

MINUTES OF A SPECIAL MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE
HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON
THURSDAY, 14 AUGUST 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

G W Davies MBE
E Dodd

Officers:

Y Witchell - Licensing and Registration Officer
R Morris - Senior Licensing Assistant
A Lee - Legal Officer
M A Galvin - Senior Democratic Services Officer - Committees

Statutory Bodies:

South Wales Police

Sgt. D Williams
PC K Ellis
PC S Rowlatt
PC D Barratt (Vale of Glamorgan)

Public Protection Department

H Williams - Senior Environmental Health Officer

Representatives from Clwb Calon Lan, Blaengarw

R Owen - Premises Licence Holder and Designated Premises Supervisor
M Owen - mother of the Premises Licence Holder and Designated Premises Supervisor

1 APOLOGIES FOR ABSENCE

None.

2 DECLARATIONS OF INTEREST

None.

3 LICENSING ACT 2003
REVIEW OF PREMISES LICENCE
CLWB CALON LAN, CHURCH STREET, BLAENGARW, BRIDGEND

The Chairperson opened the meeting and the appropriate introductions were made.

The Licensing and Registration Officer advised those present that this was a reconvened meeting to consider an application for the Review of the Premises Licence submitted by the Chief Officer of Police in relation to the above premises.

A copy of the application form and background documents submitted by the Chief Officer of Police, together with a location plan was attached at Appendix 'A' to the report. Pages 3, 4 and 7 of the application form had been redacted because of exempt information contained within these pages. There was an exempt section of the report which contained the full details of page 4 and 7 of the application form and additional information submitted by the Chief Officer of Police attached at Appendix 'C' to the report.

The Licensing and Registration Officer referred Members also to Appendix 'B' of the report, i.e. representations received from the Council's Public Protection Department, and in respect of these, and the bullet points of page 2 of the Appendix relating to failing to promote the licensing objective of prevention of public nuisance, the date of the third bullet point she stated should read 10 June 2007, and with regard to the 5th bullet point this should read 14 July 2007.

In respect of bottom page 10/top page of 11 of the Police application for review of the Premises Licence, she sought clarification that it was on Sunday 20 April 2014 that alcohol was supplied at the premises outside the authorised time (i.e. 23:00 hours) i.e. at 23:55 hours, or should this in fact read Saturday 19 April 2014.

The representatives of the Police confirmed that this offence occurred on the Saturday night into the hours of Sunday morning. PC Ellis added that even though the day/date in this part of the Police statement was incorrect, the patrons consuming alcohol at the premises on this Saturday evening, were still there undertaking this activity well after 00:00hrs contravening a provision of the Premises Licence, as the Premises Licence Holder should have restricted the sale of alcohol at the premises to 23:30hrs that evening in accordance with his Licence.

Mr Owen stated that although patrons had left his premises that night at 23:55hrs, he had not served any alcohol to customers after 23:30hrs in accordance with the provisions of his Licence.

PC Ellis advised the Sub-Committee that this was incorrect as the visiting Police Officer had visited the premises at 23:30hrs and left at 23:55hrs or just after at which time patrons had full glasses of alcohol in front of them that they were consuming. The visiting Police Officer had advised Mr Owen that he was contravening his Premises Licence by serving patrons drinks outside the hours contained within his Premises Licence.

Mr Owen replied that he contested this part of the Police Statement as the information relating to the above was incorrect and was not the correct date i.e. in that it should be Saturday 9/4/2014 as opposed to Sunday 20/4/2014.

PC Ellis stated that he accepted that the date was incorrect, however, the premises had still been allowed to remain open by the Premises Licence Holder after permitted hours, which was a contravention of Mr Owens' Licence.

Mr Owens again contested this in that he had not served patrons after 23:30 hours, and that they were still on the premises at 23:55 hours during the period of "drinking up time".

The Legal Officer advised the meeting that when the representatives of the South Wales Police outline their application, then they should firstly refer to the non-exempt evidence, then following this, the meeting would move into closed session in order to hear evidence and other information of an exempt nature.

All parties agreed to this course of action being followed.

The Chairperson then invited the Police to outline their application for a Review of the Premises Licence at Clwb Calon Lan, and to present the open section of their application.

PC Ellis then presented the Police application for Review of the Premises Licence as follows:-

He advised that Home Office guidance issued under Section 182 of the Licensing Act relates to Section 11 reviews.

In terms of Sub-Section 11.5, this supported a number of key aims and purposes which included protecting the public from crime caused by an irresponsible licensed premises holder.

It was emphasised at page 2 of the Officers Report at Section 8.3 stated PC Ellis, and it was important to note that in relation to Reviews, Sub-Committees must not only have regard to Section 11 of the Home Office Guidance but also Section 12 of the Council's own "Statement of Licensing Policy" which dictates that reviews represent a key protection for the community if problems arise at licensed venues.

Information highlighted within the review demonstrated that Mr Owen was not promoting the 4 licensing objectives added PC Ellis.

PC Ellis then confirmed that Licensing authorities should look to the Police as the main source of advice on crime and disorder. They should also he added seek to involve the local Community Safety Partnership.

The Licensing Department of South Wales Police was an integral part of the Community Safety Partnership and this was not a statement which had emanated from the Chief Officer of Police but was emphasised in Section 2 of Home Office guidance which relates to the Licensing objectives, and in particular Sub-section 2.1 of the Crime and Disorder Act

The guidance issued by the Home Office in relation to the review process is specific to this application and was very clear he stated. This focused on:

Sub-section 11.27 of the guidance highlighted that certain criminality should be treated particularly seriously advised PC Ellis.

THESE ACTIVITIES INCLUDE THE USE OF LICENSED PREMISES (AND IT LISTS 12 SERIOUS CRIMES): -

- **For the sale and distribution of Class A drugs**
- **For the laundering of the proceeds of drugs crime**
- **For the sale and distribution of illegal firearms**
- **AND IMPORTANTLY The sale of alcohol to minors**
- **For prostitution or the sale of unlawful pornography**
- **By organised groups of paedophiles to groom children**
- **As the base for organised criminal activity, particularly by gangs**
- **For the organisation of racist activity**
- **For the promotion of racist attacks**
- **For unlawful gambling**
- **For the sale of smuggled tobacco and alcohol**
- **Knowingly employing a person who is unlawfully in the UK**

These were grave offences he added and Members would note that the Home Office guidance has included the sale of alcohol to minors alongside these criminal activities.

Such sales are detailed within and are pertinent to the review he emphasised.

The guidance went on to say stated PC Ellis, that licence holders who have not responded to warnings issued by responsible authorities and who have failed to improve the operation of the premises, will be subject of the review process.

In this respect South Wales Police had issued Mr Owen with 5 warning letters, whilst warnings have also been served by the Licensing Authority, South Wales Fire and Rescue Service, whilst Environmental Health Officers have served both warning letters and a Noise Abatement Notice.

Notwithstanding this course of action, PC Ellis explained that the Designated Premises Supervisor had also been prosecuted on 4 occasions by various responsible authorities and has previously been subject of the review process.

South Wales Police were of the opinion that other forms of enforcement had been exhausted and a further review was now the only option.

The Licensing Act was introduced in November 2005 and there were currently around 550 licensed premises located within the County Borough he stated.

To understand the overall picture of enforcement since this period specifically in relation to reviews South Wales Police, it has had to review the authorisations of 17 premises in order to promote the licensing objectives. This equated to fewer than 2 reviews each year.

Taking into consideration the Home Office guidelines that, "the Police are the main source of advice on crime and disorder" it was strongly recommended to those various sub-committees that 12 of these authorisations should be revoked.

In other words PC Ellis explained, South Wales Police did not propose that authorisations should be forfeited unless it was felt absolutely necessary to promote the licensing objectives.

He went onto to advise, that Clwb Calon Lan was authorised by a Premises Licence and was not a members club as defined by the Act and has never been the subject of a Club Premises Certificate.

During a transfer session at Bridgend Magistrates on 24 April 2001 the Licensing Justices transferred the "old" licence to Mr Owen, therefore he was an experienced licensee.

Although the holder of the licence was the Charter Club, in reality Mr Owen was the licensee outlined PC Ellis.

His Personal Licence, reference BCBCL1447, was issued by Bridgend County Borough Council on 3 October and expired on 23 November 2015.

PC Ellis confirmed that the holder of a Personal Licence has an accredited Level 2 licensing qualification and the training included detailed knowledge of basic licensing law, offences, the licensing objectives and responsibilities in relation to the licence itself.

Mr Owen was also a Designated Premises Supervisor (the DPS), a position which has additional responsibilities than those of an individual who holds a Personal Licence qualification.

In terms of the significance of the Designated Premises Supervisor, The Licensing Act 2003 fundamentally changed the relationship between licensed premises, Responsible Authorities (RA's) particularly the police, and local people most affected by the conduct of those venues. This was in return for more flexibility in terms of licensing hour's licensees and DPS's have been made more accountable to local people and much more vulnerable to complaints as was the case in respect of Clwb Calon Lan.

In fact advised PC Ellis, the premises was granted extended hours in 2005 but complaints subsequently then materialised.

The power of Responsible Authorities and local people to initiate the review process is highly significant and therefore places an onus on management within these type of premises to promote the licensing objectives. Failure to do places the authorisation at risk.

The Designated Premises Supervisor has legal duties and responsibilities placed upon them which are attached to their status as a Personal Licence holder which they must be specified PC Ellis. However, Mr Owen's had displayed an unprofessional and blasé attitude toward his responsibilities not only prior to the first review but significantly thereafter this.

In relation to the premises advised PC Ellis, the location of the venue was highlighted at Appendix A of the Officers report by way of a plan and he referred Members to this.

PC Ellis advised that Clwb Calon Lan was a large three storey venue with a bar and lounge and an enclosed beer garden on the ground floor, however, the licensed area was entirely on this level.

It was situated in the ex-mining valley community of Blaengarw within the heart of rows of terraced dwellings at the end of a quiet cul-de-sac which serves three streets.

Due to its location Mr Owen has additional responsibilities to his neighbours to promote the prevention of public nuisance but had failed to do so he confirmed.

PC Ellis advised that one can see from the map that there are dwellings to 3 sides and vehicles access and footfall generally has to pass these houses to access the club. Vehicles drive down Station Street to the front of the venue and leave via Church Street and Church Place. So these streets are entirely affected by patrons using this Club. The large expanse of area directly in front of Church Street is the beer garden of the Club.

Additionally the building marked St. James Church was converted to a large family home some years ago and was situate at a higher level than the surrounding properties and it directly overlooked the beer garden.

PC Ellis the referred to the following offences/incidents that had occurred at the premises

Friday 19th September 2008 @ 01.15hrs (Thursday night)

Officers attended Clwb Calon Lan after being flagged down by a resident who complained of excessive noise coming from inside the club and persons congregating outside.

On entering the premises there were approximately 20 to 30 people consuming alcohol after the permitted closing time of midnight.

Mr Owen was sitting in the lounge area and had no control over what was happening.

He informed Officers that he had asked customers to leave on several occasions but they refused to do so.

Officers then caused customers to vacate the venue whilst some had to be spoken to outside regarding their rowdy behaviour.

The licence on display was the old authorisation and officers were informed by Mr Owen that the current licence was not available.

He therefore committed three offences of failing to keep the licence at the premises, failing to produce it to officers and failing to display the summary of it added PC Ellis.

The three offences disclosed were punishable by a Level 2 fine, which carried a maximum penalty of £500.

The summary of the licence details what licensable activities are permitted, the timings of those activities as well as the hours of opening and who the licence holder and DPS are.

It was essential that enforcement officers conducting visits have easy access to the licence to ensure compliance with the conditions of this he explained.

Saturday 7th February 2009 @ 01.25hrs (Friday night)

Officers noted that several customers were walking in and out of the premise whilst approximately 20 customers were drinking alcohol inside some of whom were engaged in conversation with Mr Owen who was standing at the bar.

Officers again had to instruct patrons to leave and a customer informed them that bar staff had been serving alcohol up to 00.30hrs even though the authorisation permits alcohol sales until 23.30hrs only.

When challenged as to the serious breaches of the licence, Mr Owen explained that an 18th birthday party had been held there during which a handbag had been stolen just before midnight and the family wanted to view his CCTV that night.

This did not corroborate what the officers had witnessed nor were they approached by any customer reporting any theft, neither were any crimes of theft reported to the Command & Control Room at Police Headquarters on the night or at a later date.

Saturday 31st October 2009 @ 19.00hrs

Officers again conducted a licensing visit and spoke with bar staff.

Four female customers were drinking lager and on speaking to them officers established that two were 16 and two aged 17 years of age, and were served at the bar without any request for proof of age identification.

The barperson who had served them was spoken to and stated she had only been employed for a number of days and had little knowledge of the Licensing Act.

Sunday 1st November 2009

PC Ellis confirmed that this incident resulted in a conviction for the sale of alcohol after hours, and had been referred to above.

Friday 22nd January 2010

Officers' conducting a licensing visit, noted that a customer was drinking lager from a can outside the entrance/exit and the air had in it the distinct smell of cannabis.

The offender was searched and admitted smoking the drug just prior to the arrival of the police.

Sunday 19th September 2010 @ 01.14hrs, 01.19hrs, 01.24hrs and 01.25hrs (Saturday night)

Four calls were reported to the control room at Police Headquarters by neighbours.

PC Ellis advised that the initial caller described the incident as, persons coming out of the premises shouting and swearing, possibly fighting and that there were problems with the Club but tonight they were worse.

The incident escalated and three further calls were made via the 999 emergency number. The texts of the calls were in relation to persons fighting, possibly as many as 20, including women

Preceding these calls there was a report of an assault at the club at 22.50hrs

Sunday 2nd March 2014 @ 00.45hrs (Saturday night)

During the early hours of Sunday 2nd March 2014, PC Ellis advised that the victim in relation to this incident reported having been assaulted at the club, however, no member of staff reported the incident to the police.

Officers attended at her home address and recorded a statement of complaint which highlighted that she was permitted entry at 23.30hrs on 1st March and then purchased 3 vodka and Red Bulls. The Premises Licence did not permit entry after 22.30hrs and stop tap was at 23.30hrs.

The victim of the assault was described by officers as heavily intoxicated.

A Statement was also obtained from the barman who detailed that the assault occurred between 00.30hrs and 00.45hrs.

Again the premises was authorised to open until 00:00hrs only on Saturday.

Mr Owen was unable to supply CCTV images to assist in the investigation of the assault.

Thursday 13th March 2014

PC Ellis confirmed that Licensing Officers attended at the premises and discussed the incident of 1 March 2014 with Mr Owen which again uncovered a number of breaches of the licence.

An Action Plan was served on him whereupon he was asked to produce his Personal Licence but he advised he had left it at home.

Sunday 23rd March 2014 @ 00.15hrs (Saturday night)

PC Ellis confirmed that this incident is detailed in the Witness Statement of Sergeant 2996 Lewis and contained in the Police application for Review.

In short advised PC Ellis, officers conducted another licensing visit and again found the venue open outside authorised hours.

Mr Owen was described as being heavily intoxicated and his speech slurred.

Tuesday 25th March 2014

A fifth warning letter was served with a request for CCTV images of the visit on 23rd March 2014.

However, officers did not expect him to comply with the condition and on 28 March 2014, he telephoned the Licensing Department indicating that he was unable to provide CCTV as instructed as the current system only has a 120 hour (5 day) recording cycle and the timings requested had now been overridden.

He further stated that the CCTV system which recorded for 31 days was seized by officers in order to corroborate evidence of an assault upon him in August 2013.

A 31 days CCTV recording system is generally installed at licensed venues as it covers a full calendar month added PC Ellis.

However, enquires have revealed that CCTV was seized specifically because Mr Owen was unable to download images himself which would be the normal course of action undertaken by a Designated Premises Supervisor.

Condition 8 of the licence requires the licence holder to provide, effective CCTV in and around the premises.

PC Ellis therefore emphasised that he still cannot therefore comply with condition 8 of his licence as a 5 day CCTV recording cycle is by no means effective.

Sunday 20th April 2014 @ 23.55HRS

PC Ellis confirmed that this visit was detailed in the Witness Statement of Acting Sergeant 4833 Gronow.

Officers conducted a licensing visit five minutes prior to closing time and saw disco lights still operating and there were numerous customers in the bar area with about 20 or more still consuming alcohol whilst three had full pints.

Officers noted that there were two intoxicated females behind the bar who were speaking to the bar staff who asked them to leave the bar when they realised that the police were present.

Acting Sergeant 4833 Gronow spoke to Mr Owen and instructed him to close, however, he complained that a police presence was affecting his business.

He was advised that officers are allowed to conduct visits to licenced premises. Again the venue must close at midnight but officers left after this time and there were still many customers still remaining within the premises.

South Wales Police have been informed by the Council's Public Protection Department that numerous complaints had been received from various neighbours and these have been detailed in their supporting documentation.

In fact stated PC Ellis, one of these neighbours was the occupant of St James Church which overlooked the beer garden.

South Wales Police had also received numerous complaints of amplified music being played at excessive levels and disturbance from customers.

The Senior Environmental Health Officer had provided detailed documentation in respect of public nuisance and will provide feedback to Members regarding this in her submission.

Saturday 3rd July 2010 @ 00:06hrs – 62100225631

Report of an assault with the victim being described as being extremely intoxicated

Saturday 19th September 2010 @ 22.50hrs – 62100325225

A further report of an assault, with the caller being described as intoxicated.

Saturday 2nd July 2011 @ 23:36hrs – 62110219648

Customer refused to leave who was described as being very drunk

Saturday 24th August 2013 @ 22:23hrs – 62130266777

Another reported assault where the injuries were serious and classified as Grievous Bodily Harm. The suspect was described as being extremely intoxicated

Saturday 23rd November 2013 @ 01:45hrs – 62130368485

A case of common assault, with both the victim and suspect being described as being intoxicated.

Sunday 2nd March 2014 @ 00.45hrs – 1400068926

Another common assault reported, with the victim being described as heavily intoxicated

Sunday 23rd March 2014 @ 00.15hrs – 1400098945

Following a Licensing visit, the premises was open after the authorised closing time of 00:00hrs and Mr Owen was found to be heavily intoxicated with his speech being slurred

Sunday 20th April 2014 @ 23.55hrs - 1400130036:

Following a further Licensing visit, the premises was again open outside the authorised closing time of 00:00hrs and two female customers were behind the bar talking to staff and were described as being intoxicated.

PC Ellis confirmed that the Health Act 2006 made provision for the prohibition of smoking in enclosed public places and workplaces.

On 2 April 2007 smoking became illegal within such places which are wholly or substantially enclosed, including rooms previously designated as 'smoking rooms'. Public safety was being further compromised at Clwb Calon Lan, as incidents had been reported and Officers noting that smoking was being allowed in the premises.

3rd May 2008 @ 23.09hrs – 62080158939

An incident reported on this date concerned a disturbance at the premises. When officers arrived at the scene the premises smelled of cigarette smoke.

Saturday 27th March 2010 – 62100012501

An anonymous complaint was received that customers were openly smoking inside the premises on the previous Saturday 20 March 2010.

Saturday 2nd July 2011 @ 23:00hrs – 62110219756

PC Ellis confirmed that this related to a reported assault. Upon arrival officers were informed that patrons had been smoking all night and that this is regularly permitted by Mr Owen, who then told customers to extinguish any cigarettes prior to the police attending. Indeed officers noted that there was a strong smell of cigarette smoke in the premises when they arrived there.

Saturday 20th October 2012 @ 23:40hrs – 62120340264

PC Ellis advised that an anonymous caller reported that smoking was being allowed in the premises that evening.

Again although two of the four calls were anonymous, credibility can be given to them as they are corroborated by other incidents of smoking. Attending officers had corroborated them as they have smelled cigarette smoke at the premises when making visits there. Other genuine occurrences have resulted from anonymous calls.

Further complaints regarding smoking at the premises would be referred to later in the meeting by the Senior Environmental Health Officer.

In terms of the protection of children from harm, PC Ellis confirmed that as indicated in the review application the sale of alcohol and consumption of alcohol in licensed premises by a person under 18 years are offences contrary to Sections 146 and 150 of the Licensing Act.

The following occurrences and information related to male and female patrons aged under 18 years of age

PC Ellis stated that not only had some of these customers purchased alcohol from and become intoxicated in the premises but some had been subject of crimes against them or have committed criminal offences themselves. Examples of these he stated were as follows:-

14th March 2008 - Occurrence 62080093533

An anonymous caller reported that alcohol is being sold to persons under age every Friday night.

19th April 2008 – 62080140205

Another anonymous caller reported that alcohol is regularly being sold to 16 year olds.

Friday 9th May 2008 – 62080166544

A taxi driver reported that he refused to take a fare to the club as they comprised a group of 15 and 16 year olds.

Sunday 24th August 2008 – 62080298018

An assault was reported at the premises where the victim is aged 17 years.

PC Ellis went on to say, that at the first review hearing on 25th March 2008 Members of the Licensing Sub Committee determined to: -

- (A) Reduce the operating hours at the premises
- (B) Add 8 additional stringent conditions on the licence with one being, Condition 7. "The Premises Licence Holder will implement and maintain a scheme to deal with underage drinking which must be agreed with the Bridgend County Borough Councils Public Protection Department and South Wales Police".

He asked Members to note that the document which appeared on page 63 of the bundle of papers was not served on the Police until 12th March 2009.

In other words confirmed PC Ellis, almost a year had lapsed since Mr Owen was compliant with this Condition.

The document detailed the measures Mr Owen proposed taking to combat underage drinking at the club.

At the bottom of page 63 Mr Owen said that most of the measures he has in place have been working well with the Senior Environmental Health Officer and Andrew, from Safe and Secure

PC Ellis confirmed that Safe & Secure were a security company which supplied SIA door staff throughout the Borough. The proprietor was not only a doorman himself but was also a Licensee and Designated Premises Supervisor.

He informed South Wales Police that upon engaging in door duties at the Club he asked Mr Owen if he could see the Premises Licence in order to familiarise himself with any of the Conditions attached to this which he may need to enforce.

Some of the Conditions for example added PC Ellis, would include Condition 3 under the Protection of Children from Harm objective, to ensure that any child on the premises is accompanied by a responsible adult. However, Mr Owen would not let him see the licence.

The doorman further disclosed that he personally worked at the Club on only 4 or 5 weekends around this period, but then withdrew the services of his Company as he felt that the Club was a dangerous place to work.

The reason he gave here, was that customers were allowed to become intoxicated there, and he was expected to admit persons as young as 13 and 14 and customers were not only allowed to smoke cigarettes there but also cannabis. This persons accusations in relation to cannabis misuse were supported elsewhere in the review.

To corroborate these allegations concerning under-age drinking the following incidents were recorded after the so called proposals to stop this behaviour were given to the police by Mr Owen.

2nd September 2009 – 62090305730

An anonymous caller reported that alcohol was being sold to children at the premises.

Anonymous calls are quite common and although some of the calls are from such sources weight may be given to them as they are corroborated by subsequent incidents.

Saturday 31st October 2009 – 62090386343

Underage drinking had taken place at the premises. Officers observed approximately 20 young persons from the valleys service bus attending at the Club. Four persons were subsequently challenged inside as they were each consuming lager. Two were aged 17 and two aged 16 years of age. No proof of age identification had been requested when they were served.

On 10 June 2011, the Youth Offender Service (YOS) received referrals from South Wales Police in an effort to try and keep offenders out of the criminal justice system.

A Police Officer from the Community Safety Partnership who is attached to the Youth Offender Service (YOS), dealt with a 16 year old Youth Offender Referral who admitted that she regularly attended the club and drank alcohol there.

Sunday 19th June 2011 – 62110202331

This PC Ellis stated related to another recorded assault, where both the victim and suspect were both aged 17 years.

Friday 3rd February 2012 – 62120038083

This incident related to drugs being supplied at the premises. A concerned parent reported that her daughter, aged 14 years, had attended at the venue and purchased Meow Meow, a Class A controlled substance.

4th September 2012

The local authority informed South Wales Police that a complaint had been received that 14 and 15 year olds were regularly served alcohol at the premises.

With regard to enforcement action being carried out by partner agencies, PC Ellis confirmed that in October and November 2013, the Licensing Authority engaged in enforcement action with Mr Owen and brief details of this appeared on Page 72 of the application.

As far back as 2007 confirmed PC Ellis, the Senior Environmental Health Officer served a Noise Abatement Notice on Mr Owen under the Environmental Protection Act 1990.

It was evident from the supporting documentation he added, that the Environmental Health Authority not only served warnings on Mr Owen prior to the issue of the Abatement Notice and applying to review the licence, but after this also.

PC Ellis finally added that Fire Safety issues appear on page 73 of the report, and this briefly highlighted that numerous fire safety risks were identified during a recent visit in April, which were disclosed in some detail in their warning letter served on Mr Owen on 12 May 2014.

To conclude therefore stated PC Ellis, Section 11.16 of the Home Office guidance refers in particular to the powers of a Licensing Sub-Committee on the determination of a review.

This stated that the 2003 Act provided a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

Sub-Section 11.18 detailed that where responsible authorities have already issued warnings requiring improvements that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

PC Ellis further added that in seeking to promote the licensing objectives, South Wales Police and its partners had been extremely lenient and patient with Mr Owen. In fact enforcement action had been undertaken by 4 responsible authorities, yet he had persistently failed to promote these objectives.

The number of recorded incidents at the venue remained prevalent, persistent and unacceptable and were exacerbated by allowing customers entry who are drunk as well as permitting customers to remain in the premises who had become intoxicated and were aggressive and violent.

He added that various occurrences had involved customers who are children, with some being as young as 14, which suggested that this was the type of clientele who are welcomed at the venue.

Any decision made by the Sub Committee he suggested, must be taken following consideration of the representations received and with a view to promoting the four licensing objectives.

The options available to Members were clearly laid out in the guidance at Sub-Section 11.19 and were précised on page two of the Officers Report, which highlighted that Sub-Committees may make the following determinations: -

- A) Take no action
- B) Modify the conditions of the licence by altering, omitting or adding to them, where relevant
- C) Exclude a licensable activity from the scope of the licence
- D) Suspend the Premises Licence for a period not exceeding three months.
- E) Revoke the Premises Licence

PC Ellis commented that the serious disclosures detailed in the review were such that the Sub-Committee will not promote the licensing objectives by taking no action.

Modifying the Conditions of the Licence was an option that could be pursued, however, it should be noted that there have been several contraventions of the Conditions over a prolonged period, both prior to and after the last review of the Premises Licence in 2008.

Even if Conditions were to be volunteered stated PC Ellis, there had clearly been an unwillingness by Mr Owen to adhere to those which appeared on the licence originally and those which were imposed by a previous Sub-Committee after the first review in 2008.

Every opportunity had been afforded to address offending yet despite enforcement there had been a persistent failure by Mr Owen to promote the licensing objectives.

He considered that it would be highly unlikely therefore that any further Conditions on his Licence would be complied with by him.

In respect of excluding a licensable activity, although there are seven such provisions authorised, six of these related to music and dancing whilst late night refreshment are not provided.

PC Ellis added that to suspend the Premises Licence for a period not exceeding three months would promote the licensing objectives but in the short term only, as South Wales Police believe that Mr Owen would soon “Revert to type” as had been proved in the past despite the License previously being reviewed.

Realistically given the history of the premises there was only one option open to the Sub-Committee.

Other than a closing Statement, that concluded the representations of South Wales Police confirmed PC Ellis.

The Chairperson referred to page 9 of the Police application and asked for clarification that the incident on Saturday 1 March 2014 at 00:45 hours, i.e. supplying alcohol outside the authorized closing time of 23:30 hours and opening after the restricted closing time of 00:00 hours, was on Friday proceeding into Saturday, or Saturday proceeding into Sunday.

PC Ellis confirmed that this offence took place Friday night then into Saturday morning. He added that the hours effecting the sale of alcohol for both Friday and Saturday evenings was restricted to 23:30 hours.

The Chairperson then directed on behalf of Members that the Sub-Committee proceeds into closed session to hear exempt information part of the South Wales Police application as outlined in Appendix C to the report.

3 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 this contains 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 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 Premises Licence Holder.

Minute No: Summary of Items:

4	Licensing Act 2003 - Review of Premises Licence - Clwb Calon Lan, Blaengarw (Appendix C to the Officer's report containing exempt information).
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