

Agenda

Is-bwyllgor Trwyddedu

Dyddiad: Dydd Mawrth, 31 Hydref 2023

Amser: 10.00 am

Lleoliad: Siambr y Cyngor, Canolfan Ddinesig

At: Cynghorwyr: K Thomas (Cadeirydd), F Hussain, S Adan, C Baker-Westhead,
R Howells, D Mayer, A Pimm, D Fouweather, M Kellaway, J Cleverly and A Morris

Eitem	Wardiau Dan Sylw
1 <u>Ymddiheuriadau dros Absenoldeb</u>	
2 <u>Datganiadau o ddiddordeb</u>	
3 <u>Is-bwyllgor Trwyddedu: Cod Ymarfer (Tudalennau 3 - 16)</u>	
4 <u>Clwb Nos Vibez (Tudalennau 17 - 84)</u>	Stow Hill

Person cyswllt: Democratic Services,

Ffôn: 01633 656656

E-bost: democratic.services@newport.gov.uk

Dyddiad cyhoeddi: Dydd Mawrth, 17 Hydref 2023

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: 31 October 2023

Subject **Review of Premises Licence under Section 51 Licensing Act 2003, Vizez, 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 and Business Compliance Manager)

Ward Stow Hill

Summary An application for a review of the premises licence was made by Gwent Police, acting in its role as a Responsible Authority, on 14th September 2023 on the basis that the premises is undermining the four licensing objectives of prevention of public nuisance, prevention of crime and disorder, ensuring of public safety and protection of children from harm.

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

Action by Head of Environment and Public Protection

Timetable Statutory Consultation Period

Signed

Review Application

A review application under Section 51 of the Licensing Act 2003 was received on the 14th September 2023 from Gwent Police, acting in their role as a Responsible Authority, to review the Premises Licence issued in respect of VibeZ, 11-15 Cambrian Road, Newport, NP20 4AD.

The application for review relates to the following Licensing objectives:

The prevention of crime and disorder
Ensuring of Public Safety

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

The application was received by the Licensing Authority on 14th September 2023 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 (via email).

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 12th October 2023.

1. Licensable Activities

The current premises licence holder is:

**Nicola Meredith
Breeze Nightclub
11-15 Cambrian Road
Newport
South Wales
NP20 4AD**

The Current Designated Premises Supervisor (DPS) is:

Nicola Meredith

The Premises Licence relates to the following 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:

The opening hours of the premises

Monday to Sunday inclusive 07:00 - 05:30

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

2. Representations

The Licensing Authority invited representation from responsible authority and “other persons” to be submitted before Midnight on the 12th October 2023. The Licensing Authority received:

No further representation from any other Responsible Authority, though representations were received from “other persons” and can be found in **Appendix C** of this report.

On the 10th October 2023 PC Cheshire of Gwent Police Licensing Team and Luke Ellford of John Gaunt & Partners representing VibeZ meet with Alastair Dearling Licensing Manager as part of a mediation meeting.

At the meeting Gwent Police made a number of recommendations regarding alterations to the Premises licence in both regard to reducing of licensing hours but also adding further licence conditions to the premises licence. In addition to these Gwent Police also requested that a new DPS is place on the licence alongside removing current door team.

At the end of the meeting Mr Ellford was to meet with his client to discuss the proposals, at the time of writing this report a response regarding mediation has not been received by the licence

holder (this is not in any way indicate the premises licence holder being obstructive in anyway but simple down to work commitments already pre-arranged before the review hearing) In anticipation of receiving correspondence from the Licence Holder and the Police regarding mediation, all correspondence will be submitted into Appendix E of this report.

3. Background / Premises Licence History

The Premises has operated as a late-night venue since the introduction of Licensing Act 2003. The premises operated as Breeze until December 2021 when the premises closed due to significant fire damage within the venue, the venue operated as a late-night bar/ Nightclub. The premises re opened under a new name VibeZ Superclub in October 2022 where the premises was fully refurbished and main bar from breeze was removed and staging and seating areas provided in line more in line with a nightclub than a late night bar, allowing more space for customers to dance.

Pre the fire the premises licence for Breeze was reviewed by Newport City Council Trading Standards due to Breaches of Covid Legislation on the 4th and 5th September 2020.

The Licensing Committee determined at the review hearing the following:

The Licensing Committee carefully considered representations from the applicant for the Licensing review Newport City Council Trading Standards, Gwent Police, Aneurin Bevan University Health Board and from Mr. Roger James, Solicitor, who represented the Breeze, alongside the owner Mr. Jack Banister and the Licence Holder, and the DPS Mr. Colin Simpson.

It was clearly evident from the CCTV footage presented by Trading Standards that the Breezes' upstairs VIP area on the 4th & 5th September 2020 failed to comply with Regulation 12(2) of the Health Protection (Covid Regs)(No 2) (Wales) Regulation 2020 and thus undermining the licensing objectives of both Public safety and Crime & Disorder. It was patently obvious that people in the VIP area, including staff, were not social distancing in accordance with the Regulations.

The committee noted that although in general the premises had put in place a number practices to ensure compliance with both the Covid Regulations and the Welsh Government Guidance, unfortunately, on the nights in question, and despite the downstairs of the premises seeming to be broadly compliant, it was obvious to the committee that the premise had utterly failed to comply with Covid regulations in the VIP area. The committee was very disappointed to note that although the owner of the premise was present on the 4th of September 2020, he simply ignored what was happening in the VIP area from where he was seated. And although the owner purported that he was a customer that evening, the committee took the view that any responsible owner would have spoken to the management team or door staff to ensure compliance. However he failed to do this, and indeed breached the regulations by failing to correctly social distance from other customers and staff.

Although committee fully understands that licenced premises have found Covid extremely challenging, it concluded that in this case, the owner failed to take responsibility for his own action, his customers actions and his staff actions and therefore seriously undermined the Licensing Objectives and placed the local community at further risk of the spread of Covid 19.

The Licensing committee have therefore determined the following:

The committee felt that a month's suspension would be proportionate considering the extremely serious nature of the covid regulations breaches that took place on the 4th & 5th September in the VIP area.

but it has also has considered the following in mitigation:

- the historic good conduct of the premises.
- the actions taken by the premises after a customer reported they had covid and been in the VIP area of Breeze.
- The premises has been closed due covid restrictions during the firebreak.
- The suspension will occur at the start of the Christmas period.

The committee therefore decided to

- 1) suspend the Premises Licence for a 2 week period (14days).
- 2) attach the following conditions to promote the four licensing objectives:

- 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 Mr Jack Banister)
- 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 in order 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.

As indicated in Gwent Police representation the premises was placed on an number of action plans. (Appendix A) both pre VibeZ and post Breeze.

It should be noted that an action plan has no legal status under the Licensing Act 2003 unlike licence premises conditions.

Though actions plans are utilised by Responsible Authorities (in this case Gwent Police) in agreement with the Licence Holder(s) so as means to promote the four Licensing objectives

where there have been either clear issues identified by the Responsible Authority or potential issues that are likely to undermine the four Licensing Objectives.

A map and pictures of the location of the premises can be found in **Appendix D** of the report.

30 Policy Considerations regarding a review of a Premises Licence

30. Reviews of licences

30.1 The Council can only review a licence where it is alleged by a “responsible authority”, or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. Only responsible authorities or other persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence; and determine its outcome at a hearing where an evidential basis for allegations made will be submitted. It views particularly seriously applications for the review of any premises licence which involves the

- use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the storage or sale of stolen goods;
- the police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance
- serious risk to public safety have been identified and the management is unable or unwilling to correct;
- Serious risk to children.

30.2 The Licensing Sub-committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making their decision.

30.3 The licensing sub-committee will consider all of the sanctions available to it provided for in the Act and guidance, including taking no action if appropriate. In cases where a licensing objective is seriously undermined, that revocation of the licence, even in the first instance, will be considered where appropriate to ensure the licensing objectives are promoted.

30.4 In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be seriously considered where appropriate to ensure the licensing objectives are promoted.

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:

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)
- 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.

4. Legal Considerations

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

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

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

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

All decisions taken by the Sub-Committee must

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

5. Issues for discussion

The content of the application made by Gwent Police acting in their role as a Responsible Authority, for a review of the Premises Licence.

Any evidence and mitigation provided by Licence Holder

6. 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					

7. Risks

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

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

You will need to complete the following Risk table

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

			Members training.	
The licensing committee departing from the licensing policy.	Medium	Low	If the Committee wishes to depart from the Councils policy they must give good reason for this and obtain advice from the Legal Officer when departing from the Policies to ensure the decision is lawful. Members training.	Chairperson. Legal Officer.
The applicant does not have a fair hearing	High	Low	A Licensing Committee procedure should be followed by the committee. The Legal Officer alongside the Democratic Service Officer will advise the committee if at any stage an unfair hearing is taking place. Members training.	Democratic Service Officer. Chairperson. Legal Officer.

* Taking account of proposed mitigation measures

8. 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 2020.

APPENDIX A (Review Application)

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 Inspector Shapland of Heddlu Gwent Police on behalf of the
chief officer of police for the Gwent Police area, apply for the review of a
premises licence under section 53A of the Licensing Act 2003

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

Part 1 – Premises or club premises details

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

Name of premises licence holder
Nicola Meredith

Number of premises licence

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

✓

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

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

Surname

First names

Please tick ✓ yes

I am 18 years old or over

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 Inspector Shapland Licensing Team Newport Central Police Station 3 Cardiff Road, Newport, NP20 2EH
Telephone number (if any)
E-mail address (optional)

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

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

4056 Please provide as much information as possible to support the application (please read guidance note 3)

I formally request a review of Vibez current premises licence on the grounds of significant concern that the Licensing Objectives are not being promoted by Vibez specifically around the management team/door staff of the premises both currently and historically.

On the 18th November 2021, a meeting was held with Jack Bannister, the owner of the premises (at this time being called Breeze), PC RHIANNON HURST 246 (no longer employed by Gwent police) and Alastair Dearing from Newport council licencing team. During the meeting, concerns were raised by both PC HURST and Alastair Dearing in relation to the lack of control and quality of searching by security door staff at the premises over a number of occasions.

This action plan (below and attached) was arranged due to a number of incidents at the premises and the behaviour of door staff witnessed by police and council licensing officers either in person or via CCTV. Specifically, a distinct lack of searching and control over the outside area at the premises was noted.



First Level Licensing Action Plan

THIS ACTION PLAN is made on: Thursday 18th November 2021

BETWEEN: Heddlu Gwent Police / Newport City Council Licensing Department

AND:

PREMISES: Breeze nightclub, Cambrian Road, Newport

This meeting is being held due to a number of incidents at the premise and behaviour of door staff witnessed by police and council licensing officers either in person or via CCTV. Specifically, a distinct lack of searching and control over the outside area at the premise.

During the meeting the following voluntary actions were agreed:

- 1: Create a new document containing a robust search policy – provide this to the police within 7 days and implement immediately after it has been approved by the police.**
- 2: Reduce the outside smoking area significantly. Provide the police with a plan of the new scale for approval and revised capacity (area provisionally approved on Wednesday 24th November and as agreed this is subject to 'trial and error' due to issues with local youths).**
- 3: Effective immediately, there is to be no re-entry via the exit. Any persons leaving the boundary of the premise are to queue with the rest of the new customers and searching is to be done on re-entry.**
- 4: Create a small area between the top of the queue and the door which is safe and suitable to search patrons on their way into the premise, a place where they are isolated from the rest of the queue. This area is to be agreed by the police.**
- 5: Place 2 x SIA door supervisors at the top of the queue and keep the staff taking payment between them and the front door.**

6: Wands should be made functional and used in conjunction with searches taking place.

7. Conditions laid out in the pre prepared paperwork shall be adhered to in line with this action plan – upon completion of the action plan, conditions to be added to the licence by means of a voluntary variation of the premise licence – a further meeting will be held neared that time to discuss this.

THIS ACTION PLAN WILL LAST 6 MONTHS

FROM: 18/11/21 TO: 18/05/2022

Signed: _____ Date: _____

Print Name: _____

Signed: _____ Date: _____
(Police Officer)

Signed: _____ Date: _____
(Licensing manager)

The action plan lasted six months, completing on 18th May 2022, although the conditions and expectations were to continue as business per usual going forwards.

FIRE AT THE PREMISES- CLOSED AND REBRANDED

On 16th December 2021 the premises formerly called BREEZE, suffered a severe fire which started in the kitchen within the premises. Damage was caused to the premises, and it was closed. The premises then went under a re-brand by the owner Jack Bannister who opened the premises on 22nd OCTOBER 2022 now known as VIBES.

On 21st December 2022, pc 1730 Cheshire, contacted Jack Bannister regarding two door staff currently working at his premises, after Gwent Licensing were made aware of two assaults. One at Vibez and one at The Grey hound. The incident at Vibez resulted in a female being pushed by Door staff and resulted in a broken elbow. There is CCTV exhibit JC01.

The other incident was an assault by a door staff working at The Greyhound which there was no complaint. A positive meeting was held at Vibez that day with PC 1730 Cheshire, PC 1922 Evans, Jack Bannister, and Rudi Padders (Head doorman). Both were made aware of the incidents and shown the CCTV footage, and both agreed the behaviour was unacceptable. Jack Bannister and Rudi Padders both provided details of both Door staff and it was agreed both would be removed from the company. Both the Door staff were then reported to the SIA. There is CCTV footage of the assault at The Greyhound (Exhibit JC02)

A further meeting was held at NEWPORT CENTRAL POLICE STATION with Jack Bannister, Rudi Padders (security management for Vibez), PC 1922 Evans and PC 1730 Cheshire, Alastair Dearling of Newport council licencing team and Steve Pontin of Newport council licencing team. During the meeting, concerns again were raised about door staff searching on patrons prior to entry to the premises and door staff conduct, as well as the lack of control over the smoking area at the front of the premises. The meeting was scheduled by police at this time due to an incident reported to police which occurred at the premises, as a result police reviewed ~~cctv~~ footage to establish if an offence had taken place. During reviewing the footage, police officers were concerned about the lack of searching taking place to patrons entering the premises, patrons re-entering the premises after exiting and the management of queuing to the premises and control of patrons queuing safely. During this meeting, examples of the concerns were shown to all parties in the meeting using Vibez own ~~cctv~~ footage. Police stated what standard of searching is expected and reminded that for the safety of all the staff and patrons entering and being in the premises, searching was of vital importance, especially so to promote the licencing objectives.

To check that the searching of patrons had improved as well as more control of the queuing system, Gwent Police requested random dates and times from weekends from Vibez, which was supplied to the police without hesitation. (Point 17 from Vibez part A licence conditions- 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)

Due to further incident logs received by Gwent Police, Gwent police had reviewed CCTV from Vibez, captured towards the end of 2022. A few incidents at the premises and behaviour of door staff had been witnessed by police and council licensing officers and it was apparent from the footage viewed by Gwent Police Licensing team and Newport Council Licensing that there was a continued lack of searching and control over the outside area at the premises.

As a result of this, PC 1689 Williams, PC 1922 Evans and PC 1730 Cheshire of Gwent Police together with Alastair Dearling and Steve Pontin of the Newport City Council Licensing team were present in a further meeting with Jack Bannister, Eddie (security management at Vibez), the DPS Nichola Meredith on 12th January 2023. During this meeting, CCTV from your premises of both Vibez and Greyhound were shown to you,

specifically showing the concerns of further lack of searching and control by security at the venues.

Following this meeting, a second stage action plan was created for both Vibez and Greyhound where further voluntary actions were agreed with yourself on the plan to promote the four licensing objectives.



Second Level Licensing Action Plan

THIS ACTION PLAN is made on: **THURSDAY 12TH JANUARY 2023**

BETWEEN: Heddlu Gwent Police / Newport City Council Licensing Department

AND:

PREMISES: VIBEZ nightclub, Cambrian Road, Newport (formerly Breeze)

This meeting is being held due to a number of incidents at the premise and behaviour of door staff witnessed by police and council licensing officers either in person or via CCTV. Specifically, a distinct lack of searching and control over the outside area at the premise.

It has been outlined that this is the second plan that the nightclub would have been on in the space of a year.

The plan is designed to help mitigate further issues and to help support the premises in meeting the licensing objectives.

It has been stated that should there be any more incidents following, that would be in the control of the premises and their conditions, that the premises could be called for a review.


During the meeting the following voluntary actions were agreed:

- 1: Monitoring of smoking areas by staff/supervisors. Attention to items passed to and from others in the public area.**
- 2: Effective immediately, there is to be no re-entry via the exit. Any persons leaving the boundary of the premise are to queue with the rest of the new customers and searching is to be done on re-entry (This is the second time this has been addressed)**
- 3: Wand search to be made mandatory for searching of all persons entering premises.**
- 4: Challenge 25 policy to be implemented and used appropriately by all staff and security on premises on all patrons entering and inside the premises. Valid form of ID requested if appear younger.**

5. All bags to be checked, regardless of person bringing in bag.

THIS ACTION PLAN WILL LAST 12 MONTHS

FROM: 13/01/2023 TO: 13/01/2024

Signed: 

Date: 12/01/23

Print Name: JACK BANNISTER

Signed: 
(Police Officer)

Date: 12/01/23

Signed: 
(Licensing manager)

Date: 12/01/23

This action plan is in place for 12 months from
13th January 2023 to 13th JANUARY 2024.

On 25th February 2023, Gwent Police received a call-in relation to a male reporting to allegedly having a knife pulled on him and held against his stomach whilst in the male toilets of Vibez. To investigate this, Licencing requested all CCTV to try and identify the male and establish if all checks and searches had been conducted by security staff prior to the involved male entering the premises.

Whilst viewing the CCTV, it had been identified that there are continued issues with the lack of searching of patrons entering the premises. Whilst wands were being used, it was noted that on occasion patrons managed entry without a search and there was not sufficient searching of patrons being completed by security staff on patrons gaining entry. As a result of these findings, both Gwent Police and the Newport Licensing team would not be able to support the premises and could not say that the premises did everything it could to promote the four licensing objectives, specifically prevention of crime and disorder and public safety.

In accordance with Section 13 of the Licensing Act 2003 and Section 101 of Police Act 1996 gwent police licencing officers, have devolved powers as a Responsible Authority from the Chief Constable Pam Kelly. Gwent Police was not satisfied that Vibez had met their responsibility to promote the licensing objectives in the listed objectives.

Gwent Police Licencing recommend an urgent rectification of Vibez procedures to conform with their premises license and prevent any further breaches. Gwent Police were less than satisfied and expected significant improvement from the Premise Licence holder and Designated Premise Supervisor moving forward in the promotion of the licensing objectives. If the Responsible Authorities did not see an improvement, then consideration will be made to a review of the Premise Licence.

Gwent Police Licencing would request the following actions are completed immediately.

CCTV camera 2 at Vibez to be moved to cover the searching area of security staff in order that there is a clear uninterrupted view of the searching of patrons.

Control of the queuing system should be managed more efficiently, and a space allocated to allow for searching of patrons.

Finally having regard to the above, Gwent Police will continue to request open and transparent CCTV covering all areas of searching by security staff into the premises, to ensure that all conditions are being complied with to the satisfaction of Gwent Police and the other Responsible Authorities.

After Gwent police reviewing Vibez cctv footage regarding searching, following the report of an unknown person inside the premises toilets with a knife. It was clear that door staff at the premises were still not being correctly carried out.

On the 16th of March 2023, a meeting was held by Gwent police licencing. Present was PC 1730 Cheshire, PC 1689 Williams, PC 1922 Evans, Alastair Dearling Newport City Council, Jack Bannister owner of Vibez and various members of the management team of Vibez.

In this meeting the failings of the lack of searching were discussed and a final warning letter was issued to Jack Bannister.

Examples of this can be seen in the following footage.

Heddlu Gwent Police

Department

Central Police Station

Licensing

Newport

Cardiff Road

Newport

NP20 2EH

Date: 16th MARCH 2023

Vibez

11-15 Cambrian Road

Newport

NP20 4AD

Dear Mr Jack Bannister,

**Re: Final Warning relation to security checks at Vibez, Cambrian Road,
Newport**

You have been made aware of two previous action plans that you, as the owner of both Vibez and Greyhound, have agreed to and signed in agreement with on both occasions being dated Thursday 18TH November 2021, to which the following voluntary actions were agreed for both Vibez and The Greyhound.

First action plan:

- 1: Create a new document containing a robust search policy – provide this to the police within 7 days and implement immediately after it has been approved by the police.**
- 2: Reduce the outside smoking area significantly. Provide the police with a plan of the new scale for approval and revised capacity (area provisionally approved on Wednesday 24th November and as agreed this is subject to ‘trial and error’ due to issues with local youths).**
- 3: Effective immediately, there is to be no re-entry via the exit. Any persons leaving the boundary of the premise are to queue with the rest of the new customers and searching is to be done on re-entry.**
- 4: Create a small area between the top of the queue and the door which is safe and suitable to search patrons on their way into the premise, a place where they are isolated from the rest of the queue. This area is to be agreed by the police.**
- 5: Place 2 x SIA door supervisors at the top of the queue and keep the staff taking payment between them and the front door.**
- 6: Wands should be made functional and used in conjunction with searches taking place.**
- 7. Conditions laid out in the pre prepared paperwork shall be adhered to in line with this action plan – upon completion of the action plan, conditions to be**

added to the licence by means of a voluntary variation of the premise licence – a further meeting will be held neared that time to discuss this.

This action plan was arranged due to several incidents at the premises and the behaviour of door staff witnessed by police and council licensing officers either in person or via CCTV. Specifically, a distinct lack of searching and control over the outside area at the premises was noted. The action plan lasted six months, completing on 18th May 2022, although the conditions and expectations were to continue as business per usual going forwards.

Due to further incident logs received by Gwent Police, we have reviewed CCTV from both Vibez, and The Greyhound captured towards the end of 2022.

Several incidents at the premises and behaviour of door staff has been witnessed by police and council licensing officers and it is apparent from the footage viewed by Gwent Police Licensing team and Newport Council Licensing that there was a continued lack of searching and control over the outside area at the premises.

As a result of this, PC 1689 Williams, PC 1922 Evans, and PC 1730 Cheshire of Gwent Police together with Alastair Dearing and Steve Pontin of the Newport City Council Licensing team were present in a further meeting with yourself and other members of your staff on 12th January 2023. During this meeting, CCTV from your premises of both Vibez and Greyhound were shown to you, specifically showing the concerns of further lack of searching and control by security at the venues.

Following this meeting, a second stage action plan was created for both Vibez and Greyhound where further voluntary actions were agreed with yourself on the plan to promote the four licensing objectives.

- 1: Monitoring of smoking areas by staff/supervisors. Attention to items passed to and from others in the public area.
- 2: Effective immediately, there is to be no re-entry via the exit. Any persons leaving the boundary of the premise are to queue with the rest of the new customers and searching is to be done on re-entry (This is the second time this has been addressed)
- 3: Wand search to be made mandatory for searching of all persons entering premises.
- 4: Challenge 25 policy to be implemented and used appropriately by all staff and security on premises on all patrons entering and inside the premises. Valid form of ID requested if appear younger.
5. All bags to be checked, regardless of person bringing in bag.

This action plan is in place for 12 months from 13th January 2023 to 13th JANUARY 2024.

On 25th February 2023, Gwent Police received a call in relation to a male reporting to allegedly having a knife pulled on him and held against his stomach

whilst in the male toilets of Vibez. In order to investigate this, I requested all CCTV to try and identify the male and establish if all checks and searches had been conducted by security staff prior to the involved male entering the premises.

Whilst viewing the CCTV, I have identified that there are still continued issues with the lack of searching of patrons entering the premises. Whilst wands were being used, it was noted that on occasion patrons managed entry without a search and also there was not sufficient searching of patrons being completed by security staff on patrons gaining entry. As a result of these findings, both Gwent Police and the Newport Licensing team would not be able to support the premises and could not say that the premises did everything it could to promote the four licensing objectives, specifically prevention of crime and disorder and public safety.

In accordance with Section 13 of the Licensing Act 2003 and Section 101 of Police Act 1996 I have devolved powers as a Responsible Authority from the Chief Constable Pam Kelly. I am not satisfied that you have met your responsibility to promote the licensing objectives in the listed objectives. I recommend an urgent rectification of your procedures to conform with your premises license and prevent any further breaches. Gwent Police are less than satisfied and we will expect significant improvement from the Premise Licence holder and Designated Premise Supervisor moving forward in the promotion of the licensing objectives. If the Responsible Authorities do not see an improvement, then consideration will be made to a review of the Premise Licence.

I would request the following actions are completed immediately.

CCTV camera 2 at Vibez to be moved to cover the searching area of security staff in order that there is a clear uninterrupted view of the searching of patrons.

Control of the queueing system should be managed more efficiently, and a space allocated to allow for searching of patrons.

Finally having regard to the above, Gwent Police will continue to request open and transparent CCTV covering all areas of searching by security staff into the premises, to ensure that all conditions are being complied with to the satisfaction of Gwent Police and the other Responsible Authorities.

Regards,

PC 1689 Williams – ASB & Licensing Co-ordinator, Gwent Police.
mark.antony.williams@gwent.police.uk
07870 912407

On 09/05/2023, A complaint was received of a glassing incident that took place inside Vibez superclub. A male had approached another male using the gaming machine inside the premises, then proceeded to get aggressive with the male playing the machine. The offender showed aggression and violence throughout, at no stage prior to the assault did any security staff intervene. The offending male then proceeded to hit the male playing the machine in the face, causing a pint glass the male was holding to hit him directly in the face. Only after a member of bar staff got between the men,

were security then aware that anything was going on in the club. The victim was left with level of injury consistent with ABH, meaning it was more than a mere common assault. It is concerning how long it took for a security staff to approach the offender. There was another long opportunity for the offender to then proceed and use his own glass bottle to further injure the victim. This incident is on CCTV footage Exhibit MW02.

On the 11th of May 2023, after continued failings in searching being completed by door staff at the premises. Another meeting was called for Jack Bannister to attend Newport Central Police station. Also attending would be Richard Garner, who is a solicitor working for Jack Bannister. Also present at the meeting was PC1730 Cheshire, PC 1689 Williams, and Alastair Dearling. Again, the lack and quality of searching was discussed. Richard Lewis informed Gwent Police that he had been brought on board and had many years of experience of working as security at premises at Newport City Centre and he would assist in educating the current door staff working at VIBEZ. It was agreed that Jack BANNISTER would vary his licence which included the following variations to the premises licence. But also, to go for a 28-day period of no reported incidents.

On the 05/04/2023 a SIA door supervisor (subject A) at the premises VIBEZ in Newport City Centre, was positioned at the entrance of the premises.

At approx. 02:50 on 05/04/2023 A white male, bald, with a beard, stocky build, wearing blue jeans and a long sleeve blue top and his partner a white female dark hair which is up in a bun, wearing long beige jacket with brown lines and wearing glasses, approach the entrance of Vibez.

Here they engage in conversation with the door subject A, which then becomes heated between the door subject A and the male. This continues and another door supervisor comes to the entrance of the premises. Subject A is still engaged in conversation with the male. Subject A then pushes the male back with both hands and then punches the male to the head. They then both exchanges punches. The other door staff holds back the male, but subject A then approaches the male and continue to throw punches at the male.

Both then separate and then start to engage in conversation again, however at the conversation continues subject A has then thrown another punch to the head of the male and the fight then erupts again. The males goes to the floor and subject A then continues to punch the male to the head as he is on the floor. The fight continues until both appear to run out of steam and then are separated.

This has been captured via CCTV footage exhibit IC03

On 08/05/2023 a door supervisor (Subject A) was working at the Premises VIBEZ in Newport City Centre.

Subject A was working outside in the queuing section of the premises.

At approx. 03:50 a white male is standing behind a barrier talking to another member of staff at the premises, unknown what this conversation is, however the male is obstructing the barrier which is used as an exit point for people to leave the premises.

Subject A steps in and appears to be informing the male to move away from the barrier. However, the male continues to engage in conversation with Subject A. This continues until Subject A uses both arms with force to push the male down to the floor and the male falls back approx. 3 feet.

Subject A then approached male who now has got back to his feet. The conversation continues and Subject A then punches the males to the jaw. Looking at the CCTV the male's body language does not appear to be aggressive and so there appears no explanation for the use of force used.

The premises was made aware of this incident and Subject A no longer works at the premises.

This incident is on CCTV footage Exhibit JC04

On 9th June 2023 at approximately 23:08 a white male (A) wearing light coloured t-shirt is seen entering the seating area outside the premises and making a hand gesture to another male (B), suggesting approaching to him. The (A) reaches into his rear left hand side trouser pocket, using his left hand. (A) then removes his left hand and again gestures with his right hand to (B) to come to him as (A) walks to the edge of the barriers of the seating area. (A) then transfers what is in his left hand into his right hand. (A) then looks around as if to make sure nobody is watching. (B) on CAMBRIAN ROAD, who is not within the premises seating area approaches the (A) located and standing in the tabled area outside the premises. (A) then hands what is in his right hand to (B) who receives the item in his right hand and an exchange is completed. We are unable to confirm what this item is. However, this shows that there is no control or monitoring of the outside area and it is quite easy for an item to be exchanged. What this can also indicate is that if the item was drug paraphernalia, that the searching being carried out is inadequate. It is important to remember that (A) is already in the premises and been through the searching procedure.

This can now be shown on exhibit JC05.

On the 17th of June 2023 at approximately 02:47 a white female (A) within the smoking area of the premises is stood next to barriers used by the premises and is seen to be talking with a white male (B) who is standing on Cambrian Road. The communication between A and B continues and B reaches into their man bag and takes an item out of their bag into their left hand and then walks to A and B hands the item over to A. A door supervisor does after the exchange has been completed walks over to A and asks for her to step down off the barrier, but at not point is there any further search or action regarding the item exchanged.

We are unable to confirm what this item is. However, this shows that there is no control or monitoring of the outside area and it is quite easy for an item to be exchanged.

This can now be shown on exhibit JC06.

On the 19th of August 2023 at approximately 00:36 two males whilst in the queue to enter the premises are searched by the door supervisor. However, the search only involves the use of a metal detector wand. No pat down search is conducted by the door supervisor and so not a comprehensive search, which has been discussed

previously with the Premises owner and described in the issued action plan has not been carried out. Followed by the two males are another three males. Two of the males have man bags. The same door supervisor again searches the three males by only using the metal detector wand. None of the males are searched by via a pat down search. But also, the two males with the man bags, do not have their man bags searched. This allows anything inside those bags to enter the premises.

This can now be shown on exhibit JC07.

Then at approximately 00:43 an unknown hand reaches over the smoking area and a male inside the smoking area reaches up and ~~makes contact with~~ the hand take has reached over. It cannot be confirmed if any exchange has taken place. However, it shows that it would be quite easy for an item to be handed over from person to person and at the time there is no door supervisor in the smoking area monitoring in the area, as part of the premises licence.

This can now be shown on exhibit JC08.

On 13th June 2023 at approximately 23:45 two males squaring up in the outside area of the premises. During this a door staff member tries to step in between the parties involved to keep them separate. The victim is a white male (A) with short dark hair, light top and dark trousers. The subject (B) is a white male, light hair and wearing a light tracksuit. Another door staff assistance and both males and removed from the outside area on to Cambrian Road. However (B) has left with a glass in his hand, which is not removed by door staff and B uses the glass to hit A in the face causing serious injury.

This can be seen in exhibit [JC09](#)

On 6th September 2023, A social media video was shared from a patron inside Vibez, which showed a female approaching the photo booth which is positioned inside the main building of Vibez. At around 20:00pm the same day, the female pulls back the closed photobooth curtain, which shows a male and female performing a sexual act, before realising that the curtain had been pulled back and stopping. The clip is 8 seconds long and was shared around on social media.

Once word that this had happened had got around, two security staff who seemed to find the situation funny, then re-created the scene whilst seen laughing and joking throughout. The clip which is six seconds long was then shared directly from the main Vibez Superclub social media page, to which all members of the public have access.

This shows very unprofessional behaviour from the door staff who are ultimately there to protect patrons inside the venue, who are expected to be professional at all times, given their position and being an SIA approved badge holder. This level of behaviour falls far below what would be expected of a professional person. This also shows that there is a clear disregard for the care of the persons who were originally filmed in the original clip, not only that the clip was shared to numerous other users, but that the club where they had attended, were then almost mocking them.

This also shows that the management and owner of Vibez ~~superclub~~ found that this was acceptable to put on their main social media page, again which is accessible by

any person who wishes to view it online. This is far below the level we would expect from a fit and proper person and management of the venue to allow this to happen.

Not long after the post was put up on the official social media page, the following statement was released on the same page:

*"Photobooth Saga *** Please Read!"*

First and foremost, we don't condone anyone sharing the content that everyone has seen, we don't condone anyone naming and shaming those involved, we have never contributed or released any names in any shape or form, and anyone attempting to do so, the comments were deleted if they were on our platform...

One thing that was brought to our attention, which is something we didn't realise, was people sharing our "light-hearted" video naming and shaming the people involved or making nasty remarks, as soon as this was raised to my attention by one or two people via inbox, I deleted it immediately. Due to privacy settings of individuals on Facebook we don't see what is shared. We only see the comments section, for this I apologise reputedly to anyone offended...

Please note the video was not intended to offend or incite any hurtful remarks, it was to bring light to a situation that we have been publicly "slagged" off via social media as a venue for the acts of 2 individuals, the curtain is there for privacy when taking photos, and we had no ~~idea~~ that other activities were taking place...

Social media is a dangerous place, and we cannot control what others comment, we just attempted to make light of the bizarre situation with a bit of light hearted comedy. Once again apologies to anyone offended.

I think it's time for everyone to move on from this situation now, the expression Yesterday's news springs to mind...

Apologies again.

*Kind Regards
Vibez"*

The video of the security staff can be seen in captured screen footage MW/03.

The social media post on Facebook from the official Vibez Superclub profile can be seen in a screen capture MW/04.

From the evidence Gwent Police has produced, it is clear that, although working with the premises and offering support and advice, that there has been continued breaches and disregard to the premises licence and actions plans.

On 10/09/2023, there was a reported incident of a serious sexual assault, involving an underage person in the Greyhound, which is on Cambrian Road, Newport. Jack Bannister, who owns the building and company Vibez, also owns the Greyhound. Due to the seriousness of the investigation, it was decided on the night, that for evidential

and forensic purposes, the pub should be closed immediately. Jack Bannister who was in attendance, spoke to police sergeant Jordan Evans 1842. PS 1842 recalls the conversation had with Jack Bannister on the night and has provided a statement of the conversation which is attached.

It is outlined in the sergeant's own statement the attitude from Mr Bannister, that he was more concerned with a loss of money, than the fact there was a serious allegation of a sexual assault against an underage female inside one of his premises. Mr Bannister stated that allegations get made up all the time, they are never founded or true. Mr Bannister repeatedly mentioned more about the money he would be losing that night, rather than being supportive and acting in a way of a fit and proper person would, given the awful allegation that police were dealing with at the time.

Mr Bannister, then suggested that the investigation should be done in the morning, rather than closing the premises. This would have ultimately meant contaminated scenes, no reliable forensic evidence and potentially if the allegation is true, no evidence to support the reported crime. Gwent Police do not believe that the behaviour of Mr Bannister is one that is expected of a fit and proper person, as such should not be in any position of management at any premises.

The following conditions that have been breached are: -

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.

Two door supervisors registered with the SLA 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.

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.

Monitoring of smoking areas by staff/supervisors. Attention to items passed to and from others in the public area.

Due to these breaches, we also feel, this is a disregard to the following principles of the licensing act 2003: -

Prevent and reduce crime and disorder.

Ensure Public Safety

Prevent public Nuisance.

Due to the above breaches Gwent Police Licencing feel as a responsible authority, we could not support the premises Vibez or feel confident that the premises has adhered to it responsibility towards its own premise licence.

Please tick ✓ yes							
Have you made an application for review relating to the premises before							
If yes please state the date of that application	<table border="1"> <tr> <td style="text-align: center;">Day</td> <td style="text-align: center;">Month</td> <td style="text-align: center;">Year</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	Day	Month	Year	<input type="text"/>	<input type="text"/>	<input type="text"/>
Day	Month	Year					
<input type="text"/>	<input type="text"/>	<input type="text"/>					

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

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature Inspector Shapland
.....

Date
..... 14/9/23.....
...

Capacity **Inspector**
.....

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)	

APPENDIX B (Vibez 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	22/02073/LAPVM
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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:

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

Nicola Meredith
Breeze Nightclub
11 - 15 Cambrian Road
Newport
South Wales
NP20 4AD

E Mail publicansestateltd@outlook.com

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

Nicola Meredith

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: 05/00960/LAI

Licensing Authority: Newport City Council

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

Dated this 22nd September 2022



Silvia Gonzalez-Lopez
Head of Environment and Public Protection

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

2) Attach the following conditions to promote the four licensing objectives:

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 Mr Jack Banister).

The premises were 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" was required to sign and date that they clearly understood the duties in the absence of the DPS, the Deputy Manager must sign the document at least every six months that they fully understood their responsibilities.

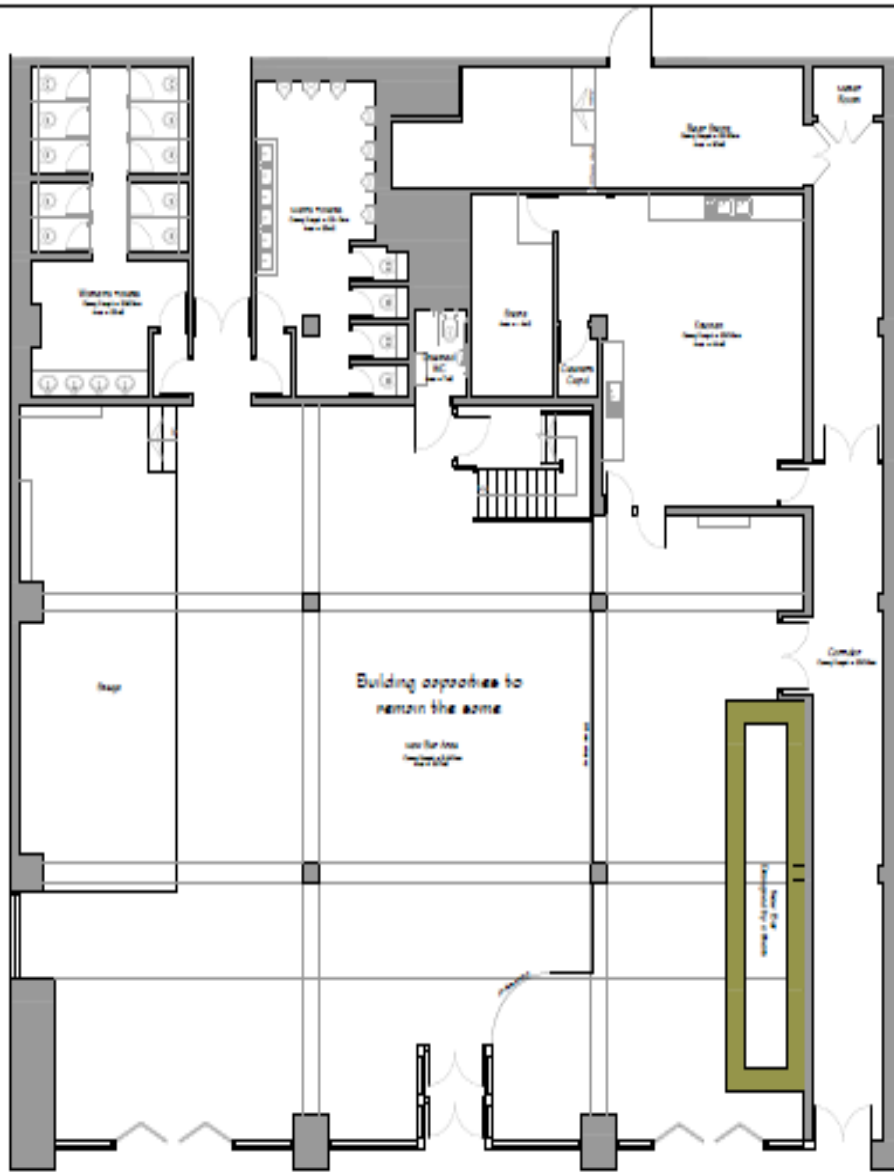
The licence holder shall ensure that any queue to enter the premises, which formed outside the premises was orderly and supervised by door staff in order to ensure that there was no public nuisance or obstruction.

When the Upstairs area/bar (VIP area) was open to the public/customers, a minimum of one SIA door staff should be present in this area after 21:00hrs.

All Staff to be appropriately trained in accordance with their role particularly at the point of service where they would be trained in respect of licensing offences, licence conditions and made aware of the Licensing objectives.

Plans

Please see attached plans (reference number 22/02073/LAPVM)



Proposed Ground Floor layout
 Issue 1/20

Appendix C Representations “Other Persons”

From: Holly Wells <h[REDACTED]>
Sent: 28 September 2023 19:10
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Subject: VibeZ Superclub, NP20 4AD

Good Afternoon,

I am writing to you in relation to the license review for VibeZ / Jack Bannister, Newport.

I was shocked to hear that the review was taking place. I know the club on a personal and professional level and have never dealt with a club-owner who is more involved in their business. Generally owners watch from afar while they make money. Mr Bannister is fully involved in the day to day running of his business, a business which means the world to him. This level of care and attention means that I believe Jack to have been entirely responsible in the safety of, not only his customers, but his staff to. I believe this level of care and attention, means that any errors made at the club would have been human error, and not an ignorant act of malice. Jack is not someone who would jeopardise the work he has put into VibeZ, by allowing misdemeanours which discredit his name, or put people in danger. He is an incredibly accountable human being, who constantly offers up evidence of his compliancy to me, in business. He is also sometimes too honest about business and numbers – he’s a ‘no mess’ kind of client.

I also just have to say how I think he’s created a model business in Newport. As an industry, nightclubs are struggling hugely; closing, people losing jobs. Jack has given over 50 people jobs in a venue which incentivises them, and puts effort into training and supporting them. He gives people in Newport a place to go, unlike any other in Newport, creating a monitored environment, instead of underground parties.

As long as mistakes are admitted to, and voluntary action plans followed, I would like to think this business can continue thriving.

Kindest regards,

Holly

Clearpos Limited
Floor 2
4 Merivale Road
Harrow
HA1 4BH

Telephone: [REDACTED]

Email: [REDACTED]

5th October 2023

TECHNOLOGY SOLUTIONS FOR HOSPITALITY AND RETAIL

Representation under the Licensing Act 2003 – Vibez Newport

To whom it may concern,

My name is Matthew Morris and I am the director of Clearpos Limited. Clearpos supplies IT, CCTV, Technical Support and EPOS services to the premises known as Vibez and The Greyhound. I have also acted in an advisory capacity for many matters involving the day to day running of the businesses Jack Bannister operate due to my own extensive experience owning and operating Nightclubs in the past. I hold a personal license.

I was involved with the planning and technical aspects of the refurbishment when the premises rebranded from

Breeze to Vibez. Despite being located in West London I have spent a significant amount of time at the premises

involved in the running of the business since mid 2020.

Since first becoming involved in 2020 I have seen a significant change in the business. The shift from Pub to Nightclub (Breeze to Vibez) was a dramatic change that increased custom at the premises and brought unique extra challenges with it, namely the increase in the potential for assaults and drug activity that is a threat to every

nightclub in the country.

During the refurbishment I was instructed to replace the camera system in Vibez. Jack Bannister instructed me to

“spare no expense and put in the best high definition cameras you can get” which were fitted in September 2022.

I believe that Gwent Police officers have made comments in the past relating to how good the quality of the CCTV

from these cameras is.

Prior to the opening of Vibez I was involved in the staff training relating to Alcohol sales and promoting the licensing objectives which was comprehensive. I was asked by Jack Bannister to build a staff onboarding system for new hires and incorporate training under the Licensing act which all new staff have to read thoroughly online

and sign before being onboarded to the payroll and scheduling system. This is complimentary to the in venue training and refresher training that takes place at regular intervals.

Vibez and Breeze have had various local security companies working at the venue. I’ve personally witnessed Jacks

exasperation on numerous occasions when it has been brought to his attention that individual security staff within these companies may have failed to perform their duties to the explicit instruction of the business and their duties as SIA badge holders. Due to the shortage of staff in the security industry Jack has had a limited range

of security providers to choose from that are willing to operate in Newport and has tried his very best to orchestrate the best security team he could from the options available to him.

In May 2023 after Jack had received further concern from Gwent Police I was instructed to source and deliver a

walk through metal detector, which was to be used as a final check when customers enter the club to locate any potential concealed weapons. This was a very significant expense that Jack put in place to promote the licensing objectives.

In my own experience of running nightclubs and providing services to the Hospitality trade the entry system in VibeZ resembles an Airport security zone more than a Nightclub. The venue has by far the most comprehensive security search system of any Nightclub I have ever visited or been involved in. Jack has voluntarily created this security system knowing that it will significantly slow down entry into his venue and deter some customers from choosing his business so that he can further promote the licensing objectives and protect his customers and staff.

In my experience it is very unusual for a small independent Nightclub to employ a CCTV operator to watch CCTV footage live during operating hours. This CCTV operator has the advantage of being able to spot potential incidents before they escalate and contact the security staff immediately to bring this to their attention. This is further proof that Jack Bannister has gone to exceptional lengths to promote the licensing objectives.

It is clear to me as an outside person with no personal connection or local knowledge of Newport that Cambrian

Road has a significant issue with gangs of youths trying to cause disorder. These youths congregate on the steps

next to (but not a part of) the premises and ride electric bikes and scooters up and down the street at all hours. I

have personally witnessed knives being stored by these youths at the top of the steps (this was reported to the police by member of VibeZ staff Aaron Pewtner and the Police recovered these weapons) and have been threatened personally whilst doing technical work at the premises on more than one occasion.

These gangs of youths are continually inhaling nitrous oxide from balloons and in my opinion are likely involved in

the supply of drugs and shoplifting offences in the local area. The location which they choose to congregate at all

hours is right next to the premises and specifically the premises smoking area. Until recent months it is my opinion that limited attempts by Gwent Police were made to control the disorder taking place in this area next to

the premises. During visits in recent months I have noticed significantly more Police action in this area to deal with this situation and this clearly reduces the risk to the Venue from the potential of crime and disorder against

the Venues staff and customers.

On June 20th 2023 I was asked by Jack Bannister to attend the premises and install a new camera covering the "steps" area next to the premises. Despite this not being a part of the premises Jack wished to ensure the safety

of his customers and staff from the threats posed by these gangs.

On July 3rd 2023 I was at the Venue to perform some maintenance work and I was called by the venues CCTV operative and asked to look at some footage from the previous morning and offer a second opinion. This footage

clearly showed two individuals walking from Cambrian Road to the "steps area" where they had presumably stored a knife or knives. The two individuals were then seen on CCTV fighting with a third individual on Cambrian

Road where the knife or knives were clearly being used. I immediately informed Jack Bannister and contacted Gwent Police on 101 to report this incident. Footage was immediately uploaded via a NICE link provided by Gwent Police.

I believe Jack Bannister operates his venue in a professional manner and has always spared no expense or effort in ensuring the venue complies with the Licensing objectives. The security at the venue is of a level that far exceeds what I see during my visits to other premises operating as late night bars and nightclubs and the venue management and staff are highly trained in their responsibilities under the Licensing act.

Yours Faithfully

Matthew Morris

Director

Clearpos Limited

Clearpos Limited - Registered in England and Wales. Company Number 12487513. VAT Number GB 344140140.

TO: environment.licensing@newport.gov.uk

CC:

5th October 2023

Re: Support for VibeZ

Dear Licensing Committee,

I am writing to express my resolute support for VibeZ, an establishment owned and managed by Mr. Jack Bannister, a young entrepreneur who has made a significant contribution to Newport's community.

As the leader of Inspired Business Media in Newport, I have had the privilege of witnessing Jack's admirable commitment to our community. He has sponsored local sports teams, both for children and adults, and has generously supported various charitable initiatives.

On a personal note, I must express my deep gratitude for Jack's invaluable assistance with my National

3 Peaks Challenge. Thanks to his support, we were able to raise an impressive £38,000 in aid of Sophie Shuttleworth, a courageous victim of meningitis who tragically became paralyzed. Jack's dedication and efforts consistently exemplify his character and his profound care for our community.

The Prevention of Crime and Disorder & Public Safety:

Under Jack's leadership, VibeZ has introduced a distinctive and refreshing dynamic to Newport's nighttime

economy. During my visits to VibeZ, I have always felt a strong sense of safety, primarily due to the club's diligent security measures and comprehensive search procedures. To underscore the importance of VibeZ's commitment to safety, I would like to mention that we recently held our end-of-quarter

celebrations at VibeZ. We selected this venue not only because it perfectly suited our requirements but also because it provided an unparalleled level of safety for our staff, a rarity in some Newport venues. Notably, every one of our 50 staff members underwent careful ID checks upon entry.

Although these measures may have initially appeared rigorous, they quickly revealed themselves as instrumental in maintaining a secure and enjoyable environment for everyone.

The Prevention of Public Nuisance:

It is crucial to recognize that the challenges faced by the area surrounding VibeZ should not be solely attributed to the club. VibeZ is efficiently managed, boasting a team of professional and friendly staff dedicated to ensuring guest satisfaction and safety (as stated above).

The Protection of Children from Harm:

VibeZ is resolute in its commitment to maintaining a safe environment for all patrons, enforcing age restrictions with the utmost seriousness.

In light of these points, I wholeheartedly encourage the committee to take into account the numerous positive experiences and the broader context when evaluating this establishment.

Yours sincerely

Leigh Hussain

Inspired Business Media

Newport

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

From: Aaron Pewtner <[redacted]>

Sent: 09 October 2023 00:36

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

<[redacted]>

Subject: Vibez Superclub

To whom it may concern...

I am both an employee of Vibez Superclub and a frequent customer, and I would like to offer my strong support for this establishment. Vibez has undeniably brought something new and exciting to Newport's nighttime economy, aligning with the goal of enhancing the Prevention of Crime and Disorder.

Having worked and partied at Vibez, I can attest to the priority placed on customer safety. I have always felt safe while on the premises, a testament to their commitment to Public Safety. The professionalism of Vibez's security team and the thorough search procedures they employ contribute significantly to this sense of security.

It's essential to acknowledge that the challenges in the area around Vibez are not within the club's control. Much of the crime occurring nearby has no direct association with the club itself, reinforcing its commitment to the Prevention of Public Nuisance.

The management and staff at Vibez are exemplary. Their friendly demeanor and dedication to maintaining a well-run venue contribute positively to the community. I firmly believe that Vibez's operations reflect the high standards set by the licensing objectives.

As both an employee and a customer, I find it disheartening to witness the current proceedings that seem unfair and do not accurately reflect how Vibez Superclub is managed. It would be a great disappointment to see Vibez lose its license or cease trading in its current form.

Vibez Superclub plays a vital role in our nightlife and contributes positively to the local community. I urge the authorities to consider the broader impact of their decisions on both employees and patrons like myself who value this establishment.

Kind Regards
Aaron Pewtner

Sent from my iPhone

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

From: Elis Chapman <elis.chapman@newport.gov.uk>

Sent: 09 October 2023 21:31

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

Cc: LElford@john-gaunt.co.uk; hello@vibeznewport.co.uk

Subject: Representation

As a social secretary at our Football Club, I have organised and attended many an evening at both The Greyhound and VibeZ, not put off by the dim area town has become of recent years, we've seen polar opposites when attending these two venues.

I've always found the security to be very professional and the search procedures to be thorough, I'd liken them to those of an airport with the use of trays and wand scanners. I have had numerous great evenings since VibeZ has opened and have always found the management and staff are friendly and the club to be ran professionally. It would be a great disappointment to see VibeZ lose its licence or cease to be able to trade the way it does currently.

Yours sincerely,

Elis Chapman

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

From: Elsie Wright <[\[redacted\]](mailto:elsie.wright@newport.gov.uk)>

Sent: 07 October 2023 20:49

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

Cc: lelford@john-gaunt.co.uk; hello@vibeznewport.co.uk

Subject: Vibez and greyhound

Hiya Jack.

I have been speaking to my dad and asking questions about what's going on at the club as I have been hearing a few things. He has told me a few little bits and has told me not to say anything as it could get him in trouble. But he has always taught me to try and do the right thing whether that is standing up for myself or others. I don't know if writing you this email will be of any help to you but I feel I should say something anyway. If I start by saying I first came to Vibez just before it opened last year. I used to come in to see my Dad, as he does the maintenance during the daytime, while he was in work and now and again we would help out. My brother and I helped move the first delivery of booze and stock the fridges up the day before it opened. My brother and I would often come to vibez to see my Dad and Jack would often play table tennis with Charlie and also sit with me and ask me about my school work and exams. When Jack knew I did Ballroom dancing he said I can come in anytime I wanted to practice during the daytime as long as my Dad was around. I was lucky enough to be able to use dance as part of my GCSE exams. Jack would let me and my friends come in to dance. And even taught me how to use the disco lights and the sound system. We all passed our GCSE by the way.

I was also offered work at the club when I was old enough. But Jack would not let me glass collect. He would only let me work the cloakroom where he knows I would be 100% safe. When he gave me this job he said I will have plenty of quiet time in between customers and I should be doing my A level home work when I can. Growing up you hear lots about bouncers. But in the short time I have worked in Vibez my thoughts on security have changed. They are not bullies to the customers or anyone else. They have all been so lovely to me. And so has every other member of staff. They constantly come to check on me and make sure I am ok. I was only saying to my Dad the other day that I love working at vibez and how lovely everyone is and that it's nice that everyone gets on so well. Compared to the other little jobs I have done recently I love working in vibez and it will be so sad if it closes and everyone loses everything.

I hope this helps in some way.

Thanks for letting me dance and looking after me.

Thanks Elsie

From: Hannah Leigh Rees <[redacted]>
Sent: 08 October 2023 14:41
To: [redacted]; NCC - Environment
Licensing <Environment.Licensing@newport.gov.uk>
Subject: In relation to VibeZ and Greyhound Reviews

To whom it may concern,

In regards to the security, I feel like we have an extremely strong group who deal with situations brilliantly. Having being put in certain situations of feeling uncomfortable or dealing with rude/aggressive customers they always act swiftly and professionally. Walking into the venue feels extremely safe having being searched thoroughly, checking handbags, pockets and being scanned even after leaving for a short break, considering how irritating it can be sometimes, it's understandable.

I have been in a few situations myself where certain customers have acted a certain way however, not disturbing enough to be removed from the premises. They always make an effort to keep an eye on the individuals and check the welfare of the bar staff.

I completely put my trust in the security team to ensure my safety working at the club.

Kind regards,
Hannah Rees
Bar staff

Hi Jack,

I am writing to support you in your licence review.

Since taking over the management of the asset on behalf of the landlord I have always been impressed with your attitude towards management and passion to help improve the area, you have always proposed new ideas that we can implement to create a better safer destination for all of our tenants and their customers to thrive. We are in the process of implementing a variety of your suggestions which should help deter antisocial behaviour and thank you again for your contributions. It is certainly worth noting that the issues the area faces have always been a problem ever since we acquired the asset and have actually improved thanks to your staff and constant communication with us, we used to get issues far worse than the ones we currently deal with.

It is no secret that Newport high street like so many other towns across the UK is struggling as retail habits change, Covid exaggerated this trend and was the final blow to so many shops, bars and restaurants and to make things even worse for your venue you unfortunately also had a fire. We commend your entrepreneurial spirit which meant that in the darkest times you decided to spend significant sums of capital refurbishing your venue and relaunching it as VibeZ, you significantly improved the area and we are so pleased it is a thriving popular club which now allows you to employ more staff.

You have helped us to attract new tenants as they could see the investment you made and it gave them the belief that they should also do the same, we will soon be welcoming a new snooker hall and have the remaining units under offer. This completely bucks the national trend for retail and without your investment into your bar others would not of followed, again this is a sign of your passion for Newport and entrepreneurial approach.

I believe it would be a travesty for you to lose your licence, jobs would be lost, a popular venue would go and the local area would suffer as a result of it. I do not feel it is a fair reflection on how you operate and the work you have done for the local area that you are under review, I hope you are successful with your review and continue trading.

Kind regards

Jack Abou-Jaoude
Scarborough Group International

125 Deansgate, Manchester, M3 2BY

Mob: (

Email:

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

From: Lily rees [redacted]

Sent: 08 October 2023 16:13

To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>; [redacted]

[redacted]

Subject: In relation to Vibez and Greyhound Reviews

To whom it may concern,

I feel extremely safe working at vibez night club with the security team we have. I have always put my trust in them and they work efficiently and professionally whenever a problem arises. Any personal issues I've endured the team are quick to help and diffuse the situation. Having had a few incidents myself with customers, they do not hesitate when they are in need and act with professionalism at all times. After an situation/incident has happened, they go out of their way to ensure the bar staff are okay.

Entering the premises feels extremely secure being searched and scanned, with being a member of staff coming in and out all the time it can sometimes be a nuisance, however we all understand it's necessary for safety.

I feel like the the security team are extremely on the ball and I feel protected whilst working at Vibez.

Kind regards,

Lily Rees-Flowers
Assistant Manager

From: Lorah Avery <[redacted]>
Sent: 10 October 2023 19:12
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>;
[redacted]
Subject: Greyhound and Vibes representation.

To whom it may concern.

It has been brought to my attention that the above establishments have been placed under the review in relation to the criminal incident that occurred a few weeks ago and that trading licences are in jeopardy.

I understand from hearsay that the incident was truly horrendous and my thoughts are with those involved. However I would like to express my sentiment that it is unfair to proportion blame and consequence to the sexual assault allegation to the businesses when the intent and criminal themselves were an individual.

The standards, procedures and policies of these establishments are fully compliant with licencing objectives and their processes, values and morals of the business owner and their staff are of a high standard.

Both business have offered the public a safe place to meet recreationally for many years. Public attending these premises feel safe and protected and prefer the security of these establishments more than a standard pub with no cctv or security staff.

Security staff go above and beyond the interests of Public Safety and the Protection of children from harm by conducting thorough I.D checks. I have personally witnessed door staff refuse entry if they feel the Identification could be fraudulent or they do not feel it is adequate representation and a true likeness.

Unless psychometric testing was conducted on every member entering the pubs, the outcome of knowing every person's move and intention is simply impossible and I believe it is unfair to penalise these businesses for an act of an individual before seeking out all the facts.

Id like to ask that this situation is handled with mindfulness as this is detriment to the business owners livelihoods and risk to employment to the staff that work there.

It is my strong view that these establishments should continue providing a safe place for public members to socialise as they are valued establishments of the community.

Thank you.

Lorah Avery

From: Newport Corinthians <[REDACTED]>
Sent: 09 October 2023 23:24
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Subject: Jack Bannister and VibeZ Nightclub

To whom it may concern,

I hope this email finds you well. I am writing in response to recent concerns regarding the safety and management of VibeZ nightclub. I feel compelled to defend and represent this establishment as a safe and well-run place for individuals seeking a vibrant and enjoyable nightlife experience.

At VibeZ Nightclub, the safety and well-being of customers are of utmost importance. This is evident through their stringent safety protocols and continuous efforts to maintain a secure environment. Their well-trained security personnel handle any potential incidents with the utmost professionalism and efficiency.

Furthermore, we have witnessed on a number of occasions a strict ID verification process at the entrance to ensure that only individuals of legal drinking age can enter. This measure helps maintain a responsible and controlled environment, preventing underage drinking and associated problems. Their adherence to local regulations regarding fire safety, capacity limits, and noise control further demonstrates their commitment to operating as a safe and responsible venue.

Their professional staff are one of the key factors that contribute to VibeZ Nightclub's exceptional reputation. From bartenders to floor managers, they set the highest standards of professionalism and customer service. Their ability to handle complex situations and diffuse any potential conflicts ensures that every visitor feels safe and secure throughout their evening.

Moreover, VibeZ Nightclub seem to maintain a zero-tolerance policy towards any form of harassment, discrimination, or violence. Staff members always seem to show inclusivity and respect when dealing with complex situations.

VibeZ also provides a place to encourage a positive community engagement and strives to be an active and responsible member of the local community.

VibeZ Nightclub also help to support local organisations such as ourselves and give back to the community by supporting us over the last couple years.

In conclusion, I genuinely believe that VibeZ Nightclub deserves recognition as a safe and well-run place where individuals can enjoy a vibrant nightlife experience. It would be ashame to take this away from the young people of Newport as a city we all need to work together to promote a more vibrant place to be.

Thank you for taking the time to read my email. I would be more than happy to provide additional information or answer any questions you may have regarding VibeZ Nightclub.

Best regards,

Richard Doody

From: Funds Team <[redacted]>
Sent: 08 October 2023 10:22
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Cc: [redacted]
Subject:

We have done a lot of events at venues over the past 12months and vibez the venue, staff, cleanliness and safety was 1st class and head and shoulder above the majority of venues we have performed at in the uk !

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

From: Poppy Elizabeth Mansfield <[redacted]>
Sent: 09 October 2023 21:08
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Cc: [redacted]
Subject: VibeZ and greyhound reviews

To whom it may concern,

I am the owner of Bittersweet Promotion staffing agency. We have worked for 9 years providing staff to venues around Cardiff, Newport and Swansea.

During that time we've worked with over 200 venues and have had the pleasure of working with both VibeZ and Greyhound on a weekly basis.

I am writing to support both VibeZ and Greyhound venues.

Since VibeZ opened our staff have loved working in the venue. They feel safe, have a good relationship with both management and customers and enjoy working with the club. VibeZ has a great atmosphere, brings exciting events to Newport (which was much needed in the city centre) and is extremely well run, with friendly security staff and management.

In Greyhound, we have a regular member of staff who has worked in the venue every weekend for many years. Larissa has always felt safe, feels that the management of the venue are very friendly and the pub is run well.

As with all the venues we work with, there can be issues due to individuals who are disrespectful and unfortunately this can affect the reputation of the hard working staff who work tirelessly each night, through the early hours, to try to provide great events whilst keeping people safe.

I don't feel it's fair to place the responsibility on the venues, especially in a place where challenging behaviour from customers is so common.

In my opinion (and the opinion of all my staff members at BSP) it would be a great disappointment to lose these venues within the city.

Kind Regards,
Poppy Mansfield

1 Isobel Court, Elm Drive, Risca, Caerphilly, NP116JH.

Email: [REDACTED]

Office: [REDACTED]

Mobile: [REDACTED]

11/10/2023

RE: The CDM Consult Ltd

Our Reference: VibeZ Super Club/Greyhound, 11/10/2023

First and foremost, I would like to introduce myself and provide a slight background about myself.

My name is Deborah Anne Johnson, I am also the owner and Commercial Director of CDM Consult

Ltd for the past 14 years, I have provided previously comprehensive search policies and Risk Assessments for various clients including major clubs in Cardiff City Centre in the course of my job.

We are also currently working with VibeZ Super Club/Greyhound, to date we have found their search

policies effective, comprehensive, and thorough that we have seen in the last 14 years.

It is in my opinion they have gone above and beyond what we would expect to ensure the safety of

their patrons.

As with all policies, there will always be an element of unknowns and the introduction of human error,

it is most unfair to lay the blame solely for the individual mistakes of doormen supplied by a third

accredited party at the club's door.

It is more than likely how they respond to errors which is more important and proportionate.

We have no doubt and have complete confidence that this venue has and will continue to provide a

safe and enjoyable environment for people to attend safely and enjoy for years to come.

Furthermore, it would be a travesty for the venue that have brought so much to Newport's nightlife

scene to close resulting in a huge blow for the local economy and community as Newport continues

to grow.

Warm regards

Deborah A Johnson BA (Hons), HNC (QS), IOSH

Witness Statement

CJ Act 1967, MC Act 1980, ss5A (3)(A) and 5(B), Criminal Procedure Rules 2005 (r.27.1)

Statement of: Richard John-Owen Garner


Age (if over 18 enter 'over 18'): Over 18

Occupation: Solicitor/Security Consultant

This Statement (consisting of six pages) is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Date: 10th October 2023

Signed:



I am Richard John-Owen Garner of 29 West Cross Lane, West Cross, Swansea.

I am a solicitor of the Supreme Courts of England and Wales. I have been involved in law since 2001 and I am a qualified, working solicitor with a valid certificate to practice.

I am currently a director in the Davies and Davies Solicitors practice based in Swansea. The focus of my firm is criminal law but I also specialise in licencing law and independent legal advices for guarantors in conveyancing. I am one of only two supervisors in the firm and occupy a position of trust and responsibility. I am also the director responsible for complaints handling.

In addition to this I am also a director of Hennah Haywood Law with offices in Newport and Neath. From these offices I work as a special prosecutor advocate for the Office of National Statistics.

Until 2017 (when I had a serious motor vehicle accident) I also worked in the security industry. I held down a position of employment working 4 nights a week in security in tandem with my current career as a solicitor. I began working in security in around 1994, a career that spanned 23 years and saw me involved in active duties in many jurisdictions in both Wales and England from Swansea, down the M4 passageway and as far as Stoke.

I have been through five different security qualifications. The original pilot scheme to register or 'badge' door supervisors began in Newport and was devised by John Pisani – Jack Bannisters grandfather. Mr Pisani was a much respected publican and his pilot scheme was adopted by the entire country with each authority adopting the principles to their own area. If

you wanted to work in a different city, you had to do the course for that area. Each course adopted the basic principles of conflict management, controlled holds and restraints, fire safety, drug and alcohol awareness and licencing laws. As a part of these courses the applicants received training from serving police, fire and NHS officers and an exam had to passed at the conclusion. I have completed courses in Newport, Cardiff, Swansea and Bristol. I consider the standard of these courses to be very high.

In 2001 the Security Industry Authority Act came into effect and every door supervisor had to complete the national recognised qualification regardless of their status. I have completed the SIA course and also had refreshers with the SIA as required.

During my security career I have occupied leading roles from the age of 21 years. For nearly two decades I was head door supervisor or management level staff in every position I have occupied.

I have also assisted in the training of door supervisors and invigilated and signed off countless examinations of the Security Industry Authority government approved courses.

During my security career I have received numerous commendations from police inspectors, on one occasion the crew that I managed in Newport received 5 commendations from Inspector Thrush of Gwent police in the space of just 6 months for assisting police officers who were in grave danger whilst involved in violent confrontations in the city centre although I did not feel the need to have this recognised publicly.

I am a trained boxer - 2 times WABA boxing finalist and former Welsh U19 ABA heavyweight champion. I am now a professional member of the British Boxing Board of Control who have granted me Promoter, Manager and Trainers licences.

I have belts in 5 different martial arts involving a mix of striking, grappling and restraints. I am 4 times Welsh kickboxing champion and I have two bronze medals in the World Kickboxing Championships and I have been chosen to represent my area and country on many occasions.

During my 23 year door supervisor career I have been involved in many violent confrontations and had to give evidence at both the Crown Court and Magistrates Court for and against the case for the Crown.

Recently I had been brought on board as an advisor to Jack Bannister who has been having issues with the clubs that he runs. My role has been to assist in liaising with the local authority and to offer advice on issues that he has faced and how

best to deal with them. I have been included in almost all of the correspondence that has been exchanged with the local licencing and police since the period starting around Christmas 2022.

There have been numerous requests for CCTV that have been satisfied at the first available opportunities and suggested action plans put in place to satisfy concerns that have been presented. To say that the suggestions have been overbearing and onerous would be an understatement, but Mr. Bannister has ensured that he has implement every one of the suggestions in the interest of public safety and appeasing the authorities despite how ridiculous some of them might seem and me expressing my concerns that many of the requests made of him seemed unreasonable and unnecessary. One example of nonsensical requests being made is to search every single person who enters the venue. This includes trusted staff members and management. Incredible to think that the authorities believe they would present a danger, this is perhaps more an example of licencing suggesting completely inappropriate conditions in order to make things as difficult as possible rather than having public safety their primary concern.

When door supervisors have been considered to have behaved in a manner that has not been deemed as appropriate or desirable, Mr. Bannister has ensured that they have been dismissed immediately and they have not been allowed to return to the club for active duty.

In May, licensing insisted that they felt matters had come to a head and a meeting was arranged with the police which I attended with Mr. Bannister. The meeting was a difficult one with the officers in attendance heavily hinting that the door company employed by Mr. Bannister should be replaced. It was made patently obvious that they had a problem not with the doormen but with the firm itself. I have no idea why they harboured such an agenda but it seemed irrational.

Mr. Bannister was reluctant to change firms. He had faith in the fact that the door supervisors on duty at the current time were good staff members and had concerns that the knowledge that they had gained in respect of building up a mental portfolio of the troublemakers and persons who caused the most issues in town would be lost. Losing such experience would obviously mean that he would have to go through a period of turbulence whilst a new door crew settled in.

Representations were made that I would run a series of advisory seminars for the door staff on how to improve their skill set and that I would performance manage them on a regular basis to ensure that standards did not decline.

The officers in attendance were reluctant to agree but eventually relented, stating that they would reconsider their position if the club stayed trouble free for the next 28 days. The club was run perfectly for the next 28 days with no issues brought to the attention of the authorities.

I spent time at VibeZ for two months following this agreement being reached delivering a number of seminars to the door supervisors who were regular staff at the venue and monitoring their performances as they worked. They attended prior to their shifts starting and they were polite, articulate and responsive. They were not paid extra for their attendance and they did so without complaint.

During the period I observed them in their roles I felt that they had taken onboard the advice that was given and their performances improved. They were not poor doormen and only minor adjustments and advice had to be offered.

The authorities assured us that if the club could survive a month without a single reported incident and an improvement in standards then the mistakes of the past would not be used against it. It seems that VibeZ has lived up to their end of the agreement but the police and licencing have not.

It has now been brought to my attention that the police and licencing authorities have highlighted an offence where a group were ejected from the club and an individual attempted to use a glass that had been grabbed in the club during the course of his ejection. This incident was well outside that 28 day period and expecting a nightclub to stay trouble free indefinitely is a wholly unrealistic expectation. Such incidents are regrettable but sometimes unavoidable. I would further point out that Mr. Bannister offered to make sure that the club operated a plastics only policy but was advised to use toughened glass and that since the incident he has reverted to plastics only. A very typical example of how Mr. Bannister has always engaged in productive talks with the authorities and actively implemented measures pertinent to public safety.

There has also been a record made of one incident (post the May meeting and 28 day period) of a door search being missed. This was picked up by licencing who it seems requested the CCTV for no purpose other than to trawl through countless hours of CCTV with the intention of stumbling on such an event despite the fact that there were no incidents generated from it. The important thing to remember here is that the door supervisors are people, not robots, and in such an extended period of time it must be reasonable to expect there to be human error, but to focus on one missed search over such a long period which would have involved hundreds of searches seems totally disproportionate.

I have been made aware that the authorities are now making requests for extensive CCTV footage from Mr. Bannister. I have had sight of these and there does not seem to be any reason for this. They don't seem to be linked to any reports or incidents but more an effort to catch Mr. Bannister and his staff out which is indicative of the way that he has been treated.

I have also had sight of the concerns that the authorities have put forward in terms of the issues that the VibeZ nightclub has encountered. I note that many of these complaints pre-date the agreement that we had with the authorities in May prior to the implementation of staff training and supervision which strikes me as entirely disingenuous. The staff have made great progress in terms of their performance making only minor adjustments and for Mr. Bannister to implement such significant changes at no small cost to himself, triggering an incredible turnaround in performance is to his credit.

Having been on site at the location for a significant period of time and having an opportunity to appraise the situation, it is my strong belief that despite his best efforts and constant engagement with the relevant authority figures, Jack Bannister has been the subject of victimisation and it is with no reservation I express my concerns regarding the way that he has been treated.

The job of maintaining order in VibeZ nightclub – the last late licence nightclub in Newport to my understanding – is never going to be an easy job. It will come as no shock to the reader of this statement that Newport's two most common crimes are violent and sexual offences. A terrible reputation to have but unfortunately accurate with regard to government statistics. Controlling this in a nightclub environment is always going to be challenging but not impossible as Newport once had a thriving night time community. Sadly ensuring safety standards has been made harder with the lack of engagement of the police who have had brought to their attention issues in the local area which impact on the ability of the staff to maintain order.

One example which simply cannot be ignored is the police failure to control the drug dealing that is clearly going on in the step area of Cambrian Road that leads to the upper levels of the carpark. Whilst on location I witnessed a group in this area dealing different forms of drugs and also filling up balloons with nitrous oxide that they were openly selling from this dark corner. This has been brought to the attention of patrolling officers who told me they would 'get somebody to move them on' and by Mr. Bannister who has sent emails to the same effect. It appears the drug dealers are above the law as they continue to operate with impunity from that area. They have never been moved on and the police continue to turn a blind eye.

I am aware that it has been represented that Mr. Bannister is not a fit and proper person to be involved in the nightclub industry. In the time that I have known him – over ten years to my recollection - he has always been an honest, reliable and trustworthy individual.

Mr Bannister's Grandfather was a contributor to the local community by way of event sponsorship and charitable donations. As already stated, he was the architect of the first ever licencing scheme for door supervisors and my experience of Mr. Bannister is that he holds the same values and has inherited the same public spirit.

Mr. Bannister has never to my knowledge failed to engage with the licencing authorities. He has never played down the importance of public safety and has invested much of his time and money into bettering the experiences of those attending his venues, investing in wands, metal detectors, training and extra security for special events where appropriate. Even though he was not required to attend the seminars I delivered, he did so in order to understand what was being projected to make improvements. He has always behaved with faultless integrity in my presence.

It is my opinion that it is vitally important for Newport as a City to retain VibeZ as a venue. Its commercial value to the local community should not be undermined. To lose the last late licence nightclub venue would have a detrimental effect on the local economy and employment. It would be another nail in Newport's coffin as it struggles to thrive in a difficult commercial environment. Mr. Bannister has brought specialist acts to his venue, DJs and entertainment in the best interests of promoting Newport as a City worth visiting. He is clearly very proud of his area and works hard to promote and support it.

Date: 10th October 2023

Signed:

A rectangular box with a thin black border, intended for a signature. It is currently empty.

From: Michael McCormack <[redacted]>
Sent: 12 October 2023 17:25
To: NCC - Environment Licensing <Environment.Licensing@newport.gov.uk>
Cc: [redacted]
Subject: Service and hospitality at vizez night club Newport

Hi I have been asked if I can send this testimonial that I sent to Vizez nightclub in Newport,
Hi Guys, I would just like to send this email with regards to our visit to vizez nightclub in Newport.
My name is Michael McCormack and I was visiting as tour manager for a live PA with my client Tom Zanetti.

I can say wholeheartedly, whilst we were at your venue - We were looked after amazingly, the security was amazing, facilities were outstanding and it was a real pleasure to come and perform at your club.

I have been meaning to send this email for a couple of weeks now and I've just seen it on my to do list.

Speaking from experience from performing at various venues in around the UK and Europe, I would say that the hospitality was 2nd to none and the whole experience from start to finish was fantastic. The management team, specifically our point of contact (Aaron) went above and beyond from what we expected, right from arranging entry to the venue to exiting the venue again was a 5star service. Aaron is a credit to your company and even when we requested for a specific type of food for an exhausted artist it was not a problem, little things like that definitely do not go unnoticed.

Much appreciation from our team to yours.

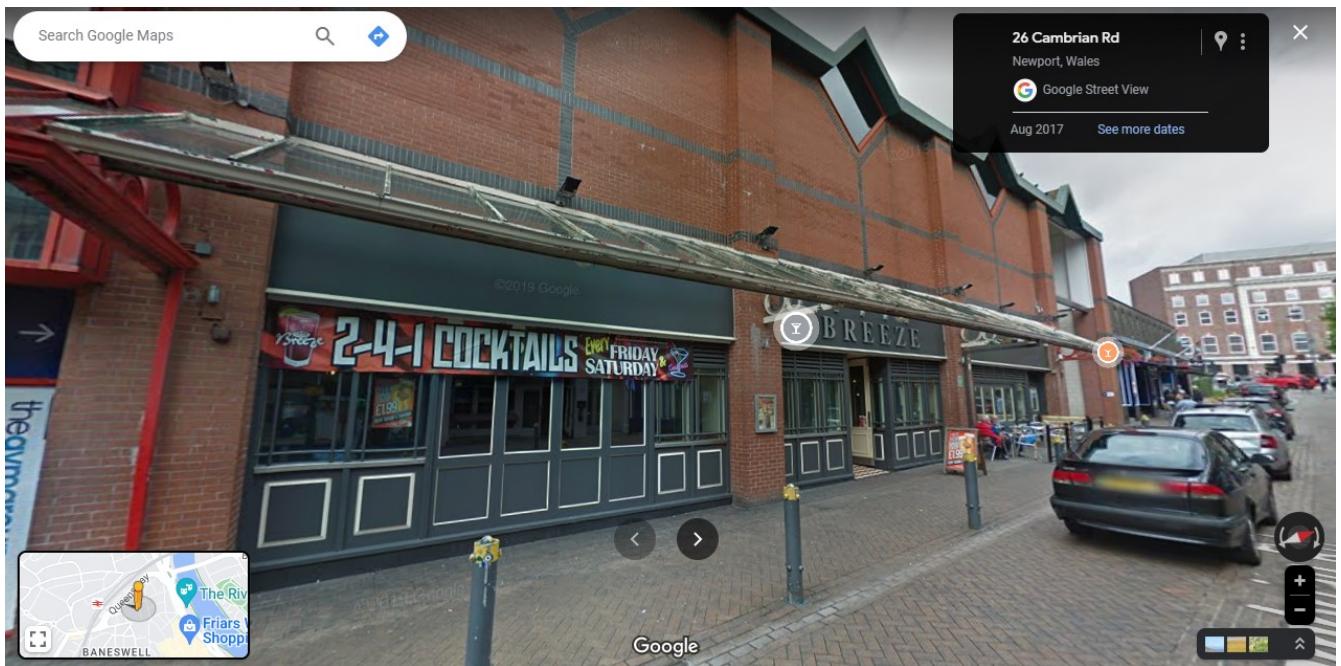
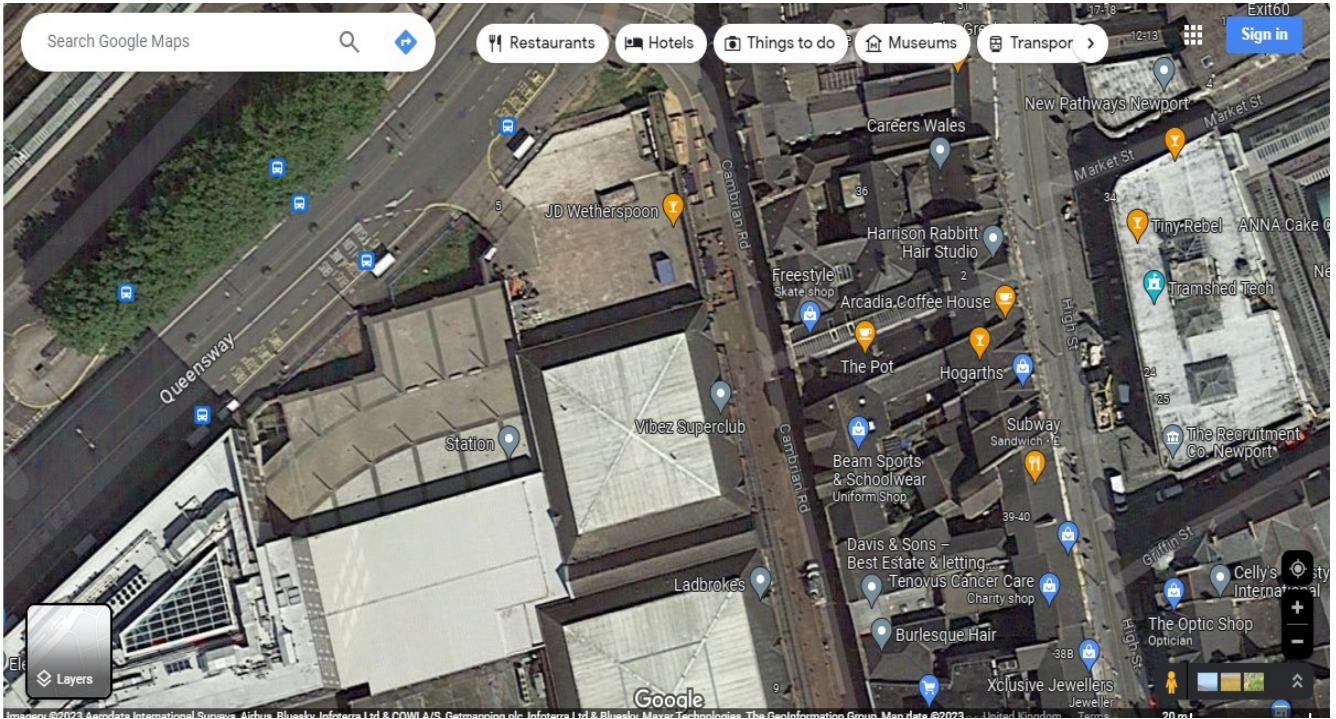
Best

Michael McCormack
Tour manager



APPENDIX D

Location of premises



Tudalen 81



Tudalen 82

Appendix E

Mediation Documents

Mae'r dudalen hon yn wag yn