

Report



Licensing Sub Committee Report.

Part 1

Date: 17th January 2023

Subject Review of Premises Licence under Section 51 Licensing Act 2003, The Pod, Rodney Road, Newport NP19 0AD

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

Author Alastair Dearling (Licensing Manager)

Ward Victoria

Summary An application for a review of the premises licence was made by Newport City Council Environment Health (Noise Team), acting in its role as a Responsible Authority, on 22nd November 2022 on the basis that the premises is undermining The prevention of public nuisance.

Proposal To make a decision on the application to review the Premises Licence issued in respect The POD, Rodney Road, Newport NP19 0AD.

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed Alastair Dearling

1. Review Application

- A review application under Section 51 of the Licensing Act 2003 was received on the 22nd November 2022 from Newport City Council Environmental Health Department (Noise team), acting in its role as a Responsible Authority, to review the Premises Licence issued in respect of The POD, Rodney Road, Newport NP19 0AD.

The application for review relates to the following Licensing objective:

The prevention of public nuisance.

A copy of the review paperwork and supporting documents can be found in **Appendix A** of this report. Noise recordings of the alleged public nuisance from the POD have been offered to all parties concerned and will be presented at the licensing hearing by Environment Health Department.

The application was received by the Licensing Authority on 22nd November 2022 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 20th December 2022.

2. Licensable Activities

The current premises licence holder is:

**The POD (Newport) Limited,
61 Cowbridge Road East, Cardiff, South Glamorgan, CF11 9AE**

The Current Designated Premises Supervisor (DPS) is:

Mr Jan Kosler

The Premises Licence relates to the following licensable activities

Sale by retail of Alcohol

Monday to Sunday inclusive 07:00 - 01:00

Performance of Live Music

Wednesday 17:00 - 23:00

Thursday 17:00 - 23:00

Friday and Saturday 17:00 - Midnight

Sunday 17:00 - 23:00

Playing of Recorded Music

Monday to Sunday inclusive 07:00 - 01:00

Late Night Refreshment

Monday to Sunday inclusive 07:00 - 01:00

The opening hours of the premises

Monday to Sunday inclusive 07:00 - 01:30

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

3. Representations

The Licensing Authority invited representation from responsible authority and “other persons” to be submitted before Midnight on the 23rd December 2022. The Licensing Authority Received:

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

4. Background / Premises Licence History

- The premises is located on Rodney Road, Newport and was previously a Taylor Wimpey Sales Office for a number of residential flats developed alongside Rodney Road and River banks of the River Usk. A map and pictures of the location of the premises can be found in **Appendix D** of the report.
- The Premises was first granted a premises licence back on 17th June 2017.
- The premises licence in 2017 covered the inside of the premises and included a relatively small outside area to the premises.
- During the Covid outbreak the POD started to utilise land that did not form part of the licensable area, this was permitted under Covid Regulations, thus meaning the outside area expanding approximately 4 times larger than the original Licensing Act 2003 application plans. This meant that outside area of the premises started to encroach nearer to residents (Pictures can be found in Appendix D)

Clearly under Covid Regulations the premises was not required to seek permission from either the Licensing Authority or the Authority’s Planning Department nor did the outside area require any public consideration.

The temporary outside permitted development rights that were introduced in April 2020 due to Covid to support the hospitality industry were removed on 3rd January 2022 with Welsh Government encouraging business to submit planning applications before the 3rd January 2022 or businesses should cease trading in these areas and structures should be removed by 3 January 2022.

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.

Section 11.3 of the Council Licensing Policy:

The Licensing Authority recognise that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being. The Licensing Authority recognise the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases. Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

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.

5. 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
- The Licensing Authority can determine that any existing conditions on the premises licence relating to live or recorded music will apply between 8am and 11pm in line with the Live Music Act 2012.
- 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 licence 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.

6. Issues for discussion

31 The content of the application made by Newport City Council Environmental Health Department (Noise), acting in its role as a Responsible Authority, for a review of the Premises Licence.

32 Any evidence and mitigation provided by Licence Holder

7. Financial Summary

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

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

8. Risks

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

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

You will need to complete the following Risk table

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

* Taking account of proposed mitigation measures

9. Links to Council Policies and Priorities

This report has been prepared in accordance with The Licensing Act 2003 and with regard to Newport City Council Statement of Licensing Policies 2020.

APPENDIX A (Review Application)

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 James Holland

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	
The POD located on Rodney Road	
Post town Newport	Post code (if known) NP19 0AD

Name of premises licence holder
The POD (Newport) Limited
Registered office address
61 Cowbridge Road East, Cardiff, South Glamorgan, CF11 9AE
Directors
Mr Paul John Young & Mr Oliver John Mason
Name of Designated Premises Supervisor (DPS)
Mr Jan Kosler

Number of premises licence
20/00815/LAPVM

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 James Holland Chartered Environmental Health Officer Noise & Neighbourhood Team Civic Centre Newport City Council South Wales NP20 4UR
Telephone number (if any) 01633 414720
E-mail address (optional) James.Holland@newport.gov.uk

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

Please tick one or more boxes ✓

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

✓

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

I formally request a review of the present premises license to remove the provision of Live Music Act 2012, so that the current and proposed Conditions, detailed below become and can be enforceable under the Licensing Act 2003.

Please Note: The Live Music Act 2012 amended the Licensing Act 2003, so that a licence for a live music performance is not needed if: it takes place between 8am and 11pm; it takes place at a licensed premises or workplace and that the audience is no more than 500 people.

Furthermore, any externally land (used) for the purpose of any license activities must be incorporated into a site plan (footprint) to allow all external licensing activities to be enforceable under the Licensing Act 2003.

In addition, I wish to amend the wording within the current premises licence conditions, so as to prevent public nuisance to local residence.

Condition:

9. Recorded music should take place between 8:00hrs and 23:00hrs, after 23:00hrs background (recorded music) can be played between 08:00hrs and 01:00hrs.

Condition 9 should be revised to now stipulate:

Recorded music should take place between 8:00hrs and 23:00hrs, after 23:00hrs background (recorded music) can be played between 08:00hrs and 01:00hrs. Live music should only take place between 11:00hrs and 22:00hrs.

10. The outdoor external terrace shall be closed to members of the public outside the following timing 08:00hrs till 23:00hrs.

11. No Regulated entertainment outside at any time.

Condition 11 should be revised to stipulate:

No Regulated entertainment should take place outside at any time and no external speakers should be located in the outside area, this includes speakers for Live TV broadcast.

13. On any occasion that entertainment is provided the Designated Premises Supervisor will ensure that all such activities are inaudible at the nearest noise sensitive dwelling and that proactive noise monitoring is conducted at regular intervals. Such proactive monitoring will be appropriately documented and retained for a period of six months. This documentation shall be made available for inspection by the Licensing Authority, on requirement.

14. Acoustic door seals fitted to all external doors and that they are maintained so as to minimise the escape of sound from the premises.

15. Sealed acoustic/double/secondary glazing windows are fitted to minimise sound escape from the premises.

16. Works should be carried out to sound insulate/attenuate any ventilation/extract system within the kitchen area, so as to prevent sound break-out from the premises. Note: Noise can escape through an air intake just as easily as through an extraction system.

17. All external doors shall be kept closed, allowing access and egress, whilst Indoor Regulated Entertainment (live & recorded music) is being provided.



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

An Environmental Protection Act 1990, Section 80 - Abatement Notices was served upon both the Secretary: The Pod (Newport) Limited, Rodney Road, Newport, South Wales, NP19 0AD and Mr Jan Kosler (DPS) on the 30th of September 2021.

The Notices required that; any musical entertainment was adequately controlled, so that it did not materially interfere with the use and enjoyment of neighbouring accommodation.

Such musical entertainment was again recorded by local residents on the 11th of December 2021, which gave rise to a noise nuisance. Both parties were reminded that the requirements of the Abatement Notice were still in force.

Again, both parties were informed that should further complaints be received then consideration will be given to the instigation of legal proceedings for the criminal offence of failing to comply with the Abatement Notices. At which time, a report will be submitted to the Council's Legal Services for further consideration and decision as to whether to prosecute or not.

In addition, those concerned were also informed that application can be made to review the Premises Licence under Sections 51 of the Licensing Act 2003 and to further remove; the provision of entertainment consisting of a 'performance of any live music or the playing of recorded music' under Section 177(A) of the Live Music Act 2012.

And that; any application to review the Premises Licence will be determined by a panel consisting of Members of the Licensing Committee, who on determining such an application may consider that one of the following steps is necessary in order to promote the four licensing objectives:

- ✓ To modify the conditions of the licence, by altering, omitting, or adding to them, where relevant.
- ✓ To exclude a licensable activity from the scope of the licence.
- ✓ To remove the designated premises supervisor.
- ✓ To suspend the licence for a period not exceeding three months; or to revoke the licence.

At the same both parties were informed that it was their responsibility to ensure that the four licensing objectives, including the prevention of public nuisance objective, was promoted when carrying on licensable activities etc.

Again, they were reminded at the end of the enforcement letter (breach of notice letter) that the Abatement Notice was still in force at the time and therefore, it is clearly in their own interest to ensure that there is no cause for further complaint and thus prevent the need for any further actions by this City Council.

Further complaints and noise app recordings have been submitted and are available to review if required;

27, 28 & 29 August 2021

11, 25 & 26 September 2021 – Abatement Notice served

15 December 2021 – Breach of Abatement Notice letter sent

27 March 2022

2, 3 & 7 April 2022

29 Oct 2022

2 Nov 2022

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 J. HOLLAND

.....

Date 22 November 2022

.....

Capacity Environmental Health Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

APPENDIX B (POD 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	20/00815/LAPVM
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code The Pod Rodney Road Newport South Wales NP19 0AD
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 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 Sunday inclusive 07:00 - 01:00 Performance of Live Music Wednesday 17:00 - 23:00
--

Thursday 17:00 - 23:00
Friday and Saturday 17:00 - Midnight
Sunday 17:00 - 23:00

Playing of Recorded Music
Monday to Sunday inclusive 07:00 - 01:00

Late Night Refreshment
Monday to Sunday inclusive 07:00 - 01:00

The opening hours of the premises

Monday to Sunday inclusive 07:00 - 01:30

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

The POD Ltd
The Pod
Rodney Road
Newport
South Wales
NP19 0AD

E Mail :

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

Jan Kosler

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: 18/00260/LAI

Licensing Authority: Newport City Council

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

Dated this 7th May 2020

A handwritten signature in blue ink that reads "Gareth Price". The signature is written in a cursive style with a long horizontal stroke at the end.

Gareth Price
Head of Law and Regulation

Mandatory conditions

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

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

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

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

For the purposes of this section:

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

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

For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 The responsible person must ensure that -

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

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

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

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

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

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

(2) In this condition:-

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

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

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

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

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

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

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

Conditions consistent with the Operating Schedule

9. Recorded music should take place between 8:00hrs and 23:00hrs, after 23:00hrs background (recorded music) can be played between 08:00hrs and 01:00hrs.
10. The outdoor external terrace shall be closed to members of the public outside the following timing 08:00hrs till 23:00hrs.
11. No Regulated entertainment outside at any time.
12. There shall be no movement of equipment associated with Indoor Regulated Entertainment (live music) from the premises between the hours of 12 midnight and 07:00 hours.
13. On any occasion that entertainment is provided The Designated Premises Supervisor will ensure that all such activities are inaudible at the nearest noise sensitive dwelling and that proactive noise monitoring is conducted at regular intervals. Such proactive monitoring will be appropriately documented and retained for a period of six months. This documentation shall be made available for inspection by the Licensing Authority, on requirement;
14. Acoustic door seals fitted to all external doors and that they are maintained so as to minimise the escape of sound from the premises.
15. Sealed acoustic/double/secondary glazing windows are fitted to minimise sound escape from the premises.
16. Works should be carried out to sound insulate/attenuate any ventilation/extract system within the kitchen area, so as to prevent sound break-out from the premises. Note: Noise can escape through an air intake just as easily as through an extraction system.
17. All external doors shall be kept closed, allowing access and egress, whilst Indoor Regulated Entertainment (live & recorded music) is being provided
18. Upon the request of police, all tables and chairs are removed from outside the premises.
19. Drinking vessels shall be provided in either toughened glassware or polycarbonate.
20. CCTV will be installed inside (outside) the premises. The cameras will cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct and the CCTV system must be capable of recording images to a suitable medium that allows reply. Recordings must be retained for a minimum of 30 days. Staff shall be trained in the maintenance and operation of the CCTV system.
21. A Challenge 25 policy shall be operated at the premises at all times. All staff shall check identification of all persons who appear to be less than 25 years old. This check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
22. On days where rugby or football matches are taking place at Rodney Parade, all drinks being consumed within the designated garden/outside terrace area must be either in polycarbonate or plastic glasses three hours before kick-off of a game and one hour after the game (or at times requested by Gwent Police). It is expected the Designated Premises Supervisor or the manager on duty at the time will give full and due consideration through their own risk assessments, to periods outside the above named hours.

23. No alcohol will be purchased from the outside terrace bar before 10:00am on any day.

24. No children are allowed on the premises unless accompanied by an adult.

25. No children are allowed on the premises after 22:00hrs.

The following conditions were added after minor variation on 07.05.2020

The Delivery of Alcohol is permitted in line with the following conditions:

26. Alcohol must only be sold with a food order; the food order must be minimum of £3.

27. The Delivery of alcohol is only permitted during the coronavirus outbreak.28. The Delivery service must cease if giving written notification to do so by either Licensing Authority, Gwent Police or Local Authorities Trading Standards Team.

29. Deliveries are only permitted to be delivered at either a home address or a work place.

30. The Premises must operate appropriate age verification scheme to prevent under 18s purchasing alcohol.

Conditions attached after a hearing by the licensing authority

NIL.

Plans

Please see attached plans (reference number 18/02704/LAPV)

Appendix C Representations “Other Persons”

To whom it may Concern

I have just read the notice placed on the POD regarding noise and the review of their license. This is extremely disappointing.

The POD is the one of the few quality, upmarket places in Newport that makes you feel safe and well looked after. I have been to the POD on many occasions and have never experienced an issue with the music being inappropriate or too loud.

With the development of Friars Walk, it was hoped Newport would become a vibrant city, offering shopping and leisure experiences that could compete with neighbouring cities but unfortunately, it is not the case. It is only due to the independent businesses in Newport like the POD, that attracts people to spend their valuable leisure time and money. They need to be supported and I strongly disagree with your decision to review the POD’s license and hope you will reconsider your action.

Many Thanks

Holly
26 Harlech Drive
Rhiwderin
Newport
NP10 8QS

=====
To whom it may concern, I am really disappointed Reading the notice on the pods door, the Pod is, and always has been, a great place to visit. A place one can feel safe and looked after. I have visited on many occasions and never had a problem with the music being too loud or inappropriate. Therefore I strongly disagree with your decision to review The Pod’s license.

Casey Pipe, 44 Ombersley Rd Np203EE.

To Whom it may concern,

I was inform that you are trying to change The Pod Newport's license without they consent. I found this unfair and unjust as The Pod has always been a place to visit where one can feel safe and you can see they care and respect for law-abiding and they care for local community and their neighborhood

I strongly object to this motion and disagree with your decision and I would like you to reconsider and actually work closely with your local business instead of just making decisions without them.

Respectfully

Concern citizen and visitor of The Pod(Casey Whatts 138 malpas road, NP205PL)

To whom it may concern,

I'm writing with regard to the notice of application for the review of premises licence recently posted at The Pod on Rodney Road. I'd like to start by saying that I'm the head doorman of said establishment (contracted through Dawks Security), a position I've held since April of this year. Not once during my time at The Pod have I been approached by a local resident with regards to noise, nor have I been approached by Gwent police in relation to the matter. All live music is finished by 23:00 and the beer garden area is also closed by this time. On occasion some guessed walk outside to smoke or vape and

they're instructed to keep noise to an acceptable level as to not disturb nearby residents at such a late hour. If we have a particular busy night I also have at my disposal another guard (who wears a hi vis vest) who marshals guests either toward town centre to continue their night or toward their taxis.

Customers are also encouraged to stay inside until they know that their ride has arrived outside. All this

is to ensure that our neighbours are not disturbed.

On the matter of disturbances, during my time here I've noted 4 regular form of public nuisance that does affect our neighbours.

- Revellers heading to town from the Maindee area and vice versa.
- Fans from Rodney parade heading to town or Maindee on match days who congregate in the old arts college car park while deciding what to do next, who are often very loud.
- People driving vehicles in an anti social fashion up and down Rodney Road.
- And youths hanging out along the Riverside.

None of these actual nuisances are any fault of The Pod. Simply put i have the easiest job of any doorman in Newport. Even with our close proximity to town centre I require no radio to connect me to Charlie Romeo, I've never had to break up a fight or even forcibly eject someone. The only time the police have been on the premises during my time at The Pod was to ask for our assistance with regards

to our CCTV footage of the surrounding area and to question one individual who came to our establishment after an incident at a nearby venue. I hope this helps to clarify the issue, please feel free

to contact me if you require any further information.

Kind regards,
DG Smith

To whom it may concern,

I strongly disagree with your decision to review The Pod's license. The Pod is one of the most recognized places in Newport and a great addition to the whole community. The pod is a place where you feel welcomed and have great fun. I understand there are some people who are against Pod from the beginning and trying to do everything to shut them down.

Music in the pod is a foundation pillar and it would be a big mistake to take it away.

Many thanks,

Tomas Kosler

General Manager

@TheFriendlyFox Bassaleg

To whom it may concern,

The Pod is, and always has been, a great place to visit. A place one can feel safe and looked after. I have visited on many occasion and never had a problem with the music being too loud or inappropriate. Therefore I strongly disagree with your decision to review The Pod's license.

(Abi Harris)

APPENDIX D

Location of premises







