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Legal and Regulatory Services /
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Ask for / Gofynnwch am: Mr Mark Anthony Galvin

Our ref / Ein cyf:
Your ref / Eich cyf:

Date / Dyddiad: 24 December 2014

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held in Committee Room 2/3, Civic Offices, Angel Street, Bridgend on **Tuesday, 6 January 2015 at 10.00 am.**

AGENDA

1. Apologies for absence
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers
2. Approval of Minutes 3 - 46
To receive for approval the public Minutes of meetings of the Licensing Sub-Committee held on the following dates:-

14 August 2014
3 October 2014
11 November 2014
3. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008
4. Exclusion of the Public
The Minutes/Report relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007

If following the application of the public interest test the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration

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5. Approval of Exempt Minutes 47 - 70
To receive for approval the exempt Minutes of meetings of the Licensing Sub-Committee held on the following dates:-

14 August 2014
3 October 2014
11 November 2014
6. Application for Grant of New Licence 71 - 76
7. To re-admit members of the public
8. Urgent items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency

Yours faithfully

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:

GW Davies MBE

PA Davies

E Dodd

Councillors

CJ James

PN John

DRW Lewis

Councillors

DG Owen

MINUTES OF A SPECIAL MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE
HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON
THURSDAY, 14 AUGUST 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

G W Davies MBE
E Dodd

Officers:

Y Witchell - Licensing and Registration Officer
R Morris - Senior Licensing Assistant
A Lee - Legal Officer
M A Galvin - Senior Democratic Services Officer - Committees

Statutory Bodies:

South Wales Police

Sgt. D Williams
PC K Ellis
PC S Rowlatt
PC D Barratt (Vale of Glamorgan)

Public Protection Department

H Williams - Senior Environmental Health Officer

Representatives from Clwb Calon Lan, Blaengarw

R Owen - Premises Licence Holder and Designated Premises Supervisor
M Owen - mother of the Premises Licence Holder and Designated Premises Supervisor

1 APOLOGIES FOR ABSENCE

None.

2 DECLARATIONS OF INTEREST

None.

3 LICENSING ACT 2003
REVIEW OF PREMISES LICENCE
CLWB CALON LAN, CHURCH STREET, BLAENGARW, BRIDGEND

The Chairperson opened the meeting and the appropriate introductions were made.

The Licensing and Registration Officer advised those present that this was a reconvened meeting to consider an application for the Review of the Premises Licence submitted by the Chief Officer of Police in relation to the above premises.

A copy of the application form and background documents submitted by the Chief Officer of Police, together with a location plan was attached at Appendix 'A' to the report. Pages 3, 4 and 7 of the application form had been redacted because of exempt information contained within these pages. There was an exempt section of the report which contained the full details of page 4 and 7 of the application form and additional information submitted by the Chief Officer of Police attached at Appendix 'C' to the report.

The Licensing and Registration Officer referred Members also to Appendix 'B' of the report, i.e. representations received from the Council's Public Protection Department, and in respect of these, and the bullet points of page 2 of the Appendix relating to failing to promote the licensing objective of prevention of public nuisance, the date of the third bullet point she stated should read 10 June 2007, and with regard to the 5th bullet point this should read 14 July 2007.

In respect of bottom page 10/top page of 11 of the Police application for review of the Premises Licence, she sought clarification that it was on Sunday 20 April 2014 that alcohol was supplied at the premises outside the authorised time (i.e. 23:00 hours) i.e. at 23:55 hours, or should this in fact read Saturday 19 April 2014.

The representatives of the Police confirmed that this offence occurred on the Saturday night into the hours of Sunday morning. PC Ellis added that even though the day/date in this part of the Police statement was incorrect, the patrons consuming alcohol at the premises on this Saturday evening, were still there undertaking this activity well after 00:00hrs contravening a provision of the Premises Licence, as the Premises Licence Holder should have restricted the sale of alcohol at the premises to 23:30hrs that evening in accordance with his Licence.

Mr Owen stated that although patrons had left his premises that night at 23:55hrs, he had not served any alcohol to customers after 23:30hrs in accordance with the provisions of his Licence.

PC Ellis advised the Sub-Committee that this was incorrect as the visiting Police Officer had visited the premises at 23:30hrs and left at 23:55hrs or just after at which time patrons had full glasses of alcohol in front of them that they were consuming. The visiting Police Officer had advised Mr Owen that he was contravening his Premises Licence by serving patrons drinks outside the hours contained within his Premises Licence.

Mr Owen replied that he contested this part of the Police Statement as the information relating to the above was incorrect and was not the correct date i.e. in that it should be Saturday 9/4/2014 as opposed to Sunday 20/4/2014.

PC Ellis stated that he accepted that the date was incorrect, however, the premises had still been allowed to remain open by the Premises Licence Holder after permitted hours, which was a contravention of Mr Owens' Licence.

Mr Owens again contested this in that he had not served patrons after 23:30 hours, and that they were still on the premises at 23:55 hours during the period of "drinking up time".

The Legal Officer advised the meeting that when the representatives of the South Wales Police outline their application, then they should firstly refer to the non-exempt evidence, then following this, the meeting would move into closed session in order to hear evidence and other information of an exempt nature.

All parties agreed to this course of action being followed.

The Chairperson then invited the Police to outline their application for a Review of the Premises Licence at Clwb Calon Lan, and to present the open section of their application.

PC Ellis then presented the Police application for Review of the Premises Licence as follows:-

He advised that Home Office guidance issued under Section 182 of the Licensing Act relates to Section 11 reviews.

In terms of Sub-Section 11.5, this supported a number of key aims and purposes which included protecting the public from crime caused by an irresponsible licensed premises holder.

It was emphasised at page 2 of the Officers Report at Section 8.3 stated PC Ellis, and it was important to note that in relation to Reviews, Sub-Committees must not only have regard to Section 11 of the Home Office Guidance but also Section 12 of the Council's own "Statement of Licensing Policy" which dictates that reviews represent a key protection for the community if problems arise at licensed venues.

Information highlighted within the review demonstrated that Mr Owen was not promoting the 4 licensing objectives added PC Ellis.

PC Ellis then confirmed that Licensing authorities should look to the Police as the main source of advice on crime and disorder. They should also he added seek to involve the local Community Safety Partnership.

The Licensing Department of South Wales Police was an integral part of the Community Safety Partnership and this was not a statement which had emanated from the Chief Officer of Police but was emphasised in Section 2 of Home Office guidance which relates to the Licensing objectives, and in particular Sub-section 2.1 of the Crime and Disorder Act

The guidance issued by the Home Office in relation to the review process is specific to this application and was very clear he stated. This focused on:

Sub-section 11.27 of the guidance highlighted that certain criminality should be treated particularly seriously advised PC Ellis.

THESE ACTIVITIES INCLUDE THE USE OF LICENSED PREMISES (AND IT LISTS 12 SERIOUS CRIMES): -

- **For the sale and distribution of Class A drugs**
- **For the laundering of the proceeds of drugs crime**
- **For the sale and distribution of illegal firearms**
- **AND IMPORTANTLY The sale of alcohol to minors**
- **For prostitution or the sale of unlawful pornography**
- **By organised groups of paedophiles to groom children**
- **As the base for organised criminal activity, particularly by gangs**
- **For the organisation of racist activity**
- **For the promotion of racist attacks**
- **For unlawful gambling**
- **For the sale of smuggled tobacco and alcohol**
- **Knowingly employing a person who is unlawfully in the UK**

These were grave offences he added and Members would note that the Home Office guidance has included the sale of alcohol to minors alongside these criminal activities.

Such sales are detailed within and are pertinent to the review he emphasised.

The guidance went on to say stated PC Ellis, that licence holders who have not responded to warnings issued by responsible authorities and who have failed to improve the operation of the premises, will be subject of the review process.

In this respect South Wales Police had issued Mr Owen with 5 warning letters, whilst warnings have also been served by the Licensing Authority, South Wales Fire and Rescue Service, whilst Environmental Health Officers have served both warning letters and a Noise Abatement Notice.

Notwithstanding this course of action, PC Ellis explained that the Designated Premises Supervisor had also been prosecuted on 4 occasions by various responsible authorities and has previously been subject of the review process.

South Wales Police were of the opinion that other forms of enforcement had been exhausted and a further review was now the only option.

The Licensing Act was introduced in November 2005 and there were currently around 550 licensed premises located within the County Borough he stated.

To understand the overall picture of enforcement since this period specifically in relation to reviews South Wales Police, it has had to review the authorisations of 17 premises in order to promote the licensing objectives. This equated to fewer than 2 reviews each year.

Taking into consideration the Home Office guidelines that, "the Police are the main source of advice on crime and disorder" it was strongly recommended to those various sub-committees that 12 of these authorisations should be revoked.

In other words PC Ellis explained, South Wales Police did not propose that authorisations should be forfeited unless it was felt absolutely necessary to promote the licensing objectives.

He went onto to advise, that Clwb Calon Lan was authorised by a Premises Licence and was not a members club as defined by the Act and has never been the subject of a Club Premises Certificate.

During a transfer session at Bridgend Magistrates on 24 April 2001 the Licensing Justices transferred the "old" licence to Mr Owen, therefore he was an experienced licensee.

Although the holder of the licence was the Charter Club, in reality Mr Owen was the licensee outlined PC Ellis.

His Personal Licence, reference BCBCL1447, was issued by Bridgend County Borough Council on 3 October and expired on 23 November 2015.

PC Ellis confirmed that the holder of a Personal Licence has an accredited Level 2 licensing qualification and the training included detailed knowledge of basic licensing law, offences, the licensing objectives and responsibilities in relation to the licence itself.

Mr Owen was also a Designated Premises Supervisor (the DPS), a position which has additional responsibilities than those of an individual who holds a Personal Licence qualification.

In terms of the significance of the Designated Premises Supervisor, The Licensing Act 2003 fundamentally changed the relationship between licensed premises, Responsible Authorities (RA's) particularly the police, and local people most affected by the conduct of those venues. This was in return for more flexibility in terms of licensing hour's licensees and DPS's have been made more accountable to local people and much more vulnerable to complaints as was the case in respect of Clwb Calon Lan.

In fact advised PC Ellis, the premises was granted extended hours in 2005 but complaints subsequently then materialised.

The power of Responsible Authorities and local people to initiate the review process is highly significant and therefore places an onus on management within these type of premises to promote the licensing objectives. Failure to do places the authorisation at risk.

The Designated Premises Supervisor has legal duties and responsibilities placed upon them which are attached to their status as a Personal Licence holder which they must be specified PC Ellis. However, Mr Owen's had displayed an unprofessional and blasé attitude toward his responsibilities not only prior to the first review but significantly thereafter this.

In relation to the premises advised PC Ellis, the location of the venue was highlighted at Appendix A of the Officers report by way of a plan and he referred Members to this.

PC Ellis advised that Clwb Calon Lan was a large three storey venue with a bar and lounge and an enclosed beer garden on the ground floor, however, the licensed area was entirely on this level.

It was situated in the ex-mining valley community of Blaengarw within the heart of rows of terraced dwellings at the end of a quiet cul-de-sac which serves three streets.

Due to its location Mr Owen has additional responsibilities to his neighbours to promote the prevention of public nuisance but had failed to do so he confirmed.

PC Ellis advised that one can see from the map that there are dwellings to 3 sides and vehicles access and footfall generally has to pass these houses to access the club. Vehicles drive down Station Street to the front of the venue and leave via Church Street and Church Place. So these streets are entirely affected by patrons using this Club. The large expanse of area directly in front of Church Street is the beer garden of the Club.

Additionally the building marked St. James Church was converted to a large family home some years ago and was situate at a higher level than the surrounding properties and it directly overlooked the beer garden.

PC Ellis the referred to the following offences/incidents that had occurred at the premises

Friday 19th September 2008 @ 01.15hrs (Thursday night)

Officers attended Clwb Calon Lan after being flagged down by a resident who complained of excessive noise coming from inside the club and persons congregating outside.

On entering the premises there were approximately 20 to 30 people consuming alcohol after the permitted closing time of midnight.

Mr Owen was sitting in the lounge area and had no control over what was happening.

He informed Officers that he had asked customers to leave on several occasions but they refused to do so.

Officers then caused customers to vacate the venue whilst some had to be spoken to outside regarding their rowdy behaviour.

The licence on display was the old authorisation and officers were informed by Mr Owen that the current licence was not available.

He therefore committed three offences of failing to keep the licence at the premises, failing to produce it to officers and failing to display the summary of it added PC Ellis.

The three offences disclosed were punishable by a Level 2 fine, which carried a maximum penalty of £500.

The summary of the licence details what licensable activities are permitted, the timings of those activities as well as the hours of opening and who the licence holder and DPS are.

It was essential that enforcement officers conducting visits have easy access to the licence to ensure compliance with the conditions of this he explained.

Saturday 7th February 2009 @ 01.25hrs (Friday night)

Officers noted that several customers were walking in and out of the premise whilst approximately 20 customers were drinking alcohol inside some of whom were engaged in conversation with Mr Owen who was standing at the bar.

Officers again had to instruct patrons to leave and a customer informed them that bar staff had been serving alcohol up to 00.30hrs even though the authorisation permits alcohol sales until 23.30hrs only.

When challenged as to the serious breaches of the licence, Mr Owen explained that an 18th birthday party had been held there during which a handbag had been stolen just before midnight and the family wanted to view his CCTV that night.

This did not corroborate what the officers had witnessed nor were they approached by any customer reporting any theft, neither were any crimes of theft reported to the Command & Control Room at Police Headquarters on the night or at a later date.

Saturday 31st October 2009 @ 19.00hrs

Officers again conducted a licensing visit and spoke with bar staff.

Four female customers were drinking lager and on speaking to them officers established that two were 16 and two aged 17 years of age, and were served at the bar without any request for proof of age identification.

The barperson who had served them was spoken to and stated she had only been employed for a number of days and had little knowledge of the Licensing Act.

Sunday 1st November 2009

PC Ellis confirmed that this incident resulted in a conviction for the sale of alcohol after hours, and had been referred to above.

Friday 22nd January 2010

Officers' conducting a licensing visit, noted that a customer was drinking lager from a can outside the entrance/exit and the air had in it the distinct smell of cannabis.

The offender was searched and admitted smoking the drug just prior to the arrival of the police.

Sunday 19th September 2010 @ 01.14hrs, 01.19hrs, 01.24hrs and 01.25hrs (Saturday night)

Four calls were reported to the control room at Police Headquarters by neighbours.

PC Ellis advised that the initial caller described the incident as, persons coming out of the premises shouting and swearing, possibly fighting and that there were problems with the Club but tonight they were worse.

The incident escalated and three further calls were made via the 999 emergency number. The texts of the calls were in relation to persons fighting, possibly as many as 20, including women

Preceding these calls there was a report of an assault at the club at 22.50hrs

Sunday 2nd March 2014 @ 00.45hrs (Saturday night)

During the early hours of Sunday 2nd March 2014, PC Ellis advised that the victim in relation to this incident reported having been assaulted at the club, however, no member of staff reported the incident to the police.

Officers attended at her home address and recorded a statement of complaint which highlighted that she was permitted entry at 23.30hrs on 1st March and then purchased 3 vodka and Red Bulls. The Premises Licence did not permit entry after 22.30hrs and stop tap was at 23.30hrs.

The victim of the assault was described by officers as heavily intoxicated.

A Statement was also obtained from the barman who detailed that the assault occurred between 00.30hrs and 00.45hrs.

Again the premises was authorised to open until 00:00hrs only on Saturday.

Mr Owen was unable to supply CCTV images to assist in the investigation of the assault.

Thursday 13th March 2014

PC Ellis confirmed that Licensing Officers attended at the premises and discussed the incident of 1 March 2014 with Mr Owen which again uncovered a number of breaches of the licence.

An Action Plan was served on him whereupon he was asked to produce his Personal Licence but he advised he had left it at home.

Sunday 23rd March 2014 @ 00.15hrs (Saturday night)

PC Ellis confirmed that this incident is detailed in the Witness Statement of Sergeant 2996 Lewis and contained in the Police application for Review.

In short advised PC Ellis, officers conducted another licensing visit and again found the venue open outside authorised hours.

Mr Owen was described as being heavily intoxicated and his speech slurred.

Tuesday 25th March 2014

A fifth warning letter was served with a request for CCTV images of the visit on 23rd March 2014.

However, officers did not expect him to comply with the condition and on 28 March 2014, he telephoned the Licensing Department indicating that he was unable to provide CCTV as instructed as the current system only has a 120 hour (5 day) recording cycle and the timings requested had now been overridden.

He further stated that the CCTV system which recorded for 31 days was seized by officers in order to corroborate evidence of an assault upon him in August 2013.

A 31 days CCTV recording system is generally installed at licensed venues as it covers a full calendar month added PC Ellis.

However, enquires have revealed that CCTV was seized specifically because Mr Owen was unable to download images himself which would be the normal course of action undertaken by a Designated Premises Supervisor.

Condition 8 of the licence requires the licence holder to provide, effective CCTV in and around the premises.

PC Ellis therefore emphasised that he still cannot therefore comply with condition 8 of his licence as a 5 day CCTV recording cycle is by no means effective.

Sunday 20th April 2014 @ 23.55HRS

PC Ellis confirmed that this visit was detailed in the Witness Statement of Acting Sergeant 4833 Gronow.

Officers conducted a licensing visit five minutes prior to closing time and saw disco lights still operating and there were numerous customers in the bar area with about 20 or more still consuming alcohol whilst three had full pints.

Officers noted that there were two intoxicated females behind the bar who were speaking to the bar staff who asked them to leave the bar when they realised that the police were present.

Acting Sergeant 4833 Gronow spoke to Mr Owen and instructed him to close, however, he complained that a police presence was affecting his business.

He was advised that officers are allowed to conduct visits to licenced premises. Again the venue must close at midnight but officers left after this time and there were still many customers still remaining within the premises.

South Wales Police have been informed by the Council's Public Protection Department that numerous complaints had been received from various neighbours and these have been detailed in their supporting documentation.

In fact stated PC Ellis, one of these neighbours was the occupant of St James Church which overlooked the beer garden.

South Wales Police had also received numerous complaints of amplified music being played at excessive levels and disturbance from customers.

The Senior Environmental Health Officer had provided detailed documentation in respect of public nuisance and will provide feedback to Members regarding this in her submission.

Saturday 3rd July 2010 @ 00:06hrs – 62100225631

Report of an assault with the victim being described as being extremely intoxicated

Saturday 19th September 2010 @ 22.50hrs – 62100325225

A further report of an assault, with the caller being described as intoxicated.

Saturday 2nd July 2011 @ 23:36hrs – 62110219648

Customer refused to leave who was described as being very drunk

Saturday 24th August 2013 @ 22:23hrs – 62130266777

Another reported assault where the injuries were serious and classified as Grievous Bodily Harm. The suspect was described as being extremely intoxicated

Saturday 23rd November 2013 @ 01:45hrs – 62130368485

A case of common assault, with both the victim and suspect being described as being intoxicated.

Sunday 2nd March 2014 @ 00.45hrs – 1400068926

Another common assault reported, with the victim being described as heavily intoxicated

Sunday 23rd March 2014 @ 00.15hrs – 1400098945

Following a Licensing visit, the premises was open after the authorised closing time of 00:00hrs and Mr Owen was found to be heavily intoxicated with his speech being slurred

Sunday 20th April 2014 @ 23.55hrs - 1400130036:

Following a further Licensing visit, the premises was again open outside the authorised closing time of 00:00hrs and two female customers were behind the bar talking to staff and were described as being intoxicated.

PC Ellis confirmed that the Health Act 2006 made provision for the prohibition of smoking in enclosed public places and workplaces.

On 2 April 2007 smoking became illegal within such places which are wholly or substantially enclosed, including rooms previously designated as 'smoking rooms'. Public safety was being further compromised at Clwb Calon Lan, as incidents had been reported and Officers noting that smoking was being allowed in the premises.

3rd May 2008 @ 23.09hrs – 62080158939

An incident reported on this date concerned a disturbance at the premises. When officers arrived at the scene the premises smelled of cigarette smoke.

Saturday 27th March 2010 – 62100012501

An anonymous complaint was received that customers were openly smoking inside the premises on the previous Saturday 20 March 2010.

Saturday 2nd July 2011 @ 23:00hrs – 62110219756

PC Ellis confirmed that this related to a reported assault. Upon arrival officers were informed that patrons had been smoking all night and that this is regularly permitted by Mr Owen, who then told customers to extinguish any cigarettes prior to the police attending. Indeed officers noted that there was a strong smell of cigarette smoke in the premises when they arrived there.

Saturday 20th October 2012 @ 23:40hrs – 62120340264

PC Ellis advised that an anonymous caller reported that smoking was being allowed in the premises that evening.

Again although two of the four calls were anonymous, credibility can be given to them as they are corroborated by other incidents of smoking. Attending officers had corroborated them as they have smelled cigarette smoke at the premises when making visits there. Other genuine occurrences have resulted from anonymous calls.

Further complaints regarding smoking at the premises would be referred to later in the meeting by the Senior Environmental Health Officer.

In terms of the protection of children from harm, PC Ellis confirmed that as indicated in the review application the sale of alcohol and consumption of alcohol in licensed premises by a person under 18 years are offences contrary to Sections 146 and 150 of the Licensing Act.

The following occurrences and information related to male and female patrons aged under 18 years of age

PC Ellis stated that not only had some of these customers purchased alcohol from and become intoxicated in the premises but some had been subject of crimes against them or have committed criminal offences themselves. Examples of these he stated were as follows:-

14th March 2008 - Occurrence 62080093533

An anonymous caller reported that alcohol is being sold to persons under age every Friday night.

19th April 2008 – 62080140205

Another anonymous caller reported that alcohol is regularly being sold to 16 year olds.

Friday 9th May 2008 – 62080166544

A taxi driver reported that he refused to take a fare to the club as they comprised a group of 15 and 16 year olds.

Sunday 24th August 2008 – 62080298018

An assault was reported at the premises where the victim is aged 17 years.

PC Ellis went on to say, that at the first review hearing on 25th March 2008 Members of the Licensing Sub Committee determined to: -

- (A) Reduce the operating hours at the premises
- (B) Add 8 additional stringent conditions on the licence with one being, Condition 7. "The Premises Licence Holder will implement and maintain a scheme to deal with underage drinking which must be agreed with the Bridgend County Borough Councils Public Protection Department and South Wales Police".

He asked Members to note that the document which appeared on page 63 of the bundle of papers was not served on the Police until 12th March 2009.

In other words confirmed PC Ellis, almost a year had lapsed since Mr Owen was compliant with this Condition.

The document detailed the measures Mr Owen proposed taking to combat underage drinking at the club.

At the bottom of page 63 Mr Owen said that most of the measures he has in place have been working well with the Senior Environmental Health Officer and Andrew, from Safe and Secure

PC Ellis confirmed that Safe & Secure were a security company which supplied SIA door staff throughout the Borough. The proprietor was not only a doorman himself but was also a Licensee and Designated Premises Supervisor.

He informed South Wales Police that upon engaging in door duties at the Club he asked Mr Owen if he could see the Premises Licence in order to familiarise himself with any of the Conditions attached to this which he may need to enforce.

Some of the Conditions for example added PC Ellis, would include Condition 3 under the Protection of Children from Harm objective, to ensure that any child on the premises is accompanied by a responsible adult. However, Mr Owen would not let him see the licence.

The doorman further disclosed that he personally worked at the Club on only 4 or 5 weekends around this period, but then withdrew the services of his Company as he felt that the Club was a dangerous place to work.

The reason he gave here, was that customers were allowed to become intoxicated there, and he was expected to admit persons as young as 13 and 14 and customers were not only allowed to smoke cigarettes there but also cannabis. This persons accusations in relation to cannabis misuse were supported elsewhere in the review.

To corroborate these allegations concerning under-age drinking the following incidents were recorded after the so called proposals to stop this behaviour were given to the police by Mr Owen.

2nd September 2009 – 62090305730

An anonymous caller reported that alcohol was being sold to children at the premises.

Anonymous calls are quite common and although some of the calls are from such sources weight may be given to them as they are corroborated by subsequent incidents.

Saturday 31st October 2009 – 62090386343

Underage drinking had taken place at the premises. Officers observed approximately 20 young persons from the valleys service bus attending at the Club. Four persons were subsequently challenged inside as they were each consuming lager. Two were aged 17 and two aged 16 years of age. No proof of age identification had been requested when they were served.

On 10 June 2011, the Youth Offender Service (YOS) received referrals from South Wales Police in an effort to try and keep offenders out of the criminal justice system.

A Police Officer from the Community Safety Partnership who is attached to the Youth Offender Service (YOS), dealt with a 16 year old Youth Offender Referral who admitted that she regularly attended the club and drank alcohol there.

Sunday 19th June 2011 – 62110202331

This PC Ellis stated related to another recorded assault, where both the victim and suspect were both aged 17 years.

Friday 3rd February 2012 – 62120038083

This incident related to drugs being supplied at the premises. A concerned parent reported that her daughter, aged 14 years, had attended at the venue and purchased Meow Meow, a Class A controlled substance.

4th September 2012

The local authority informed South Wales Police that a complaint had been received that 14 and 15 year olds were regularly served alcohol at the premises.

With regard to enforcement action being carried out by partner agencies, PC Ellis confirmed that in October and November 2013, the Licensing Authority engaged in enforcement action with Mr Owen and brief details of this appeared on Page 72 of the application.

As far back as 2007 confirmed PC Ellis, the Senior Environmental Health Officer served a Noise Abatement Notice on Mr Owen under the Environmental Protection Act 1990.

It was evident from the supporting documentation he added, that the Environmental Health Authority not only served warnings on Mr Owen prior to the issue of the Abatement Notice and applying to review the licence, but after this also.

PC Ellis finally added that Fire Safety issues appear on page 73 of the report, and this briefly highlighted that numerous fire safety risks were identified during a recent visit in April, which were disclosed in some detail in their warning letter served on Mr Owen on 12 May 2014.

To conclude therefore stated PC Ellis, Section 11.16 of the Home Office guidance refers in particular to the powers of a Licensing Sub-Committee on the determination of a review.

This stated that the 2003 Act provided 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.

Sub-Section 11.18 detailed that where responsible authorities have already issued warnings requiring improvements 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.

PC Ellis further added that in seeking to promote the licensing objectives, South Wales Police and its partners had been extremely lenient and patient with Mr Owen. In fact enforcement action had been undertaken by 4 responsible authorities, yet he had persistently failed to promote these objectives.

The number of recorded incidents at the venue remained prevalent, persistent and unacceptable and were exacerbated by allowing customers entry who are drunk as well as permitting customers to remain in the premises who had become intoxicated and were aggressive and violent.

He added that various occurrences had involved customers who are children, with some being as young as 14, which suggested that this was the type of clientele who are welcomed at the venue.

Any decision made by the Sub Committee he suggested, must be taken following consideration of the representations received and with a view to promoting the four licensing objectives.

The options available to Members were clearly laid out in the guidance at Sub-Section 11.19 and were précised on page two of the Officers Report, which highlighted that Sub-Committees may make the following determinations: -

- A) Take no action
- B) Modify the conditions of the licence by altering, omitting or adding to them, where relevant
- C) Exclude a licensable activity from the scope of the licence
- D) Suspend the Premises Licence for a period not exceeding three months.
- E) Revoke the Premises Licence

PC Ellis commented that the serious disclosures detailed in the review were such that the Sub-Committee will not promote the licensing objectives by taking no action.

Modifying the Conditions of the Licence was an option that could be pursued, however, it should be noted that there have been several contraventions of the Conditions over a prolonged period, both prior to and after the last review of the Premises Licence in 2008.

Even if Conditions were to be volunteered stated PC Ellis, there had clearly been an unwillingness by Mr Owen to adhere to those which appeared on the licence originally and those which were imposed by a previous Sub-Committee after the first review in 2008.

Every opportunity had been afforded to address offending yet despite enforcement there had been a persistent failure by Mr Owen to promote the licensing objectives.

He considered that it would be highly unlikely therefore that any further Conditions on his Licence would be complied with by him.

In respect of excluding a licensable activity, although there are seven such provisions authorised, six of these related to music and dancing whilst late night refreshment are not provided.

PC Ellis added that to suspend the Premises Licence for a period not exceeding three months would promote the licensing objectives but in the short term only, as South Wales Police believe that Mr Owen would soon “Revert to type” as had been proved in the past despite the License previously being reviewed.

Realistically given the history of the premises there was only one option open to the Sub-Committee.

Other than a closing Statement, that concluded the representations of South Wales Police confirmed PC Ellis.

The Chairperson referred to page 9 of the Police application and asked for clarification that the incident on Saturday 1 March 2014 at 00:45 hours, i.e. supplying alcohol outside the authorized closing time of 23:30 hours and opening after the restricted closing time of 00:00 hours, was on Friday proceeding into Saturday, or Saturday proceeding into Sunday.

PC Ellis confirmed that this offence took place Friday night then into Saturday morning. He added that the hours effecting the sale of alcohol for both Friday and Saturday evenings was restricted to 23:30 hours.

The Chairperson then directed on behalf of Members that the Sub-Committee proceeds into closed session to hear exempt information part of the South Wales Police application as outlined in Appendix C to the report.

3 EXCLUSION OF THE PUBLIC

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as this contains exempt information as defined in Paragraphs 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test, it was resolved that pursuant to the Act referred to above to consider the following item in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the Premises Licence Holder.

Minute No: Summary of Items:

4	Licensing Act 2003 - Review of Premises Licence - Clwb Calon Lan, Blaengarw (Appendix C to the Officer's report containing exempt information).
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5 LICENSING ACT 2003
REVIEW OF PREMISES LICENCE
CLWB CALON LAN, CHURCH STREET, BLAENGARW, BRIDGEND (CONTINUED)

The Chairperson then called upon the representative from the Public Protection Department to outline the representations made by this Department as shown in Appendix 'B' to the report.

The Senior Environmental Health Officer referred to some background and historical information, and offences committed at the premises which resulted in an application being made to review the premises in April 2008. The outcome of this review was a significant reduction of operating hours to that which previously existed to 10.00 - 23.30 Sunday to Thursday and 10.00 - midnight Friday to Saturday, together with an additional eight other Conditions being imposed on the Premises Licence.

She went on to state that several complaints had been received in 2008/9 of amplified music being played at the premises, however, these complaints were not substantiated.

The Senior Environmental Health Officer proceeded to confirm that between March 2008 - September 2012, nine complaints had been received regarding people smoking inside the premises, five of which were made in 2010 within a four month period. As a result of these complaints warning letters were issued to Mr Owen, however, the complaints continued. Officers from the Public Protection Department then visited the premises on October 2010 and witnessed patrons smoking inside there, and though a prosecution as a result of this was initiated it was unsuccessful, as adequate proof could not be given that the Designated Premises Supervisor i.e. Mr Owen was knowingly aware that patrons were smoking within the premises.

She confirmed to the Sub-Committee, that since the Public Protection Department had involvement with the premises, both when it was formerly known as the Charter Club and since it was known as Clwb Calon Lan, it was evident that Mr Owen was still failing to comply with his current licence conditions, and therefore the Senior Environmental Health Officer did not feel that further restrictions being placed on Mr Owen's Premises Licence would improve the situation, as history demonstrated that he failed to adhere to these for any significant time. It was for this reason therefore that the Public Protection Department supported the review of the Premises Licence made by the South Wales Police and their recommendation that the Licence be revoked.

Mr Owen asked the representative from the Public Protection Department if since this Premises Licence had last been received, and particularly in light of the serving of a Noise Abatement Notice, there been any further complaints of noise emanating from the premises.

The Senior Environmental Health Officer replied that the review of the Premises Licence took place in 2008, and three complaints were subsequently received in 2008/9. No complaints regarding noise had been received since then, only other complaints to the Police due to smoking on the premises. Two Noise Abatement Notices had been previously served due to excessive noise levels at the premises, no further such complaints of noise from the premises had been received since 2009.

Mr Owen referred to the alleged incidents of smoking at the premises from 2008-14, and asked if this was the case, then why had no one been caught smoking within the premises.

The Senior Environmental Health Officer advised that one person had been caught smoking inside the premises in October 2010, however, only one visit to the premises for this purpose had been made as the prosecution had proved unsuccessful, and Mr Owen advised that he hated smoking, let alone smoking in his premises, particularly as Members of his family had suffered with cancer.

The Legal Officer asked Mr Owen why complaints had been made about people smoking in the premises if this was not the case.

Mr Owen replied that he suspected that the phone calls complaining of smoking at the premises were being made by his ex-partner.

The Legal Officer pointed out that representatives of the Police had confirmed that they smelt smoke at the premises upon previous visits there.

Mr Owen confirmed that the building the Club occupied dated back to 1889 and that before the smoking ban came in a lot of patrons had smoked in the Club and it was ingrained in the furniture and structure of the building even though he had tried to clean the rooms to get rid of this odour.

The Legal Officer informed Mr Owen that a customer had actually been seen smoking in the club however.

Mr Owen advised that this person came from the smoking area outside the club and he had not noticed her then smoking inside the premises. He added that he had been pleased when the no smoking ban within public premises was introduced, and that there was signage in the club saying that smoking was prohibited.

When his Licence was last reviewed, he had also spent money to make the premises more sound proof including the doors and windows of the building. He felt the Club was operating effectively at this time.

The Senior Environmental Health Officer confirmed the above to be the case, however, she reiterated that complaints had been received for some time about patrons smoking in the premises.

Mr Owen replied that only one person had been caught smoking within the Club. He added that he had spent £1,500 on smoke inhibitors.

The Chairperson asked the Senior Environmental Health Officer the grounds upon which an Abatement Notice is served.

She explained that a number of factors are taken into consideration, including noise levels, the time the music/band is playing and the frequency the bands/music is playing within a week or a given time period. Noise levels occurring outside a licensed premises, for example in a beer garden usually cause unreasonable levels of disturbance to residents in neighbouring properties, particularly if a band is playing in the beer garden in the evening, though it is more acceptable on the odd occasion in the daytime, particularly if these were functions that involved community engagement.

It was the playing of music by bands in the evening and the noise nuisance this was causing that led to the serving of the Abatement Notice added the Senior Environmental Health Officer.

A Member noted that Mr Owen had said that he was against smoking and particularly in the Club premises. He asked however what defence he had in relation to serving alcohol to underage patrons at the Club.

Mr Owen replied that to his knowledge neither he or his staff had knowingly served alcohol to underage drinkers. There were signs in the premises to this effect and the bar staff were trained in the sense that they asked patrons to give I.D. confirming their age upon entry to the premises. He added that the power of technology meant that persons as young as 14 years old could obtain a false driving licence and 17 year olds could also get a false I.D. card. Due to this, his staff now requested proof of I.D. through a passport or driving licence. If he or his staff realised patrons were underage in the premises they were asked to leave.

A Member asked what the maximum capacity of the Club was.

Mr Owen confirmed this to be 88. He added that the Club was closed Monday and Tuesday, and Wednesday and Thursday there were normally 10 - 12 patrons there. Friday would normally see 20 customers present and Saturday 40 - 45 and Sunday no more than 20.

The Member asked if there were live shows at the premises on a Saturday night.

Mr Owen confirmed this to be the case and there were no problems with noise nuisance as he had spent £5,800 on sound proofing doors and windows and that the band played in a part of the Club where there was the best sound proofing.

Mr Owen added that though there had been complaints previously that resulted in him being served with an Abatement Notice, there was now no issue regarding noise at the premises and no complaints due to this, and since his Premises Licence was last subject to review.

The Member asked if there was an entrance fee on Saturday night to see a band/artist.

Mr Owen advised that there was an entrance fee, but only to see bands with a large following and this fee was only nominal.

The Chairperson asked if the capacity within the premises i.e. 88 was seating, standing or both.

Mr Owen replied that it was both.

The Licensing and Registration Officer referred those present to Page 60/61 of the Police application for review of the Premises Licence and the Action Plan introduced by the Police in respect of the premises. She asked what the purpose was of this and the level of co-operation the Police had from Mr Owen in promoting the licensing objectives as a result of the introduction of the Action Plan.

Sgt Williams explained that there was a clear structure that the Police made Premises Holders aware of in how to manage licensed premises and the Police worked with Premises Licence Holders to educate them and ensure that they understand their responsibilities in how to operate and effective licensed premises. If they failed in this role, then they would be served with a written warning letter(s).

If as a result of this course of action, no improvement was made in the running of the premises, and complying with the provisions of the Premises Licence, and then an Action Plan was introduced. The Action Plan in respect of Clwb Calon Lan was primarily served upon Mr Owen due to violent crime committed at the premises. The Police endeavoured to work with Mr Owen for a set period of three months in order to achieve an improvement in the manner the premises operated, unfortunately however, the provisions of the Action Plan was breached by Mr Owen. As all

avenues had been exhausted in terms of trying to successfully achieve an improvement in the way the premises operated and to uphold the four licensing objectives, the Police had no alternative but to made an application for a review of the Premises Licence. Such an application was only made if the Police despite all their endeavours, felt that the Premises Licence Holder was making no effort to comply with the provisions of his Premises Licence.

A Member asked if the Action Plan had been introduced this year and if Mr Owen had since breached the provisions of this.

Sgt. Williams answered yes to both these points.

The Licensing and Registration Officer noted from page 74 of the Police application, that there was an incident involving two intoxicated females behind the bar on one occasion. She asked the Police representatives if Mr Owen was present at the Club at that time.

PC Ellis confirmed that he was, and added that the two females in question were customers rather than bar staff.

Mr Owen noted all the evidence that the Police had in both their application and their verbal submission. He asked though why it had not been mentioned that he had been subjected to three attacks at the Club, by a person who was the steward at Blaengarw Rugby Football Club and despite this attack, he had not had his Premises Licence taken away from him.

PC Ellis confirmed that this did not form part of the Review and the person who committed these offences had been arrested and subsequently convicted.

The Legal Officer confirmed that the above incidents did not relate to the application for review of the Premises Licence that was before the Sub-Committee today.

As this concluded questions on the application made by the South Wales Police, the Chairperson invited Mr Owen to present his case.

Mr Owen advised Members that he had owned Clwb Calon Lan for the last 16 years and conceded that within that time he had experienced 'ups and downs' as the Premises Licence Holder.

He confirmed that he had regular bar staff working at the premises, one had over 20 years' experience in bar work whilst the other three had collectively between them a total of 16 years' experience.

In terms of any issues there had been at the Club, Mr Owen said that he always tried to work with the Police and the Public Protection Department to try and resolve these.

He advised that business at the Club had decreased particularly within the last three months, since a female patron had been assaulted there in early April. Since that time a representative from the Police had visited the Club every Friday and Saturday night and any complaints or alleged incidents that had taken place within this time, most had been unfounded.

In terms of patrons allegedly still being present in the Club after 23:30hrs which was the latest time for the sale of alcohol and provision of regulated entertainment, this was largely due to the fact that the Police visited at this time at the end of the evening and parked their vehicle(s) in the centre of the road which is very narrow outside the Club. This meant that patrons were staying in the Club longer than necessary, and booking their taxis etc., later than they usually would, as there was no place for the

taxis to park until the Police had completed their visit and driven off in their vehicle(s). Patrons if it was raining, would therefore shelter in the Club until their taxis turned up after the Police had concluded their visit. The Police vehicle(s) were effectively causing a road block he added.

Mr Owen went on to say that the noise coming from the Police transit van was also waking up children in properties near the Club. He had also asked Officers to park their vehicle(s) further down the road, in order that the taxis could obtain access to the front of the Club to pick up customers who were ready to leave them there at the end of the night. The Officers would say that their visit would be brief, but they were there for some time on occasions. Some customers were elderly and that is why he let them remain in the premises late and sometimes after 12 midnight until the Police vehicle(s) left and their taxis came.

Mr Owen advised that he was raising this as there were two breaches regarding patrons being in the premises after permitted hours.

The Legal Officer advised Mr Owen however that he needed to adhere to the conditions of his Premises Licence and ensure patrons were not served after 23:30hrs and left the Club by 12 midnight. She added that the Police evidence reflected that on at least one occasion, it had been witnessed by the Police that there were a considerable number of patrons at the premises after permitted hours, some of which were still consuming alcohol.

The Licensing and Registration Officer added that in PC Gronow's statement, in excess of 20 patrons were still present in the Club on the above mentioned occasion at 23:55hrs, some of whom had full drinks in front of them. She questioned whether there was a lack of responsibility being shown by Mr Owen to the winding down period within which alcohol should be fully consumed.

Mr Owen advised that due to patrons waiting for their taxis because of the presence of the Police vehicle, they would purchase drinks within the permitted hours and if they had not finished these by 12 midnight he would provide plastic glasses in order that they could take their drinks home with them.

The Licensing and Registration Officer referred to an occasion at the Club when bar staff were seen to be intoxicated.

Mr Owen confirmed that two bar staff were intoxicated one night at the Club, but they were not on duty that particular day,

The Licensing and Registration Officer asked Mr Owen what level of control did he consider he was portraying as Designated Premises Supervisor by allowing the above activity to occur. Mr Owen advised that the incident occurred after hours and therefore licensing activities had finished for that evening and all if not most patrons had left the premises.

The Licensing and Registration Officer advised that a provision of the Action Plan that had previously been served on him by the Police was that effective controls should be in place at the premises and the above infringements did not reflect that to be the case.

Mr Owen conceded that looking back in hindsight, he should have perhaps not allowed the bar staff intoxicated behind the bar when they were not on duty, not to allow patrons to take with them from the premises disposable glasses with their drinks in. He added however that these were only 8oz glasses, which were relatively small and that the patrons had not been served after 23:30hrs under the terms of his

Premises Licence. The bar area was also right next to the exit of the building, which made for quicker access by patrons.

A Member referred to page 66 of the Police submission and an incident that took place on 23 March 2014, when a representative from South Wales Police noticed that there were disco lights flashing in the Club at 00:15hrs and it appeared that the door to the premises was locked whilst there were patrons still inside participating in licensing activity.

Mr Owen stated that he could not comment on this, other than to say that the band had finished later than was expected, though he thought they had wound up before 00:15hrs. He could not fully recollect the time they had finished but he "held up his hands" if they had still been there after permitted hours.

The Licensing and Registration Officer pointed out to Mr Owen that at this time the Police had served upon him the Action Plan.

Mr Owen conceded this to be the case and acknowledged that he should have ensured that the band had stopped playing prior to the above time and within permitted hours.

The Legal Officer asked Mr Owen if this mistake had been made due to the fact that at the time he was intoxicated, and his speech was slurred as a result of this, which was also confirmed in the Police Statement.

Mr Owen denied this to be the case.

A Member pointed out however, that at this time, there were no less than 30 clients in the Club, the majority of which had a drink in front of them.

Mr Owen confirmed that a lot of these people were associated with the band that was playing, i.e. their entourage and they did quickly finish their drinks and leave via the side entrance/exit of the Club. A few other patrons were just waiting for taxis to take them home.

The Legal Officer advised Mr Owen that there was evidence in the Police application that suggested that he had been seen intoxicated at the Club on numerous occasions.

He replied that neither he nor bar staff consumed alcohol in the Club, especially whilst on duty there.

The Legal Officer asked him that if this was the case, why was this repeatedly the opinion of others.

Mr Owen advised that as a diabetic he had low sugar levels in the blood, which sometimes caused his speech to appear slurred.

The Chairperson noted what Mr Owen had said about taxis being blocked by the Police transit van toward the end of the night, but he added that surely if patrons who relied upon this transport were aware of this, they would factor in correct timings when they book their taxi to pick them up at the end of the evening.

Mr Owen stated that he could not really answer this question, other than to say that the Police parking their vehicle in the road immediately outside the Club around closing time did cause an obstruction in the road for other vehicles including taxis. As an example, he added that perhaps 40 - 45 patrons were about to leave the Club at closing time and perhaps over half of these would book their taxis for 23:45hrs. The

Police vehicle obstructing the highway could hold other vehicles up in terms of access into the road by as much as 30 minutes. When the Police did not visit, the premises was closed by 00:00hrs, which conformed with the provisions of his Premises Licence.

The Legal Officer reminded Mr Owen that the South Wales Police had already previously made an application for a review of his Premises Licence. As a consequence of this she asked him why things were not improving in terms of his control at the premises including the conforming with the provisions and Conditions of his licence.

Mr Owen did not respond to this question.

The Chairperson asked Mr Owen what type of clientele frequented Clwb Calon Lan, i.e. older or younger people.

Mr Owen advised that older clientele usually visited the Club.

A Member asked if any profits the Club made were shared with its Members.

Mr Owen advised that profits made were generally put towards the recruiting of groups and bands etc, who generally performed on a Saturday evening.

The Legal Officer pointed out that the Club was not profit sharing in its nature, as effectively Mr Owen was the sole trader. Even though the Club operated as a limited company, Mr Owen was the sole Director of this company.

A Member noted that the Club cost around £3,500 a week to effectively operate as a business. He asked Mr Owen if the Club was running at a profit.

Mr Owen replied that the Club was not showing a profit, as it was currently £23k in debt, though there were patrons who consumed large amounts of alcohol, and with prices having to be a bit higher than normal this was helping to try and clear some of the debt. He also had Sky Sports to attract customers. The beer garden was also helping to make profits, though activity in there was now at a minimum due to noise nuisance that previously occurred there, i.e. with bands etc.

The Legal Officer referred to an incident that took place at the premises on 2 March 2014, whereby an assault took place there. It appeared that the victim had been allowed entry into the Club at 23.30hrs, and then purchased a number of drinks. A member of bar staff had actually confirmed that the assault took place at around 00:00hrs - 00:45hrs, after permitted hours, which was a contravention of the Premises Licence.

Mr Owen advised that the person in question had left the premises at 00:00 hours after an alleged assault. This person had started a fight and she was escorted from the Club, after which her and her friends went to a house party. Mr Owen added that as far as he was aware, after she had subsequently arrived home at around 1.30am, an ambulance was called to attend to her. The incident at the Club he reiterated, did not happen between 00:00hrs - 00:45hrs he felt that the barperson he felt must have been an hour out, i.e. that the incident took place an hour earlier.

The Legal Officer noted Mr Owen's comments, however, the victim had advised that she had been served alcohol at the Club at 23:30 hours, so was Mr Owen claiming that both she and the barperson were wrong in respect of the timings.

The Legal Officer also noted that there was no CCTV evidence to confirm what had occurred including, the time it had.

Mr Owen replied that there was no CCTV in place at this time, as Police had taken the system to view it and a temporary system had been put in place instead and neither he nor his bar staff knew how to operate the temporary system. There was a 16 camera facility there now that covered both inside and outside the building. CCTV would not have picked the incident up in any event he added, as the assault took place in the ladies toilet where the victim was locked in. Her boyfriend then had to climb over the door and let her out. The matter was then resolved next day, and the alleged sexual assault that had allegedly taken place upon the victim was subsequently proven unfounded.

PC Ellis noted that Mr Owen's Head Bar Person had 20 years experience.

Mr Owen confirmed this to be the case adding that she was now part time as she had ongoing child commitments.

Prior to continuing the question and answer process in this part of the meeting, the Chairperson recommended that the meeting stand adjourned for lunch at 1.30pm.

The meeting reconvened at 2.15pm.

The Senior Environmental Health Officer asked the Chairperson if she could ask Mr Owen a few questions to which he duly agreed.

She noted that if patrons still had any drinks left in front of them on a Friday and Saturday evening at stop-tap, then Mr Owen would provide them with plastic receptacles to pour the drink in and take this with them from the Club. She pointed out to Mr Owen that this was a contravention of one of the conditions of his Premises Licence.

Mr Owen thought that this was in order as long as he did not allow patrons re-entry to the Club after they left. He always ensured that the premises was vacated of patrons by 00:00hrs at the latest.

PC Ellis added that Condition 3 of Mr Owen's Premises Licence stated that no drinks purchased at the Club were allowed to be consumed outside the curtilage of the premises. He added that Condition 8 of the Licence also stated that there should be no admittance or re-admittance to the premises after 22:30hrs.

Mr Owen replied that before Condition 3 above had been added to the Premises Licence following the last Review of this, certain patrons had been leaving the premises with drinks and smashing the glasses they were contained in down side streets and alleyways near to the premises. This is why he had agreed with the Police to provide plastic glasses to customers in order that they could drink from these in the beer garden and for taking their drinks away with them late of an evening.

The Senior Environmental Health Officer noticed from the papers that a warning letter was sent by the Police to Mr Owen in May 2014, regarding certain Fire Safety requirements that were required at the premises.

Mr Owen confirmed that fire safety requirements at licensed premises had become a lot stricter in the last couple of years. He had been given a list of these to put in place at the premises as a result of the issuing of the above warning letter and had now put all of these requirements in place.

The Senior Environmental Health Officer noted that Mr Owen had confirmed that all staff working at the Club had been trained so as to identify patrons at the premises

consuming alcohol from the Police evidence under the legal age to do so. She asked what type of training this was, as it was evident that staff were serving alcohol at the Club to persons under 18 years of age.

Mr Owen advised that if any patrons appeared under the age of 21 they were asked by staff for photo ID confirming their age, and/or also through their passport or birth certificate.

The Chairperson asked Mr Owen what if staff doubted the age of a potential customer even if they showed a form of ID, which could be fake. Would staff still refuse to serve them.

Mr Owen said that they would if it appeared that the customer was younger than 18 years of age.

A Member asked Mr Owen if the incident the Chairperson referred to above was the night that Sergeant Lewis had visited the premises and found in the region of 30 patrons consuming alcohol there at a time, of 00:15hrs.

Mr Owen thought this was the case. He added however, that all the drinks that patrons had purchased had been placed in plastic receptacles, and none had been served after 23:30hrs. His mistake had been not to begin both clearing patrons from the premises, and asking the band to finish playing earlier than he did which subsequently resulted in patrons, the band and their following remaining at the premises until after 00:00hrs.

The Member added that Sergeant Lewis had actually said in his Statement that at 00:15hrs, he seen patrons with bottles of Desperado (strong lager), cans of Strongbow and pint glasses nearly full in front of them, being consumed.

Mr Owen stated that this may have been the case, however, no one had been served after 23:30hrs, after which, plastic receptacles were provided for the customers so that they in turn could pour their drinks into these. They left the premises then around 00:00hrs. This had been an unfortunate occasion, but it was the only occasion where patrons had been served after the time permitted under a Condition of his Licence.

The Legal Officer referred to the incident that had taken place on 11 January ****, not in relation to the alleged sexual assault that had taken place at the Club, but more to the person in question falling asleep in the toilet then waking up and finding an item of her underwear missing. She had subsequently claimed that she had consumed 6 Stella's (premium lager), 2 triple vodka's and had consumed from a bottle of vodka in her handbag. The Legal Officer added that if this person had previously consumed this amount of alcohol, how was it that either Mr Owen or members of his staff had not noticed that she was very inebriated when they allowed her to enter the Club. The person had admitted to being in such a state, that she was unaware whether she had been sexually assaulted or not, and had also become unconscious in a toilet cubicle at the Club

Mr Owen replied that the patron in question had appeared "merry" but not drunk when she had initially entered the premises that evening. When staff had notice that she was quickly becoming inebriated they contacted the person's mother to come and take her from the Club home.

The Legal Officer pointed out however that it wasn't just this person that was ill due to consuming too much alcohol that night, including at the Club most of her friends had been too. Some of these individuals had consumed so much alcohol that it had been alleged that they had also been physically sick while at the premises.

Mr Owen whilst not responding specifically to this statement, added that the person's partner had, when he realised the state his girlfriend was in, had gone into the ladies toilet and climbed over the cubicle she was in to come to her aid and open the toilet door. He added that she had not been sick inside the premises or outside neither, and had been seen to be dancing and enjoying herself just earlier.

A Member felt that it seemed strange that this female had been retrieved from the toilet in a state due to being highly intoxicated, yet only some 20 minutes earlier when she was dancing, she did not seem to be drunk at all.

Mr Owen reiterated that the person had been seen dancing then had been seen entering the toilet. Her friend had then noticed that she had fallen asleep in the toilet, and when staff realised this, they asked her boyfriend to go in to retrieve her and let her out. Staff then gave her some water to hydrate her and she then left the premises. A CID representative of the Police then came to the Club the next morning, and CCTV evidence was shown to him which evidenced that the above person had not appeared drunk when she entered the toilet.

The Legal Officer noted however from the evidence before the Sub-Committee, that one of the friends that had accompanied the above person and other friends that evening to the Club, had confirmed that both her and her friends were all drunk to differing degrees, though they were still all allowed to enter the Club and purchase shots of alcohol there. The Legal Officer added that though they may have brought some alcohol with them hidden in their bags, they were allowed by bar staff to purchase more alcoholic drinks whilst already under the influence. She claimed that this was irresponsible behaviour, i.e. serving patrons whilst they were drunk.

Mr Owen stated that the shots that they served at the Club were only 12% in terms of volume and that the above group of girls were not served these on the night in question

The Legal Officer pointed out that she had noticed that a trend was starting to develop at the meeting, whereby Mr Owen was refuting almost all the negative claims that had been made against the Club and the way he conducted himself there as both Designated Premises Supervisor and Premises Licence holder, regardless of whether these were being made by the Police, Public Protection Department, patrons who attended the Club or nearby residents.

PC Ellis added that Statement 4 in Section 9 of the papers contained evidence given by staff at Clwb Calon Lan which had been then signed by the Head Barperson. He pointed out to Mr Owen if any such staff had lied in this Statement then he, as Premises Licence holder could face prosecution should this prove to be the case.

Mr Owen advised that all he was attempting to do was defend himself, and to say that in his opinion four people had wrongly made accusations about either himself or how the Club was being operated, in the space of 16 years, i.e. since he had been the responsible employer there.

The Legal Officer contested this comment in that the latest Review of the Premises Licence took place 5 months ago, so what in fact he was really saying was that four people he felt had been wrong in what they had said within the space of five months, and not sixteen years.

PC Rowlatt in terms of the incident regarding the female who had allegedly been sexually assaulted following which she fell asleep in the toilet, asked Mr Owen if she had actually then left the premises of her own accord.

Mr Owen replied by saying that when she was retrieved from the toilet she was taken outside of the building and placed on a bench. She was then given some water following which he believed she went on to a house party.

PC Rowlatt followed up, by asking how long it had been at the time, before her mother came and collected her and they moved on.

Mr Owen replied that this was approximately 45 minutes to an hour

PC Rowlatt asked Mr Owen if he felt that he had upheld all the Conditions of his Premises Licence in relation to this one incident alone.

Mr Owen replied that he felt he had.

PC Rowlatt asked if this had included not serving alcohol to patrons that evening that were under the age of consent, and directly involved in the above incident.

Mr Owen once more replied yes to this question.

PC Rowlatt advised that Condition 11 of his Premises Licence stated " To ensure that staff prevent glass and bottles being brought into or out of the premises by patrons". Yet bottles of spirits had been brought into the Club including by the customer who had become unconscious in the toilet, a total of 4 bottles of vodka in fact.

Mr Owen acknowledged that unfortunately their bags were not inspected by staff upon entry to the Club, as they weren't suspicious that they were carrying alcohol in them. They also had dumped the bottles before they left the Club he added.

PC Rowlatt replied that Mr Owen had in terms of this one incident alone, contravened quite a few of the Conditions of his Premises Licence, including Conditions 11, 12, 14, 15 and 16. She asked Mr Owen if at the time of this incident, he had called the Police in view of the potential seriousness of it, i.e. an alleged assault of a sexual nature.

He replied that he had not called the Police in relation to this incident, as he felt that after giving her some water and upon seeing she was not so intoxicated as she had been earlier in the evening, there had not been a necessity to contact them at this time.

At this point in proceedings and as there were no further questions the Chairperson asked for closing Statements from both parties.

Mr Owen acknowledged that he had made an error of judgement in terms of the matter referred to by the Police where he mistakenly allowed the Band that were performing one Saturday evening to play beyond 23:30hrs, which then resulted in a further mistake of patrons remaining at the premises until just after 00:00hrs. Apart from this however, he considered that he was operating the premises quite effectively and co-operating wherever possible with statutory bodies such as the Police, the Fire Authority and the Public Protection Department. He did not think that this incident warranted him losing his licence and in turn his livelihood.

In the 16 years he had been responsible for the premises, he had complied with everything that had been asked of him, for example making the premises more sound proof so that noise emanating from the building was kept at a minimum. He had also erected the necessary signage at the premises, introduced plastic glasses, had become tighter on patrons proving their age through providing a more proficient ID process and introduced relevant fire safety requirements as had been requested by the Fire Authority.

All the statutory bodies and neighbours/residents situate in the immediate vicinity were happy with the way the premises were operating, other than the Police.

He had spent thousands of pounds at improving the premises and had very experienced staff working there, and in terms of the outside designated smoking area, he made sure that this was not accessed outside of the times included within his Premises Licence. He felt that it would be an overreaction to take his licence off him for nothing really over and above one incident. He further added that most of the matters of concern had been addressed in a previous Review of the Premises Licence. He acknowledged that in April of this year there had been a suspected assault that had taken place at the premises, and as a consequence of this a member of CID had investigated this issue.

He finally advised that he had previously been the subject of a very serious assault committed by the Steward at Blaengarw RFC, and this had been much more serious than anything that had taken place at Clwb Calon Lan, though this had not resulted in the person who committed the assault having his Premises Licence revoked.

The representative from the Public Protection Department then gave her closing Statement.

The Senior Environmental Health Officer reiterated that only one Noise Abatement Notice had been served previously for the playing of amplified music at the premises, including in the beer garden of the Club. She added that no complaints had been received since Mr Owen then subsequently took steps to put things in place to control the noise emanating from the premises.

However, aside of this, she noted that the Police had made a considerable amount of complaints of underage drinking at the premises and people also consuming drinks purchased from the Club outside the curtilage of the premises, which reflected a lack of overall control being shown by Mr Owen concerning activities that take place there.

She added that when the Premises Licence was last reviewed, further Conditions were added to this, the trouble was however, that Mr Owen was not conforming to these and therefore if further Conditions again were placed on his Licence, it was likely that he would not apply these at his premises either as it appeared that he lacked the responsibility to do so. In view of this repeated failure to comply with Conditions as was illustrated in the Police application, he was subsequently failing to uphold the licensing objectives.

PC Ellis added that Mr Owen had previously failed to comply with a number of Fire Safety requirements at the premises as outlined to him by the Fire Service, though at today's meeting he had confirmed that these had now been addressed. The Police (and Mr Owen) had a copy of this letter, though Members of the Sub Committee had not had sight of this as it was not contained in the attachments to the report.

The Legal Officer asked Mr Owen if he had any objection to the Members having sight of this letter.

Mr Owen said that he did object to this, as the Police should have ensured that this was contained within their evidence that accompanied the agenda and supporting documents recently sent to the Sub Committee. He reiterated that he had complied with all the required works as listed in the letter from the Fire Service.

The Legal Officer asked Mr Owen that if he had complied with all these works, then why did he object to the letter being shown to Members.

In response to this, Mr Owen then acceded to the request, and the letter from the Fire Service was duly tabled before Members of the Sub Committee.

PC Ellis confirmed that during the meeting being adjourned he had checked Police records regarding Mr Owen's failure to provide a breath test when being stopped by the Police on suspicion of drink driving. At this time he was asked if there were any health reasons that prevented him from blowing into the bag and providing an alcohol/blood level reading. Mr Owen at the time replied that he had sores on the back of his right leg, blood pressure and high cholesterol and none of these ailments should have prevented him from blowing into the bag sufficiently enough to provide a reading. PC Ellis then gave his closing statement

PC Ellis stated that the Sub-Committee should give careful regard to sub-section 11.27 and 11.28 of the Home Office Guidance, in relation to the sale of alcohol to minors.

This was an offence which not only impacted on the crime prevention objective, but also the protection of children from harm and public safety objectives and, South Wales Police suggested that, given the guidelines, this offence alone should warrant revocation of Mr Owens' license.

Some of the incidents disclosed today had been extremely serious and highlighted that alcohol has been regularly sold to children who have become so drunk that they have been placed in very vulnerable and dangerous positions.

PC Ellis advised that notwithstanding these sales the objectives were further compromised by the seriousness of the other offences committed under the Licensing Act.

Additionally numerous offences had also been committed under the Environmental Protection Act and the Fire Safety Order where a considerable number of fire safety risks had been identified whilst the Licensing Authority have had cause to issue a warning.

Mr Owen also has a number of convictions relative to the premise.

In fact previous enforcement by four responsible authorities which included an earlier review has been wholly ineffective and South Wales Police are of the opinion that offending in many instances has not been committed as a consequence of ignorance or error but as a deliberate effort to deceive the authorities.

It was felt stated PC Ellis, that the situation will not change and these representations merit that Sub-Committee give serious consideration to revoking the Premises Licence.

It should be further noted that although this is a recommendation made by South Wales Police it is wholly endorsed by the Environmental Health Authority whose documentation supporting this review is also a damning indictment of Mr Owen's management of Clwb Calon Lan.

Some of the matters briefly disclosed within the representations concern enforcement undertaken by responsible authorities other than Environmental Health.

This enforcement relates to visits to the club where offences have been detected and warning letters served on Mr Owen.

PC Ellis confirmed that these documents would have supported this review and should have been provided by our partners as it was their duty to also promote the objectives.

Such matters could then have been expanded upon verbally by them at today's hearing but despite requests to support this review those partners have chosen not to do so.

South Wales Police had previously addressed sub-committees and informed them that if other responsible authorities were not prepared to support a partner agency at hearing thereby promoting the licensing objectives then we are no longer prepared to submit on their behalf documentation which they have served on licence holders.

PC Ellis confirmed that this offence took place Friday night into Saturday morning. He added that the hours affecting the sale of alcohol for both Friday and Saturday evenings were restricted to 23:30hrs.

RESOLVED: The Licensing Sub-Committee heard the application for a review of a premises licence in respect of the Clwb Calon Lan, Church Street, Blaengarw made by the Police. The Sub-Committee also heard representations made by the Public Protection Department in support of this application and representations made by Mr Robert Owen on behalf of the Club. There is a long history of problems in relation to these premises which were previously known as the Charter Club. Mr Owen has been the person responsible for these premises throughout and has given evidence to state that he has been running the premises for the past 16 years.

An application for a review was made by the Public Protection Department of the Council in 2008 and at that review a decision was made to reduce the hours of trading and add a number of additional conditions to the licence.

Since that review took place further incidents have occurred at the premises.

On the 19 September 2008 officers attended the club after being flagged down by a resident who complained of excessive noise coming from the club and persons congregating outside the club.

On the 7 February 2009 Police Officers attended the premises and witnessed twenty customers drinking inside the premises at 01.25am.

In November 2009 Mr Owen allowed the sale of alcohol outside the hours permitted by his licence. The matter came before the Court in September 2010 when he was found guilty of the offence and fined £210.

On the 22 January 2010 police officers conducted a licensing visit to the premises and witnessed a customer drinking a can of lager outside the premises and the air had a distinct smell of cannabis. The offender was searched and admitted to smoking cannabis outside the premises. The club licence prohibits alcohol being taken outside the curtilage of the premises.

In March 2010 the Police received an anonymous complaint that customers were openly smoking inside the premises.

In July 2010 there was a report of an assault at the premises and the person reporting the matter was described as highly intoxicated.

On the 19 September 2010 there were four telephone calls to the police control room reporting an incident outside the premises where a number of people were fighting including women being assaulted. As a result of these calls there was a report to the police of an assault.

In June 2011 an officer from the Community Safety Partnership who is attached to the Youth Offender Service dealt with a 16 year old youth offender who admitted she regularly drinks at the premises.

In July 2011 there was a report of a customer refusing to leave the premises who was described as very drunk.

In February 2012 a complaint was made to the Police that drugs were being supplied at the premises and a concerned parent reported that her daughter who was 14 years old had purchased a class a controlled substance at the premises.

In September 2012 an allegation was made to the police of an alleged sexual assault which involved an investigation by the CID, uniformed officers and the Major Crime Investigation Team. Statements were taken from a number of people the majority of which were under the age of 18 years who all stated that they had been drinking at the club.

On 24 August 2013 a further report was made of an assault at the premises where injuries were serious and classified as grievous bodily harm and the suspect was described as extremely intoxicated.

In January 2014 there was a further allegation of sexual assault, with the complainant reporting that she had been drinking quite heavily and had consumed 6 bottles of Stella, two triple vodkas and some of her friends vodka before entering the club sometime after 8pm. The complainant stated that she had been unable to join her friends until later in the evening but described them as all extremely drunk as they had been drinking a large quantity of shots. The witness further went on to state that they were so intoxicated that one of them was sitting on the toilet floor and vomiting, her underwear was around had ankles which she later lost and there was vomit everywhere. Because the parties were so drunk the police medical examiner had to take samples to try to ascertain whether a sexual assault had taken place.

Mr Owen informed the Sub-Committee that the person who had drunk the large quantity of alcohol when admitted to the premises did not present as being intoxicated. Mr Owen then went on to state that prior to her collapsing in the toilet and vomiting she did not show any signs of being highly intoxicated and was dancing and enjoying herself. Mr Owen further stated that he had not

served this person any alcohol and that he believed that she had brought her own alcohol with her as empty bottles were discovered in the toilet at the premises. Mr Owen was questioned on this point as the witness stated that the parties had been drinking shots at the premises. Mr Owen denied this to be the case.

The Sub-Committee did not accept Mr Owen's version of events and believed that the highly intoxicated state the female was in must have been apparent to either him or the bar staff on duty.

On the 2 March 2014 a further common assault was reported with the victim again being described as heavily intoxicated.

As a result of these incidents being reported the police wrote a number of letters to Mr Owen and followed up with an action plan on the 13 March 2014 which gave him three months to rectify the problems at the premises.

Despite receiving this action plan on 23 March 2014 a licensing officer visited the premises and reported that the premises were open after the closing time of midnight and Mr Owen was found to be heavily intoxicated and his speech slurred. The Officer reported that at 12.15am he arrived at the premises in his vehicle whereby a female looked out of the door and quickly went inside. When the Officer approached the door he heard a female stating it is ok I have locked the door. A short time later the PC was able to enter the premises when he discovered thirty customers still in the club the majority of which were still drinking.

Mr Owen when giving evidence to the Sub-Committee stated that the bank had run on late and they had about thirty people they had brought with them from Newport. The band was late packing up and the remaining people were with the band. Mr Owen when pressed by the Sub-Committee admitted that he did not have any excuse for them still being at the premises and he should have ensured that they had all consumed their alcohol and left by midnight.

The Sub-Committee find that this is totally unacceptable behaviour and completely undermines the licensing objectives especially as by this stage Mr Owen had received his action plan.

A further incident took place on the 20 April 2014 when a Police Officer attended the premises at 23.55 when inside the premises he noted that there were two intoxicated females behind the bar and quickly left the bar when they spotted the officer. There were twenty people still on the premises several of which still had full drinks.

Mr Owen advised the Sub-Committee that there was still five minutes before patrons had to leave and the customers with the full drinks had them in plastic glasses so they could take with them when they left the premises. In addition to which they could also cause a public nuisance when they disposed of the same on their way home.

The Public Protection Officer gave evidence that the noise nuisance at the premises had now been resolved, however they had received a number of complaints about smoking at the premises and on one occasion an officer from the department had attended that premises and witnessed someone smoking inside. Mr Owen stated that he was at the other end of the premises and did not witness this take place. Mr Owen was pointed to the evidence of the police when they stated that a number of occasions they attended the premises there was a strong smell of smoke. Mr Owen stated that he could not stand smoking and would never allow the same at the premises. Mr Owen went on to state that the smell remained at the premises from the period when people were allowed to smoke. The Sub-Committee found this difficult to accept that the smell would be so strong as to remain for all those years.

In conclusion the Sub-Committee find that there has been an unacceptable number of incidents at these premises. The Sub-Committee also find that Mr Owen does not have sufficient control of the same and as such cannot promote the four licensing objectives which have been continually undermined.

The Sub-Committee feel that Mr Owen had been given a number of chances to rectify the situation but has failed to promote the licensing objectives despite these chances to turn the premises around.

The Sub-Committee felt that reducing the hours and adding additional conditions had not worked.

In order to promote the four licensing objectives the Sub-Committee feels that they had no alternative other than to revoke the licence of Mr Owen's.

The meeting closed at 5.00pm

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MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 3 OCTOBER 2014 AT 10.20AM

Present:

Councillor D R W Lewis - Chairperson

Councillors:

E M Dodd
G W Davies MBE

Officers:

Y Witchell - Licensing and Registration Officer
K Daw - Legal Officer
J Monks - Democratic Services Officer - Committees

Invitees:

A Williams - Applicant
D Evans - Premises Licence Holder
C Davies - Solicitor for the Applicant

South Wales Police Representatives

PC Ellis - South Wales Police
R Davies - Solicitor for the South Wales Police

25 APOLOGIES FOR ABSENCE

None

26 DECLARATIONS OF INTEREST

None.

27 LICENSING ACT 2003: SECTION 37
VARIATION OF DESIGNATED PREMISES SUPERVISOR
THREE HORSESHOES, QUEEN STREET, BRIDGEND

This meeting was reconvened from a meeting held on the 5TH September 2014, which was adjourned due to further information over and above that contained within the report being served on the Applicant separately by the South Wales Police after the date the agenda/report had initially been issued. As the information contained further Police evidence against the Applicant, his legal representative had requested an adjournment to allow time to fully read and respond to the documentation.

The Chairperson opened the meeting and the necessary introductions were made.

The Assistant Chief Executive - Legal and Regulatory Services submitted a report to request the Sub-Committee to consider an Objection Notice received from the South Wales Police and to determine an application to vary a Premises Licence to specify an individual as Designated Premises Supervisor at the Three Horseshoes, Queen Street, Bridgend. A full copy of the application was attached at Appendix A to the report and the Objection Notice was attached at Appendix B.

The Licensing and Registration Officer advised that a section of the report contained exempt information at Appendix D and the Sub-Committee would go into closed session to hear that evidence.

Dealing firstly with the public parts of the report, she reported that the Premises Licence Holder wished to nominate the applicant, Alan Williams, as the Designated Premises Supervisor and the application took immediate effect at the time of the receipt, which was in accordance with the Licensing Act 2003. The South Wales Police had submitted an Objection Notice, and since then two further communications were received; the first was a letter dated 16th September 2014 from the South Wales Police relating to illegal vodka being found at the premises known as the Three Golden Cups in Southerndown and copies were served on Mr Evans.

The South Wales Police were then invited to present their case which could be heard in public session.

Mr Davies, Solicitor for the South Wales Police, took the Sub-Committee through the correspondence which had been sent by the Police to the Applicant over a seven year period in the form of warning letters in relation to the Premises Licence Holder at the Three Horseshoes. He described how the first incident on the 22nd November 2007 which resulted in a warning letter, related to an alleged assault which took place at the premises. On that occasion Mr Davies advised that availability of CCTV footage at the premises was not forthcoming. On the 6th December 2007 when it was found during a joint visit to the Three Horseshoes by the South Wales Police/Fire and Rescue Service, that there was non-compliance in relation to Fire Safety Regulations. He explained that a risk assessment was not available at the premises, and it was also noted that there was alcohol being sold at the premises despite the time, with no Designated Premises Supervisor on duty. On the 23rd December 2009, there was a similar incident during a South Wales Police/Fire and Rescue joint visit, and at that time three breaches of the Licensing Act were noted which were:

- An absence of signs asking customers to leave quietly;
- No incident book on the premises;
- No communication between staff and the Police.

Mr Davies continued by referring to an incident at the premises on the 2nd February 2013 involving alcohol being served to a 17 year old. Again, on the 20th December 2013 an incident relating to a licensing contravention similar to the one referred to in 2007, in which CCTV footage was requested as part of an investigation. No footage was provided and there was no functioning system at the premises. A Closure Notice was served on the premises in relation to alcohol continuing to be served. Two further letters were submitted to the Premises Licence Holder in April this year in connection with the CCTV.

The Sub-Committee asked for an explanation to the letter sent to Mr Williams from the Police, dated 7th December 2007, in which he was identified as the person in charge and was informed that alcohol could not be supplied without the authorisation of a Designated Premises Supervisor being present.

Mr Davies explained that there was no person appointed as Designated Premises Supervisor at the time the alcohol was served to an underage person. PC Ellis advised that Mr Williams had left that position and there was therefore no Designated Premises Supervisor.

Mr Williams informed the Sub-Committee that no alcohol had been served on that day in question, 6th December 2007, only food and he had put himself forward as Designated Premises Supervisor at that time.

The Licensing and Registration asked what incident had occurred which related to the request for CCTV footage. PC Ellis was unable to describe the incident.

Mr Davies continued by stating that the supplementary documents submitted on the 23rd September, related to the incident which took place on the 21st September 2007 when Mr Williams was the Premises Licence Holder at the Three Golden Cups. The incident involved 100% vodka being concealed on the premises. He advised that there were no resultant criminal prosecutions or convictions.

The Licensing and Registration Officer explained that the Three Golden Cups came under a different County Borough and two separate premises were being referred to. She advised Members that the incident at the Three Golden Cups would have been investigated by Officers from the Vale of Glamorgan County Council.

The Chairperson then asked the Applicant if he had any questions based on the police submissions.

The Applicant's legal representative, Ms Davies, advised that she did not have any questions; however she explained that her client had a different version of events to those put forward by the South Wales Police.

Mr Evans asked for clarification as to the outcome of the warning letters issued in April this year and whether the Police had been satisfied with the outcome.

PC Ellis informed the Sub-Committee that the letters had requested CCTV footage from the Three Horseshoes, which was not produced; however since those letters were sent the situation had been rectified. He advised that on the 5th May 2014, he received a phone call from the manager of the premises, who explained that engineers had inspected the CCTV system, which was found to be faulty and needed replacing, as the recording could only be back dated by an hour and therefore not recorded any previous incidents. He explained that the engineer's call-out was part of the annual maintenance contract and they had found that as the system was not recording any errors, any faults in the system would not have been easily recognised. The manufacturer was contacted to investigate why this had happened, and in the meantime the engineer fitted a DVR to ensure the premises were protected. He confirmed that the system was now fully working. Mr Evans asked if the Police were happy with this action. PC Ellis replied that he assumed his colleagues were happy with it.

Mr Evans asked who the DPS was at the premises during that time. PC Ellis replied that he was not sure. Mr Evans stated that he was sure that Mr Williams was not the Designated Premises Supervisor at that time.

The Sub-Committee asked how often maintenance on the CCTV was carried out.

Mr Evans advised that it was on an annual basis. He explained that when equipment broke down, the only way to cover was by having a stand-by on the premises. He pointed out that as this information was not in the guidelines, there needed to be some leeway in order to allow time to carry out repairs. He advised that at all times the Police were aware of what was happening.

PC Ellis advised the Sub-Committee that Mr Williams did not become the Designated Premises Supervisor until the 25th July 2014.

Mr Evans stated that this meant that technically Mr Williams had not been involved in the incident involving the CCTV footage. PC Ellis maintained that the letter regarding the CCTV was sent to Mr Williams in his role as the Premises Licence Holder.

Mr Evans asked who had produced the evidence involving the incident at the Three Golden Cups. PC Ellis reported that he had received a report from PC Barratt the Licensing Officer at the Vale of Glamorgan Council, and the evidence submitted had been written by PC Ellis who had taken extracts from PC Barratt's report.

Mr Evans asked whether it was possible to have sight of PC Barratt's report, as he believed that important details about the incident had been omitted.

Ms Davies advised that the document was served on the 23rd September 2014, and she felt that it had been submitted to bolster the Police objectives. She stressed that the incident involving the vodka dated back seven years and was brought in evidence as Mr Williams was a Premises Licence Holder at a public house at the time.

The Chairperson then asked the applicant to present his case which would be heard in public session.

On behalf of the applicant, Ms Davies commenced by explaining to the Sub-Committee that matters had been slightly confused due to the fact that two premises had been presented in evidence. She maintained that the Police had served an Objection Notice on the application as they did not want Mr Williams to be Designated Premises Supervisor at the premises in Bridgend as he was Designated Premises Supervisor at the Three Golden Cups and as such had a dual role at those premises. She explained that Mr Williams and his wife are Directors of the Three Golden Cups, where he is the Premises Licence Holder, and had applied to be Designated Premises Supervisor at the Three Horseshoes. She advised that Mr Williams had been in the licensing trade for 23 years on a daily basis, and although he knew the licensing laws, there were periods of adjustment when those laws were amended. She quoted Section 182 of the Licensing Act, and referred to the fact that the Police may object to a Designated Premises Supervisor in exceptional circumstances when they believe that an appointment would undermine crime prevention. She referred to cases where the Premises Licence Holder had been allowed to retain their licences, despite having received convictions for selling alcohol to minors, and would be recorded as exceptional circumstances to which the Police could object.

She advised that it was important for the Sub-Committee to understand the role of a Designated Premises Supervisor in order to make an informed decision as to whether Mr Williams would undermine crime prevention if he were to become the Designated Premises Supervisor at the Three Horseshoes. She then explained the role of a Designated Premises Supervisor for the benefit of the Members, concluding by advising that each of the two businesses in question may have one Designated Premises Supervisor selected for that role, and that same person may have more than one business. The Police had stated that one of the objectives to Mr Williams becoming a Designated Premises Supervisor was due to the fact that he was already a Designated Premises Supervisor elsewhere. Furthermore, Mr William had received warning letters in his capacity as a Designated Premises Supervisor for the last seven years, or as a Premises Licence Holder, where someone else had the role of Designated Premises Supervisor. As far as the letters were concerned, she informed the Sub-Committee that they had only been sent to Mr Williams, irrespective of whether the letters should have been written to him as opposed to the Premises Licence Holder who is Mr Evans.

In relation to the incidents put forward by the Police, she asked the Sub-Committee to remember that there had to be exceptional circumstances for an objection, and the only two exceptional circumstances. Mr Williams is a Designated Premises Supervisor at his other licensed premises in Southerndown. However, there are no restrictions on the number of licensed premises and the portability of the licence. Furthermore, she explained that the warning letters had been written without evidence being produced.

Turning to the issue regarding the CCTV footage, she confirmed that there had been a misunderstanding as to what requirements were involved within the duties of a Premises Licence Holder at the specific times when the warning letter was sent. She believed there had been confusion on behalf of the Police as the CCTV footage was produced for viewing at the time, as opposed to copying the footage for the Police to take away. As the facility for the Police to view the CCTV at the premises was made available, the Licensing Regulations were adhered to. In relation to other incidents, such as notices not being displayed at the premises requesting people to leave quietly, she advised that this was rectified immediately. Also, some

of the incidents put forward in evidence by the Police dated as far back as 2007, and other matters raised were either not appropriate for warning letters, or if they were, Mr Williams had rectified them immediately. She advised that there are times when equipment breaks down and slight errors made, but did not regard the CCTV footage as exceptional circumstances for denying Mr Williams the role of Designated Premises Supervisor.

She informed Members that Mr Williams had held various roles within the licensing trade over the years and if he were to continue as Designated Premises Supervisor at the Three Horseshoes, he would be the first point of contact for the Police and the Licensing Authority. She added that the fact he had financial and business interests in the premises would seem to make him the most appropriate person to contact. She advised that various people had been employed at the premises over the years as Designated Premises Supervisor which had not prevented the odd incident arising, and even at those specific times when there were such problems, it was always Mr Williams who was contacted. She therefore did not believe that Mr Williams being a Designated Premises Supervisor would undermine crime prevention, particularly as he had been qualified as a Designated Premises Supervisor for 23 years.

She then referred to the issue regarding the vodka which was found at the Three Golden Cups, an incident she stated which had occurred seven years ago. She advised that although the vodka was at the premises it was not for public consumption, as Mr and Mrs Williams lived at the premises and the vodka was in the cellar. The investigation which was carried out at the time found that none of that vodka was in the optics and no evidence was found that it was going to be sold to the public. She queried why this had been put forward as evidence and believed it was to boost the weak application made by the Police. She maintained that there were no exceptional circumstances to prevent Mr Williams from remaining Designated Premises Supervisor, and emphasised that legally he was permitted to be a Designated Premises Supervisor at more than one licensed premises, and that he was currently the first point of contact for both the Three Horseshoes and the Three Golden Cups and fully trained in Licensing Law.

The Sub-Committee asked Mr Williams how much time in a week he spent as Designated Premises Supervisor at the Three Horseshoes.

Mr Williams explained that he spent around two to three days a week there and that he also dealt with the administration and financial side of the business.

The Licensing and Registration Officer drew Members' attention to paragraph 4.1.9 of the guidance and advised that the role of Designated Premises Supervisor consisted of more than just a point of contact, but a person who had been given the day to day responsibility by the Premises Licence Holder for running the premises and crucially to promote the licensing objectives.

Ms Davies agreed and added that the role was also to ensure staff were fully trained and made aware of the licensing objectives and terms and conditions. The Designated Premises Supervisor is deemed to be the person who runs the business in that capacity; however the Licensing Act states that whilst the Designated Premises Supervisor need not be on site at all times, he was able to involve an individual in the business to act as his representative.

28 EXCLUSION OF THE PUBLIC

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in Paragraphs 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants.

Minute No: Summary of Item:

29 Licensing Act 2003: Section 37
Variation of Designated Premises Supervisor Three
Horseshoes, Queen Street, Bridgend - Appendix D
only.

30 The press and public were then readmitted.

The Legal Officer asked the Committee if they had any questions.

The Sub-Committee asked for clarification of the meaning of 'exceptional circumstances' regarding the Three Horseshoes and how it applied from 2007 to present day.

PC Ellis explained that the Police had sent six letters to the premises dating back to 2007, which in the main were the result of the most serious Licensing offences, which breach the condition of the licence, which the Police believed to be exceptional circumstances.

Ms Davies advised that within those warning letters there was a principal of being able to correct something and in all of the incidents they were either corrected immediately, or it was erroneous to have sent them in the first place.

The Police were asked whether they wished to make a closing statement regarding the matters which had been held in open session.

Ms Davies was asked whether she, on behalf of the applicant, wished to make a closing statement regarding the matters which had been held in open session.

31 EXCLUSION OF THE PUBLIC

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in Paragraphs 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

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Minute No: Summary of Item:

32 Licensing Act 2003: Section 37
Variation of Designated Premises Supervisor Three
Horseshoes, Queen Street, Bridgend - Appendix D

only.

The press and public were then readmitted.

In dealing with all matters, both those in public and private sessions, it was

RESOLVED: That the Sub-Committee had considered the application made under Section 34 of the Licensing Act 2003 to amend the Designated Premises Supervisor of the Three Horseshoes in Bridgend. The Premises Licence Holder, Mr Denis Evans, had nominated Mr Alun Williams as the new Designated Premises Supervisor to which the South Wales Police had objected under Section 37 of the Licensing Act 2003.

The Sub-Committee had considered the written objections made by the South Wales Police as well as the oral representations made on behalf of both the Police and the Premises Licence Holder, both of whom were legally represented.

In determining this matter the Sub-Committee had been helped greatly by paragraphs 4.27 to 4.29 of the Statutory Guidance.

The Police had listed exceptional circumstances which they felt meant the appointment of Mr Williams as Designated Premises Supervisor would undermine the crime prevention objective. The exceptional circumstances included:

1. That Mr Williams is a Designated Premises Supervisor at other premises owned by a company in which he is a 50% shareholder. The Police referenced an incident in 2007 whereby illegal alcohol was found at this premises, although this was not taken to prosecution.

There was a matter of relevance here which was referenced in the private session. The Police listed a schedule of incidents which had occurred at this premises, including incidents when Mr Williams was not the Designated Premises Supervisor.

2. That the Three Horseshoes had been sent a number of warning letters over a number of years regarding breaches in licence conditions and requirements of Fire Safety legislation. Several of the letters related to breaches of the CCTV requirements. The Three Horseshoes is owned by W E Wales Ltd, and Mr Williams is a 50% shareholder in this company.
3. This matter was based on the information held in private session.

On behalf of the Premises License Holder the Committee heard that:

1. The law specifically allows someone to be a Designated Premises Supervisor at more than one premises, and the guidance makes reference to the importance of the portability of personal licenses. The role of Designated Premises Supervisor was highlighted and it was suggested that Mr Williams was able to meet all of these requirements, and being a shareholder in the company which owned the premises, he had a financial interest to ensure that it was run correctly and the legal requirements complied with.
2. This matter was based on the information held in private session.
3. That only six warning letters were sent to the Three Horseshoes over seven years and that these had not resulted in further enforcement action. The warning letters regarding the CCTV were allegedly caused by a misunderstanding in the requirements of the licence conditions which had been

subsequently clarified as part of the 2014 prosecution and a letter by an Engineer working on the CCTV at the premises.

4. This matter was based on the information held in private session.

Having considered all of the above, the Sub-Committee had resolved not to uphold the Police objection and instead allowed the Licence to be varied allowing Mr Williams to act as Designated Premises Supervisor. Although it is noted that the Three Horseshoes is an establishment that has had incidents recorded whereby the Police have had to attend, the Sub-Committee did not feel that the circumstances of Mr Williams meant his appointment as Designated Premises Supervisor at this premises would undermine the crime prevention objective.

34 EXCLUSION OF THE PUBLIC

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in Paragraphs 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants.

<u>Minute No:</u>	<u>Summary of Item:</u>
35	Licensing Act 2003: Section 37 Variation of Designated Premises Supervisor Three Horseshoes, Queen Street, Bridgend - Appendix D only.

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (B) HELD IN COMMITTEE ROOM 1/2, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 11 NOVEMBER 2014 AT 10.00AM

Present:-

Councillor D R W Lewis - Chairperson

Councillors

Councillors

P A Davies

C J James

G W Davies MBE

D G Owen

E Dodd

Officers:-

Y Witchell - Licensing and Registration Officer

R Hodgkinson - Legal Officer

A Rees - Senior Democratic Services Officer - Committees

439 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member for the reason so stated:-

Councillor P N John - Caring for partner

440 MINUTES OF PREVIOUS MEETINGS

RESOLVED: That the minutes of the meeting of the Licensing Sub-Committee of 19 August 2014, Special Licensing Act 2003 Sub-Committee of 28 August and 5 September 2014 and the Licensing Sub-Committee of 16 September 2014 be approved as a true and accurate record subject to the name of Councillor P A Davies being added to the list of Members present in the minutes of the meeting of 16 September 2014.

441 DECLARATIONS OF INTEREST

Councillor D R W Lewis declared a prejudicial interest in Agenda Item 4 - Application to Licence Private Hire Vehicle and Agenda Item 13 - Application for Renewal of Licence as he had recently interviewed the Applicant and withdrew from the meeting during consideration of these items.

442 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Assistant Chief Executive - Legal and Regulatory Services submitted a report, regarding an application by Peyton Travel Ltd to licence a silver Vauxhall Vivaro vehicle registration number EN60 BYB as a private hire wheelchair accessible vehicle to seat eight persons.

The applicant was present in support of his application and the Sub-Committee inspected the vehicle. On inspecting the vehicle, the mileage was confirmed as 87,506 miles.

The Sub-Committee was informed by the Licencing and Registration Officer that the vehicle is pre-owned and was first registered on 14 February 2011.

The applicant had provided a service history for the vehicle. The Licensing and Registration Officer informed the Committee that the application fell outside the Policy guidelines for the first licensing of vehicles and which would normally be refused, however, a relaxation of the Policy may be considered in exceptional circumstances.

The applicant informed the Sub-Committee that he had acquired this vehicle for use on school contracts, private hire work and airport runs and would be available for hire at all times.

The Sub-Committee retired to consider the application further and on their return it was

RESOLVED: That the Sub-Committee considered the application to licence a Vauxhall Vivaro vehicle registration number EN60 BYB as a private hire vehicle to seat eight persons and granted the licence in view of the exceptional quality of the vehicle.

(In view of the declaration of interest made by the Chairperson, Councillor D R W Lewis in the following application, Councillor G W Davies MBE was elected Chairperson for this item).

443 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Assistant Chief Executive - Legal and Regulatory Services submitted a report, regarding an application by Mr Stewart Granville Forrester to licence a Citroen Berlingo vehicle registration number PJ61 WGE as a private hire vehicle to seat four persons.

The applicant was present in support of his application and on inspecting the vehicle, the Sub-Committee confirmed the mileage as being 13,290 miles.

The Sub-Committee was informed by the Licensing and Registration Officer that the vehicle is pre-owned and the Applicant informed the Sub-Committee was first registered at the DVLA on 29 February 2012. The applicant had provided a full service history with the application and a valid MOT certificate which was carried out on 7 October 2014.

The applicant informed the Sub-Committee that he intended to use the vehicle as part of a contract he had with the Trecco Bay Caravan Park in the summer and for conveying passengers to the Princess of Wales Hospital for appointments, airport runs and as part of a contract with Bridgend College where he conveyed four students to college each day.

The Licencing and Registration Officer informed the Sub-Committee that the application fell outside the Policy guidelines for the first licensing of vehicles which would normally be refused, however a relaxation of the Policy may be considered in exceptional circumstances.

The Sub-Committee retired to consider the application further and upon their return it was

RESOLVED: That the Sub-Committee considered the application to licence a Citroen Berlingo vehicle registration number PJ61 WGE as a Private Hire Vehicle to seat four persons and granted the licence in view of the exceptional quality of the vehicle.

(Councillor D R W Lewis resumed in the Chair).

444 EXCLUSION OF THE PUBLIC

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as it contains exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider this item in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants.

<u>Minute No.</u>	<u>Summary of Item:</u>
445	Exempt Minutes of the Licensing Sub-Committee of 19 August and 16 September 2014 and Special Licensing Act 2003 Sub-Committee of 28 August 2014.
446	Applications for the grant and renewal of licenses to drive Hackney Carriage and Private Hire Vehicles.

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