

LICENSING ACT 2003 SUB-COMMITTEE (B) - MONDAY, 25 SEPTEMBER 2023

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON MONDAY, 25 SEPTEMBER 2023 AT 10:00

Present

Councillor H T Bennett – Chairperson

RM James

H Griffiths

Apologies for Absence

R Williams

Officers:

Nimi Chandrasena	Democratic Services Officer - Support
Kirsty Evans	Senior Licensing Officer
Mark Galvin	Senior Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer

69. APPOINTMENT OF CHAIRPERSON

RESOLVED: Members proposed and agreed that Councillor Heidi Bennett be appointed as the Chairperson to the Licensing Act 2003 – Sub-Committee B.

70. DECLARATIONS OF INTEREST

None

71. NEW PREMISES LICENCE APPLICATION FOR 11-13 CAROLINE STREET, BRIDGEND CF31 1DN

The Licensing Policy Officer presented the report, the purpose of which was to determine an application received from Amber Taverns Ltd for the grant of a new premises licence at 11-13 Caroline Street, Bridgend CF31 1DN.

She stated that the application could be found at **Appendix A** to the report.

The plan accompanying the application which details the licensed premises could be found in **Appendix B**.

The applicant described the premises as:

“Town Centre Public House with bar servery”.

The application outlined:

- The Sale of Alcohol (for consumption on and off the premises) and Regulated Entertainment in the form of Films (indoors), Live Music (Indoors), Recorded Music (Indoors), Performance of Dance (Indoors) and anything of a Similar Description (Indoors):

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Monday to Thursday: 9am to midnight

Friday and Saturday: 9am to 1am

Sunday: 9am to 1am

Non-Standard Timings:

From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.

- An additional hour: Christmas Eve, Boxing Day, The Thursday preceding Good Friday, The Friday, Saturday and Sunday of each Bank Holiday weekend, St Patrick's day and St David's Day.

The Provision of Late-Night Refreshment (indoors and outdoors):

Monday to Thursday: 11pm to midnight

Friday and Saturday: 11pm to 1am hours

Sunday: 11pm to midnight

Non-Standard Timings:

From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.

An additional hour: Christmas Eve, Boxing Day, The Thursday preceding Good Friday, The Friday, Saturday and Sunday of each Bank Holiday weekend, St Patrick's day and St David's Day.

The opening hours requested were half an hour later than the requested licensable activity timings to create a 30-minute drinking up time, with the same requested non-standard timings.

The additional conditions proposed by the applicant for the promotion of the licensing objectives could be found in Section 18 of the application, .

Six representations were received during the statutory consultation period, one from South Wales Police and 5 from other persons. Copies of these representations were detailed in **Appendix C and D** (of the report).

Reference had been made to daytime music within some of the representations and it should be noted that live and recorded music have been part de-regulated.

It was also proposed that live music take place at a 'workplace' between 8am and 11pm before an audience of no more than 500 people does not require an authorisation (licence).

It was also suggested, that recorded music take place at the licensed premises authorising the sale of alcohol for consumption on the premises, taking place between 8am and 11pm before an audience of no more than 500 people, which does also not require an authorisation.

Any problems associated with music at these times should be dealt with under separate environmental health legislation relating to noise nuisance.

Reference had also been made to granting permission to place tables and chairs on the highway, though this was not a consideration for the Sub-Committee.

The applicant has been required to obtain permission from the relevant Council department which will involve a separate application process.

Additional Information

Since the publication of the report the applicant had submitted additional information in support of their application which has been distributed to the Licensing Act 2003 Sub-Committee prior to this meeting. This additional information included:

- Video of before and after images of other premises Amber Taverns have taken over
- Policy document on Drugs
- Gaming Machine Training Record
- Risk Assessment documents
- Dispersal Policy

After liaising with the applicant, the Police subsequently withdrew their representations to the application. The applicant agreed to amend their application to impose conditions agreed with the Police. The agreed conditions were slightly different to those contained in the original Police representation (following legal advice). The exact wording of these conditions was again distributed to the Licensing Act 2003 Sub-Committee but in summary they related to:

- Sale of alcohol commencing at 10am save for international sporting events where it would revert to 9am. A personal licence holder being available during such activities.
- A minimum of 2 door supervisors to be employed at the premises Friday, Saturday, Sundays preceding a Bank Holiday and all non-standard timings from 9pm until close.
- At the discretion of South Wales Police (with 7 days' notice) on major sporting events all drinks shall be dispensed into non-glass or plastic polycarbonate receptacles. The exception being when persons are seated consuming a substantial table meal, teas or coffee.

The Sub-Committee was asked to determine the application having regard to the Council's Statement of Licensing Policy, the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the application, submissions and representations before them.

The Compliance Manager for Amber Taverns stated Amber Taverns was a wet led company that had in excess of 160 premises all over the country South Wales included.

She stated they had businesses operating in Scotland, the Northeast, and Central England. The Compliance Manager stated that the organisation had recently been purchasing disused retail premises, for example Burtons on Caroline Street, that was empty and had been refurbishing these to turn them into public houses. She mentioned that the some of premises they had taken over had been empty for seven or eight years. In the case of the old Burton's store, she understood that it had been empty only since 2022.

The Compliance Manager for Amber Taverns stated that during the last three years they had purchased 10 properties and it was their intention to spend over £175,000 on the development of the old Burtons shop. She stated that the company have an extensive training programme, inclusive of a training manual but also a provision of online training.

She stated that online training is reset often, at least every six months where challenge 25 was concerned.

When a major sporting event was expected, the training was planned to be reset again so that the staff are aware of underage sales and the non-service of persons who had consumed too much alcohol.

She mentioned they operate on the basis of having an area manager who usually has a maximum of 12 pubs that he/she looked after with the potential to grow to between 15 or 16 pubs.

She stated that this was done to ensure that the area manager can be completely hands on when managing any of the Amber Tavern licensed premises. The Compliance Manager stated they would like to invest in Bridgend and look forward to the possibility of operating their business in the town centre.

A member asked if the company supported the local breweries.

The Area Manager for Amber Taverns responded that the company had a national account with Heineken. He stated that the majority of their supply was not from local breweries. He stated that from a cask ale point of view, they endeavoured to support local brewers in terms of getting in local cask brewed lines into as many premises as they can. He stated this was not always possible considering accounts and pricing, as the company review suppliers from a margin and profitability point of view. He assured members that they always tried their hardest to obtain supplies from local breweries where this was appropriate..

A member asked in relation to representations that had been made regarding the proximity of the proposed licensed premises to Boots Chemist. She stated that as there were probably policies and training the Authority may or may not be privy to in the public domain regarding the operation of licensed premises, she asked the representatives of Amber Taverns to explain their training around that and how that risk was averted.

The Compliance Manager responded saying each town was completely different, so training was targeted appropriately in this regard. She stated that prior to opening any premises, employees were provided with extensive training on the bar and the tills. Training was conducted on Challenge 25, non-service of drunken clientele, and crime and disorder. She stated that staff were also required to complete online training prior to opening and operation of the business.

The Compliance Manager also stated that the operator would then be responsible in ensuring that any new staff employed undertake training and complete at least the first 45 pages of the training manual particularly completing sections under Challenge 25 and the non-service of intoxicated clients before they commence work behind the bar.

A member queried how many staff they envisaged employing on a full time or part time capacity.

The Area Manager responded that the company would directly employ only one person as their Operator of each pub who was classed as a self-employed individual. The Operator then employs the members of staff for the establishment, based on its size and business needs, etc.

Effectively, Amber Taverns would employ one person from a national point of view. He stated that he would envisage that Operator employing 10 to 15 members of staff. Therefore, in terms of job creation in the local area the assumption would be about 10 to 15 employees.

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A member queried if there was a restriction on the age of an employee recruited, namely 18-21 year olds.

The Compliance Manager responded that as a company, they were not ageist. Their first young operator was aged 21 while their current oldest operator was 73. She stated that they take on an operator with experience who in turn takes on staff of different ages. She stated they liked the fact that there was a job centre in Bridgend as they would look to the job centre for recommendations of suitable staff.

A member asked, for the purposes of clarity, if there was no intention to serve food at the venue.

The Compliance Manager confirmed that they would not serve food. However, they intended to serve late night refreshment by way of teas and coffees.

The Chairperson queried if the company intended to join a scheme with South Wales Police and other licensees possibly known as local pub watch scheme and the Compliance Manager responded that they insist that their establishment joins such scheme.

The Chairman of the Planning Committee of The Bridgend Town Council expressed his thanks to the officers for the comprehensive report presented. He stated the Town Council were determined to object to the granting of the licence on the grounds of the proposed operation being incompatible with the ethos of Caroline Street, which is considered to be the second of Bridgend's prime retail shopping streets. He stated that the objection stemmed from the following points:

- The Town Council consider that the introduction of a wet pub only operation is not in tune with the aspirations for retaining the ethos and integrity of a prime shopping street.
- Notwithstanding what was said previously in the meeting about outside seating, it is believed that 32 seats would be excessive and that they would not be possible to be adequately supervised.
- It is felt that such a premise is known to be prone to attracting a more undesirable and potentially rowdy element, with smokers congregating on the exterior paved area resulting with a mess being left of cigarette ends and litter which would detract from a pleasant environment for pedestrians and shopping visitors. He stated that there was nothing in the application to indicate how frequently such an exterior area might be cleaned.

The Town Councillor added that there was an implication for all the existing shops in the immediate location as they already experienced considerable levels of shoplifting and feel that the new establishment could provide an observance point for potential miscreants.

In conclusion, The Town Councillor stated that the Town Council urges the licensing authority to seriously consider the long-term implications of this type of operation and whether it does anything at all to enhance the street scene and the shopping environment in the town centre.

For the reasons mentioned above, which have been considered very carefully, the Town Council maintain that the application in its present form should be rejected.

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The Compliance Manager responded that in relation to the outside area, there was an extensive way how area would be managed. She stated this was in its planning stages as a coffee pavement licence would be a completely different application and smoking is a licensable activity. In effect, people could smoke anywhere on Caroline Street. She stated that the company had a very extensive state of the art digital CCTV system that would cover inside and outside of the building, including the toilets excluding the cubicles. The establishment would have a weekly health and safety checklist which covered checking the fire alarm and the emergency lights.

She stated that the CCTV system checks would be conducted daily and accounted for every week. The Compliance Manager stated that the CCTV ran for a minimum of 31 days and was tamper proof.

In closing statements, the Area Manager referred to a previous point made by the Compliance Manager in relation to the size of the areas run by area managers and stated that the areas were quite small in comparison to a number of their competitors, allowing them to get involved in the running of the day-to-day management of each premises.

He shared that he could walk into a lot of pubs under his area and know the local customers who frequented their premises well enough that he could have a genuine conversation with them, because they too knew him as he visited there often.

He stated that they liked to employ local people to run local pubs, which then gave the company an insight into local areas and helped them to get involved in the local community further.

The objectors were asked for closing statements and stated that there were none.

It was established that the panel of councillors did not require any further advice from the Licensing Policy Officer or the Legal Officer.

The Panel reconvened to make their decision after which all parties were to be informed of the following decision by members.

RESOLVED:

The Sub-Committee agreed to determine the application having regard to the Council's Statement of Licensing Policy, the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the application, submissions and representations before them.

Decision Notice

On 25th September the Licensing Sub Committee (LSC) held a hearing to determine an application for a new premises license for 11-13 Caroline Street, Bridgend, CF31 1DN. The hearing was attended by Officers, the Applicant and an objector namely Councillor David Unwin of Bridgend Town Council.

Material before the Sub-Committee

The LSC had before it a report from the Licensing Officer, together with objections received from Bridgend Town Council, Rachel Bell Centre Manager, Eileen Schofield Chairman BMTA, Councillor Freya Bletsoe, Dave Easterbrook -Bridgend Business against crime. The Police also raised objections but subsequently reached agreement with the Applicant on additional conditions to be placed on the licence and as a result subsequently withdrew their objections.

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The Licensing Officer when presenting the report set out details of the application for the new Licence.

The Applicants explained to the Committee the Area Manager would oversee the running the premises and would appoint an operator who is self employed and that operator would then employ the rest of the staff required for the premises. They explained that there would be 10/15 new members of staff employed. They also explained that they would operate a challenge 25 policy and join pub watch. The Applicants informed the LSC that all staff would receive extensive training on the bar and tills, pub watch and the challenge 25 policy.

Councillor Unwin made representations that the establishment proposed is incompatible with the ethos of Caroline Street. He explained that as a wet pub only it is not in tune with a shopping street, in addition there would be smokers congregating outside the premises and he was concerned about the frequency of cleaning outside the premises. He also explained that he was concerned about shop lifting in the town centre and that the premises could be an observance point for miscreants. He urged the LSC to seriously consider the long-term implication and to reject the application.

Determination

The LSC must in its decision-making promote the statutory licensing objectives and in particular, the prevention of crime and disorder and public safety. The LSC have taken into consideration all the relevant representations made both by the Applicant and the Objectors. The LSC have also taken into consideration, that the Police after negotiating with the Applicant and agreeing new conditions on the licence are now satisfied.

The LSC did not take into consideration a number of matters raised by the objectors as they were not relevant representations under the Licensing Act, it was noted that all objectors were unhappy that the proposed application was for a wet premises licence and wanted the applicants to consider serving food, however it is a matter for the applicants whether they wanted to serve food at the premises and the LSC have no power to impose such a condition.

In addition, the objectors also raised the issue of shop lifting which is prevalent in the town centre, and they believe that these premises would add to the problem. The LSC found that there was no evidence that granting a licence for these premises would in any way increase the existing shop lifting problem in the town centre.

It was also noted by the LSC that all the objectors raised the issue of the premises being situated opposite Boots the Chemist. They stated that this could lead to patrons scoping out the chemist and the potential crime which could emulate from that. The LSC found that there was no evidence to support this theory and many licensed premises are situated opposite and next to chemists and there is nothing in the Licensing Act to prevent this. It was also noted that there were no objections from Boots situated in Caroline Street or their Head Office.

The LSC when taking into consideration all objections and the representations from the Police have determined that granting a licence would not undermine the Licensing objectives subject to the additional conditions agreed by the Police.

The LSC have determined to grant the Licence subject to the variations agreed with the Police as follows:-

“General

Sale of alcohol will commence at 10:00 hours

In the event of the televised transmission of any recognised international sporting event, such as the Rugby World Cup, FIFA World Cup, British & Irish Lions Tours, etc which

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falls outside the current permitted hours on the Premises Licence, the sale of alcohol will be permitted to commence one hour before the current sale of alcohol time. The details of the event are to be electronically notified to the Licensing Authority and South Wales Police a minimum of 14 days beforehand.

Televised Boxing Events are not covered by this condition.

At least one personal licence holder shall be available while the supply or sale of alcohol is being undertaken during such activities.

Crime and Disorder

A minimum of 2 Door Supervisors to be employed at the premises Friday, Saturday, Sundays preceding a Bank Holiday and all days covered by Seasonal Variations from 21:00 hours until close.

At the discretion of South Wales Police, whereby 7 days' notice will be given, on days considered to be major sporting events, such as 6 Nations Rugby Internationals, Autumn Internationals, Rugby World Cup, British Lions Rugby, Football World Cup, Football European Championships, all drinks shall be dispensed into non glass or plastic / polycarbonate receptacles. The exception being when persons are seated consuming a substantial table meal, teas, or coffee."