

COFNODION CYFARFOD Y IS-BWYLLGOR DEDDF TRWYDDEDU 2003 (A) A  
GYNHALIWDYD YN SIAMBR Y CYNGOR, SWYDDFEYDD DINESIG, STRYD YR ANGEL,  
PENYBONT AR OGWR CF31 4WB DYDD LLUN, 15 MAI 2023, AM 14:00

Presennol

Y Cyngorydd M Lewis – Cadeirydd

S J Bletsoe

J E Pratt

Ymddiheuriadau am Absenoldeb

Swyddogion:

Julie Ellams	Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Kirsty Evans	Uwch Swyddog Trwyddedu
Michael Pitman	Swyddog Gwasanaethau Democrataidd – Pwyllgorau
Katie Wintle	Cyfreithiwr
Yvonne Witchell	Rheolydd Tîm Trwyddedu

3. DATGANIADAU O FUDDIANT

None

4. MATERION BRYD

None

5. GWAHARDD Y CYHOEDD

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 was excluded from the meeting during consideration of the following item of business as it contained exempt information as defined in Paragraph 12 of Part 4 and/or 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 applicant so mentioned.

6. DEDDF TRWYDDEDU 2003 - CAIS AM DRWYDDED BERSONOL O DAN ADRAN 117 - HYSBYSIAD DYFARNU GWRTHWYNEBIAD A DDERBYNIWDYD O DAN ADRAN 120 (5)

The Team Manager Licensing presented a report which asked the Sub Committee to determine an objection notice submitted by the South Wales Police in respect of an application for a Personal Licence

She stated that Ms Balint, who was the person applying for an application, declared a relevant conviction on her application form. This conviction related to driving a motor vehicle with excess alcohol, which occurred on 17<sup>th</sup> April 2021. Further details of this were at 4.2 of the report.

The Team Manager Licensing explained that on 5<sup>th</sup> April 2023, the authority served a notice on South Wales Police in accordance with the Licensing Act 2003, which advised them of Ms Balint's conviction. On 18<sup>th</sup> April 2023, SWP served an objection notice. This was attached as Appendix A to the report.

The Chairperson asked Ms Balint to provide details surrounding information in the report and asked to put her case forward to the Sub Committee.

Ms Balint stated that she was involved with horrible people in her past and this influenced her actions. She acknowledged what she had done was wrong and was remorseful of this.

Ms Balint advised the Sub Committee that she was pregnant and now has a massive opportunity to take over the pub and that this was everything to her.

She added that previously she was in an abusive relationship which she was now 2 years out of. She was completely different as a person now to 2 years ago and wanted to continue to do the best for herself and her child to come.

There were no questions for the applicant at this stage. The Chairperson asked the Licensing Officer for South Wales Police to put forward their objections to the Sub Committee.

The SWP Licensing Officer provided the following representations:

"Thank you - Good Afternoon

I am here this afternoon representing South Wales Police at the hearing for the objection to the application for a Personal Licence made by Ms Abbie Louise Balint of The Britannia, 7 Hendre Road, Pencoed.

A person holding a Personal Licence holds a qualification which allows them to be employed as a Designated Premises Supervisor (DPS) on any premises licence under the Licensing Act 2003. The DPS is the person who has day to day responsibility for the running of the business and is responsible for authorising the alcohol sales, therefore, the DPS has responsibility for the day to day control of the sale of alcohol. As such the role of the DPS is extremely important and one that requires a person with the highest integrity

The reasoning for this is objection is that Ms Abbie Louise Balint was convicted of a relevant offence under section 14 of schedule 4 of the Licensing Act 2003 namely 'An offence under provisions of the Road Traffic Act 1988 section 4 driving a vehicle when under the influence of drink or drugs and section 5 driving a vehicle with alcohol concentration above prescribed limit.

On 20<sup>th</sup> October 2021 at Cardiff Magistrates Court Abbie Louise Balint pleaded guilty to: on 17/04/2021 'Driving a Motor Vehicle with Excess Alcohol, Driving Whilst Disqualified and Using a Vehicle While Uninsured' Miss Balint received:

- Suspended Imprisonment - 8 weeks suspended for 24 months.

- Costs £85.00
- Disqualified from driving for 3 years
- Unpaid work requirement
- Rehabilitation activity requirement

At the time of the offence Ms Balint was already banned from driving after on 3<sup>rd</sup> July 2020 pleading guilty at Cardiff Magistrates Court to 'Driving a Motor Vehicle with Excess Alcohol' on 13/03/2020, however, this conviction is now spent.

At 21:21 hours on 17/04/2021 a call was received by South Wales Police of an RTC

RTC - ROAD BLOCKED

THERE HAS BEEN A COLLISION OUTSIDE THE ADDRESS. 3 CARS INVOLVED AND ONE OF THE DRIVERS, A FEMALE, WHO CAUSED THE ACCIDENT HAS RUN OFF, WITH A MALE RUN AFTER HER. ONE LANE IS BLOCKED AND ONE CAR IS ON ITS ROOF, ONE CAR HAS HIT A WALL. THE FEMALE SAID, IVE GOT TO GO, IM DRIVING MY MUMS CAR AND IM NOT INSURED. LOOKS LIKE ALL 3 CARS ARE A WRITE-OFF - DESC OF FEMALE: EARLY TWENTIES, WHITE FEMALE, SLIGHT BUILD, LONG LIGHT BROWN HAIR, WEARING A BLACK TOP AND DARK TROUSERS

Officers provided the following update at the time of the offence:

Abbie had made off from an RTC to Heol Ty Gwyn but was later located at address on Homfrey Street, Maesteg. There were approximately 10-15 family members at the address in the lounge and Abbie was in the Kitchen. Abbie confirmed she was the driver and left as she was disqualified from driving. Abbie provided a positive road side breath test and was arrested for.

Aggravated TWOC

Drive / excess alcohol

Drive whilst disqualified,

Drive No insurance.

However, the offence for aggravated TWOC was not progressed

Whilst en-route to Bridgend custody Abbie disclosed that she had taken approx... 9 unknown tablets from her uncle medication.

An SFR (Streamlined Forensic Report) also showed the alcohol in the blood to be over the prescribed limit. The sample was found to contain not less than 99 milligrams of alcohol (ethanol) per 100 millilitres of blood.

Even though we appreciate one conviction is now spent, Ms Balint has received two convictions for driving over the prescribed limit in just over 3 years, therefore, South Wales Police have concerns to her suitability on becoming a Personal Licence Holder.

We appreciate Ms Balint is currently pregnant and not consuming any alcohol at this time, however a Personal Licence has no expiry date, and there are concerns Ms Balint will start to consume alcohol after the birth of her child

That concludes my representations and I will be please to answer any question the committee may have."

The Chairperson asked Members if they had any questions for South Wales Police.

A Member asked for clarification on some of the information provided by South Wales Police and whether or not the information relating to spent convictions should be considered. The Legal Officer clarified that while there was a fine line between the spent convictions and a potential pattern, ultimately the Sub Committee could not consider the spent convictions when making a decision on the personal licence.

A Member asked Ms Balint how old she was now, and when these convictions occurred as this was not in the pack for Members. Ms Balint confirmed that she was currently 25 years old. She added that she was around 18 or 19 years old when she was in the abusive relationship and involved with a bad crowd.

Ms Balint asked if the Sub Committee had received her references that she had sent through on email a few weeks ago. Members and Officers were not aware of these references.

The Sub Committee took a short adjournment to allow Officers to locate the documentation and digest it before reconvening the meeting.

The SWP Licensing Officer stated that while there were support in Ms Balint's references from the local community, there was concerns aired by others in the community about drugs on the premise. She added that a search was executed on the 4<sup>th</sup> May 2023 and a large quantity of white power was confiscated from the premises. The investigation was still ongoing so no further details were provided.

Ms Balint added that there were other people living upstairs in the premise which was not under Ms Balint's name and stressed that until the premise was hers in its entirety she did not believe she was liable for the other people who were living upstairs. Further questions relating to this point made by SWP were not answered at the meeting as they did not relate to the personal licence. The Chairperson asked that these questions and discussions be had outside of the meeting.

A Member asked for clarity on when Ms Balint's unspent conviction would be spent. It was noted that this was on October 2024.

A Member stated that he was aware of what goes on in this industry from personal experience and asked Ms Balint what her view was on illegal activity like drug deals occurring on premises like this pub. Ms Balint stated that she had taken drugs when she was a young adult and saw the effects it had on herself and others. She stressed that anyone who knows he now could tell you that she was 100% anti-drug. She has had to throw people out of the pub previously for drug use and does not condone it on the property. She added that it is impossible to stop this activity occurring in its entirety, but accepts responsibility of needing to manage it the best she can.

A Member asked if Ms Balint reports all crimes to the police.

Ms Balint stated that if anything major happens on the property this would be reported to the police.

A Member sought clarity on the licensee for the pub, but understood that Ms Balint was managing this. He asked for more information behind this and what Ms Balint did to improve the pub when she took over the management.

Ms Balint confirmed this was the case and stated that when she took over the management of the pub, she had no experience in running a pub before. She stated that the pub was dirty, smelly and was left in a bad state overall by the current licensee. She had sorted these issues out and brought the pub into a better state of being. She also

ran a bouncy castle business, a service that she provided in the gardens of the pub. Ms Balint advised that she had changed a few of the drinks supplied at the pub to better suit the local clientele.

The SWP Licensing Officer asked further questions relating to the offense of drink driving and these were answered by Ms Balint. Further debate was had on this which the sub committee noted for consideration.

The Chairperson confirmed that there were no further questions to be asked and agreed to adjourn the meeting to make a decision.

**RESOLVED:** The decision read as follows:

“The matter has been placed before the Committee to determine an application for a personal licence, made by Ms Abbie Balint, due to an objection notice having been submitted by South Wales Police to the same.

The Committee noted from said objection notice and from Ms Balint’s prior declaration that she had an ‘unspent’ conviction, dated 20 October 2021, for ‘Driving a Motor Vehicle with Excess Alcohol, Driving Whilst Disqualified and Using a Vehicle While Uninsured’. Ms Balint received a sentence of Suspended Imprisonment - 8 weeks suspended for 24 months; Costs £85.00; Disqualified from driving for 3 years; Unpaid work requirement and Rehabilitation activity requirement.

This is relevant to her application for a grant of a personal licence as this is subject to the considerations set out in Section 120 of the Licensing Act 2003. In accordance with s.120(2) ‘The authority must grant the licence if it appears to it that... d) he has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty’.

At the hearing, Ms Balint acknowledged and reflected that what she did was wrong and stated that her life has changed since then. Ms Balint was very apologetic for what had happened in the past. She advised that she has been given an opportunity to take over ‘The Brit’ pub in Pencoed. The Committee noted that the application is however for a personal licence and not a premises licence at this stage.

Fiona Colwill of South Wales Police, presented their objections to Ms Balint’s application. She stated that a personal licence holds a qualification which can allow a person to be a designated premises supervisor (DPS). This role is extremely important as a DPS would have day to day responsibility for authorising alcohol sales. Ms Colwill stated that Ms Balint was convicted of a relevant offence under schedule 4 RTA 1988. Ms Colwill also noted that Ms Balint was previously convicted for a similar offence however, that conviction is now ‘spent’ in accordance with the Rehabilitation of Offenders Act 1974.

It must be made entirely clear that whilst this information was presented at the hearing, this Committee has only considered relevant ‘unspent’ convictions when determining this application, in accordance with Section 4 of the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Ms Colwill provided details of the relevant offence being that there was a collision outside an address where 3 cars were involved. A female was seen running away from the scene. She was heard to say that she had to go as she was driving her mum’s car. It looked as though all 3 cars had been ‘written off’. Officers located the female, which was identified as Ms Balint and she confirmed that she was driving the vehicle. Ms Balint was found to be over the legal limit to drive a vehicle, with a sample of 99mg per 100ml of blood. She also confirmed that she had taken approximately 10 prescription tablets

from her Uncle. South Wales Police therefore have concerns about suitability for becoming a personal licence holder.

In response, Ms Balint stated that her life has completely changed, and she understood that what she did was wrong. Ms Balint referred to references which she had sent to the Licensing Officer, however, these were unfortunately missed when preparing the information to be presented to the Committee. The references were located and provided to all attendees, with a reasonable period of time being provided to consider the same before moving forwards with the hearing.

Having considered the references, South Wales Police advised that a warrant had been executed at the premises that Ms Balint currently runs and intends to run going forwards, and a substance was found at said premises, which could be drugs. Further discussions ensued relating to this matter, however, the Committee have not considered the same when making its decision, on the basis that the Police investigation is ongoing, Ms Balint has not been charged nor convicted with any offence and there is no current evidence to suggest that Ms Balint is involved.

The Committee considered the references provided by Ms Balint and noted that they were very positive and noted that Ms Balint has made several improvements to the running of The Brit pub. Ms Balint also confirmed this orally, advising the Committee of the ways in which the pub has changed since she has been managing the same. However, the Committee are of the view that the relevant offence that Ms Balint has been convicted of was of a very serious nature, which resulted in a very stern sentence.

Section 4.24 of the Statutory Guidance issued under Section 182 of the Licensing Act 2003, states:-

*"A number of relevant offences never become spent. However, where an applicant is able to demonstrate that the offence in question took place so long ago and that the applicant no longer has a propensity to re-offend, a licensing authority may consider that it is appropriate to grant the application on the basis that doing so would not undermine the crime prevention objective".*

The Committee acknowledges Ms Balint's attempts to rehabilitate herself but unfortunately, past decisions do have consequences, which have now had an impact on her application for a personal licence. The Committee are of the view that as the offence took place in October 2021, it cannot be held that the offence took place so long ago that Ms Balint no longer has a propensity to re-offend. The Committee also notes that Ms Balint is still within a period of her suspended sentence.

In light of the above, the Committee has determined that it cannot grant the personal licence to Ms Balint on this occasion and her application is therefore rejected. "

Daeth y cyfarfod i ben am Time Not Specified