Sent: 12 October 2020 22:11
To: Roger James
Subject: Fw: breeze bar

Kind Regards
Publicans Estate Ltd

----- Original message -----

From: "Sarah Sutcliffe (Aneurin Bevan UHB - Facilities)" [redacted]
Date: Sun, 11 Oct 2020, 18:08
To: publicansestateltd@outlook.com
Subject: breeze bar

To whom this may concern I attended breeze several weeks during the months of July Aug and Sept and I can only say how excellent the measure that were put in place temps taken track and trace filled in

And also we had to be seated at the tables anybody not following rules was asked to leave as a hospital worker I can say how safe I felt in this public place and how impressed I was and also how this public house adapted to the changes so quick that were brought in

Regards

Sarah Sutcliffe

Facilities supervisor
St woolos hospital

[redacted]

Croesawn chebiaeth yn Gymraeg ac yn Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi. We welcome correspondence in Welsh and English. Corresponding in Welsh will not lead to a delay.

Roger James

From: Publicans Estate Ltd <publicansestateltd@outlook.com>
Sent: 12 October 2020 22:11
To: Roger James
Subject: Fw: 4th September 2020

Kind Regards
Publicans Estate Ltd

----- Original message -----

From: Rachel Pisani [redacted]
Date: Mon, 12 Oct 2020, 21:59
To: Publicansestateltd@outlook.com
Subject: 4th September 2020

To whom it may concern.

Hello, I attended Breeze VIP on Friday 4th September 2020. I had a lovely evening sat at a nice table. There was hand sanitiser on entry, I signed in to the venue and had my temperature taken. I felt completely safe as everyone was spaced out. The bar staff and door staff were brilliant keeping an eye on everyone. I was contacted by track and trace 9 days later to advise someone had tested positive for COVID, I was already aware of this as Breeze had posted this information on their Facebook page to make sure their customers were safe and well.

If you require any further information please do not hesitate to contact me.

Kind regards

R Pisani



Sent from my iPhone

Roger James

From: Publicans Estate Ltd <publicansestatehd@outlook.com>
Sent: 12 October 2020 22:11
To: Roger James
Subject: Fw: Breeze Bar

Kind Regards
Publicans Estate Ltd

----- Original message -----

From: Callum O'Brien <[REDACTED]>
Date: Sun, 11 Oct 2020, 16:41
To: Publicansestatehd@outlook.com
Subject: Breeze Bar

Dear whoever it may concern,
I am writing to you to provide a review of my experience at Breeze Bar under the current COVID-19 restrictions.

I attended the venue a couple of weeks ago and all restrictions were taken very seriously. Temperature checks were performed on arrival and track and trace forms had to be completed immediately. When being seated it was suggested by staff where to sit to try to keep all customers as far from each other as possible, not just the mandatory 2 metres to minimise the risk as much as possible. There was never more than one person walking around the venue at any given time and all customers were made aware the the only reasons people were allowed to leave their table was to go to the bar or to go the toilet. Staff also brought all drinks to our table to limit the number of people walking around the venue. The venue was constantly being cleaned by staff, way more frequently than I have seen in other venues. It is by far the safest I've felt in any venue since restrictions came into place and the best I have seen any venue implement the restrictions.

Roger James

From: Publicans Estate Ltd <publicansestate/td@outlook.com>
Sent: 12 October 2020 22:12
To: Roger James
Subject: Fw: Breeze Bar

Kind Regards
Publicans Estate Ltd

----- Original message -----

From: Karen Evans <[REDACTED]>
Date: Sun, 11 Oct 2020, 13:33
To: publicansestate/td@outlook.com
Subject: Breeze Bar

We have attended Breeze 4 times during lockdown as a couple and each visit has been consistent, wait at the door to be seated, hand gel at the door and through out the bar, track and trace completed, table service, good prices and clean.

Thankyou Breeze 🍷

Sent from my iPhone

Miss Naomi Davies
22 Sycamore Avenue,
Somerton,
Newport,
Np19 9AH

Personal Trainer
06/10/2020

To Whom it may concern,

I am writing to you in regard to the Covid-19 implications that took place on the weekend of 4th-5th September.

In my personal opinion the venue was run exceptionally well considering these unprecedented times. Upon arrival to the venue we were greeted by security staff and had our temperature taken, we were then asked to fill out the NHS Track and Trace form with our full name, address and contact telephone.

Before entering the venue, we were asked to use the hand sanitiser provided, there were also multiple bottles around for our use. Security in the venue was high there were two door staff on entry one led us to our table in the VIP area where there was another stood on the top of the stairs checking entry validity and another inside the VIP area patrolling to keep social distancing measure in place. At no point of the evening were we allowed to move tables or dance, even sing for that matter we were made aware of the rules before entering and reminded by security working the venue as well. The environment made me feel very comfortable and safe – especially when trying to live life in the new normal living with high risk family members.

To enjoy a few drinks and food whilst not being scared is uncommon during these times but I can confidently say that breeze is the one and only venue around Newport I feel not operating similar or the same as a nightclub.

After the covid-19 positive test we were contacted by NHS Track & Trace 7 Days after the case was reported! This for us gives us no hope in the system as we could have gone about doing what we normally do had we not have seen the post made public by breeze. We were lucky to have seen in and get tests making sure no further damage was made by myself and partner.

The bar staff, owner and security are doing their utmost best to keep the public safe and keep their jobs going at what is one of the hardest times in life to date.

Thanks for reading.
Naomi Davies

Paul Betts
40 Gainsborough Drive
Newport
NP19 7QA

6th October 2020

On the evening of September 11th, 2020 my wife and I attended Breeze on Cambrian Road. We attended the VIP food tasting event.

Upon arrival at Breeze we were asked to wait patiently whilst the security staff took the temperature of the guests in front of us. We were then temperature checked by staff, advised by staff that we need to use the hand sanitiser before we enter and told to go to the track and trace area where our contact details were needed to be recorded before we could proceed to the VIP area.

After we completed the formalities of doing the appropriate forms and complying with the Covid 19 guidelines we we're told we could proceed upstairs to the VIP area.

After we were shown upstairs we we're greeted by a Security member who checked we'd been temperature checked and filled in the track & trace details as required. Once we confirmed we'd done all that was needed to be done he showed us to the table we were going to be sat for the evening.

We had strict instructions from the security staff that there was to be NO DANCING permitted on the premises at any time because of the Covid 19 Guidelines that Breeze had to follow.

We were advised by the security staff that we were to stay seated and the staff working that evening would be over to take our orders.

We were advised a few days later that a fellow guest had tested positive with Covid 19. We were advised that there was going to be very little chance we would be affected as we were not in any contact with the person.

We were advised that if we were concerned we may have any symptoms that we should ring the Covid 19 helpline .

I suffer with Stage 1 Liver Cirrhosis and to be honest with you I was very cautious do I go or do I stay home. I can categorically say that I've never felt so looked after as I did that night. All the precautions we're stipulated to us time and time again.

Overall the evening I thought went well. The safety for others and the safety for my wife and I were second to none. Furthermore I would not hesitate to return to Breeze if there was another taster evening without hesitation as we know our health was at the forefront of Breeze's staff concerns.

Kind regards

Paul Betts

Hi everyone,

Letter to Customers'

As a responsible business we feel the need to let our customers know that someone who has contracted Covid-19 was in Breeze on Friday and Saturday night.

We've liaised with the senior licensing officer, environmental health department and official government guidelines today, they've told us the following...

Due to the fact the person who tested positive spent his night in the VIP area anybody located downstairs was a very low risk...

Anybody who was sharing a table, or who was within 1 metre and over one minute or was talking to him for 15 mins in one go or three separate occasions of 5 minutes, needs to self isolate for up to 14 days, even if the test comes back negative.

The environmental officer also specified that if you have no symptoms you will not be tested, so they need you to self isolate according with government guidelines.

anyone who was in on Friday night will not be contacted. However, my advise would be to get yourself tested on 119 at Rodney parade just to be safe.

Any of my staff who were in close proximity have to self isolate based on the above periods specified.

Furthermore, this man who has been identified as the one who has the coronavirus, has faced an incredible hate campaign which is incredulous.

He did not go to Ibiza.

He did not have any symptoms.

He did the responsible thing by informing every venue he went to and notified all people he came in to close proximitiy with.

He attended Potters Bar Newport, Breeze, Dragons Taxis and Mcdonalds in the last 48 hours

After that he has simply self isolated.

situation today, if you dislike the advice above etc it's come from government officials so please take it up with them. I've done my best to do the responsible thing and inform everywhere, despite the obvious risks to my business, but as I've stated since the very beginning...

Safety is of paramount concern so we are going to close for the next 2 day to make sure the area has a full deep clean and will cooperate fully with the track and trace team as required.

HEALTH BEFORE WEALTH.

Stay safe x



24,782 people reached >



Boost Post

  Sheridan Marie Meredith and 174 others

Most relevant ▾

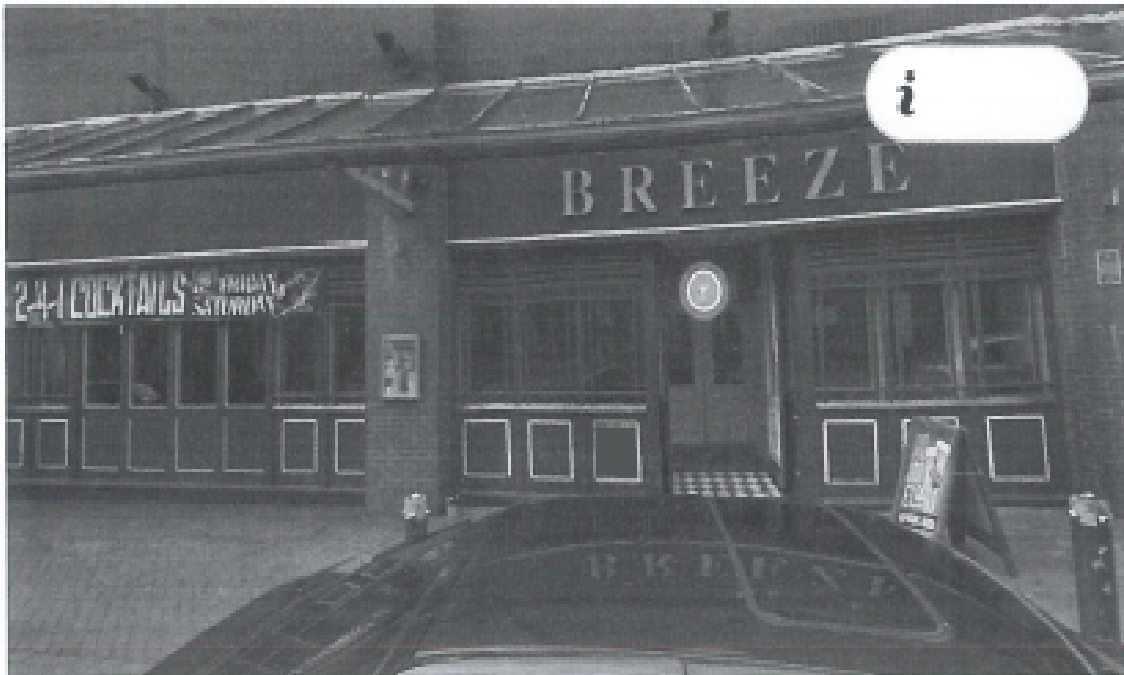


Clara Wainwright



8 Sep at 15:52 •

Yet Jack still remains completely professional & put all of our safety first before his club rep. You're amazing Jack Breeze 🙌x



WALESONLINE • 2-MIN READ

Bar to close after customer tests positive for coronavirus

Barbara Banwell and 3 others

Like

Comment

Share

Christine Woodridge



Sharing so anyone can share and well done
Jack Breeze for putting the post up and being a
respectful business and making sure health
comes before wealth



This content isn't available at the moment

When this happens, it's usually because the owner only shared it with a small group of people or changed who can see it, or it's been deleted.

 Barbara Banwell

1 share



Like



Comment



Share



Jack Breeze is with **Gavin Hurley**
and **45 others** at **Breeze Bar**.



7 Sep at 19:32 • Newport, Wales • 

Starting Saturday we have Sky Sports and BT Sports here in Breeze, to coincide with the launch of the new Premier League football



**Jack Breeze is with Tejay Wood
and 5 others at Breeze Bar.**



26 Aug at 17:04 • Newport, Wales • 🌐

<http://www.breeze-newport.co.uk/booking>

My inbox has been a bit mental with a lot of questions lately, so I'm going to post the frequently asked questions on here with the answers 😊

1. How do we book a table? -

Visit our bookings page at

www.breeze-newport.co.uk/booking

Choose your table type, we have outdoor, indoor and VIP tables available for booking on the weekends.

Select the date of your visit from the calendar and choose the time you would like to book your table for. (VIP available from 8pm-11pm to book, open till 3/4am)

Enter your name, phone number and email

we absolutely do, however, we cannot guarantee available seating (especially Friday and Saturdays) So to secure your table, follow the booking system above to pay a deposit to secure your table.

4. How do you track and trace?

We will manually ask you to sign in on the door, to adhere to the government guidelines of Track and Trace

5. Are the DJS performing?

Unfortunately, due to current rules set out we are not allowed djs, we will be using a Spotify playlist made by one of our djs with all the usual songs, just at a background noise level.

6. How do I collect the discount cards?

They are available behind the bar to be collected at any point. We just need your id as proof.

— —

app) and manual table service also. You can walk to the bar, but, primarily table service is what we try to achieve.

8. Social distancing, hygiene and Toiletries.

We have a one in one out system for the toilets, we have a clearly designed pathway of in and out for the way in and out.

We have the necessary cream and lotion available upon entrances, available at the bars, in the toilets etc.

9. Is there a time limit of how long you're allowed to stay?

No, there was when we had smaller capacity of 60 but now with 200+ no issues at all, we close Friday and Saturday at around 3/4am

Please remember to stay in your groups, keep 2metre distancing!

Any other questions please feel free to

Options

Perfect for parties •
Fun atmosphere • Big TVs •
Stylish interior • Great value •
Free Wi-Fi

1 share



Like



Comment



Share



Beth Williams recommends



...

Breeze Bar.

26 Sep at 16:17 · 🌐

Had a lush afternoon with my daughter at the afternoon tea with the princesses, amazing food everyone was social distanced and following correct guidelines, would highly recommend to everyone xx



Like



Comment



Share

 Overview

 Resources & Tools

 Ad

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Reviews

Photos

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Vid



Options



Kyle Betts  recommends
Breeze Bar.



6 Oct at 15:19 · 

Highly recommend breeze bar food was amazing all social distancing measures in place. Friendly staff and lush food at good prices will be returning



Like



Comment



Share



Sarah Louise Thomas-sutcliffe  recommends **Breeze Bar.**



26 Sep at 17:25 · 

The food was amazing today 2nd week in a row and great service just love the place 



Like



Comment



Share

Overview

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Options

darling ! made us feel welcome and such
hight spirit! go Sarah!!!

2



Like



Comment



Share



Frankie Clark recommends

Breeze Bar.

8 Aug at 14:50 · 🌐



Can't fault the service! During covid the staff
have been amazing and so helpful! And the
bouncers have even been great! Cleanliness
and service throughout made my experience
a lot more calming with covid rules being in
place!



Options

Breeze Bar



Love



Comment



Share



Georgia Collier recommends
Breeze Bar.



31 Jul at 21:53 ·

Been here tonight, the customer service is outstanding, but Jill the one in particular she's been fab!!! She's so lovely; she knows exactly what's she's doing!

Breeze Bar



Love



Comment



Share



Amy McCann



11 Sep at 22:17 •

If this is true...how many people have they potentially infected by not going down the right channels!!

It makes me so mad the pubs out there going above and beyond
Jack Breeze done a wicked job under the circumstances



Jack Edwards



11 Sep at 20:44 •

I've been told that Tiny Rebel Rogerstone have five staff that have tested positive for Coronavirus and haven't closed the bar.

If you drink there and notice all new staff they've put them at risk by making them work at the Brewery bar and are shutting the Newport bar as it makes less money.

the week and everything is in place and very clear for people to see. It was the same if not stricter than other venues. Cheers jack.

1 d Love Reply

1 



Angharad Hughes

Matthew loves it in there jack! He sed the service is amazing x

1 d Love Reply

1 



Katie O'Brien

Fab venue, always lovely reasonably priced food and good offers , fab for all the family, and super safe/strict with all new restrictions,

1 d Love Reply

1 



Callum Obrien

I attended the venue a couple of weeks ago and all restrictions were taken very seriously, sitting people as far from each other to minimise risk as much as possible. Was never more than one person walking

far from each other to minimize risk as much as possible. Was never more than one person walking around and drinks were brought to our table. The safest I've felt in any venue since restrictions came into place

1 d Love Reply

1 



Fyrir Magister

You'll have a statement off me by this evening

1 d Love Reply

1 



Jakob Price

Been to breeze twice during coronavirus all table clean , staff friendly kept there distance couldn't fault them, whereas I have been to other pubs such as Wetherspoons in maindee where tables haven't even been cleaned before we sat down , seems ridiculous how 'small business owners' are the ones being targeted when they are the ones who are truly trying there best to keep

sticking to the rules temps always checked track and trace also completed! I have been to other venues that are in no comparison to how breeze is run what else do they want u to do??

1 d Love Reply

1 



Kyle Betts

Been to breeze a multiple times over lockdown they are very strict to the rules always track and trace completed. Social distancing in place at all times. Compared to other venues I been to this is the best venue for COVID 19 rules which are being followed. Couldn't ask to be in a safer venue

1 d Love Reply

1 



Harrison Jones

I attended and had to sign in have my temperature checked, sanitise my hands and do the track and trace, everyone was 2m apart and there is

was cleaned before he sat down
couldn't fault the management or the
staffs hard work to keep breeze
open. If only other... See more

1 d Love Reply

1 



Sheridan Marie Meredith

Went to breeze for dinner, everything
is 2m apart, staff are always friendly,
sanitiser is on every table & the
service was amazing as always

1 d Love Reply

1 



Taylor Jenkins

I've been in there and it's sanitised
very well and everything is 2 metres
apart. Everything is clean and tidy no
issues whatsoever.

1 d Love Reply

1 



Nicolle Marie Reynolds

We've notice this to & alot of social
club's seems to br really relaxed with
the rules looking at people snaps
pics etc. They seem to be picking on

just after surviving throughout the COVID virus, I was very happy and felt safe from start to finish in breeze, we was allocated a table at the door and the staff took us to the table reminded us that it was table service, it was well hand Sanitised throughout, even when trying to get up was immediately told by the staff to remain seated or to leave the venue if yo... See more

1 d Love Reply

1 



Rachel Pisani

I had been to Breeze for a food tasting event, signed in on arrival, had temperature check and sanitised my hands, was shown to my table where we ordered our drinks...all staff were doing everything possible to ensure that everybody in there were safe and keeping to the rules. I have been to a few other venues where I didn't feel they were doing enough. Keep up the good work xx

up was immediately told by the staff to remain seated or to leave the venue if yo... See more

1 d Love Reply



Rachel Pisani

I had been to Breeze for a food tasting event, signed in on arrival, had temperature check and sanitised my hands, was shown to my table where we ordered our drinks...all staff were doing everything possible to ensure that everybody in there were safe and keeping to the rules. I have been to a few other venues where I didn't feel they were doing enough. Keep up the good work xx

1 d Love Reply



Rob Phillips

After last night I can categorically say the measures in Breeze in relation to this virus are miles in front of most pubs / clubs in Newport. Shambles that it's like it is



Tenor

4w Haha Reply

2 😂



Clara Wainwright



4w Love Reply

1 ❤️



Victoria Emily Dwyer-Thomas

Fair play 10/10 for how this whole situation has been dealt with by yourselves.

4w Love Reply

1 ❤️



Ceri Knapp

Well done jack handled the whole situation professionally

4w Love Reply

1 ❤️



Chris Smart



4w Love Reply

1



Adam Leighton



4w Love Reply

1



Katy Santwris

Think you've shown all businesses how they should react in these circumstances 🙌🙌 amazing, well done X

4w Love Reply

2



Georgina Kate

Well done Jack!

4w Love Reply

1



Lei Manley

Well done Jack fab job x

4w Love Reply

1

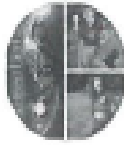


Amy McCann

Amazing Jack

4w Haha Reply

2  



Leah Rayner


Well done jacko u were so stressed yesterday but as we say honesty is the best policy and see how many people appreciate u for that!
#proudauntie xx

4w Love Reply

1 



Kelsey Johnsey

Not 1 person can bad mouth you or this club, you've handled it so professionally Jack! Top man 

4w Love Reply

8  

 **Sherridan Borg** Kelsey Johnsey couldn't...



Donna Marie Richards

Wow! That's awesome!

4w Love Reply

1 



Deb Price

Well done!!!

every BUSINESS TOOK IT AS SERIOUS AS
you guys! 🙌 😊 👍 well done to all
involved and stay safe!

4w Care Reply

2 👍 🙌



Shelley Camara

Well done Jack 🙌

4w Care Reply

1 🙌



Debbie Jones

Other peoples livelihood at stake too!

4w Love Reply

1 ❤️



Alison Ranford

Well done jack 🙌

4w Care Reply

1 🙌



Karen Green

That's awesome 🙌

4w Love Reply

1 ❤️



Ellie-mae Coffey

Well done Jack Breeze !!

4w Care Reply

1 🙌

every BUSINESS LOOK IT AS SERIOUS AS
you guys! 🙌 😊 👍 well done to all
involved and stay safe!

4w Care Reply

2 🍀 🙌



Shelley Camara

Well done Jack 🙌

4w Care Reply

1 🙌



Debbie Jones

Other peoples livelihood at stake too!

4w Love Reply

1 ❤️



Alison Ranford

Well done jack 🙌

4w Care Reply

1 🙌



Karen Green

That's awesome 🙌

4w Love Reply

1 ❤️



Ellie-mae Coffey

Well done Jack Breeze !!

4w Care Reply

1 🙌

4w Love Reply



Ellie-mae Coffey

Well done Jack Breeze !!

4w Care Reply



Matthew Palmer

You could of ignored this jack so FairPlay to you being honest to public that goes a long way matey. You have done everything you can and more.. 👍

4w Love Reply



Gail Morgan

I really hope, that the patrons, show some respect for all this hard work.

4w Love Reply



Amie Egan

Well done mate, you've handled this in the best way possible & we all really appreciate it... I hope you've had nothing but praise & positive feedback ❤️

do the same thing if they are ever in your situation and maybe the people that moan when u tell them to stay seated will realise this is why you have to follow these guidelines because if u hadn't it could of been a more cases keep up the good work x

4w Love Reply

1 



Nick Morris

Professional as always Jack
Greyhound 🐕

4w Care Reply

2  



Steve Corten
Great job

4w Care Reply

1 



Joshua Phillips

Well done jack! You always put others first

4w Care Reply

2  



Hannah Hodder Cook
Well done .Jack x

power to keep this venue Covid safe and follow the government guidelines, so please respect the rules and respect the venue. 😊😊😊

Rules are:

Rules

Anybody from any area subject to a local lockdown will not be permitted. (ie Caerphilly Council)

6 to a table maximum (from 4 extended households)

Must fill track and trace on entrance (if booked only, electronic record will be kept, but, do it manually to be doubly safe)

Table Service Only

Strictly no singing or dancing

Only time you can move from your seat is to go to the toilet or to go to the controlled smoking area

Please queue 2metres apart, if you can't follow the rules before even entering you'll be refused!

Contactless payments preferred, cash accepted though.

No table hopping.

  Teanni Corten and 8 others · 5 comments · 7 shares

 Like

 Comment

 Share



Jack Breeze is with **Fyrir Magister** 
and **44 others** at **Breeze Bar**.

11 Sep at 19:51 · Newport, Wales · 

Friday night guys, as usual, once we reach capacity of tables no one else will be allowed back in and we will ask the queue to attempt an alternative venue 👍👍👍

Please follow the clear rules, they will be reiterated again on entrance, anyone clearly not complying will be politely asked to leave. 😊

NHS FREE entrance and 25% off alcohol and food 👍 Click on link below to apply for card.

Too late for tonight, walk ins only, but, if you wish to guarantee your table please click on <https://breeze-newport.co.uk/booking/> and secure your table for tomorrow. 👍

^DEEP CLEAN OF THE ENTIRE VENUE^

Still take precautions though, if you're feeling unwell for any reason, follow the government guidelines, take no risks.

Follow the government advice given on the previous status to your situation if you was here last weekend...

On a lighter note, we are back open from tomorrow at 11am, sky sports and BT Sports now in! 📺📺🏈🏈

Furthermore, I'd like to say Thankyou to Charmain Marie Edwards at Cleany Queeny for dropping everything at short notice to come and do this amazing job for us! 🙌🙌🙌

Finally, thankyou to my amazing family, friends and loyal business friends for there support yesterday, it was an incredibly tough day for myself personally and everyone concerned... But, at the end of the day, all I've done is do the responsible thing and let everyone know. 😊❤️

Fair play to these guys! Jack Breeze very professional 🙌😊👍



Jack Breeze is with **Georgina Kate** and **46 others** at **Breeze Bar**.

9 Sep at 18:31 • Newport, Wales • 🌐

DEEP CLEAN OF THE ENTIRE VENUE

Still take precautions though, if you're feeling unwell for any reason, follow the government guidelines, take no risks.

Follow the government advice given on the previous status to your situation if you was here last weekend...

On a lighter note, we are back open from tomorrow at 11am, sky sports and BT Sports n... See more









Mr Timothy Powell
42 St Brides Gardens
Newport
NP20 3AU

Data Analyst – Office for National Statistics
14/10/2020

To Whom it may concern,

I am writing to you in regard to the Covid-19 implications that took place on the weekend of 4th-5th September.

The venue was run well considering the insensitive restriction in place. They are adhering to all the government guidelines making sure we were greeted by security staff and temperatures were taken with a thermal gun, also being asked to fill out the NHS Track and Trace form with our full name, address and contact telephone. Finally, we were asked to use the hand sanitiser provided, all of this was done on arrival before entry to the premises were permitted.

Upon entry, there were also multiple bottles of sanitiser around for use. There was a relaxed vibe from punters throughout the pub and security was high, it made me feel like it was a safe environment. There were multiple door staff on entry, in the VIP area there was another checking entry validity and another inside the VIP area making sure social distancing measures were being maintained. One of the door staff even walked us to our table to save confusion and extra wandering bodies throughout the venue. We were made aware of the rules before entering and reminded by security working the venue as well, asking us not to dance, sing or move around the venue as this would be breaking the current guidelines. Breeze is the only venue around Newport that I would go to during these strange times, and still is the only venue ill attend to this date.

After the covid-19 positive test we were contacted by NHS Track & Trace 7 Days after the case was reported, a huge delay in notification which is not what you want from the government official tracing centres.

I think breeze is doing the best they can, and I feel for the security of not only breeze but other nightclubs within Newport. Its becoming increasingly harder for the community to survive and I feel that any added unnecessary issues will cause Newport to collapse.

Thanks for your time.
Timothy Powell

FAO: TRADING STANDARDS

Newport City Council, NP20 4UR

AMIE EGAN
9 BURNS LANE
ST DIALS
CWMBRAN
TORFAEN
NP44 4LS

TUESDAY 13 OCTOBER 2020

Dear Sir/Madam,

On Friday 4 September 2020 at approximately 20:00hrs, I attended the venue, Breeze of Newport City Centre.

Prior to entry, my temperature was taken and recorded in addition to my contact details. I was also informed of the current safety measures in place for the venue. I was escorted to my table situated in the VIP area, where this was controlled by security staff at all times. There was background music, but this was kept to a minimum and I was told to remain in my seat at the table allocated, hand sanitiser was also provided for use. The venue was operating very differently to when I last attended which was prior to March 2020 and in no way would I now compare it to a nightclub. It was more of a daytime atmosphere, particularly as I

attended for their afternoon tea launch and not to consume alcohol.

During these present times, I felt safe and found the venue to have all the appropriate measures in place. I do not have any prior health conditions, if I did, I certainly would not have attended.

I was contacted by track and trace/ Environmental health on Monday 14 September, 10 days after I had attended the venue. By this time I had already been tested and received my results. I was extremely lucky that I had access to social media, namely, Facebook where Jack Bannister, manager of the venue, had released a post informing those who attended the venue that there was an alleged case of COVID-19. I along with many others was extremely grateful that Jack acted so promptly in response to the situation to which he demonstrated a professional and caring duty to the public.

In summary, it was a choice to attend the venue, where I am certain Jack and his team at Breeze, followed all the necessary precautions and even though it wasn't 'business as usual' I enjoyed myself in a safe and controlled environment.

SINCERELY,

AMIE EGAN



Roger James

From: O'Briens Hospitality Ltd <greyhoundcitycentrenewport@hotmail.com>
Sent: 13 October 2020 17:49
To: Roger James
Subject: Fw: Breeze Newport

Kind Regards
O'Briens Hospitality Ltd
NP201GA
49 High Street

----- Original message -----

From: Breeze <enquiries@breeze-newport.co.uk>
Date: Tue, 13 Oct 2020, 17:46
To: 'Jack Bannister' <greyhoundcitycentrenewport@hotmail.com>
Subject: Breeze Newport

Dear Roger

With reference to the application to review the premises licence for Breeze Newport,

Whilst I was not present in the venue on the dates in question all staff are trained in appropriate use of PPE and helping remind customers to socially distance,

We have worked tirelessly to stay within the guidance set out by the Welsh government and have employed several more staff to aid in this. We have appropriate signage throughout the building as well as hand sanitising stations located in 7 different areas, all furniture has been moved to easily allow for 2 metre social distancing with a huge reduction in our capacity. We have deployed barriers within the venue to help socially distance customers whilst using toilets or moving around, we also have toilet attendants to control the amount of customers using those facilities

On Previous visits from Mr Dearling, we have always asked what more we can do and all suggestions that Alistair gave were actioned including staff wearing masks/visors when they were not compulsory,

When we were informed of a positive case in breeze we immediately closed for a deep clean and informed customers via our social media site. We were then contacted via email by Kelly lee (+ Environmental Health) who asked us to contact her. We contacted her as soon as the email was seen. Kelly Explained that they had seen our social media post and that people would not be able to

get tested unless they had symptoms and that they would only go back 48 hours from the confirmed test result for track and trace purposes,

With regards to the witness statement, we operate a temperature check system as an added layer to help us but this is a venue decision and does not form part of any guidance issued so not sure what the relevance of this is? As for dancing, after reviewing the Cctv with Mr Dearling it was clearly not trading as a club, yes people did dance on a spot and as soon as they were spotted by the security they were asked to sit back down, the security were constantly reminding people to social distance and sit down this can be seen on the Cctv. Walk around security checks could have been more frequent and this has already been addressed, Mr Dearling was also shown several weeks before and after this event to show that this was an isolated incident regarding social distancing.

Track and Trace was in place on these dates and was given to local authority as soon as it was asked for. With groups, only the lead group name and number were taken, I think this is where the confusion of people saying they did not give details has come from.

Regulation 12, there are several measures already in place as stated above that comply with those listed.

Breeze did not at any point trade as a nightclub, All music was background level. The improvement notice issued for not socially distancing on the vip bar area as stated in the application, this was dealt with straight away.

Kind Regards

Colin Simpson

Roger James

From: Publicans Estate Ltd <publicansestateLtd@outlook.com>
Sent: 15 October 2020 10:24
To: Roger James
Subject: Pw: Breeze

Kind Regards
Publicans Estate Ltd

----- Original message -----

From: Leah Rayner <[REDACTED]>
Date: Thu, 15 Oct 2020, 10:20
To: PublicansestateLtd@outlook.com
Subject: Breeze

To whom it may concern,

I am writing this email who is a concerned customer of breeze! I am absolutely appauled that this one pub is being scrutinised against due to the covid 19 outbreak! I attend breeze quite regular for food and never once have I felt unsafe or at risk, my husband suffers from asthma and he has been overly precautious of where he goes and venues he attends. However, after much persuading by our friends he decided to join us for lunch and was pleasantly surprised of the professionalism that the pub endured.

Not only did they take make us track and trace as soon as we entered the building they also took all of our temperatures and took us to our designated seating area to which we were told we had to remain seated unless we were goin to the toilet!

They then came and took our food and drinks order, staff all had uniform on trays for the food and drink and face masks during our whole visit! They were very polite and accommodating and nothing seemed too much trouble.

Our first real family experience in months was overall a good one and was glad to get us all out at once and was then saddened to hear that the pub was under review after all the hard work that has clearly been to put into place by management and staff! I have visited other loacations during this pandemic and have NOT felt as safe as I do in Breeze, it is now our go to place!

I really hope this email makes a difference and helps all concerned during these unprosidedented times! I would hate for the venue to have to be closed after they have clearly gone to extreme lengths to keep everyone as safe as possible.

Yours sincerely
Mrs L Rayner

Sent from Yahoo Mail on Android

Joshua Robert Phillips
J.Phillips
2 Brinnel Square
Financial Insurance Manager
16.10.2020

I am writing to support Breeze hospitality after seeing via the internet their premises is under review. I was one of the unfortunate people who contracted the virus in the nightclub. I am writing to explain how professional the members of staff were and how the venue was being controlled in line with the guidelines and regulations. I felt at ease the whole night and have been there since.

I read in the paper that they were operating as a nightclub? This is absolutely false as there was simple music being played for a playlist in the background with strict supervisors and staff telling us to remain seated unless going to the toilet. I never felt at an ease the whole night I was in there as the security was taking the correct measures and enforcing things correctly.

Upon arrival in the club our temperatures were taken and we were asked to sanitize our hands. The bar owner was clearly taking precautions very seriously.

After seeing such bad press there was nothing that could have been done. We have no such control on the virus and we can't blame the bar for not having safety measures in place. To this day I still don't know who I caught the virus off as there were clearly multiple people who had gone into the venue with no symptoms whatsoever who were asymptomatic.

This could have happened at any venue, please review your case as this club was doing everything adequately and I have since been back

out at different club since recovering with way less safety precautions in place.

If you have any questions you would like to ask me personally your more than welcome to contact me via mobile on [REDACTED]

Roger James

From: Publicans Estate Ltd <publicansestatehd@outlook.com>
Sent: 16 October 2020 15:02
To: Roger James
Subject: Fw: Breeze.

Kind Regards
Publicans Estate Ltd

----- Original message -----

From: Jacob Phillips <[REDACTED]>
Date: Fri, 16 Oct 2020, 14:47
To: publicansestatehd@outlook.com
Subject: Breeze.

Hello, Regarding the investigation of breeze, I was there the night in question and would like to clear a few things up.

There was no background music and social distancing was in place which the Breeze security stayed on top of at all times.

Security measures such as my temperature was taken on the door on arrival.

There was no dancing allowed and we had to remain seated at all times unless having to go to the bathroom.

I was with my Mum who has breathing difficulties (can't breathe through her nose) and she felt safe the whole time being there.

I think it's unfair that Breeze is under investigation and hope it gets cleared up quickly.

Jake Phillips

Appendix E - Location of the Licence Premises.



Mae'r dudalen hon yn wag yn