

Cyngor Bwrdeistref Sirol



Darren Mepham  
Chief Executive

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## THE BAY PORTHCOWL

Scale 1:590

Time of Plot:  
12:22

Date of Plot:  
19/06/2015

Plot generated by:  
YW

Department :  
LICENSING



**Application for Review of a Premises Licence under  
Section 51 of the Licensing Act 2003**

(1)

Reference number:  
**B.3 51/2015**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that

Your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

(2) **We SOUTH WALES POLICE**

**Apply for the review of a premises licence for the premises described in Part 1 below**

**Part 1 - Premises details**

Postal address of premises: <b>THE BAY, 33, THE ESPLANADE, PORTHCAWL</b>	
Post town: <b>BRIDGEND</b>	Postcode (if known): <b>CF36 3YR</b>
Telephone number: <b>(01656) 785575</b>	

Name of the premises licence holder: <b>JEFFREY JENKINS</b>
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Number of the premises licence holder: <b>BCBCLP330 Issue 6 of 17/04/2015</b>
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**Part 2 - Applicant details**

I am

1) an interested party (Please complete section (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in businesses in the vicinity of the premises

Please tick ✓ / yes

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

delete any words that do not apply

) Insert name and address of relevant licensing authority and its reference number (optional)

) Insert name(s) of applicant(s)

2) A responsible authority (please complete (c) Below)

<input checked="" type="checkbox"/>
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3) A member of the club to which this application relates (Please complete (A) below)

<input type="checkbox"/>
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**(A) Details of Individual Applicant (fill in as applicable)**

**THE CHIEF OFFICER OF POLICE  
CHIEF CONSTABLE 4395 VAUGHAN  
POLICE HEADQUARTERS  
COWBRIDGE ROAD**

Post Town **BRIDGEND**Postcode **CF31 3SU**

Telephone number

**(01656) 655555**

Email Address

(Optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

1) **The Prevention of Crime and Disorder**2) **Public Safety**3) **The Prevention of Public Nuisance**4) **The Protection of Children from Harm**

Please state grounds for review (please see guidance note 1)

Please provide as much information as possible to support the application (please see guidance note 2)

Home Office Section 182 guidance 2015 states:

11.1 "The proceedings set out in the 2003 Licensing Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence."

Licensing and criminal offences have been committed at this premise and this document will explain in detail what the management should be doing to prevent these issues. The incidents involve customers whilst drinking at the premise; or customers outside the premise shortly after departing it; or customers who leave the premise and then come back to it. A key theme being disorder through intoxication. South Wales Police believe that a review is warranted to promote public safety, prevent further criminal activities taking place and to promote the protection of children from harm. This review is brought to enforce and uphold the licensing objectives; to protect the Porthcawl community and to prevent further misconduct escalating. Specifically in relation to violence and psychological harm from intoxication of customers late at night. There is a causal link to the premises with all of these crime occurrences and there is also a time line of incidents showing the propensity for crime to occur late into the night / early hours of the morning. South Wales police (SWP) can evidence from the crime recording database that from 2011 to 2015 there has been a dramatic increase in violent assaults.

Home Office Section 182 guidance 2014 states:

11.10 Where ... responsible authorities have concerns about problems identified at premises, it is good practise for them to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns.

A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.

The police can evidence a working relationship with the premise and a list of warning letters and face to face visits are contained as support material at the end of this document. It shows a repetition of similar issues and warnings and a course of action that are not being adhered to. The police have exhausted these

Licensing Act 2003

Section 51 and 87

Mr

Mrs

Miss  Ms

Other title  
(for example, Rev)

Surname

First Names

Please Tick / Yes

Day  Month  Year

I am 18 years old or over

Current address

Post town

Postcode

Daytime Contact telephone number

Email Address  
(optional)

**(B) Details of other applicant**

Name and Address

Post Town

Postcode

Date of Birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Telephone Number (If any)

**C) Details of Responsible Authority** (please see guidance note 5)

**SOUTH WALES POLICE**

approaches but the effect has been negative.

The fact that the police have already applied a 'light touch' as per Hampton guidelines prove that this approach has not worked as a record number of occurrences are prevalent at the premises and these appear to have increased year on year.

2 incidents were reported in **August 2014**, one being the inability to supply CCTV images for a sexual assault that had taken place on the premise. The other being intelligence. All warning letters had already been exhausted by SWP so the last option available was to construct an Action Plan that was written on **22<sup>nd</sup> August 2014**, in relation to crime and disorder and for breaches of the licence in relation to CCTV. The Licensing Sgt attended that meeting and discussed the options with the PLH. The Action Plan was not signed off or issued. However, since this time further issues with CCTV and assault calls have prevailed hence the requirement of this review.

Home Office Section 182 guidance 2015

*2.6 'Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act... Physical safety includes the prevention of accidents and injuries and other immediate harm that can result from alcohol consumption such as unconsciousness or alcohol poisoning.*

*2.7 A number of matters should be considered in relation to public safety...*

- *ensuring appropriate access for emergency services*
- *ensuring the presence of trained first aiders*
- *ensuring the safety of people when leaving the premises*
- *ensuring appropriate limits on the maximum capacity of the premise*

Not only are the conditions of the premises licence not being complied with, further criminal offences are also taking place. These range from allegations and intelligence of underage drinking, through to sexual assaults and violent assaults with injuries. Most allegations being made when customers are heavily intoxicated, or so intoxicated that progress of offences are somewhat difficult for police to proceed. Very few calls are actually received from the premise, or even at the time of the offence, so investigations are hampered from the very start. On further investigation, CCTV which has several conditions attached is either not available; its production delayed; not recorded in a specific area; or, of such poor quality that it is inconclusive and hampers investigations.

This application for review is therefore being made in relation to the prevention of crime and disorder, the promotion of public safety and the protection of children from harm.

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**THE PREMISE**

The Bay is a small restaurant and bar on the end of a terrace on the Esplanade, with an outside decked /patio area as part of the licensable area. In the day time this outside area is used as an additional outside dining area. At night, customers use the area to consume alcohol. Late at night the premise becomes a HVVD (high volume vertical drinking establishment attracting a very young crowd, a YPV – (young person's venue). Hence the escalation of incidents late into the night and early hours of the morning.

The premise is only small, all on one level with living accommodation upstairs. The main entrance is situated off The Esplanade, Porthcawl's central main attraction, the sea front, via the front patio area. The premise also has a fire exit that opens onto The Square and another to the rear through the kitchen. The rest of the two storeys of the building are private residences. The premise is situated in a high saturation area of Porthcawl where there are many other bars, restaurants and cafes. In fact, there are currently 8 other licensed premises on this short strip of The Esplanade and this premises is the main attraction for all

late night drinkers from midnight until its closing time. There are more reported crimes and/ or anti social behaviour than any other licensed premise within Porthcawl. Even premises that are open later.

The premise was previously licensed as a 'family restaurant' until 23.00 hours. Now it operates as a restaurant in the day time and a lively wine bar in the evening. With opening hours until 01.30am on a weekend. It does not charge an entry fee and is a venue known for music, DJ's and dancing on a weekend. It operates as a feeder pub for the two other later venues in the town centre. The licensable activity for making music and the provision of dancing have never been applied for. It is currently only licensed for the supply of alcohol, live and recorded music.

### THE LICENCE

Please note that when the application for the Bay was received by police in **June 2010** the operating schedule stated that the premise would operate as a multi purpose coffee bar, Bistro and bar – emphasis on meals and evening dining menu. The live music was described as easy listening, jazz or light classical music and recorded music supplied via CDs. There was no application made for making music, (as in a DJ mixing tracks together) dancing, or performance of dance.

It is important that the Sub-Committee familiarise themselves with the licence but briefly the licensable activities currently authorised by the licence are:

Supply of alcohol  
Live Music  
Recorded Music

The main activity is the supply of alcohol:-

Sunday to Wednesday : 10.30 to 00.00 hours  
Thursday to Saturday : 10.30 to 01.00 hours

With Recorded music (Indoors only)  
Monday to Wednesday: 09.00 to 00.30 hours  
Thursday to Saturday: 09.00 to 01.30 hours  
Sunday: 10.00 to 00.30 hours

With Non standard timings for an extra hour for New Years Eve and Bank Holiday Sundays.

Opening hours of the premises:

As above plus 30 minutes winding down period.

There are conditions attached at Annex 1 and 2. Annex 1 are mandatory conditions as stated by the Home Office and the Licensing Act. Annex 2 concerns the proposals which are volunteered in the original application by applicants which are then adopted as conditions i.e. conditions consistent with the Operating Schedule.

\* The Premises Licence is appended to this review application.

### HISTORICAL PERSPECTIVE FOR THE PREMISE

From 2009 up until the present day the premises has been run by the same couple, Jeff Jenkins and Deborah Jones.

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A second application was served which police also objected to. In their representations they stated that the last admission policy prohibiting entry re-entry to the premises would not work. The applicant had no facilities in place to enforce it, i.e. Doormen. This advice was ignored.

On **23<sup>rd</sup> July 2010** the Licensing authority granted the premises licence.

On **14<sup>th</sup> April 2011** Jeff JENKINS made an application to become the Premises licence holder (PLH).

On **8<sup>th</sup> July 2011** Licence 3 was granted and a month later the premises changed its name to **The BAY**.

### WARNING LETTERS

Third Warning – dated 30<sup>th</sup> August 2011 – non compliance with licensing conditions specifically CCTV and permitted opening hours.

Final warning dated the 29<sup>th</sup> May 2012 for breaches of the premises licence in relation to two licensing conditions:-

**Condition 1 and 9 under 'Prevention of Crime and Disorder' state:**

- 1. There will be a last admissions policy prohibiting entry/re-entry after 2315 hours Sundays to Wednesdays inclusive and after 0000 hours Thursdays to Saturdays inclusive to avoid migration of customers between licensed premises late at night.**
- 9. There will be no licensable activities in the external area which will close at 2330 hours.**

### LICENSING VISITS

Sunday 17<sup>th</sup> July 2011 at 01.50 hours.

19<sup>th</sup> July 2011 Licensing visit.

Saturday 26<sup>th</sup> and Sunday 27<sup>th</sup> May 2012 at 01.20 hours.

25<sup>th</sup> August 2013 at 21.30 hours

22<sup>nd</sup> August 2014.

2<sup>nd</sup> September 2014.

21<sup>st</sup> March 2015.

### LICENSED MEETINGS

South Wales Police have sent out a consistent message to the management to comply with their licence by submitting a minor variation to amend conditions. In fact the police can disclose meetings and conversations as far back as 19th July 2011, 26th May 2012, 12th June 2012, 26th November 2012, and 10th December 2012. There have been subsequent meetings on 23rd July 2014 and 22<sup>nd</sup> August 2014 to prevent breaches of conditions.

The meeting that took place on **10<sup>th</sup> December 2012** advised the licensees to vary the premises license for

condition 1 & 9, (disclosed earlier in this report), to prevent regular breaches taking place. Advice was given to amend the existing conditions to apply for an outside smoking area and a later no entry, re-entry admission to the premise. The applicant was advised to remove and amend these conditions. Police agreed with the applicant that they would not enforce this condition based on the belief that a minor application would be received to apply to change these two conditions along with others. For the whole of 2013 no variation application was received.

Please note that a minor variation application was received on **3rd March 2014** dated the **28<sup>th</sup> February 2014**. This application was to extend the licensable areas within the premises and to allow a dance floor area by removing stud walls and making alterations to the kitchen at the premise, allowing more floor space in which to cater for more customers. This application made no reference to vary conditions 1 and 9 as SWP expected. This would have been the perfect time for changes to the current licence to be applied for, with a minor variation, but the applicant did not make these changes. This was also after an agreement that SWP would not enforce the regular breaching of conditions 1 and 9 as stated in the licence.

This variation application represented a key change of direction for the business, away from the restaurant trade, making the kitchen area smaller, to attract more customers of the late night economy. This is reinforced with the fact that the provision of late night refreshment, i.e. the supply of hot food or hot drink between 23.00 and 05.00 hours, a licensable activity, that is not authorised as it has never been applied for. There is also supporting CCTV footage to show how busy and overcrowded the premise becomes late at night.

On **23<sup>rd</sup> July 2014** SWP Licensing department held another meeting with the PLH and DPS to urge them to put a minor variation in to remove conditions in relation to the last entry policy and close the front of the premise, conditions (1 and 9): Police had witnessed management allowing persons to regularly breach these conditions and had not taken enforcement action on the verbal understanding that a minor variation would be submitted.

On the **22<sup>nd</sup> August 2014** the PLH was again asked to submit a minor variation and again he confirmed he was going to do so.

No minor variation has ever been received by the applicants up until this review was constructed. Therefore, non compliance with these conditions is prevalent every weekend.

### OFFENCE UNDER THE LICENSING ACT 2003

Several offences under the Licensing Act have been committed at this premise.

Home Office Section 182 Guidance 2015 states:

*2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.... The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premise licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.*

This premise is very small and accommodates far too many customers late at night who then spill out onto the front decked patio area and ultimately the street. This area has high propensity for crime and disorder, due to the amount of people that can be on the patio at any one time. Hence specific conditions 1 and 9 of the premises licence.

The management constantly breach these two conditions of the premises licence as customers are not prevented from entering the premise/decked area after 00.00 hours after visiting other venues. Also, the



outside area does not close at 23.30 hours. Customers still congregate there, come and go through the premise and continue to smoke and drink on the outside area. The premise does have an alternative fire exit point onto **The Square** but this is not utilised at any time. The management use the decked area as the main entrance and exit at all times, hence promoting no compliance with their conditions as specified.

SWP can evidence 16 separate visits from SWP where patrolling officers have checked the decked area for closure passed 00.00 hours and have found it open and people stood outside drinking and smoking but 16 breaches have been recorded in total.

### **SECTION 136 OFFENCES LICENSING CONDITIONS**

The following is a list in respect of persistent breaches of the above conditions on the Premises Licence in relation to conditions 1 and 9.

- 1) 06/05/2012 00.11 hours (9 only).
- 2) 20/05/2012 01.00 hours (9 only).
- 3) 26/05/2012 01.20 hours (1 & 9 only).
- 4) 27/05/2012 00.20 hours (1 & 9 only).
- 5) 02/06/2012 00.06 hours (9 only).
- 6) 03/06/2012 01.00 hours (9 only).
- 7) 23/09/2012 00.15 hours (9 only) incident reporting two girls fighting.
- 8) 05/01/2014 01.20 hours (9 only) incident of assault where female was removed from decked area.
- 9) 07/06/2014 01.05 hours (1 & 9 only) 5 drinking on the patio area, freely coming and going.
- 10) 22/06/2014 00.52 hours (1 only) Very busy in decked area, people stood drinking on the pavement (DPPO area)
- 11) 19/07/2014 01.10 hours (9 only). 20 customers in the beer garden.
- 12) 17/08/2014 00.15 hours (1 only).
- 13) 07/09/2014 00.00 (9 only). Concerns from Sergeant KNIGHT in regard to safe capacity limits as she found the decked area to be crammed full after midnight. She stated that door staff were situated on the pavement having difficulty in maintaining control of the crowds. She stated this was a serious risk to peoples' safety.
- 14) 26/09/2014 01.01 hours (1 and 9 only) CCTV evidence of male entering the premise and remaining on the premise until 01.29 hours. Clearly in breach of both conditions as he enters from the front patio area after 01.00 hours. This incident will does not support the prevention of crime and disorder, which will be cover later on in this document.
- 15) 04/10/2014 00.39 hours (9 only)
- 16) 21/03/2015 23.35 hours (9 only) Licensing Sergeant told door staff to clear patio area as it was overcrowded which had already caused crime and disorder.

Incident **62120166053** of 24/05/2012 was created where Licensing Officers witnessed these two specific breaches taking place. On the 26/05/2012 hours at 01.20 hours PC ELLIS attended the premise to conduct a licensing visit. Both DPS and PLH were verbally informed to adhere to their licence. The following evening the same licensing officer was on duty again and witnessed at 00.20 hours, 20 persons in the decked/ patio area, in breach of condition (9). Customers were also entering the bar from the external area after midnight in breach of condition (1).

South Wales Police have addressed these conditions many times with the Premises license holder and the previous DPS. The response was given that it is because of the smoking ban that they allow people to go outside and smoke and so therefore believe they are justified in committing these breaches. However, it is witnessed that ALL customers are free to come and go into the premise after set times and ALL customers are allowed to use the decked area, not just the smokers. People continue to drink in the outside area, sometimes it becomes so full, that customers spill out onto the pavement drinking or it gets so congested on the decked area that it appears unsafe. SWP have asked the licensees to consider removing all glass receptacles at an agreed set time, to promote public safety and the potential for serious harm from glass

related injuries. Ultimately to protect the customers of this premise. However, the reply was given that they can't afford polycarbonates and would stick to glass as it is the cheaper option. Thus not promoting the licensing objectives and potential for serious harm to arise.

The Licensing authority need to be made aware that the 'Smoke Free Wales' ban was brought into effect in **2007**, way before this premises licence application was even drawn up or served, dated the **9<sup>th</sup> July 2010**. The applicant personally submitted these conditions on her own operating schedule on how she wished to operate at the premise.

South Wales Police have informed the applicant constantly to support the licensing objectives and to prevent committing breaches but the applicant ignored these requests and continued to operate this way every weekend without any consequences to those actions.

### SECTION 136 OFFENCES OTHER LICENSING CONDITIONS

**THE LICENSING ACT 2003** is quite clear on how it sees offences of failing to comply with the premises licence. The offence is classified as an unauthorised licensable activity and is the most severe punishment available under the Act is contrary to Section 136 :-

A) Carry on or attempt to carry on a licensable activity on or from any premise otherwise than under and in accordance with an authorisation i.e. a Premises Licence and the conditions which form part of it

OR

B) Knowingly allow a licensable activity to be so carried on.

The offences are considered so serious that the penalties are: -

- 1) An unlimited fine and/or a term of imprisonment on summary conviction not exceeding 6 months.
- 2) All alcohol and containers may be forfeited and destroyed.
- 3) The Premises Licence may be reviewed under Section 51.
- 4) Suspension or forfeiture of a Personal Licence.

Unfortunately management do not just breach the licence conditions in relation to the outside area, they also breach other conditions. The lack of CCTV has a direct and dramatic effect on victims of crime as ultimately there is no supporting evidence to substantiate that a crime has taken place. This lack of evidence means cases don't even get to court, or cannot be proved at court. CCTV is also of such poor quality that even if it has been supplied, it is impossible to view the offence being investigated.

#### Annex 2 - Conditions Consistent with the Operating Schedule

General – All four licensing objectives:-

The prevention of crime and disorder:-

**4a) The licensee shall retain and maintain the installation of digital colour CCTV at the premises to the satisfaction of the South Wales Police Crime Reduction Officer.**

**b) The system shall be maintained at all times the premise remains open to the public.**

**c) The licensee shall ensure that all aspects of the CCTV system comply with the Data Protection Act 1998. The Office of the Data Protection Supervisor has produced guidance in relation to how the Act should be interpreted, including advice on the required signage. For further information please contact: [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk).**

**d) The licensee shall install CCTV at or near to the entrance(s) and exit(s) to the premises and record ingress and egress of customers. CCTV will also be located in all other areas to which the public has access including the external area.**

**e) CCTV will also cover the cash till(s)/counter.**

**f) The licensee will arrange for signs to be placed in a prominent position visible to customers, stating that CCTV is in operation at the premises. The sign must show the controllers contact details.**

**g) Signage will be approved by the Crime Reduction Officer.**

**h) There will be a storage facility of CCTV images of up to thirty-one days covering the maximum number of days in a calendar month.**

**i) The licensee must make recordings of images available on request to any officer of the South Wales Police in the course of their duties as soon, as is reasonably practicable. Therefore adequate training will have to be provided to duty staff in order to comply with this condition.**

**j) The licensee will be responsible for ensuring that the operating equipment is regularly checked and that it operates at all times during the opening hours.**

**k) The licensee shall provide and maintain a register to detail any CCTV recordings handed to the South Wales Police in a format to be approved by the Police. The details of both the person handing over the recordings and the Police Officer receiving them should also be documented.**

**l) The licensee shall provide a secure room to house the CCTV consul and recording equipment and shall restrict access to the room to designated persons, such persons to be notified in writing to the South Wales Police.**

**5. CCTV will be installed and fully functional within 28 days of the grant of the Premises Licence.**

**Public safety:-**

**2. The premises will be covered by CCTV internally and externally to the front of the premises.**

The following is a list of offences in respect of persistent breaches of the above CCTV conditions.

1. 19/07/2011 Licensing visit conducted no CCTV was supplied. CCTV could not be burned or viewed for alcohol sales on the 17/07/2011, two dates requested, no CCTV ever supplied. Breaches of conditions 4 a, b, h, i, j and 5.
2. 14/04/2013 **62130111000** domestic assault – no CCTV supplied. Explanation given that the 'system had reset itself', therefore no images had been recorded. Breach of conditions 4 a,b,h,i,j and 5.
3. 01/12/2013 **62130377716** assault on doorman – no CCTV supplied cameras were facing the other way. Breach of conditions 4 d) and i)
4. 05/01/2014 **62140004350** assault on doorstaff – CCTV was burnt but could not be viewed by SWP systems. Hi tech crime officers had to reconvert the files and make them viewable. Breach of condition 4 a) and i)
5. 30/03/2014 **1400107391** third party report of assault by doorman – no CCTV supplied. DPS stated there was no CCTV in the area of the alleged offence. Breach of conditions 4 a) and d).
6. 16/08/2014 **1400302472** a crime of Sexual assault where CCTV would not and could not be supplied to police to promote the investigation. A female customer had been inappropriately assaulted on the premise whilst out socialising with friends. Breach of conditions 4a) b), d), h), i), j) and 5.

7. 14/03/2015 **1500089101** Male assaulted on dance floor and doesn't know how it happened. CCTV supplied and is of too poor quality to show the assault or make identification if the assailant.
8. 21/03/2015 **1500098527** Female stated she was assaulted. CCTV was not viewable at the time however a male was arrested for assault. CCTV was viewed on the 26<sup>th</sup> showing the victim to be the aggressor. Breach of condition i).

### THE LICENSING OBJECTIVES

#### THE PREVENTION OF CRIME AND DISORDER

The police have interrogated the incidents recorded at the Bay since the current licensees became involved with the premise. **20 incidents have been recorded from 1<sup>st</sup> January 2014** to the present day. 8 of these are assault calls and one a sexual assault. One of the most recent assault calls required Press appeal for witnesses to come forward after a female was seriously assaulted outside the premise. Another was a male who was assaulted to the face who had no idea he had been assaulted. These type of incidents cannot continue and the Licensing Authority, along with the Police have a legal duty to protect communities under the Crime and Disorder Act 1998 which states:

***The Crime and Disorder Act 1998 created a statutory partnership between local authorities, the police and other key partners to work together in reducing crime and disorder in all aspects of their work.***

***Section 17 of the Act states:***

***"It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder."***

Incident **1400302472** is a significant incident that requires explanation. In short, the prevention of crime and disorder objective has not been supported at any stage of this reported crime of sexual assault on a female. There is no CCTV of the incident, although clearly a condition on the licence.

There is no supporting documentation such as a witness statement from staff or other customers. No preventative measures were put in place and the crime and disorder objective of the Licensing Act has not been promoted. Further more, the PLH told Licensing officers that he was keeping an eye on the suspect involved on the night in question because he had already been informed of an incident elsewhere in a neighbouring pub! Was the suspect therefore, banned on the night, or crime and disorder promoted? Supplied with this information the PLH allowed the suspect entry to his premise and therefore allowed further offences to be committed.

Even after the crime, no special measures were put in place to prevent this happening again. Hence a crime report of breach of bail, **1400369186** where staff allowed the suspect to enter the premise at 01.01 hours on Friday the 26<sup>th</sup> September 2014 and to remain on the premises until 01.29 hours.

The following are allegations of crime and disorder at the premise and represent the number of assault calls received in the last twelve months alone. There are some current investigations that are live and will be disclosed as part of a closed hearing. These will appear as a separate document. Occurrence 1500089101 14/03/2015 is such a crime report.

**Occurrence 1500098527/ 1500098528 21/03/2015**

Call of a disturbance involving several parties. Officers pressed their emergency button as they feared for their safety requesting further units before proceeding. Male arrested on the night however CCTV was not available to view until 14.30 the next day. NFA

**Occurrence 1500034851 31/01/2015**

Female received a serious head injury after a domestic incident requiring a witness appeal. 3 persons arrested. CCTV received but does not show the incident. Male charged to court.

All these above Investigations are Assault calls and are ongoing investigations.

**Occurrence 1400472441 20/12/2014**

Common Assault Male charged to court. Both parties heavily intoxicated.

**Occurrence 1400319786 30/09/2014**

Assault ABH. Male arrested. Both the victim and his wife were heavily intoxicated. NFA.

**Occurrence 1400362008 27/09/2014**

Assault ABH. Male punched another, staff told officers to come back for CCTV. Male cautioned.

**Occurrence 1400302472 16/08/2014**

Indecent assault. No CCTV provided male charged to court.

**Occurrence 1400209612 14/06/2014**

Assault on door staff, no CCTV, male charged at court.

**Occurrence 1400107391 30/03/2014**

Allegation of assault by door staff. No CCTV covering the passageway inside. NFA.

**Occurrence 62140004273 05/01/2014**

Assault on door staff, CCTV would not play on police systems. NFA.

**PUBLIC SAFETY**

**Occurrence 1500094564 21/03/2015**

Police told DPS and door staff to clear the patio area as it was overcrowded and had already caused one report of crime and disorder.

**Occurrence 1500002520 02/01/2015**

Male banned on Pubwatch served by staff.

**Occurrence 1400369186 26/09/2014**

Male on bail for sexual assault returned to premise. Staff would not provide information or CCTV.

**Occurrence 1400289989 07/08/2014**

Fight at premises. Males were asked to leave, no details taken so no bans issued.

**Occurrence 1400199488 07/06/2014**

Males fighting in the street outside subsequently allowed entry to the Bay.

**Occurrence 1400179225 23/05/2014**

Female believed her drink was spiked.

**PROTECTION OF CHILDREN FROM HARM**

**Occurrence 1500018662 17/01/2015**

Anonymous caller saying they had witnessed underage drinking.

**Occurrence 1400382691 12/10/2014**

17 year old female intoxicated, taken home to parents. She is described as being a regular at the Bay.

**Occurrence 1400281568 01/08/2014**

Female reporting 17 year old drinking on premise.

These are just the recorded incidents to have happened in the last year at this premise. There are several other incidents in previous years highlighting the same problems, failure to provide cctv or have recordings in set areas, fighting and assault calls and allegations of underage drinking.

### REVIEWS OF LICENCES

#### BRIDGEND COUNTY BOROUGH COUNCIL'S: "Statement of Licensing Policy"

##### Provisions in respect of the protection of children from harm

7.2 The licensing authority considers the following areas will give rise to particular concerns in respect of children:...

5. Premises where the supply of alcohol is the exclusive or primary purpose of the serve.

##### Home Office Section 182 guidance 2015 states:

1.2 "The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken."

1.3 details the objectives and 1.4 states that, "Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times."

##### Reviews arising in connection with crime

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered."

A considerable number of premises within the borough have been subject of varied enforcement and licence holders have been given advice, received verbal and written warnings, and had meetings with South Wales Police which are designed to make management aware of police concerns to encourage them to address the problems being experienced or placed on action plans in order to promote the objectives.

There have also been prosecutions resulting in offenders receiving substantial fines as well as having their Personal Licences suspended.

Ultimately the review procedure has also been utilised and restricted conditions have been appended to licences including a reduction of opening hours.

A number of authorisations have also been suspended and revoked.

South Wales Police however; feel that the mindset of the management is such that review is the most appropriate form of enforcement.

There are approximately 530 premises within the borough which are licensed and additionally hundreds of Temporary Event Notices i.e. short term licences known as TEN's have been authorised for events.

The Licensing Sub-Committee should also note that reviews have had an extremely positive effect on licence holders who have not had their authorisation revoked as they have caused them to manage their venues more responsibly, conscientiously and professionally thereby promoting the objectives which in turn has led to a very substantial reduction in reported incidents at those premises, particularly violent crime.

**ENGAGEMENT WITH THE LICENCE HOLDER AND ENFORCEMENT ACTION**

South Wales Police have attempted to rectify given situations at premises failing to promote the licensing objectives by convening meetings and engaging in various forms of enforcement highlighted previously within the review.

**DOCUMENTATION SERVED BY SOUTH WALES POLICE**

Warning letters were served on \_\_\_\_\_, 30<sup>th</sup> August 2011 and the 29<sup>th</sup> May 2012.

An Action Plan was drafted on 22<sup>nd</sup> August 2014 and on discussion with the licence holder, assurances were subsequently given that the plan was unnecessary.

However, it is quite clear that the licensees continue to run a disorderly premise that fails to promote the licensing objectives as assaults, drunk and disorderly behaviour have continued.

**REVIEW RECOMMENDATIONS**

BCBC Statement of Licensing Policy Jan 2013 states:

5.15 In determining applications generally, the authority will not have regard to the commercial need for a premise but may have regard to the cumulative impact of premises within an area (**irrespective of whether a special policy applies**)

As previously highlighted this premise is located in a heavy saturated part of Porthcawl's late night economy and this review represents a key protection for the community in respect of problems during the term of an authorisation. Any decision made by the Sub-Committee must be taken following consideration of the representations received with a view to promoting the objectives.

This premise is being used to further crime including those of assault and disorderly behaviour. Significantly so far this year, three crimes of assault and an officer calling for immediate assistance, highlights that crime and disorder is escalating at the premise with the potential for serious incidents to occur. The licensing objectives are not being upheld and the conditions are not being complied with every weekend.

South Wales Police respectfully suggest that the situation will not change and feel that the only option open which would address the systematic failures outlined in these submissions is to:-

**REVOKE THE PREMISES LICENCE.**

Please tick / yes

Have you made an application for review relating to these premises before?

NO

If yes, please state the date of that application

Day		Month		Year	

If you have made representations before relating to these premises, please state what they were and when you made them.

- I have sent copies of this form and enclosures to the responsible authorities and the premises license holder
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick / ye

/
/

It is an offence, liable on conviction to a fine of up to level 5 on the standard scale, under section 158 of the licensing act 2003 to make a false statement in or in connection with this application

Part 3 - Signatures (please read guidance notes 3 and 4)

Signature if applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4) If signing on behalf of the applicant please state in what capacity.

Signature William

Date 14/05/2015

Capacity Chief Constable 4395 Vaughan

Notes for guidance

- The grounds for review must be based on one of the licensing objectives
- Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
- The application form must be signed
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- This is the address we shall use to correspond with you about this application



# THE BAY



Pen-y-bont ar Ogwr  
Mwy Diogel



**Safer Bridgend**

[www.saferbridgend.org.uk](http://www.saferbridgend.org.uk)

**APPLICATION FOR A REVIEW OF THE  
PREMISES LICENCE**

**WARNING LETTERS**

South Wales Police  
*Working with the Community*



Heddlu De Cymru  
*Cydweithio Gyda'r Gymuned*

CHIEF CONSTABLE

PETER VAUGHAN BSc Dip ACMP

PRIF GWNSTABL

Inspector Rees 2436  
Community Safety Partnership  
Police Station  
Brackla Street  
Bridgend  
CF31 1BZ  
Ref: B3/9778  
30<sup>th</sup> August 2011

Jeffrey Jenkins

Sir/Madam,

**OFFENCES UNDER THE LICENSING ACT – THE BAY, 33 THE ESPLANADE, PORTHCAWL CF36 3YR**

I refer to the licensing visit to your premise by Sergeant 2231 Jenkins at 01.50 hours on Sunday 17<sup>th</sup> July 2011 when it was noted that a number of customers were engaged in the consumption of alcohol outside the permitted hours of opening.

I am informed that Jeffrey Jenkins, who is described as slightly intoxicated, was reminded of the conditions of the Premises Licence and warned to comply with those conditions.

The supply of alcohol timings in respect of the Premises Licence are as follows: -

Sunday to Wednesday: 10.30 to 00.00 hours  
Thursday to Saturday: 10.30 to 01.00 hours

The opening hours are: -

Monday to Wednesday: 09.00 to 00.30 hours  
Thursday to Saturday: 09.00 to 01.30 hours  
Sunday: 10.00 to 00.30 hours

On 19<sup>th</sup> July 2011 the Designated Premises Supervisor was spoken to by Pc 5102 Rowlatt, Divisional Licensing Officer regarding these matters.

The conditions of the licence were further discussed whereupon it became apparent that there was non-compliance with the following condition in respect of the installation and maintenance of CCTV: -

- 1) The licensee must make recordings of images available on request to any officer of the South Wales Police in the course of their duties as soon, as is reasonably practicable. Therefore adequate training will have to be provided to duty staff in order to comply with this condition.

Local officers have informed the Licensing Department that the premise is becoming problematic and indeed this is the third warning letter served by South Wales Police.

Under Section 136 it is an offence to

- a) Carry on or attempt to carry on a licensable activity on or from any premise otherwise than under and in accordance with an authorisation i.e. a Premises Licence and the conditions which form part of it

OR

- b) Knowingly allow a licensable activity to be so carried on.

The offences in respect of the above are considered so serious that the penalties are: -

- 1) A fine of up to £20,000 and/or a term of imprisonment on summary conviction not exceeding 6 months.
- 2) All alcohol and containers may be forfeited and destroyed.
- 3) The premises licence may be reviewed under section 51.
- 4) Suspension or forfeiture of a personal licence.

Your venue will be targeted for future enforcement to ensure compliance with the Act.

If any further offences are committed in relation to the premises, under the provisions of the Licensing Act; this may result in you being prosecuted and/or have your Premises Licence reviewed.

You should be aware that recent review applications within this borough have seen the suspension and/or revocation of licences.

Licence holders subject of recent conviction have seen their Personal Licences suspended and have additionally received substantial fines.

Under Section 185 of the Licensing Act 2003 concerning the Investigation of a complaint in respect of licensed premises a copy of this correspondence will also be disclosed to the Licensing Authority.

You must comply with the conditions of your licence.

Yours faithfully,

Inspector Rees 2436  
Community Safety Partnership  
Central West Division

South Wales Police  
*Working with the Community*



Heddlu De Cymru  
*Cydweithio Gyda'r Gymuned*

CHIEF CONSTABLE

PETER VAUGHAN BSc Dip ACMP

PRIF GWNSLABI

R. Harris  
Inspector 4656  
Community Safety Partnership  
Licensing Department  
Police Station  
Brackla Street  
Bridgend  
CF31 1BZ

Ref: RH/B.3-162/4

29th May 2012

FINAL WARNING

Jeffrey Jenkins  
Premises Licence Holder  
The Bay  
33 The Esplanade  
Porthcawl  
CF36 3YR

Dear Sir,

RE: OFFENCES UNDER THE LICENSING ACT 2003

South Wales Police have received complaints that you are repeatedly contravening the following restricted conditions of the Premises Licence: -

Annex 2 - Conditions consistent with the Operating Schedule:

The Prevention of Crime and Disorder

1. "There will be a last admission policy to prohibit entry/re-entry after 23.15 hours Sunday to Wednesday and 00.00 hours Thursday to Saturday inclusive to avoid migration of customers between licensed premises late at night".
9. "There will be no licensable activities in the external area which, after agreement with the applicant will close at 23.30 hours".

As a consequence of these complaints Divisional Licensing Officers were deployed to Porthcawl and kept observations on your premise from 23.30 hours on Friday 25th May 2012 until closure.

After midnight you were seen in the external area positioned at the entrance/exit point next to large signage highlighting that there is no entry/re-entry after midnight.

The area was full to capacity of customers consuming alcohol and you were allowing a constant stream of persons to pass you and gain entry to the bar despite the presence of the police and in blatant contravention of both conditions.

Officers attended at your premise at 01 20hrs on Saturday 26th May 2012 and found that approximately 40 patrons were still consuming alcohol in the external area in serious breach of the conditions and the area was so crowded that some customers were drinking on the public footpath directly outside.

There was considerable noise nuisance emanating from the venue.

Both you and \_\_\_\_\_ were spoken to and the conditions were highlighted to you whereupon you were informed that you must adhere to them.

However; despite the advice offered to you by my officers the exact same situation presented the following night. This is unacceptable.

Under Section 136 of the Licensing Act 2003 it is an offence to;

A) Carry on or attempt to carry on a licensable activity on or from any premise otherwise than under and in accordance with an authorisation i.e. a Premises Licence and the conditions which form part of it

Or

B) Knowingly allow a licensable activity to be so carried on.

The penalties in respect of the above are as follows: -

- 1) A fine of up to £20,000 and/or a term of imprisonment on summary conviction not exceeding 6 months.
- 2) All alcohol and containers may be forfeited and destroyed.
- 3) The Premises Licence may be Reviewed under Section 51.
- 4) Suspension or forfeiture of a Personal Licence.

You should be mindful that numerous premises have been subject of the Review procedure and additionally licence holders and Designated Premises Supervisors have been prosecuted for committing similar offences and received substantial convictions.

These individuals failed to heed respective warning letters such as this prior to conviction and/or Review.

Section 129 of the Act enables forfeiture or suspension of a Personal Licence on conviction of a relevant offence.

Offences under the Act are relevant offences and you hold such a licence, issued by Bridgend County Borough Council.

If you are convicted South Wales Police will request that the court consider the Section 129 provisions.

Your premise will again be subject of a visit in the near future in order to ensure compliance with the Licensing Act 2003.

This is the final warning letter you will receive and again may be regarded as official correspondence, which will be held on file.

Under Section 185 of the Licensing Act 2003 concerning the investigation of a complaint in respect of licensed premises a copy of this correspondence will also be disclosed to the Licensing Authority and the Senior Environmental Health Officer.

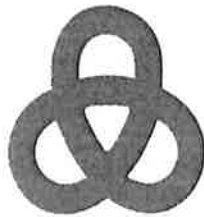
Yours faithfully,

  
Inspector 4656 Harris  
Bridgend Police Station

# THE BAY



Pen-y-bont ar Ogwr  
Mwy Diogel



**Safer Bridgend**

[www.saferbridgend.org.uk](http://www.saferbridgend.org.uk)

**APPLICATION FOR A REVIEW OF THE  
PREMISES LICENCE**

**ACTION PLAN**

**The Bay,  
33 The Esplanade, Porthcawl, CF36 3YR  
ACTION PLAN 20/08/2014- OWNER- DPS.**

POLICE CONCERNS	ACTION TAKEN
<p><b>PREVENTION OF CRIME AND DISORDER</b></p> <ul style="list-style-type: none"> <li>• Responsibilities to avoid crime and disorder</li> <li>• Further reports to police, in relation to crime and disorder</li> </ul>	<p>Staff to be trained on licensing offences and written records kept, which will include training of staff to be able to provide CCTV.</p> <p>To adopt a policy in reference to the use of the <b>101</b> Police Non emergency number to call this telephone number for low level incidents, disorderly customers, and customers refusing to leave, etc. All staff to be trained in how to use the number to report incidents to the police.</p>
<p><b>PUBLIC SAFETY</b></p> <ul style="list-style-type: none"> <li>• Outside areas to be managed more effectively</li> <li>• Overcrowding</li> </ul>	<p>CCTV signs must be displayed showing the controllers contact details and CCTV to be regularly checked and operational.</p> <p>Outside area will close at 2330 hours.</p> <p>Staff to carry out regular clearance of outside areas and get rid of any glass, bottles, etc.</p>
<p><b>PROTECTION OF CHILDREN FROM HARM</b></p> <ul style="list-style-type: none"> <li>• Access to children and offences in relation to children</li> </ul>	<p>A "refusals register" will be maintained which will detail in chronological order the time and date any sale of alcohol is refused, including the name and signature of the staff member responsible, the product and a comments section. The register will be countersigned on a weekly basis by the Designated Premises Supervisor.</p> <p>Staff will comply with the Challenge scheme and request ID to protect children from purchasing and being supplied alcohol.</p> <p>"Challenge 21" posters will be displayed in prominent positions around the bar area and at the</p>

	entrance point.
<p><b>PREVENTION OF PUBLIC NUISANCE</b></p> <ul style="list-style-type: none"> <li>Levels of intoxicated customers</li> </ul>	<p>Staff to adopt a zero tolerance approach to disorderly behaviour and underage.</p> <p>Staff to call police on 101 or 999 for any incidents of disorder or crimes to prevent them becoming more serious.</p>
<p><b>LICENSING OFFENCES</b></p> <ul style="list-style-type: none"> <li>Subjected to variation compliance</li> <li>Failure to comply with conditions of a Licence i.e.</li> <li>CCTV</li> </ul>	<p>The premises will close at 01.30 hours Thursday to Saturday.</p> <p>No entry or re entry after 00.00 hours Thursdays to Saturdays inclusive.</p> <p>The Premise licence holder will ensure that an age verification policy applies to the premises in relation to the sale and supply of alcohol.</p> <p>The Premise licence holder will ensure the CCTV system is always working and always able to reproduce footage.</p> <p>The responsible manager to check the CCTV daily and be trained and able to record images and supply them to South Wales Police on request, as soon as possible.</p> <p>The DPS to demonstrate effective management and be present.</p>

Owner of Action plan (print name) ----- for 3 months -----

Must be completed and Passed back to Bridgend Licensing team by 20th August 2014 (Signed )-----

- Copy must be held on premise and produced on request.
- Signed copy will also be forwarded to Bridgend Licensing Team, 1<sup>st</sup> Floor, Bridgend Police Station, Brackla Street, BRIDGEND. CF31 1BZ.



# Woman, 53, was knocked unconscious during Porthcawl street brawl involving eight people

- 13:20, 16 February 2015
- By

**Police are appealing for witnesses to the mass fight outside a bar in the seaside resort and have released a CCTV image**



**Police have released a CCTV of the fight**

A woman needed hospital treatment after being knocked unconscious during a street brawl outside a Porthcawl bar.

Around eight people were involved in the fight outside The Bay bar on the Esplanade at around 1.30am on Saturday 31st January.

A 53-year-old woman, from Porthcawl, was injured in the fight and taken to Princess of Wales Hospital for treatment.

## **Witness appeal**

Now, South Wales Police are appealing for any witnesses to get in touch.

PC ? said: “When officers arrived they found the lady unconscious on the ground.

“Initial enquiries have established that shortly before there had been an altercation outside The Bay bar between a group of men.

“This argument resulted in the victim being hit and falling to the ground. The lady received an injury to her head during, what appears to have been, an argument that got out of control.

“We have already made two arrests in connection to the incident and we have a number of lines of enquiry to follow up.

“We are confident there will be people with detail from that night that could help us so if you witnessed the fight please contact us with any information”.

### **Police bail**

Two men aged 53 and 20 are on police bail pending further enquiries. They have both been bailed until April 13.

South Wales Police are appealing for anyone who witnessed the incident to call them on 101 quoting reference number 1500034851. Alternatively Crimestoppers can be contacted anonymously on 0800 555 111.