

10 LICENSING ACT 2003: SECTION 17  
APPLICATION FOR PREMISES LICENCE  
FOX AND HOUNDS, HIGH STREET, OGMORE VALE, BRIDGEND

The Chairperson then invited the South Wales Police to outline their objections to the application.

Ms Gould commenced by informing the Committee that it was not usual for the Police to object to a new Premises Licence; however in this case they had no alternative. She explained that the Fox and Hounds was opened illegally for a period of three weeks, during which time three offences were committed:

- Operating without a Premises Licence
- Failing to display a Premises Licence
- Employing illegal door staff

She informed the Sub-Committee that it had taken Mr Rose 4 ½ months to apply for a Designated Premises Supervisor Licence, and maintained that neither Mr Rose nor Mr Singh had any idea of their legal obligations to inform the Licensing Authority of any relevant convictions. Also, there was an incident of public disorder which took place outside the Fox and Hounds on the night of the 14<sup>th</sup> June 2014. She advised that as a result of the three offences and one incident of public disorder, the Police had grave concerns as to whether the Licence should be granted.

PC Ellis referred the Sub-Committee to the fact that the previous owner, Mr Williams, suffered health issues and his wife had stated that he had no memory of surrendering the Premises Licence before he became ill.

PC Ellis advised that the pub was situated in the heart of the commercial area of the Ogmore Valley with four licensed venues, a takeaway and Off-licence within the vicinity, with numerous dwellings located to the rear, front and sides of the Fox and Hounds, and the application if approved would impact on those properties.

PC Ellis informed the Sub-Committee that on the 17<sup>th</sup> June 2014 Mr Rose was served with a warning letter by South Wales Police relating to him committing offences contrary to Section 136 of the Act of engaging in licensable activity without a Premises Licence, which he stated were the most serious offences incurring maximum penalties of imprisonment and/or a heavy fine. He informed the Sub-Committee that Mr Rose had simultaneously committed the most serious of offences under the Private Security Industry Act 2001 by employing a doorman who was unlicensed, which carries a severe maximum penalty of imprisonment and/or a heavy fine. He reported that what was more disturbing was the fact that the SIA had revoked the doorman's authorisation in November 2013 due to his having committed an act of violence.

PC Ellis reported that on the evening of the 14<sup>th</sup> June 2014 a female taxi driver parked outside the Fox and Hounds to pick up a fare. A large group of people were inside the pub, including a hen party and numerous customers were drinking alcohol in the street directly outside. There were two door staff on duty at the time. Some of the customers started to play fight and fell against the side of the taxi causing an indentation to the bodywork. The situation was such that the taxi driver requested police assistance via the emergency 999 system, reporting that her vehicle was being damaged, and one of the persons had attempted to remove the keys from the ignition. She further stated that the door staff were doing nothing to stop it. Police attended at the scene whereupon the taxi driver claimed that the damage would cost £5,000 to repair. The matter was dealt with when the

perpetrator agreed to pay for the repairs if they were proportionate to the cost of the damage which was disputed.

PC Ellis advised that the authorisation for this venue was surrendered in 2012 and in relation to the offence of operating without a Premises Licence, Mr Rose could have simply logged onto the Council's website where he could check the details of all licensed venues within the Borough. Similarly, the SIA maintain a public register, also easily accessed via the internet, of former licence holders whose licences had been revoked or suspended. Within minutes of logging onto both sites, Mr Rose would have been able to determine whether the premises and the door staff were appropriately authorised. Alternatively, he could have contacted either South Wales Police or the Licensing Authority, which the Home Office Guidance actively encouraged.

PC Ellis commented that not only were the offences committed of a serious nature, but the premises had clearly "reverted to type" as the incident was the subject of a 999 emergency call and had occurred late on a Saturday night. PC Ellis maintained that if Mr Rose thought that the venue was licensed but had not had sight of it, then he would not have known how to operate the premises in accordance with the conditions. Information was subsequently brought to the attention of the Police that Mr Rose had been operating without a licence since 23<sup>rd</sup> May 2014. He added that common sense would have told him that one cannot simply walk into a venue presumed to be licensed and run it. Given such circumstances, PC Ellis stated that South Wales Police did not believe that Mr Rose was a suitable person to hold a Premises Licence.

PC Ellis referred the Committee to Appendix C of the bundle which listed the reported incidents at the Fox and Hounds since 2010 when Mr Kevin Williams, the previous Licence Holder, was placed on an action plan.

PC Ellis referred to Mr Rose's claim that children under the age of 16 would not be permitted on the premises at any time, which he advised Members would therefore not benefit families who are part of the community, and in any event it was not enforceable.

PC Ellis advised that Mr Rose had not stipulated how many SIA security staff would be employed under his proposal to extend the opening hours. Also, Mr Rose was only proposing to employ two door staff on Friday and Saturday nights, and would be expected to undertake visual checks throughout the ground floor of the premises both internally and externally. However, PC Ellis advised that Mr Rose would be in breach of the Licensing Conditions if one of the door staff were to leave the entrance at any time. Also, Mr Rose only proposed keeping an Incident Log available for inspection and would liaise with the local Police for advice; however this was merely a proposal and not a condition. The premises had never previously had CCTV installed and Mr Rose was now seeking quotations for the installation however PC Ellis pointed out that this was not a statement, not a condition and therefore was not enforceable.

The application stated that the property was of solid stone construction throughout and catered for the local community. PC Ellis advised that this should have appeared on page 11 of the application under Guidance Note 1, which requires an applicant to give a general description of the premises. He pointed out that this was not a proposal compatible with Guidance Note 9, which requires applicants to list the steps they would take to promote all four licensing objectives.

## 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 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.

<u>Minute No:</u>	<u>Summary of Item:</u>
?	To consider the proposed Premises Licence Holder.