

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 17 AUGUST 2012 AT 10.00AM

Present:-

Councillor D R W Lewis - Chairperson

Councillors

G W Davies
P A Davies

Officers:

Y Witchell - Licensing and Registration Officer
R Lewis - Legal Officer
K Daw - Legal Officer
G P Jones - Democratic Services Manager

In attendance:

Public Protection Department

M Burtonwood

South Wales Police

PC K Ellis
PC S Rowlatt

45 APOLOGIES FOR ABSENCE

None

46 DECLARATIONS OF INTEREST

None.

47 LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE
THE CORNELLY ARMS, Ffordd yr Eglwys, North Cornelly Bridgend

The Licensing and Registration Officer presented a report of the Assistant Chief Executive Legal & Regulatory Services which requested that the Objection Notices submitted by South Wales Police and the Public Protection Department in respect of a Temporary Event Notice (TEN) served on the Licensing Authority.

She informed the sub-committee that on 3 August 2012, the Licensing Authority received a TEN from Susan Hampton ("the premises user") in respect of The Cornelly Arms, Ffordd yr Eglwys, North Cornelly, Bridgend.

The sub-committee was advised that the Licensing and Registration Officer had contacted Susan Hampton yesterday to confirm her attendance at today's meeting. Susan Hampton stated that she would not be in attendance and did not wish to withdraw the TEN that she had submitted. She was satisfied that the hearing continue in her absence and that her attendance would not make any difference to any outcome from the hearing. The Licensing and Registration

Officer requested confirmation that they were willing to consider the TEN application in the absence of Susan Hampton. The sub-committee determined that although this was not an ideal situation the hearing would be able to continue in her absence.

The Licensing and Registration Officer explained that the premises held a Premises licence from 1000 until 0000 on Sunday to Thursday, and from 1000 until 0030 on Fridays and Saturdays but indoors only. The Temporary Event Notice related to the sale by retail of alcohol and provision of regulated entertainment in the car park of the public house on Sunday 26 August 2012 between 1200 and 1900 hours. The maximum number of people at any one time to be present is 199.

The premises user served a copy of the TEN upon the South Wales Police and the Council's Public Protection Department and both of which have submitted Objection Notices to the Licensing Authority. The Objection Notices were served on the premises user dated 7 and 8 of August 2012 respectively. Copies of the Objection Notices were attached at Appendices A and B of the report and she informed the Sub-Committee that a further update would be provided verbally by the relevant representatives in attendance.

The licensing authority was aware that it was possible for the premises user and the Relevant Persons to enter into a period of discussion regarding the objections raised and that Section 106 of the Act enables the modification of the Temporary Event Notice with the agreement of all parties. Members were advised that the timescales governing Temporary Event Notices are relatively short and that, at the time this report was dispatched, the licensing authority had not been notified that any party had reached agreement. A copy of the Premises Licence conditions was available if required by members.

The Licensing and Registration Officer requested that the sub-committee consider the points raised in the Objection Notices and that the following options were available for determination::

- a) Allow the licensable activities to go ahead as stated in the Temporary Event Notice (TEN);
- b) If the TEN is in connection with a licensed premises, the licensing authority, may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives;

or

- c) If it considers that the event would undermine the licensing objectives and should not take place, give a counter notice.

PC Sarah Rowlatt was invited to make representations on behalf of South Wales Police. She informed the sub-committee the existing premises licence related to the internal areas of the Cornelly Arms. However, the TEN application requested the use of the car park area for up to 199 people and which would include the sale of alcohol and the performance of live music on Sunday 26 August 2012.

She continued by advising the sub-committee that Box 9 of the TEN application form related to the declaration that it was an offence to knowingly or recklessly make false application. The applicant described the activities to be undertaken as a birthday party for a 16 years old daughter. PC Rowlatt reminded the sub-

committee that 16 year olds were not permitted to drink alcohol and that the mixing 16 year olds and alcohol created a hot mix of harm and offences.

They were also advised that the premises was adjacent to the road and that the car park was quite small. In the event of the TEN being granted it would be likely that young children would be pushed closer to the road creating a further safety risk. No road closures had been requested which may have mitigated these risks.

She continued by informing the sub-committee that the South Wales Police would have no objection the premises having regulated entertainment inside of the public house.

PC Rowlatt stated that she had a duty to inform the sub-committee of some of the problems that had previously arisen in the area surrounding the premises. These included: a number of underage youths drinking in the pub and being intoxicated with one claim of possible spiking; police reports of a 15 year old leaving the premises intoxicated to the point of being unable to stand on Monday 28 December at around midnight, the premises was described as a "kinder garden on 27 December due to the high number of "kids" that were drinking. Reports such as these were also linked to other offences and this type event would not support the licensing objective of "Keeping children from harm".

She advised that intelligence had also been received that this event was linked to the "Gambo Race" and that this premises was intended to be the finishing point of the race. It was indicated that any bank holiday created a spike in the levels of disorder but the running of a Gambo race linked to the premises and event further increased the likelihood of disorder.

The Gambo race was described as a charity pub crawl on wooden carts with collections being made on route. The event started around noon in Kenfig Hill and the race visited 5-7 public houses in the area which were used as check points. There was constant drinking as part of the race which lasted until approximately 7pm. There were no road closures to facilitate the race which increased the safety implications of the racers and the public.

The intelligence related facebook, social media activity and conversations linked to the Gambo indicating that it would finish at the Cornelly Arms. The conversations indicated that information regarding the would be kept from the police rather than working with the police to provide a safe event. The applicant had denied that the Cornelly Arms would provide the final venue and end of race party. The race was not safe and provided dangers to children and Gambo racers.

The Gambo had last been held in 2010 when a number of police incidents occurred that included: 2 cases of disorderly conduct; 1 case of drug possession and a case of Grievous Bodily Harm (GBH) Glassing which was not reported by the Designated Premises Supervisor (DPS). There were many other nuisance reports that were dealt with on the day between 4-7pm. This was bad for the Police Licensing Authority and for the neighbourhood and did not meet the crime and disorder objectives.

Previously the Gambo events had increased the level of police incidents with fighting in 2007, assaults by young people and special staff were called in with riot vans due to public order incidents.

The application also indicated that the event would be facilitated for 199 people and there was nothing in place to monitor the numbers of people attending the event. There was a likelihood that the 600 people who subscribed to the event

would attend and create more disorder. She raised concerns of how this number of people would be protected.

PC Sarah Rowlatt highlighted the complaints in respect of the premises that had been made previously and which had been dealt with by a warning letter. Complainants did not want to be identified as they were scared of repercussions from the local community and in the press. People were not safe living in nearby houses during the event and the live music was deafening. She explained that Bank Holidays were for everyone and not just for those involved with the Gambo.

The additional information also provided details of previous incidents at the premises which included "after hours activity" identified when the police attended an incident at 0023 and observed that the premises was still serving alcohol at 0050. Other incidents were described that included fighting and glassing.

PC Sarah Rowlatt stated that because of the examples provided and the contravention of the licensing objectives that they entailed that the counter notice was issued.

Members were offered the opportunity to question PC Sarah Rowlatt and queried if the police were able to prosecute establishments that served underaged drinkers. She responded by explaining the test purchase were undertaken and that these had proven successful at certain premises.

Members also queried the size of the car park and if the activities would fit into the available space. They were informed that the small car park would have difficulty accommodating the bar, live music and 199 people as planned.

The Public Protection department representative explained the reasons for the department issuing a counter notice to this TEN. These included the risks of a significant number of people being confirmed into a small area particularly in a residential area. There were also issues of noise and that the applicant was unwilling to engage with the department to address their concerns.

The sub-committee withdrew to consider the TEN and after some deliberation they returned and:

RESOLVED: The Licensing Sub-Committee has considered the events notice submitted by Susan Hampton (the premises user) in respect of the Cornelly Arms, Ffordd yr Eglwys, Bridgend.

The TEN is for regulated Entertainment and retail of alcohol in the Car Park of the Cornelly Arms on Sunday 26th August for up to 199 people. This is the bank holiday Sunday.

We listened to the representations made by the South Wales Police who highlighted their concerns over the event. They explained that they had spoken to the Premises User and that she had confirmed that the event was to cater for her daughter's 16th birthday party. The Police wished us to question why the sale of alcohol was needed for such an event stating that this would undermine the licensing objections in relation to the prevention of children from harm as the Premises User would be unable to prevent the sale to under-age children.

South Wales Police also asked us to take account of the location of the Cornelly Arms and the fact that it backs on onto a public road stating that there is no road closure for the event which could mean

that a congregation of 200 people/children could give rise to a public safety issue as children could be forced out onto the road.

The South Wales Police also detailed various instances of crime and disorder at the Cornelly Arms including assaults that have taken place at the premises, generally.

South Wales Police wished us to take account of the fact that the Gambo race is occurring on this day and it has been advertised on social networking sites that the Cornelly Arms are hosting the end party.

They also highlighted crime and disorder linked to the previous gambo race and its celebratory end party which has occurred at this venue in 2010 and other venues. They highlighted that various children had consumed alcohol and assaults had taken place where the victims were also children at such events. South Wales Police believe that the temporary event notice before us is connected to the gambo race which will undermine the crime prevention objective of the Licensing Act.

We have listened to the representations made by the Public Protection Department regarding their concerns that the application does not reflect the nature of the event described stating that evidence suggests that the event is linked to the Cornelly Gambo Race and if it were to go ahead it would undermine the licensing objective of preventing a public nuisance.

Susan Hampton has failed to attend the Sub-Committee today and we are therefore unable to question her or probe further into the nature of the event and what measures she may have put in place to combat the concerns raised by the Police and Environmental Health.

We have considered the Home Office Guidance which states at paragraph 7.31 that the Police and Environmental Health may intervene with objections if they have concerns about the scale, location, timing of the event and concerns about public nuisance.

We have taken account of what has been said and on the evidence presented to us the event as submitted by the Premises User appears to undermine the prevention of crime and disorder, public nuisance, the protection of children from harm and the public safety objectives of the Licensing Act.

The Sub-Committee would like to reiterate that it is an impartial body from the relevant persons in attendance and decides every application on its merit. Had the premises user been in attendance today then further questioning of the evidence before us and the nature of the event could have taken place.

The Sub-Committee therefore determine to serve a counter notice in this matter.

The meeting closed at 12.40pm.