

5 LICENSING ACT 2003
REVIEW OF PREMISES LICENCE
CLWB CALON LAN, CHURCH STREET, BLAENGARW, BRIDGEND (CONTINUED)

The Chairperson then called upon the representative from the Public Protection Department to outline the representations made by this Department as shown in Appendix 'B' to the report.

The Senior Environmental Health Officer referred to some background and historical information, and offences committed at the premises which resulted in an application being made to review the premises in April 2008. The outcome of this review was a significant reduction of operating hours to that which previously existed to 10.00 - 23.30 Sunday to Thursday and 10.00 - midnight Friday to Saturday, together with an additional eight other Conditions being imposed on the Premises Licence.

She went on to state that several complaints had been received in 2008/9 of amplified music being played at the premises, however, these complaints were not substantiated.

The Senior Environmental Health Officer proceeded to confirm that between March 2008 - September 2012, nine complaints had been received regarding people smoking inside the premises, five of which were made in 2010 within a four month period. As a result of these complaints warning letters were issued to Mr Owen, however, the complaints continued. Officers from the Public Protection Department then visited the premises on October 2010 and witnessed patrons smoking inside there, and though a prosecution as a result of this was initiated it was unsuccessful, as adequate proof could not be given that the Designated Premises Supervisor i.e. Mr Owen was knowingly aware that patrons were smoking within the premises.

She confirmed to the Sub-Committee, that since the Public Protection Department had involvement with the premises, both when it was formerly known as the Charter Club and since it was known as Clwb Calon Lan, it was evident that Mr Owen was still failing to comply with his current licence conditions, and therefore the Senior Environmental Health Officer did not feel that further restrictions being placed on Mr Owen's Premises Licence would improve the situation, as history demonstrated that he failed to adhere to these for any significant time. It was for this reason therefore that the Public Protection Department supported the review of the Premises Licence made by the South Wales Police and their recommendation that the Licence be revoked.

Mr Owen asked the representative from the Public Protection Department if since this Premises Licence had last been received, and particularly in light of the serving of a Noise Abatement Notice, there been any further complaints of noise emanating from the premises.

The Senior Environmental Health Officer replied that the review of the Premises Licence took place in 2008, and three complaints were subsequently received in 2008/9. No complaints regarding noise had been received since then, only other complaints to the Police due to smoking on the premises. Two Noise Abatement Notices had been previously served due to excessive noise levels at the premises, no further such complaints of noise from the premises had been received since 2009.

Mr Owen referred to the alleged incidents of smoking at the premises from 2008-14, and asked if this was the case, then why had no one been caught smoking within the premises.

The Senior Environmental Health Officer advised that one person had been caught smoking inside the premises in October 2010, however, only one visit to the premises for this purpose had been made as the prosecution had proved unsuccessful, and Mr Owen advised that he hated smoking, let alone smoking in his premises, particularly as Members of his family had suffered with cancer.

The Legal Officer asked Mr Owen why complaints had been made about people smoking in the premises if this was not the case.

Mr Owen replied that he suspected that the phone calls complaining of smoking at the premises were being made by his ex-partner.

The Legal Officer pointed out that representatives of the Police had confirmed that they smelt smoke at the premises upon previous visits there.

Mr Owen confirmed that the building the Club occupied dated back to 1889 and that before the smoking ban came in a lot of patrons had smoked in the Club and it was ingrained in the furniture and structure of the building even though he had tried to clean the rooms to get rid of this odour.

The Legal Officer informed Mr Owen that a customer had actually been seen smoking in the club however.

Mr Owen advised that this person came from the smoking area outside the club and he had not noticed her then smoking inside the premises. He added that he had been pleased when the no smoking ban within public premises was introduced, and that there was signage in the club saying that smoking was prohibited.

When his Licence was last reviewed, he had also spent money to make the premises more sound proof including the doors and windows of the building. He felt the Club was operating effectively at this time.

The Senior Environmental Health Officer confirmed the above to be the case, however, she reiterated that complaints had been received for some time about patrons smoking in the premises.

Mr Owen replied that only one person had been caught smoking within the Club. He added that he had spent £1,500 on smoke inhibitors.

The Chairperson asked the Senior Environmental Health Officer the grounds upon which an Abatement Notice is served.

She explained that a number of factors are taken into consideration, including noise levels, the time the music/band is playing and the frequency the bands/music is playing within a week or a given time period. Noise levels occurring outside a licensed premises, for example in a beer garden usually cause unreasonable levels of disturbance to residents in neighbouring properties, particularly if a band is playing in the beer garden in the evening, though it is more acceptable on the odd occasion in the daytime, particularly if these were functions that involved community engagement.

It was the playing of music by bands in the evening and the noise nuisance this was causing that led to the serving of the Abatement Notice added the Senior Environmental Health Officer.

A Member noted that Mr Owen had said that he was against smoking and particularly in the Club premises. He asked however what defence he had in relation to serving alcohol to underage patrons at the Club.

Mr Owen replied that to his knowledge neither he or his staff had knowingly served alcohol to underage drinkers. There were signs in the premises to this effect and the bar staff were trained in the sense that they asked patrons to give I.D. confirming their age upon entry to the premises. He added that the power of technology meant that persons as young as 14 years old could obtain a false driving licence and 17 year olds could also get a false I.D. card. Due to this, his staff now requested proof of I.D. through a passport or driving licence. If he or his staff realised patrons were underage in the premises they were asked to leave.

A Member asked what the maximum capacity of the Club was.

Mr Owen confirmed this to be 88. He added that the Club was closed Monday and Tuesday, and Wednesday and Thursday there were normally 10 - 12 patrons there. Friday would normally see 20 customers present and Saturday 40 - 45 and Sunday no more than 20.

The Member asked if there were live shows at the premises on a Saturday night.

Mr Owen confirmed this to be the case and there were no problems with noise nuisance as he had spent £5,800 on sound proofing doors and windows and that the band played in a part of the Club where there was the best sound proofing.

Mr Owen added that though there had been complaints previously that resulted in him being served with an Abatement Notice, there was now no issue regarding noise at the premises and no complaints due to this, and since his Premises Licence was last subject to review.

The Member asked if there was an entrance fee on Saturday night to see a band/artist.

Mr Owen advised that there was an entrance fee, but only to see bands with a large following and this fee was only nominal.

The Chairperson asked if the capacity within the premises i.e. 88 was seating, standing or both.

Mr Owen replied that it was both.

The Licensing and Registration Officer referred those present to Page 60/61 of the Police application for review of the Premises Licence and the Action Plan introduced by the Police in respect of the premises. She asked what the purpose was of this and the level of co-operation the Police had from Mr Owen in promoting the licensing objectives as a result of the introduction of the Action Plan.

Sgt Williams explained that there was a clear structure that the Police made Premises Holders aware of in how to manage licensed premises and the Police worked with Premises Licence Holders to educate them and ensure that they understand their responsibilities in how to operate and effective licensed premises. If they failed in this role, then they would be served with a written warning letter(s).

If as a result of this course of action, no improvement was made in the running of the premises, and complying with the provisions of the Premises Licence, and then an Action Plan was introduced. The Action Plan in respect of Clwb Calon Lan was primarily served upon Mr Owen due to violent crime committed at the premises. The Police endeavoured to work with Mr Owen for a set period of three months in order to achieve an improvement in the manner the premises operated, unfortunately however, the provisions of the Action Plan was breached by Mr Owen. As all

avenues had been exhausted in terms of trying to successfully achieve an improvement in the way the premises operated and to uphold the four licensing objectives, the Police had no alternative but to made an application for a review of the Premises Licence. Such an application was only made if the Police despite all their endeavours, felt that the Premises Licence Holder was making no effort to comply with the provisions of his Premises Licence.

A Member asked if the Action Plan had been introduced this year and if Mr Owen had since breached the provisions of this.

Sgt. Williams answered yes to both these points.

The Licensing and Registration Officer noted from page 74 of the Police application, that there was an incident involving two intoxicated females behind the bar on one occasion. She asked the Police representatives if Mr Owen was present at the Club at that time.

PC Ellis confirmed that he was, and added that the two females in question were customers rather than bar staff.

Mr Owen noted all the evidence that the Police had in both their application and their verbal submission. He asked though why it had not been mentioned that he had been subjected to three attacks at the Club, by a person who was the steward at Blaengarw Rugby Football Club and despite this attack, he had not had his Premises Licence taken away from him.

PC Ellis confirmed that this did not form part of the Review and the person who committed these offences had been arrested and subsequently convicted.

The Legal Officer confirmed that the above incidents did not relate to the application for review of the Premises Licence that was before the Sub-Committee today.

As this concluded questions on the application made by the South Wales Police, the Chairperson invited Mr Owen to present his case.

Mr Owen advised Members that he had owned Clwb Calon Lan for the last 16 years and conceded that within that time he had experienced 'ups and downs' as the Premises Licence Holder.

He confirmed that he had regular bar staff working at the premises, one had over 20 years' experience in bar work whilst the other three had collectively between them a total of 16 years' experience.

In terms of any issues there had been at the Club, Mr Owen said that he always tried to work with the Police and the Public Protection Department to try and resolve these.

He advised that business at the Club had decreased particularly within the last three months, since a female patron had been assaulted there in early April. Since that time a representative from the Police had visited the Club every Friday and Saturday night and any complaints or alleged incidents that had taken place within this time, most had been unfounded.

In terms of patrons allegedly still being present in the Club after 23:30hrs which was the latest time for the sale of alcohol and provision of regulated entertainment, this was largely due to the fact that the Police visited at this time at the end of the evening and parked their vehicle(s) in the centre of the road which is very narrow outside the Club. This meant that patrons were staying in the Club longer than necessary, and booking their taxis etc., later than they usually would, as there was no place for the

taxis to park until the Police had completed their visit and driven off in their vehicle(s). Patrons if it was raining, would therefore shelter in the Club until their taxis turned up after the Police had concluded their visit. The Police vehicle(s) were effectively causing a road block he added.

Mr Owen went on to say that the noise coming from the Police transit van was also waking up children in properties near the Club. He had also asked Officers to park their vehicle(s) further down the road, in order that the taxis could obtain access to the front of the Club to pick up customers who were ready to leave them there at the end of the night. The Officers would say that their visit would be brief, but they were there for some time on occasions. Some customers were elderly and that is why he let them remain in the premises late and sometimes after 12 midnight until the Police vehicle(s) left and their taxis came.

Mr Owen advised that he was raising this as there were two breaches regarding patrons being in the premises after permitted hours.

The Legal Officer advised Mr Owen however that he needed to adhere to the conditions of his Premises Licence and ensure patrons were not served after 23:30hrs and left the Club by 12 midnight. She added that the Police evidence reflected that on at least one occasion, it had been witnessed by the Police that there were a considerable number of patrons at the premises after permitted hours, some of which were still consuming alcohol.

The Licensing and Registration Officer added that in PC Gronow's statement, in excess of 20 patrons were still present in the Club on the above mentioned occasion at 23:55hrs, some of whom had full drinks in front of them. She questioned whether there was a lack of responsibility being shown by Mr Owen to the winding down period within which alcohol should be fully consumed.

Mr Owen advised that due to patrons waiting for their taxis because of the presence of the Police vehicle, they would purchase drinks within the permitted hours and if they had not finished these by 12 midnight he would provide plastic glasses in order that they could take their drinks home with them.

The Licensing and Registration Officer referred to an occasion at the Club when bar staff were seen to be intoxicated.

Mr Owen confirmed that two bar staff were intoxicated one night at the Club, but they were not on duty that particular day,

The Licensing and Registration Officer asked Mr Owen what level of control did he consider he was portraying as Designated Premises Supervisor by allowing the above activity to occur. Mr Owen advised that the incident occurred after hours and therefore licensing activities had finished for that evening and all if not most patrons had left the premises.

The Licensing and Registration Officer advised that a provision of the Action Plan that had previously been served on him by the Police was that effective controls should be in place at the premises and the above infringements did not reflect that to be the case.

Mr Owen conceded that looking back in hindsight, he should have perhaps not allowed the bar staff intoxicated behind the bar when they were not on duty, not to allow patrons to take with them from the premises disposable glasses with their drinks in. He added however that these were only 8oz glasses, which were relatively small and that the patrons had not been served after 23:30hrs under the terms of his

Premises Licence. The bar area was also right next to the exit of the building, which made for quicker access by patrons.

A Member referred to page 66 of the Police submission and an incident that took place on 23 March 2014, when a representative from South Wales Police noticed that there were disco lights flashing in the Club at 00:15hrs and it appeared that the door to the premises was locked whilst there were patrons still inside participating in licensing activity.

Mr Owen stated that he could not comment on this, other than to say that the band had finished later than was expected, though he thought they had wound up before 00:15hrs. He could not fully recollect the time they had finished but he "held up his hands" if they had still been there after permitted hours.

The Licensing and Registration Officer pointed out to Mr Owen that at this time the Police had served upon him the Action Plan.

Mr Owen conceded this to be the case and acknowledged that he should have ensured that the band had stopped playing prior to the above time and within permitted hours.

The Legal Officer asked Mr Owen if this mistake had been made due to the fact that at the time he was intoxicated, and his speech was slurred as a result of this, which was also confirmed in the Police Statement.

Mr Owen denied this to be the case.

A Member pointed out however, that at this time, there were no less than 30 clients in the Club, the majority of which had a drink in front of them.

Mr Owen confirmed that a lot of these people were associated with the band that was playing, i.e. their entourage and they did quickly finish their drinks and leave via the side entrance/exit of the Club. A few other patrons were just waiting for taxis to take them home.

The Legal Officer advised Mr Owen that there was evidence in the Police application that suggested that he had been seen intoxicated at the Club on numerous occasions.

He replied that neither he nor bar staff consumed alcohol in the Club, especially whilst on duty there.

The Legal Officer asked him that if this was the case, why was this repeatedly the opinion of others.

Mr Owen advised that as a diabetic he had low sugar levels in the blood, which sometimes caused his speech to appear slurred.

The Chairperson noted what Mr Owen had said about taxis being blocked by the Police transit van toward the end of the night, but he added that surely if patrons who relied upon this transport were aware of this, they would factor in correct timings when they book their taxi to pick them up at the end of the evening.

Mr Owen stated that he could not really answer this question, other than to say that the Police parking their vehicle in the road immediately outside the Club around closing time did cause an obstruction in the road for other vehicles including taxis. As an example, he added that perhaps 40 - 45 patrons were about to leave the Club at closing time and perhaps over half of these would book their taxis for 23:45hrs. The

Police vehicle obstructing the highway could hold other vehicles up in terms of access into the road by as much as 30 minutes. When the Police did not visit, the premises was closed by 00:00hrs, which conformed with the provisions of his Premises Licence.

The Legal Officer reminded Mr Owen that the South Wales Police had already previously made an application for a review of his Premises Licence. As a consequence of this she asked him why things were not improving in terms of his control at the premises including the conforming with the provisions and Conditions of his licence.

Mr Owen did not respond to this question.

The Chairperson asked Mr Owen what type of clientele frequented Clwb Calon Lan, i.e. older or younger people.

Mr Owen advised that older clientele usually visited the Club.

A Member asked if any profits the Club made were shared with its Members.

Mr Owen advised that profits made were generally put towards the recruiting of groups and bands etc, who generally performed on a Saturday evening.

The Legal Officer pointed out that the Club was not profit sharing in its nature, as effectively Mr Owen was the sole trader. Even though the Club operated as a limited company, Mr Owen was the sole Director of this company.

A Member noted that the Club cost around £3,500 a week to effectively operate as a business. He asked Mr Owen if the Club was running at a profit.

Mr Owen replied that the Club was not showing a profit, as it was currently £23k in debt, though there were patrons who consumed large amounts of alcohol, and with prices having to be a bit higher than normal this was helping to try and clear some of the debt. He also had Sky Sports to attract customers. The beer garden was also helping to make profits, though activity in there was now at a minimum due to noise nuisance that previously occurred there, i.e. with bands etc.

The Legal Officer referred to an incident that took place at the premises on 2 March 2014, whereby an assault took place there. It appeared that the victim had been allowed entry into the Club at 23.30hrs, and then purchased a number of drinks. A member of bar staff had actually confirmed that the assault took place at around 00:00hrs - 00:45hrs, after permitted hours, which was a contravention of the Premises Licence.

Mr Owen advised that the person in question had left the premises at 00:00 hours after an alleged assault. This person had started a fight and she was escorted from the Club, after which her and her friends went to a house party. Mr Owen added that as far as he was aware, after she had subsequently arrived home at around 1.30am, an ambulance was called to attend to her. The incident at the Club he reiterated, did not happen between 00:00hrs - 00:45hrs he felt that the barperson he felt must have been an hour out, i.e. that the incident took place an hour earlier.

The Legal Officer noted Mr Owen's comments, however, the victim had advised that she had been served alcohol at the Club at 23:30 hours, so was Mr Owen claiming that both she and the barperson were wrong in respect of the timings.

The Legal Officer also noted that there was no CCTV evidence to confirm what had occurred including, the time it had.

Mr Owen replied that there was no CCTV in place at this time, as Police had taken the system to view it and a temporary system had been put in place instead and neither he nor his bar staff knew how to operate the temporary system. There was a 16 camera facility there now that covered both inside and outside the building. CCTV would not have picked the incident up in any event he added, as the assault took place in the ladies toilet where the victim was locked in. Her boyfriend then had to climb over the door and let her out. The matter was then resolved next day, and the alleged sexual assault that had allegedly taken place upon the victim was subsequently proven unfounded.

PC Ellis noted that Mr Owen's Head Bar Person had 20 years experience.

Mr Owen confirmed this to be the case adding that she was now part time as she had ongoing child commitments.

Prior to continuing the question and answer process in this part of the meeting, the Chairperson recommended that the meeting stand adjourned for lunch at 1.30pm.

The meeting reconvened at 2.15pm.

The Senior Environmental Health Officer asked the Chairperson if she could ask Mr Owen a few questions to which he duly agreed.

She noted that if patrons still had any drinks left in front of them on a Friday and Saturday evening at stop-tap, then Mr Owen would provide them with plastic receptacles to pour the drink in and take this with them from the Club. She pointed out to Mr Owen that this was a contravention of one of the conditions of his Premises Licence.

Mr Owen thought that this was in order as long as he did not allow patrons re-entry to the Club after they left. He always ensured that the premises was vacated of patrons by 00:00hrs at the latest.

PC Ellis added that Condition 3 of Mr Owen's Premises Licence stated that no drinks purchased at the Club were allowed to be consumed outside the curtilage of the premises. He added that Condition 8 of the Licence also stated that there should be no admittance or re-admittance to the premises after 22:30hrs.

Mr Owen replied that before Condition 3 above had been added to the Premises Licence following the last Review of this, certain patrons had been leaving the premises with drinks and smashing the glasses they were contained in down side streets and alleyways near to the premises. This is why he had agreed with the Police to provide plastic glasses to customers in order that they could drink from these in the beer garden and for taking their drinks away with them late of an evening.

The Senior Environmental Health Officer noticed from the papers that a warning letter was sent by the Police to Mr Owen in May 2014, regarding certain Fire Safety requirements that were required at the premises.

Mr Owen confirmed that fire safety requirements at licensed premises had become a lot stricter in the last couple of years. He had been given a list of these to put in place at the premises as a result of the issuing of the above warning letter and had now put all of these requirements in place.

The Senior Environmental Health Officer noted that Mr Owen had confirmed that all staff working at the Club had been trained so as to identify patrons at the premises

consuming alcohol from the Police evidence under the legal age to do so. She asked what type of training this was, as it was evident that staff were serving alcohol at the Club to persons under 18 years of age.

Mr Owen advised that if any patrons appeared under the age of 21 they were asked by staff for photo ID confirming their age, and/or also through their passport or birth certificate.

The Chairperson asked Mr Owen what if staff doubted the age of a potential customer even if they showed a form of ID, which could be fake. Would staff still refuse to serve them.

Mr Owen said that they would if it appeared that the customer was younger than 18 years of age.

A Member asked Mr Owen if the incident the Chairperson referred to above was the night that Sergeant Lewis had visited the premises and found in the region of 30 patrons consuming alcohol there at a time, of 00:15hrs.

Mr Owen thought this was the case. He added however, that all the drinks that patrons had purchased had been placed in plastic receptacles, and none had been served after 23:30hrs. His mistake had been not to begin both clearing patrons from the premises, and asking the band to finish playing earlier than he did which subsequently resulted in patrons, the band and their following remaining at the premises until after 00:00hrs.

The Member added that Sergeant Lewis had actually said in his Statement that at 00:15hrs, he seen patrons with bottles of Desperado (strong lager), cans of Strongbow and pint glasses nearly full in front of them, being consumed.

Mr Owen stated that this may have been the case, however, no one had been served after 23:30hrs, after which, plastic receptacles were provided for the customers so that they in turn could pour their drinks into these. They left the premises then around 00:00hrs. This had been an unfortunate occasion, but it was the only occasion where patrons had been served after the time permitted under a Condition of his Licence.

The Legal Officer referred to the incident that had taken place on 11 January ****, not in relation to the alleged sexual assault that had taken place at the Club, but more to the person in question falling asleep in the toilet then waking up and finding an item of her underwear missing. She had subsequently claimed that she had consumed 6 Stella's (premium lager), 2 triple vodka's and had consumed from a bottle of vodka in her handbag. The Legal Officer added that if this person had previously consumed this amount of alcohol, how was it that either Mr Owen or members of his staff had not noticed that she was very inebriated when they allowed her to enter the Club. The person had admitted to being in such a state, that she was unaware whether she had been sexually assaulted or not, and had also become unconscious in a toilet cubicle at the Club

Mr Owen replied that the patron in question had appeared "merry" but not drunk when she had initially entered the premises that evening. When staff had notice that she was quickly becoming inebriated they contacted the person's mother to come and take her from the Club home.

The Legal Officer pointed out however that it wasn't just this person that was ill due to consuming too much alcohol that night, including at the Club most of her friends had been too. Some of these individuals had consumed so much alcohol that it had been alleged that they had also been physically sick while at the premises.

Mr Owen whilst not responding specifically to this statement, added that the person's partner had, when he realised the state his girlfriend was in, had gone into the ladies toilet and climbed over the cubicle she was in to come to her aid and open the toilet door. He added that she had not been sick inside the premises or outside neither, and had been seen to be dancing and enjoying herself just earlier.

A Member felt that it seemed strange that this female had been retrieved from the toilet in a state due to being highly intoxicated, yet only some 20 minutes earlier when she was dancing, she did not seem to be drunk at all.

Mr Owen reiterated that the person had been seen dancing then had been seen entering the toilet. Her friend had then noticed that she had fallen asleep in the toilet, and when staff realised this, they asked her boyfriend to go in to retrieve her and let her out. Staff then gave her some water to hydrate her and she then left the premises. A CID representative of the Police then came to the Club the next morning, and CCTV evidence was shown to him which evidenced that the above person had not appeared drunk when she entered the toilet.

The Legal Officer noted however from the evidence before the Sub-Committee, that one of the friends that had accompanied the above person and other friends that evening to the Club, had confirmed that both her and her friends were all drunk to differing degrees, though they were still all allowed to enter the Club and purchase shots of alcohol there. The Legal Officer added that though they may have brought some alcohol with them hidden in their bags, they were allowed by bar staff to purchase more alcoholic drinks whilst already under the influence. She claimed that this was irresponsible behaviour, i.e. serving patrons whilst they were drunk.

Mr Owen stated that the shots that they served at the Club were only 12% in terms of volume and that the above group of girls were not served these on the night in question

The Legal Officer pointed out that she had noticed that a trend was starting to develop at the meeting, whereby Mr Owen was refuting almost all the negative claims that had been made against the Club and the way he conducted himself there as both Designated Premises Supervisor and Premises Licence holder, regardless of whether these were being made by the Police, Public Protection Department, patrons who attended the Club or nearby residents.

PC Ellis added that Statement 4 in Section 9 of the papers contained evidence given by staff at Clwb Calon Lan which had been then signed by the Head Barperson. He pointed out to Mr Owen if any such staff had lied in this Statement then he, as Premises Licence holder could face prosecution should this prove to be the case.

Mr Owen advised that all he was attempting to do was defend himself, and to say that in his opinion four people had wrongly made accusations about either himself or how the Club was being operated, in the space of 16 years, i.e. since he had been the responsible employer there.

The Legal Officer contested this comment in that the latest Review of the Premises Licence took place 5 months ago, so what in fact he was really saying was that four people he felt had been wrong in what they had said within the space of five months, and not sixteen years.

PC Rowlatt in terms of the incident regarding the female who had allegedly been sexually assaulted following which she fell asleep in the toilet, asked Mr Owen if she had actually then left the premises of her own accord.

Mr Owen replied by saying that when she was retrieved from the toilet she was taken outside of the building and placed on a bench. She was then given some water following which he believed she went on to a house party.

PC Rowlatt followed up, by asking how long it had been at the time, before her mother came and collected her and they moved on.

Mr Owen replied that this was approximately 45 minutes to an hour

PC Rowlatt asked Mr Owen if he felt that he had upheld all the Conditions of his Premises Licence in relation to this one incident alone.

Mr Owen replied that he felt he had.

PC Rowlatt asked if this had included not serving alcohol to patrons that evening that were under the age of consent, and directly involved in the above incident.

Mr Owen once more replied yes to this question.

PC Rowlatt advised that Condition 11 of his Premises Licence stated " To ensure that staff prevent glass and bottles being brought into or out of the premises by patrons". Yet bottles of spirits had been brought into the Club including by the customer who had become unconscious in the toilet, a total of 4 bottles of vodka in fact.

Mr Owen acknowledged that unfortunately their bags were not inspected by staff upon entry to the Club, as they weren't suspicious that they were carrying alcohol in them. They also had dumped the bottles before they left the Club he added.

PC Rowlatt replied that Mr Owen had in terms of this one incident alone, contravened quite a few of the Conditions of his Premises Licence, including Conditions 11, 12, 14, 15 and 16. She asked Mr Owen if at the time of this incident, he had called the Police in view of the potential seriousness of it, i.e. an alleged assault of a sexual nature.

He replied that he had not called the Police in relation to this incident, as he felt that after giving her some water and upon seeing she was not so intoxicated as she had been earlier in the evening, there had not been a necessity to contact them at this time.

At this point in proceedings and as there were no further questions the Chairperson asked for closing Statements from both parties.

Mr Owen acknowledged that he had made an error of judgement in terms of the matter referred to by the Police where he mistakenly allowed the Band that were performing one Saturday evening to play beyond 23:30hrs, which then resulted in a further mistake of patrons remaining at the premises until just after 00:00hrs. Apart from this however, he considered that he was operating the premises quite effectively and co-operating wherever possible with statutory bodies such as the Police, the Fire Authority and the Public Protection Department. He did not think that this incident warranted him losing his licence and in turn his livelihood.

In the 16 years he had been responsible for the premises, he had complied with everything that had been asked of him, for example making the premises more sound proof so that noise emanating from the building was kept at a minimum. He had also erected the necessary signage at the premises, introduced plastic glasses, had become tighter on patrons proving their age through providing a more proficient ID process and introduced relevant fire safety requirements as had been requested by the Fire Authority.

All the statutory bodies and neighbours/residents situate in the immediate vicinity were happy with the way the premises were operating, other than the Police.

He had spent thousands of pounds at improving the premises and had very experienced staff working there, and in terms of the outside designated smoking area, he made sure that this was not accessed outside of the times included within his Premises Licence. He felt that it would be an overreaction to take his licence off him for nothing really over and above one incident. He further added that most of the matters of concern had been addressed in a previous Review of the Premises Licence. He acknowledged that in April of this year there had been a suspected assault that had taken place at the premises, and as a consequence of this a member of CID had investigated this issue.

He finally advised that he had previously been the subject of a very serious assault committed by the Steward at Blaengarw RFC, and this had been much more serious than anything that had taken place at Clwb Calon Lan, though this had not resulted in the person who committed the assault having his Premises Licence revoked.

The representative from the Public Protection Department then gave her closing Statement.

The Senior Environmental Health Officer reiterated that only one Noise Abatement Notice had been served previously for the playing of amplified music at the premises, including in the beer garden of the Club. She added that no complaints had been received since Mr Owen then subsequently took steps to put things in place to control the noise emanating from the premises.

However, aside of this, she noted that the Police had made a considerable amount of complaints of underage drinking at the premises and people also consuming drinks purchased from the Club outside the curtilage of the premises, which reflected a lack of overall control being shown by Mr Owen concerning activities that take place there.

She added that when the Premises Licence was last reviewed, further Conditions were added to this, the trouble was however, that Mr Owen was not conforming to these and therefore if further Conditions again were placed on his Licence, it was likely that he would not apply these at his premises either as it appeared that he lacked the responsibility to do so. In view of this repeated failure to comply with Conditions as was illustrated in the Police application, he was subsequently failing to uphold the licensing objectives.

PC Ellis added that Mr Owen had previously failed to comply with a number of Fire Safety requirements at the premises as outlined to him by the Fire Service, though at today's meeting he had confirmed that these had now been addressed. The Police (and Mr Owen) had a copy of this letter, though Members of the Sub Committee had not had sight of this as it was not contained in the attachments to the report.

The Legal Officer asked Mr Owen if he had any objection to the Members having sight of this letter.

Mr Owen said that he did object to this, as the Police should have ensured that this was contained within their evidence that accompanied the agenda and supporting documents recently sent to the Sub Committee. He reiterated that he had complied with all the required works as listed in the letter from the Fire Service.

The Legal Officer asked Mr Owen that if he had complied with all these works, then why did he object to the letter being shown to Members.

In response to this, Mr Owen then acceded to the request, and the letter from the Fire Service was duly tabled before Members of the Sub Committee.

PC Ellis confirmed that during the meeting being adjourned he had checked Police records regarding Mr Owen's failure to provide a breath test when being stopped by the Police on suspicion of drink driving. At this time he was asked if there were any health reasons that prevented him from blowing into the bag and providing an alcohol/blood level reading. Mr Owen at the time replied that he had sores on the back of his right leg, blood pressure and high cholesterol and none of these ailments should have prevented him from blowing into the bag sufficiently enough to provide a reading. PC Ellis then gave his closing statement

PC Ellis stated that the Sub-Committee should give careful regard to sub-section 11.27 and 11.28 of the Home Office Guidance, in relation to the sale of alcohol to minors.

This was an offence which not only impacted on the crime prevention objective, but also the protection of children from harm and public safety objectives and, South Wales Police suggested that, given the guidelines, this offence alone should warrant revocation of Mr Owens' license.

Some of the incidents disclosed today had been extremely serious and highlighted that alcohol has been regularly sold to children who have become so drunk that they have been placed in very vulnerable and dangerous positions.

PC Ellis advised that notwithstanding these sales the objectives were further compromised by the seriousness of the other offences committed under the Licensing Act.

Additionally numerous offences had also been committed under the Environmental Protection Act and the Fire Safety Order where a considerable number of fire safety risks had been identified whilst the Licensing Authority have had cause to issue a warning.

Mr Owen also has a number of convictions relative to the premise.

In fact previous enforcement by four responsible authorities which included an earlier review has been wholly ineffective and South Wales Police are of the opinion that offending in many instances has not been committed as a consequence of ignorance or error but as a deliberate effort to deceive the authorities.

It was felt stated PC Ellis, that the situation will not change and these representations merit that Sub-Committee give serious consideration to revoking the Premises Licence.

It should be further noted that although this is a recommendation made by South Wales Police it is wholly endorsed by the Environmental Health Authority whose documentation supporting this review is also a damning indictment of Mr Owen's management of Clwb Calon Lan.

Some of the matters briefly disclosed within the representations concern enforcement undertaken by responsible authorities other than Environmental Health.

This enforcement relates to visits to the club where offences have been detected and warning letters served on Mr Owen.

PC Ellis confirmed that these documents would have supported this review and should have been provided by our partners as it was their duty to also promote the objectives.

Such matters could then have been expanded upon verbally by them at today's hearing but despite requests to support this review those partners have chosen not to do so.

South Wales Police had previously addressed sub-committees and informed them that if other responsible authorities were not prepared to support a partner agency at hearing thereby promoting the licensing objectives then we are no longer prepared to submit on their behalf documentation which they have served on licence holders.

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

RESOLVED: The Licensing Sub-Committee heard the application for a review of a premises licence in respect of the Clwb Calon Lan, Church Street, Blaengarw made by the Police. The Sub-Committee also heard representations made by the Public Protection Department in support of this application and representations made by Mr Robert Owen on behalf of the Club. There is a long history of problems in relation to these premises which were previously known as the Charter Club. Mr Owen has been the person responsible for these premises throughout and has given evidence to state that he has been running the premises for the past 16 years.

An application for a review was made by the Public Protection Department of the Council in 2008 and at that review a decision was made to reduce the hours of trading and add a number of additional conditions to the licence.

Since that review took place further incidents have occurred at the premises.

On the 19 September 2008 officers attended the club after being flagged down by a resident who complained of excessive noise coming from the club and persons congregating outside the club.

On the 7 February 2009 Police Officers attended the premises and witnessed twenty customers drinking inside the premises at 01.25am.

In November 2009 Mr Owen allowed the sale of alcohol outside the hours permitted by his licence. The matter came before the Court in September 2010 when he was found guilty of the offence and fined £210.

On the 22 January 2010 police officers conducted a licensing visit to the premises and witnessed a customer drinking a can of lager outside the premises and the air had a distinct smell of cannabis. The offender was searched and admitted to smoking cannabis outside the premises. The club licence prohibits alcohol being taken outside the curtilage of the premises.

In March 2010 the Police received an anonymous complaint that customers were openly smoking inside the premises.

In July 2010 there was a report of an assault at the premises and the person reporting the matter was described as highly intoxicated.

On the 19 September 2010 there were four telephone calls to the police control room reporting an incident outside the premises where a number of people were fighting including women being assaulted. As a result of these calls there was a report to the police of an assault.

In June 2011 an officer from the Community Safety Partnership who is attached to the Youth Offender Service dealt with a 16 year old youth offender who admitted she regularly drinks at the premises.

In July 2011 there was a report of a customer refusing to leave the premises who was described as very drunk.

In February 2012 a complaint was made to the Police that drugs were being supplied at the premises and a concerned parent reported that her daughter who was 14 years old had purchased a class a controlled substance at the premises.

In September 2012 an allegation was made to the police of an alleged sexual assault which involved an investigation by the CID, uniformed officers and the Major Crime Investigation Team. Statements were taken from a number of people the majority of which were under the age of 18 years who all stated that they had been drinking at the club.

On 24 August 2013 a further report was made of an assault at the premises where injuries were serious and classified as grievous bodily harm and the suspect was described as extremely intoxicated.

In January 2014 there was a further allegation of sexual assault, with the complainant reporting that she had been drinking quite heavily and had consumed 6 bottles of Stella, two triple vodkas and some of her friends vodka before entering the club sometime after 8pm. The complainant stated that she had been unable to join her friends until later in the evening but described them as all extremely drunk as they had been drinking a large quantity of shots. The witness further went on to state that they were so intoxicated that one of them was sitting on the toilet floor and vomiting, her underwear was around had ankles which she later lost and there was vomit everywhere. Because the parties were so drunk the police medical examiner had to take samples to try to ascertain whether a sexual assault had taken place.

Mr Owen informed the Sub-Committee that the person who had drunk the large quantity of alcohol when admitted to the premises did not present as being intoxicated. Mr Owen then went on to state that prior to her collapsing in the toilet and vomiting she did not show any signs of being highly intoxicated and was dancing and enjoying herself. Mr Owen further stated that he had not

served this person any alcohol and that he believed that she had brought her own alcohol with her as empty bottles were discovered in the toilet at the premises. Mr Owen was questioned on this point as the witness stated that the parties had been drinking shots at the premises. Mr Owen denied this to be the case.

The Sub-Committee did not accept Mr Owen's version of events and believed that the highly intoxicated state the female was in must have been apparent to either him or the bar staff on duty.

On the 2 March 2014 a further common assault was reported with the victim again being described as heavily intoxicated.

As a result of these incidents being reported the police wrote a number of letters to Mr Owen and followed up with an action plan on the 13 March 2014 which gave him three months to rectify the problems at the premises.

Despite receiving this action plan on 23 March 2014 a licensing officer visited the premises and reported that the premises were open after the closing time of midnight and Mr Owen was found to be heavily intoxicated and his speech slurred. The Officer reported that at 12.15am he arrived at the premises in his vehicle whereby a female looked out of the door and quickly went inside. When the Officer approached the door he heard a female stating it is ok I have locked the door. A short time later the PC was able to enter the premises when he discovered thirty customers still in the club the majority of which were still drinking.

Mr Owen when giving evidence to the Sub-Committee stated that the bank had run on late and they had about thirty people they had brought with them from Newport. The band was late packing up and the remaining people were with the band. Mr Owen when pressed by the Sub-Committee admitted that he did not have any excuse for them still being at the premises and he should have ensured that they had all consumed their alcohol and left by midnight.

The Sub-Committee find that this is totally unacceptable behaviour and completely undermines the licensing objectives especially as by this stage Mr Owen had received his action plan.

A further incident took place on the 20 April 2014 when a Police Officer attended the premises at 23.55 when inside the premises he noted that there were two intoxicated females behind the bar and quickly left the bar when they spotted the officer. There were twenty people still on the premises several of which still had full drinks.

Mr Owen advised the Sub-Committee that there was still five minutes before patrons had to leave and the customers with the full drinks had them in plastic glasses so they could take with them when they left the premises. In addition to which they could also cause a public nuisance when they disposed of the same on their way home.

The Public Protection Officer gave evidence that the noise nuisance at the premises had now been resolved, however they had received a number of complaints about smoking at the premises and on one occasion an officer from the department had attended that premises and witnessed someone smoking inside. Mr Owen stated that he was at the other end of the premises and did not witness this take place. Mr Owen was pointed to the evidence of the police when they stated that a number of occasions they attended the premises there was a strong smell of smoke. Mr Owen stated that he could not stand smoking and would never allow the same at the premises. Mr Owen went on to state that the smell remained at the premises from the period when people were allowed to smoke. The Sub-Committee found this difficult to accept that the smell would be so strong as to remain for all those years.

In conclusion the Sub-Committee find that there has been an unacceptable number of incidents at these premises. The Sub-Committee also find that Mr Owen does not have sufficient control of the same and as such cannot promote the four licensing objectives which have been continually undermined.

The Sub-Committee feel that Mr Owen had been given a number of chances to rectify the situation but has failed to promote the licensing objectives despite these chances to turn the premises around.

The Sub-Committee felt that reducing the hours and adding additional conditions had not worked.

In order to promote the four licensing objectives the Sub-Committee feels that they had no alternative other than to revoke the licence of Mr Owen's.

The meeting closed at 5.00pm