

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 27 JUNE 2017 AT 10.00 AM

Present

Councillor MJ Kearns – Chairperson

B Jones

G Thomas

Apologies for Absence

Officers:

Mark Galvin

Senior Democratic Services Officer - Committees

Andrea Lee

Senior Lawyer

Yvonne Witchell

Team Manager Licensing

39. APOLOGIES FOR ABSENCE

None.

40. DECLARATIONS OF INTEREST

None.

41. LICENSING ACT 2003: SECTION 17, APPLICATION FOR PREMISES LICENCE, 35 MARKET STREET, BRIDGEND.

The Team Manager Licensing outlined the report which was in respect of an application made by Clyne Property Enterprises Ltd for a new Premises Licence for an unnamed premises at 35 Market Street, Bridgend. The premises consisted of a ground floor and is described as a bar/nightclub in a town centre location.

The report gave some background information to the application that including the hours being applied for by the applicant for licensable activities, regulated entertainment and the hours of opening they proposed for the sale of alcohol, as detailed in paragraph 3.2 of the report. Appendix A showed the application form, together with a proposed licence plan.

The Team Manager Licensing advised that representations to the application had been received from the Chief Officer of Police, and these were set out in Appendix B to the report. All other representations made in respect of the application had been agreed and the application had been amended to that as detailed in paragraph 4.1 of the report.

Sections 5, 6 and 9 of the Council's Statement of Licensing Policy were relevant to the application, with Section 6 relating to a special policy in force in relation to the cumulative impact of premises in Bridgend town centre, and specifically Market Street, Bridgend, where the premises was located.

The Team Manager Licensing was aware that the applicant (and his Solicitor) and the Police representatives wished to discuss the implementation of further Conditions to be added to the Operating Schedule of the Premises Licence should the Sub-Committee be minded to grant the application, as recommended by the Police.

The applicant's Solicitor confirmed this, adding that yesterday the Police had suggested certain further Conditions and a considerable number if not all of these his client would agree to, and rather than discuss these in detail in the meeting, he felt it would be advisable if the Chairperson would consider adjourning the meeting so that these added Conditions can be discussed with the representatives of the Police outside of the meeting. Even though these Conditions may be agreed to, he felt that the Hearing would still go ahead as notwithstanding the further recommended Conditions, the Police were still intent on objecting to the application.

The Chairpersons asked the Police representatives if they agreed to the request for adjournment, to which they replied that they were. PC Egan felt this would help fast track proceedings even though it would not result in the Police withdrawing their objection to the application.

The Sub-Committee then retired to consider the request for adjournment, and when they returned to the Chamber they agreed to adjourn the meeting for the above purpose so requested.

Upon the Sub-Committee reconvening, the team Manager Licensing confirmed that both parties had agreed to the suggested further Conditions of the Police, and she sought clarification that the further documents exchanged after the agenda and accompanying report had been distributed, had been served on all parties. These were:-

- An email from PC David Rees to Licensing Section and Mr. Bill Parry with the list of recommended further Conditions dated 26 June 2017
- Further information from PC David Rees to Licensing Section and Mr. Bill Parry sent by email on 22 June 2017 containing photograph images of a disturbance at the premises, together with other sensitive information that would be required to be considered at the meeting in closed session.
- An email from Mr. Bill Parry to Licensing Section and South Wales Police dated 23 June 2017 attaching the existing Premises Licence

The Team Manager Licensing added that Mr. Parry had also sent out an email to interested parties enclosing a Plan of the premises, together with an Action Plan and logs including details of registered Door Control staff who work at the premises.

In terms of the added Conditions of the Police as agreed upon by his client, he advised the Chairperson that these would be handed to him and Sub-Committee Members to include as part of any future decision of members, if they agreed to grant the application.

The Team Manager Licensing continued with her introduction of the report, by adding that there were some matters that were going to be raised by the Police as part of their submission, that would necessitate going into closed session for which any press or public would be required to be excluded from the meeting.

The applicant's Solicitor referred to the representations of the Police as detailed in Appendix B to the report, and page 33 onward where concerns had been raised by them over the Designated Premises Supervisor who would be responsible for the operation of 35 Market Street. He questioned the relevance of this to the application before Members. He felt that it was the role of the Sub-Committee to concentrate on the premises and the hours proposed for the operation of this, as opposed to the people

who would be employed at the premises. He added that the Licensing Act had been set-up with this in mind, and the fact that Personal Licences and Premises Licences should be set apart.

To this end, he referred to Section 18 of the Licensing Act 2003, Sub-section 6 where it quoted that 'For the purposes of this Section, 'relevant representations' means representations which, a) Are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives, and c) If they relate to the identity of the person named in the application as the proposed premises supervisor, and meet the requirements of subsection 9 of the Act. Subsection 9 he continued stated that 'The requirements of this subsection are that the representations a) Were made by a Chief Officer of Police for a police area in which the premises are situate, and b) Include a statement that, due to the exceptional circumstances of the case, he is satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective.

In respect to b) above, the applicant's Solicitor advised that he could not find such a Statement from the Police in any of their evidence, that confirmed that designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective. This was required under the Act, should the Police consider that the proposed premises supervisor was not a fit and proper person to be ultimately responsible and accountable for the operation of the premises. In view of these provisions of the Act, his client contended that the information detailed under the sub-heading "Applicant" on page 33 of the representations of the Police overleaf to page 34, were not relevant to the application.

PC Sarah Egan advised that she had been of the opinion that the evidence and representations submitted by the South Wales Police including information regarding concerns over the Designated Premises Supervisor for 35 Market Street were sufficient enough to be deemed as a 'Statement' under the terms of the Act. If however this was not the case, she would suggest that the meeting stands adjourned in order that the Police could have time to put such a statement together for consideration by the Sub-Committee.

The applicant's Solicitor when asked if he was happy to consider an adjournment for this purpose, advised the Sub-Committee that he and his client objected to the meeting being adjourned, adding that if the Police had concerns over the Designated Premises Supervisor then this should have been included as an official Statement in the evidence provided by the South Wales Police.

Members having heard the above agreed for a further adjournment of the meeting, in order that they could consider the request of the Police to adjourn the meeting to a different date, in order that they have further time to prepare the Statement in question.

Upon the Sub-Committee once more reconvening, it was

RESOLVED: That in order to ensure fairness for all parties involved in the application, and to consider further evidence to be submitted by the South Wales Police, the Sub-Committee agreed to adjourn the meeting to a future date suitable for all parties.

The meeting adjourned at 11.10am

The meeting closed at 11.35 am