

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD REMOTELY - VIA MICROSOFT TEAMS ON FRIDAY, 20 OCTOBER 2023 AT 10:00

Present

Councillor M Lewis – Chairperson

A R Berrow

JE Pratt

Officers:

Julie Ellams	Democratic Services Officer - Committees
Kirsty Evans	Senior Licensing Officer
Mark Galvin	Senior Democratic Services Officer - Committees
Katie Wintle	Lawyer
Yvonne Witchell	Team Manager Licensing

10. DECLARATIONS OF INTEREST

None

11. 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 contained exempt information as defined in Paragraphs 12 and 18 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 applicants so mentioned.

12. DESIGNATED PREMISES SUPERVISOR (DPS) VARIATION APPLICATION FOR THE BIRD, 124 COMMERCIAL STREET, MAESTEG, BRIDGEND CF34 9DL

DECISION NOTICE

The Licensing Sub-Committee held a hearing on the 20th October 2023 to consider and determine an application to vary the Designated Premises Supervisor (DPS) for premises licence: BCBCLP424 pertaining to The Bird, 124 Commercial Street, Maesteg, Bridgend CF34 9DL.

During the statutory 14 day consultation period, the Licensing Authority were notified by South Wales Police that the exceptional circumstances of the case were such that granting the application would undermine the prevention of crime and disorder licensing objective.

The hearing was attended by Officer Fiona Colwill and the applicant Mr Stefan Blower.

MATERIAL BEFORE THE SUB-COMMITTEE

At the outset of the hearing, the Sub-Committee had before it a report from the Council's Licensing Officer; a copy of the application to vary the Designated Premises Supervisor for premises licence, a copy of the objection notice of South Wales Police and Paragraphs 4.69, 4.70 and 4.71 of the Statutory Guidance specifically relating to Police objections to new designated premises supervisors. South Wales Police provided further documents prior to the hearing which included a summary of the Police interview with the Applicant and the witness statement of the victim.

PRELIMINARY ISSUES

The hearing was due to be held in person at the Council Chamber on 20th October 2023, at the request of the Applicant. Unfortunately, due to technical issues within the Council Chamber, an in person meeting was unable to take effect. Steps were taken on 19th October 2023 to notify the parties of this issue and invited all parties to attend the hearing remotely.

At the outset of the hearing, the Applicant was asked whether he would be happy for the hearing to take place remotely in its entirety, or whether he would like the Licensing Sub-Committee to consider adjourning the matter so that it could be held in person at a later date. The Applicant was clear in his response that he wanted the hearing to go ahead remotely in its entirety on 20th October 2023. The Licensing Sub Committee were in agreement to the same.

THE APPLICANT'S CASE

Mr Blower stated that he wanted to put his case forward. He advised the Sub-Committee that he had received a warning almost 2 years ago. He advised that he had read the victim's witness statement sent yesterday and said that it is not accurate in his view. He believes that is why he ended up with a warning from the police at the time. He said that it is unfair for him to be withdrawn as DPS when he does not believe that there are sufficient reasons to do so. He reiterated that he had received a warning and the matter did not proceed to Court.

He further advised the Sub-Committee that the premises has been open for 5 weeks and he believes that the business has ran really well. They (he and his business partners) are new to this industry and have invested a lot of money into it. They want to run it correctly and follow the rules which he feels that they are and that he should be given the opportunity to run the business that he has invested into.

THE POLICE CASE

Officer Colwill, representing South Wales Police, advised the Sub-Committee of the objection to the application to vary the premises licence to specify an individual as DPS. She advised the Sub-Committee that South Wales Police understands that objections are only to be made in exceptional circumstances and that they do not routinely object to such applications.

Officer Colwill noted that this is a large late-night venue. South Wales Police have a duty to reduce and prevent crime and disorder and Anti-social behaviour, to keep South Wales safe. She advised the Sub-Committee that a person who holds the position of DPS is a person who has day to day responsibility for the running of a business and alcohol sales and therefore the role of DPS is very important and should be held by a person with the highest integrity.

Officer Colwill provided information to the Sub-Committee relating to an offence where Mr Blower had accepted a conditional caution for common assault. Mr Blower was required to write a letter of apology to the victim.

Officer Colwill advised the Sub-Committee of the details of the incident, namely that on 18 November 2021 at 22.30, a male was involved in an altercation with a female in a bar, striking her to the head with a glass. This was captured on CCTV. There were no

visible injuries. The incident had arisen following a verbal altercation between the aggrieved and a female, who's partner then became aggressive towards the aggrieved. Door staff intervened and both the female and her partner were ejected from the pub. They were subsequently readmitted to the premises and the male followed the victim to the toilet and threw a gin glass at the back of her head and he then left the pub. CCTV was covering the incident and the male is shown to throw a glass underarm making contact with the back of the victims head. The male was not known at the time however CCTV gave a clear view of him and he was later identified via facial recognition as Mr Blower and he was thereafter arrested, interviewed and offered a caution which he accepted.

Officer Colwill referred to an incident which occurred at the premises on 16th October 2023, however was advised by the legal officer that this was new and additional information and not part of the original objection and could not therefore be considered by the Sub-Committee in making its decision.

ADDITIONAL INFORMATION AS REQUESTED BY THE LICENSING COMMITTEE AT THE HEARING

A member of the Sub-Committee asked Officer Colwill what a conditional caution was and why it was used in this instance. Officer Colwill advised this was because he admitted the offence in interview so had taken responsibility.

The Sub-Committee noted that this incident occurred almost 2 years ago and a member of the Sub-Committee asked Mr Blower if this was unusual behaviour for him, whether he regretted it and if he has learned from this.

Mr Blower confirmed that there was an admission of guilt for throwing the glass at the floor and that was why he accepted the conditional caution. He said it was an underarm throw – he didn't believe that anybody was hit with the glass and there were no injuries. He said that he threw it at the floor in frustration and that he absolutely regrets throwing it. He confirmed that he wrote a letter to the lady for making her upset and he has paid for that by getting arrested.

The Sub-Committee noted that in his role he will need to remain calm in situations and asked if he had any experience of high pressure situations.

Mr Blower stated that he was an ex royal marines commando and has been to Afghanistan twice. He said that he is fully confident that he can deal with situations at the pub.

A member of the Sub-Committee asked Mr Blower why he had followed the lady to the toilet.

Mr Blower stated that there were 2 toilets next to each other and that he had gone to the toilet.

Officer Colwill stated that members of the public must feel safe when socialising in night time economy – there is no toleration of violence. The DPS has day to day responsibility for the control and sale of alcohol and South Wales Police cannot support a person who has received a conditional caution for common assault. They must be a person of the highest integrity.

Mr Blower concluded by advising the Sub-Committee that he felt that the way it has been reported is a lot worse than what it was. He apologised for throwing the glass and stated that it has not happened since and will not happen again.

FINDINGS OF THE SUB-COMMITTEE

During discussions following the hearing, the Sub-Committee was notified that South Wales Police had sent an email which advised that CCTV footage had been received and invited the Sub-Committee to consider whether they wished to review the same. The Sub-Committee considered this point and noted that reviewing the CCTV footage may have been helpful in assisting with its determination of this application, however, since the hearing had concluded and as this was not provided either before the hearing

or at the hearing with the consent of all of the other parties, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, it was not therefore in a position to review the same.

The Sub-Committee noted that Mr Blower was issued with a Personal Licence by Bridgend County Borough Council on 5 September 2023, whereby Mr Blower met all the conditions of the Licensing Act 2003 to hold a personal licence, including that he had not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty and this was confirmed through the Basic Disclosure Certificate submitted as part of the application.

Whilst this is not entirely relevant to the application before the Sub-Committee and the objection of South Wales Police based on exceptional circumstances, the Sub-Committee took a view that it does reflect the character of Mr Blower in so far as it does not appear to show a pattern of offences or convictions of this nature.

DETERMINATION

The Sub-Committee must in its decision-making promote the statutory licensing objectives and in particular in respect of this application, the prevention of crime and disorder and public safety. The Sub-Committee have taken into consideration the Licensing Act 2003, the statutory guidance issued under the Act and the Council's statement of Licensing Policy.

The Sub-Committee is clear that it does not condone any acts of violence or aggression. However, the Sub-Committee notes that Mr Blower has accepted full responsibility for his actions following this incident by accepting a conditional caution and writing a letter of apology to the victim. There also does not appear to be a pattern of such behaviour or criminality.

The Sub-Committee therefore take the view that this appears to be a one-off incident for which Mr Blower has accepted full responsibility. He was not convicted of a crime but accepted a conditional caution.

The Sub-Committee, taking everything into account, have determined that the objection to Mr Blower's application does not fall within the exceptional circumstances under the Licensing Act that would prevent him from acting as a DPS.

The Sub-Committee has therefore determined to grant the application by Mr Blower to vary the DPS for The Bird, 124 Commercial Street, Maesteg, Bridgend, CF34 9DL.