

13 LICENSING ACT 2003: SECTION 17
APPLICATION FOR PREMISES LICENCE
FOX AND HOUNDS, HIGH STREET, OGMORE VALE, BRIDGEND ... (Contd)

The Chairperson then invited both parties to give their closing statements.

The Applicant's Closing Summary

Ms Harries, on behalf of the applicant, advised that it was mandatory for each application to be considered on its own merits. She explained that Mr Rose had informed the Committee of his intention to make managing the pub his livelihood and would be hands-on, with no wish to repeat the problems Mr Williams had encountered. Mr Rose understands the significance of a Personal Licence and Premises Licence and would apply to become a Designated Premises Supervisor (DPS) as soon as he had been granted his Personal Licence.

She continued by saying that Mr Rose accepted he was misled by Mr Singh in that he had not discussed with him the relevant conviction; however the second conviction was not relevant to the application. She explained that Mr Rose's intention had been for Mr Singh to be the temporary DPS, and it was his wish to be granted a licence today.

She advised that the Committee had heard Mr Rose's proposal and the Police representations against the application; the vast majority being related to the previous Licence Holder and the problems in the way he had run the premises. As the premises had been closed for two years, she did not believe that Mr Rose should be tarred with the same brush. Mr Rose was going into the pub fully aware of the problems and had made it clear that he was determined not to repeat those problems with his tenure at the premises.

She informed the Committee that Mr Rose did not want to formalise arrangements with the Williams family by way of a lease or purchase of the premises, prior to being granted a Premises Licence as he considered that it would be a waste of his money should he not be successful. With regard to the Premises Licence, she stated that Mr Rose had requested a slight increase in the trading hours on Friday and Saturday nights, with the premises closing 30 minutes after the other licensed premises in the vicinity to ensure that his customers would not be in the streets with those customers. Mr Rose was prepared to offer a condition in that there would be no admission to the premises after 11.30pm if the Committee felt that the migration of customers from one venue to another might be problematic. She added that this was a common condition to put on a Premises Licence.

With regard to other conditions, she advised that Mr Rose had addressed them within the licensing objectives and the Committee could impose those as conditions. Referring to the security staff, she advised that Mr Rose had been misled by the owner of the security firm when he employed two door staff into believing that they were both SIA registered. However, he had been informed since by PC Ellis that he could check on-line and would bear that advice in mind and would carry out his own checks in future rather than relying on other people telling him.

The South Wales Police Closing Summary

Ms Gould advised that the South Wales Police were concerned with this application and could not therefore support it in any way. She explained that most licensed premises did not commit three offences in a three year period, let alone in a period of just three weeks, which she stated showed a lack of understanding of Licensing Law. There were also concerns regarding the Williams family who previously ran the Fox and Hounds and were still involved, having overall control of the premises, which was not acceptable to the South Wales Police.

PC Ellis advised that there were a number of factors to prevent the Sub-Committee from granting the application. The recent history of offending by Mr Rose was most serious, not only under the Licensing Act, but also under the Private Security Act. Mr Rose displayed a complete lack of due diligence, a basic requirement of licensing guidance. In relation to Mr Singh, he demonstrated a failure to promote the objectives. Not only was he willing to commit relevant offences whilst being the holder of a Personal Licence, but committed a further licensing offence when he deceived the Licensing Authority by withholding this conviction from them. His actions further impacted on the objectives as the offences committed which led to his convictions and the caution were alcohol related. In fact when he committed criminal damage at a licensed venue he was extremely drunk. He advised that the Fox and Hounds had been a conduit for assaults, public disorder and anti-social behaviour and there had been several contraventions of the previous licence. The majority of calls to South Wales Police are such that they were made via the emergency 999 system and the incident which occurred in June 2014 was the subject of a 999 call, which had suggested that the proposed licensee was carrying on from the previous incumbent and that nothing would change.

In conclusion, PC Ellis advised that the Operating Schedule was overstuffed with statements which were irrelevant and contrary to Guidance Note 9, and the remainder of the proposals were either contradictory, the wording was incorrect, or could not be listed as conditions. Given the content of the Operating Schedule and the history of the persons nominated to fulfil positions of authority, coupled with the history of the Fox and Hounds itself, it was felt that this application would not promote the objectives and therefore PC Ellis requested that the application be refused.

The Sub-Committee then adjourned to consider the application and upon their return it was

RESOLVED: That the Sub-Committee heard the application of Mr Paul Rose for a New Premises Licence in respect of the Fox and Hounds, High Street, Ogmores Vale. The Sub-Committee also heard representations made by the South Wales Police.

The Representative of Mr Rose pointed out to the Sub-Committee that each application had to be treated on its own merits and that most of the representations made by the Police were in relation to the previous Premises Licence Holder of incidents which took place between 2010 and 2012 and which had nothing to do with this application. Mr Rose, when giving evidence, stated that the problems arose at the premises when Mr Neil Williams was running the same. Mr Neil Williams is the son of the previous Licence Holder, Mr Kevin Williams. Mr Rose stated that he knows Mr Neil Williams and that Mr Williams did not run the pub correctly. The Police in their representations stated that they believed that the previous Licence Holder still had an interest in the premises and could interfere with the running of this business. The Police and the applicant agreed that Mr Kevin Williams was suffering from Alzheimer's.

Mr Rose, when giving evidence, stated that he did not have a Lease in respect of the premises and there was no legal agreement between him and the Williams family. When asked what agreement he did have, Mr Rose explained to the Committee that he just had a verbal agreement with the family that he would run the premises if he could get a licence and if it went well, he would then purchase the premises. He had also invested money into the premises which he would get back if someone else purchased the business. It was further agreed that he would not pay rent but keep any

profits and the premises would increase in value if it was licensed. The pub was currently being marketed for sale and has been for the past two years.

The Police also gave evidence that Mr Rose opened the premises on the 23rd May 2014 without a licence and remained open until the 14th June 2014 when an incident took place outside the premises. A youth, who the Police stated came from the premises, damaged a taxi outside the premises. The Police also gave evidence to state that Mr Rose had employed a doorman who had his licence revoked. A letter was then written to Mr Rose on the 17th June 2014 by the Police, advising him that he had committed offences in respect of the premises, namely operating without a licence. Mr Rose gave evidence that he was advised by Mrs Williams, the wife of Mr Kevin Williams, that there was a valid licence in force. Representations were also made that there was no record of the licence being surrendered and that as soon as Mr Rose became aware that he did not have a licence, he immediately made an application for one. It was established that Mrs Williams came to the Council offices personally to surrender the licence as she did not wish to pay the annual fee in respect of the same. Mr Rose stated that he took the word of Mrs Williams when she had informed him that there was a premises licence in place.

The Police also raised objections in respect of the DPS, Mr Singh, in that he had a relevant conviction and a caution. Mr Singh did not inform the Licensing Section of this Authority of his conviction which is an offence under the Licensing Act. Mr Singh gave evidence that he would now immediately notify the Authority in writing of his conviction. Mr Singh also gave evidence that he had no experience in running licensed premises.

The Sub-Committee were persuaded by the Police evidence that the Williams family still had some interest in this business and had authority over Mr Rose. The Sub-Committee made this determination on the basis that no evidence had been put forward by Mr Rose to the contrary. There was no legal agreement in place in respect of these premises. The premises are still owned by the Williams family and legally there was nothing stopping them from running the premises again if a licence was granted in respect of the same.

The Sub-Committee felt that Mr Singh was not a suitable DPS for these premises as he had a relevant conviction under the Licensing Act and he had never run licensed premises previously. Furthermore, the Sub-Committee felt that as a DPS, he should have pointed out to Mr Rose that he should check whether a licence was in place before he opened the premises. The Sub-Committee also felt that Mr Rose did not do anything to check out the position in respect of the licence when opening the premises; he simply took the word of Mrs Williams, which led the Sub-Committee to believe that Mrs Williams had a degree of control over Mr Rose.

The Sub-Committee decided that in order to promote the four licensing objectives, in particular the prevention of crime and disorder, they could not grant a licence in respect of these premises. This decision was made on the basis that there was no evidence put forward that the Williams family are not involved in this business, as there was no legal agreement to contradict this representation made by the Police. This decision was also made on the basis that Mr Rose had already committed three offences under the

Licensing Act 2003 and Mr Singh, the proposed DPS, had also committed an offence under the Act by failing to notify the Council of a relevant conviction.

The meeting closed at 2.20pm.