

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 28 AUGUST 2014 AT 10.00AM

Present:

Councillor D R W Lewis – Chairperson
Councillor E M Dodd
Councillor D G Owen

Officers:

R Morris - Senior Licensing Assistant
S Jones - Licensing Assistant
A Lee - Legal Officer
J Monks - Democratic Services Officer – Committees

Invitees:

P A Rose - Applicant
N Singh - Proposed Designated Premises Supervisor
A Harries - Solicitor for the Applicant

South Wales Police Representatives

P C Ellis - South Wales Police
C Gould - Solicitor for South Wales Police

5 APOLOGIES FOR ABSENCE

None.

6 DECLARATIONS OF INTEREST

None.

7 LICENSING ACT 2003: SECTION 17
APPLICATION FOR NEW PREMISES LICENCE
FOX & HOUNDS, HIGH STREET, OGMORE VALE, BRIDGEND

The Senior Licensing Assistant reported that an application had been made by Mr Paul Anthony Rose for a new Premises Licence for the above premises. She stated that the premises was described as a public house.

The application was for a new Premises Licence which authorises the supply of alcohol premises, Sunday to Thursday from 1130 to 2300 hours and Friday and Saturday from 1130 to 0000 hours. Non-standard timings on Christmas Day for the supply of alcohol would be restricted to 1200 – 1500 hours and 1900 to 2230 hours and on Good Friday from 1200 to 2300 hours. Recorded music was also applied for at the same timings as the supply of alcohol, with live music on Saturday nights from 2100 to 2245 hours and on Sunday nights from 1700 to 1900 hours only. The application also requested for the premises to close to the public with a wind down time of 30 minutes after the end of the supply of alcohol, to include the non-standard timings.

She reported that representations had been received from the South Wales Police attached at Appendix B to the report, with copies having been forwarded to the applicant, Mr Rose, for his consideration.

She informed the Sub-Committee that since those representations were circulated, the Licensing Department had received a letter from the South Wales Police dated the 22nd August 2014, in respect of the application, wishing to redact in its entirety the disclosure in the confidential report solely relating to the applicant, as the convictions did not relate to him and therefore were not relevant. The letter was circulated to all Members.

Ms Harries, on behalf of Mr Rose, informed the Committee that the application related to long-established licensed premises built in 1913, and as far as Mr Rose was aware, it had operated continually as a licensed premises until 2012 when the Premises Licence Holder at that time, Mr Kevin Williams, had decided to step down from running the premises due to ill health. Based on information given to Mr Rose by Mr Williams' wife, there was doubt as to whether the licence was surrendered as Mr Williams was suffering from memory problems and had no recollection. She advised that the application was therefore proceeding as a new application.

Ms Harries referred the Committee to the Home Office guidance in that each application should be considered on its own merits and stated that the Police representations against the application related to the manner in which the premises was operated by the previous Premises Licence Holder from 2010 until 2012 when he ceased trading from the premises, which she stressed had nothing to do with this application.

She informed the Committee that Mr Rose was of completely clean character and was seeking a full time career in the licensed trade, and fully intended to co-operate with the Licensing Department and the Police. He was aware of the problems in the way the premises had been operated in the past. She reported that Mr Rose attended a Premises Licence Holder training course on the 20th August 2014 which he passed and was awaiting written confirmation, after which it was his intention to apply for a Personal Licence and seek to be a Designated Premises Supervisor to replace Mr Singh, which was a temporary measure, as he had always intended to be hands-on at the premises.

Ms Harries commented that the application was fairly limited for permission to sell alcohol, with recorded music via a juke box on demand, with live music restricted to Saturday evenings and Sunday afternoons. The application also requested a slight extension of 30 minutes wind down time to the licensing hours, which reflected the hours previously operated at the premises. She informed Members that Mr Rose was looking to install CCTV at the premises, and had received quotations for the installation of six cameras inside and two cameras outside, as there was only one entrance and exit to the premises; however he was awaiting the outcome of this application before proceeding. She further informed Members that Mr Rose was aware of the difficulties around underage drinking, as experienced by the previous Premises Licence Holder, and had attended a relevant training course and would exhibit 'Drink 25' notices at the premises. He was also fully aware of the need for a suitable security system to be put in place at the premises.

Ms Harries then referred to the fact that Mr Rose had opened the premises in good faith on the 23rd May this year, after checking the position with Mrs Williams who had assured him that there was a valid Premises Licence in place. She informed Members that it was not usual for Premises Licences to be surrendered from someone who was retiring, as it usually formed part of the sale and the new owner would then apply for a transfer of the Licence. On the 17th June 2014, the applicant received a telephone call from PC Ellis, advising him that the Premises Licence had been surrendered and therefore he was operating illegally, after which Mr Rose immediately closed the premises and attended the Licensing Department in order to discuss the situation with the Licensing Officer, which resulted in his application.

Ms Harries concluded, by requesting the Committee to grant the application subject to appropriate conditions, as Mr Rose intended to make this his livelihood and provide an additional facility and amenity for the local community. She reiterated that Mr Rose did not

intend to repeat the problems encountered by the previous Licence Holder and would run the premises in a responsible manner.

Mr Rose informed Members that he had no previous experience in the licensing trade; however he had attended the relevant course which he had passed and was aware of the legal obligations and responsibilities of a Designated Premises Supervisor. He referred to the period between 2010 and 2012 when the premises was run by Mr Neil Williams, the previous owner's son, along with a friend, and explained that during that period underage drinking regularly took place at the pub. Mr Rose advised that he did visit the pub on occasions and commented that it had a bad reputation and was being run as a "knocking shop". The two friends subsequently fell out and it was left to Mr Williams Senior to continue running the pub during the last few months before it closed. Mr Rose informed the Sub-Committee that he was a good friend of Mr Neil Williams, but did not regard him as a good businessman.

Mr Rose continued by saying that he had invested his redundancy money in the pub and intended to run the premises himself on a full time basis. He wanted to get the pub up and running with a view to buying it, therefore it was in his best interests to run it properly.

Ms Harries asked Mr Rose whether he had employed registered door staff during the three week period when the premises was open by him.

Mr Rose informed Members that three days prior to opening the pub, one of his bar staff had contacted a local security firm requesting two door staff and the same two were on duty at the pub for the three weekends it was open. An incident had taken place outside the premises on the 14th June when it was brought to his attention that one of the door staff had actually had his licence revoked. He assured the Sub-Committee that he would ensure future door staff were properly registered, and he had taken the advice of PC Ellis to check the relevant listings on the SIA website. He advised that if the application was granted he would be employing security staff to be on duty on Friday and Saturday nights, and that no children would be admitted. Four staff would be employed and he would ensure that they received full training. He would also be expecting each of them to obtain a Personal Licence.

Mr Rose reported that with regard to the role of the Premises Licence Holder he was proposing Mr Singh to undertake the role on a temporary basis until such time as he is granted a Premises Licence. He informed Members that Mr Singh worked part time in the Post Office next door to the Fox and Hounds and was available on a daily basis to assist at the pub. He confirmed that Mr Singh currently held a Premises Licence.

One Member stated that during the three weeks this year when the Fox and Hounds was opened, he had personally witnessed a considerable number of people standing outside the pub drinking alcohol and smoking, with crowd spilling out onto the main road, despite door staff being present.

Mr Rose explained that he did not allow glasses and bottles to be taken out of the pub and there were signs posted inside the pub to that effect. With regard to smoking, he had subsequently created a smoking area at the rear of pub where smokers could go.

Another Member asked whether security staff had been considered at the pub on Sunday afternoons when it was proposed to have live music events.

Mr Rose advised that he would only be expecting between 10 and 15 people at those events and it would not be worthwhile therefore to employ door staff. In response to a question from Members, he advised that should the number of people attending increase, such as a Bank Holiday, then door staff would be in attendance.

A Member asked Mr Rose his reasons for wanting to take over a pub which had a bad reputation, and how he intended to turn it around.

Mr Rose explained that the pub was a popular venue within the community and although it had a bad history, he did not intend to run it in that way and was willing to work alongside the Licensing Authority and the Police to do whatever it took. The feedback he had received in the three weeks it was open had been that customers had commented how much better the pub was being run.

Another Member asked Mr Rose why he had requested an extension on Friday and Saturday nights as the previous licence was until 11.00pm.

Mr Rose explained that he believed it would be an advantage to close 30 minutes after the other licensed venues in the area had closed.

8 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:

9 To consider the proposed Premises Licence Holder.