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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Annwyl Cyngorydd,

IS-BWYLLGOR DEDDF TRWYDDEDU BRYD 2003 (A)

Cynhelir Cyfarfod Is-Bwyllgor Deddf Trwyddedu 2003 (A) o bell trwy Dimau Microsoft ar **Dydd Mawrth, 20 Gorffennaf 2021 am 10:00.**

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau / Swyddogion.
2. Datganiadau o fuddiant
Derbyn Datganiadau o fuddiant personol a rhagfarnlyd (os oes rhai) gan aelodau / swyddogion yn unol â darpariaethau Cod Ymddygiad yr Aelodau a fabwysiadwyd gan y Cyngor o'r 1af Medi 2008.
3. Deddf Trwyddedu 2003 - Adrannau 53A i 53D Cais am Adolygiad Cryno 3 - 8
Gwesty'r Station, Caerau, 1 Caerau Road, Caerau, Maesteg, CF34 OPB

Nodyn: Sylwch: Yn sgil yr angen i gadw pellter cymdeithasol, ni fydd y cyfarfod hwn yn cael ei gynnal yn ei leoliad arferol. Yn hytrach, bydd hwn yn gyfarfod rhithwir a bydd Aelodau a Swyddogion yn mynychu o bell. Bydd y cyfarfod yn cael ei recordio i'w ddarlledu ar wefan y Cyngor cyn gynted ag sy'n ymarferol ar ôl y cyfarfod. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

K Watson

Prif Swyddog – Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio

Dosbarthiad:

Cynghowrwy
DRW Lewis

Cynghorwyr
G Thomas

Cynghorwyr
JE Williams

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Ebost/Email: talktous@bridgend.gov.uk

Gwefan/Website: www.bridgend.gov.uk

Cyfnwid testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

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BRIDGEND COUNTY BOROUGH COUNCIL

EMERGENCY MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE

20 JULY 2021

REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

**LICENSING ACT 2003
SECTIONS 53A TO 53D
APPLICATION FOR SUMMARY REVIEW
THE STATION HOTEL CAERAU
1 CAERAU ROAD CAERAU MAESTEG CF34 0PB**

1. Purpose of report

- 1.1 The purpose of this report is to ask the Sub-Committee to determine whether it is necessary to take interim steps to address the immediate problems at the premises. This decision is not one which can be delegated to officers.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report relates to a regulatory function. There is no direct link to the corporate well-being objectives / other corporate priorities.

3. Background

- 3.1 On 16 July 2021, South Wales Police submitted an application for the summary review of the above premises reference BCBCLP221. A copy of the application is attached at Appendix A. The premises licence holder is Lynette Lewis.
- 3.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review.
- 3.3 The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.
- 3.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior

officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. The certificate has been submitted to that effect by Superintendent 4325 K Thomas, confirming the above information and that the premises is associated with serious crime.

3.5 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

3.6 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.7 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.8 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

4. Current situation/proposal

- 4.1 The application has been advertised on site and on the Council's website as prescribed. A copy of the application has been served on the premises licence holder and the responsible authorities. A full review hearing must be held within 28 days and arrangements are underway.

5. Effect upon policy framework and procedure rules

- 5.1 The report content has no direct effect upon the Policy Framework and Procedure Rules.

6. Equality Act 2010 implications

- 6.1 As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

- 8.1 There are no financial implications arising from the report.

9. Recommendation(s)

- 9.1 Having regard to the application, this report and any representations made by the Premises Licence Holder, and the Guidance issued under Section 182 of the Licensing Act 2003, the Sub-Committee is requested to determine whether any interim steps are necessary prior to a full review hearing taking place.

Kelly Watson

CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

19 July 2021

Contact Officer: Yvonne Witchell

Team Manager Licensing Bridgend and Vale

Telephone: (01656) 643643

E-mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address: Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents:

None

**FORM FOR APPLYING FOR A SUMMARY
LICENCE REVIEW**

BRIDGEND COUNTY BOROUGH COUNCIL

Licensing Section, Civic Offices, Angel Street, Bridgend,
CF31 4WB

**Application for the review of a premises licence under section 53A of the
Licensing Act 2003 (premises associated with serious crime or disorder)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Licensing Officer Colwill [on behalf of] the chief officer of police for the South Wales police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Station Hotel, 1 Caerau Road, Caerau
Post town: Maesteg**

Post code (if known): CF34 0PB

2.

Name of premises licence holder (if known): Lynette Lewis

Number of premises licence (if known): BCBCLP221

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

**I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.
(Please tick the box to confirm)**

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Station Hotel, Caerau, Maesteg has been the subject of a warrant executed on 16 July 2021, during which a large quantity of controlled drugs, suspected firearms with ammunition and an assortment of weapons including knives, swords and a mace were found.

South Wales Police are now investigating the criminal offences of controlled drug supply, prohibited weapons and firearms linked to the Station Hotel.

Signature of applicant:

Date: 16/07/2021

Capacity: Licensing Officer

Contact details for matters concerning this application:

Address: Bridgend Police Station, Mid Glamorgan BCU, Brackla Street, Bridgend, CF31 1BZ

Telephone number(s): [REDACTED]

email: fiona.colwil@south-wales.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.