

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON FRIDAY, 10 JULY 2015 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

Councillors

GW Davies MBE

PN John

Officers:

Andrea Lee

Senior Lawyer

Yvonne Witchell

Licensing & Registration Manager

Rachel Morris

Senior Licensing Assistant

Andrew Rees

Senior Democratic Services Officer – Committees

Representing South

Wales Police

PC S Rowlatt

PC D Barrett

Representing the

Premises Licence

Holder

Jeffrey Jenkins

Premises Licence Holder

Mike Hammett

Representing the Premises Licence Holder

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

3. LICENSING ACT 2003: SECTION 51 APPLICATION FOR REVIEW OF PREMISES LICENCE THE BAY, 33 THE ESPLANADE, PORTHCAWL

The Licensing and Registration Officer reported on an application submitted by the Chief Officer of Police for a review of the premises licence of The Bay, 33 The Esplanade, Porthcawl. She stated that the Premises Licence Holder is Mr Jeffrey Jenkins and the premises authorises the supply of alcohol between 1030 and 0000 hours Sunday to Wednesday, 1030 and 0100 hours Thursday to Saturday and New Year's Eve terminal hour 0130 hours New Year's Day. Live music (indoors only) between 2000 and 2300 hours Thursday to Saturday, 1300 to 1500 hours and 1930 to 2200 hours on Sundays, New Year's Eve and Bank Holiday Sundays terminal hour 0100 hours. Recorded music (indoors only) between 0900 and 0030 hours Monday to Wednesday, 0900 and 0130 hours Thursday to Saturday, 1000 and 0030 hours on Sundays, New Year's Eve 0130 terminal hour and Bank Holiday Sundays to 0030

terminal hour. Seasonal variation for recorded music, to commence at 0900 hours from Easter Sunday until the end of September with no change to the terminal hour.

The application had been advertised in accordance with the regulations; there had been no representations received or additional documents for the Sub-Committee's consideration. The Licensing and Registration Officer informed the Sub-Committee that discussions had taken place between the South Wales Police and the Premises Licence Holder.

PC Rowlatt informed the Sub-Committee that there had been extensive negotiations between South Wales Police and the Premises Licence Holder resulting in a list of remedies which had been agreed as acceptable conditions to address the issues raised by the review document for the Sub-Committee's consideration. In relation to Condition 1, to restrict the supply of alcohol from Thursday to Saturday 1030 to 0030 hours. In relation to Condition 2, recorded music (Indoor only) from Thursday to Saturday 0900 to 0100 hours and in relation to Condition 3, the opening hours of the premises Thursday to Saturday from 0900 to 0100 hours.

PC Rowlatt also informed the Sub-Committee that in relation to the prevention of crime and disorder, it was proposed to delete Conditions 1, 2 and 3 and Condition 4 will remain. Condition 5 will be amended so that CCTV will be installed and fully functioning by 1 August 2015. Condition 6 will remain. Condition 7 will be amended to state "All staff will be trained in the requirements of Challenge 25 policy and records kept and updated". Condition 8 will be amended to state "Challenge 25 posters will be displayed in prominent positions around the bar and entrance area". Condition 9 will be amended to state "There will be no consumption of fluids in the external decked area after 0000 hours which will be used as a designated smoking area".

PC Rowlatt informed the Sub-Committee that the Premises Licence Holder had volunteered the following additional conditions:

10. All door staff shall be SIA trained and hold a suitable accredited qualification and badge will be displayed in a suitably approved holder.

11. The number of door supervisors employed shall be in accordance with the following ratio: A minimum of two door supervisors will be employed for the first 100 customers and one door supervisor for every 50 thereafter.

12. Door Supervisors shall be on duty at the premises on Friday and Saturday from 2200 hours until closure.

13. Door Supervisors shall be on duty at the premises on Sunday s preceding a Bank Holiday Monday from 2200 hours until closure.

14. During the wind down period from 0030 hours, the style tempo and volume of any music shall be consistent with the wind down period and extra lighting shall be illuminated.

15. The maximum number of persons permitted in the premises at any one time will be 150 persons. This will be taken from the entrance point at the start of the decked area and will include the decked area.

16. The respondent had agreed to a new CCTV digital system to be installed into the premises removing existing camera angles and upgrading cameras to cover all areas to which the public has access. This will be implemented and operational by 1 August 2015.

The Sub-Committee questioned whether the Premises Licence Holder employed door supervisors at the premises were SIA accredited and the capacity at the premises. The Premises Licence Holder confirmed that the door supervisors employed at the premises are SIA accredited and that the previous capacity at the premises was 224 persons.

The Sub-Committee adjourned at 10.17am to consider the amended conditions put forward and reconvened at 10.38am.

The Legal Officer informed both parties the Sub-Committee was minded to proceed with a full hearing and requested both parties discuss further amendments to the proposed conditions as it had concerns regarding the proposed deletion of conditions and the proposed opening hours.

The Sub-Committee adjourned at 10.40am to allow both parties the opportunity to discuss further amendments to the conditions. The Sub-Committee reconvened at 11.25am.

The Sub-Committee invited both parties to make submissions.

The Premises Licence Holder's representative informed the Sub-Committee that further discussions had taken place with South Wales Police and further amendments would be proposed for the Sub-Committee's consideration which both parties consider would be sufficient to meet the difficulties at the premises. He stated that the majority of customers frequenting the premises on Thursday to Saturday did not arrive until 2330 hours and a significant reduction in the opening hours would have a significant impact on the viability of the premises. The reduction in the capacity at the premises would also have a significant on the viability of the premises.

The Premises Licence Holder's representative informed the Sub-Committee that the proposed deletion of Conditions 1-3 had been proposed by the Premises Licence Holder and that the impetus for their removal came from South Wales Police. He stated that in relation to the prevention of Crime and Disorder Condition 1 it was proposed that there would be no re-admission to the premises beyond 0000 hours and no admission to the premises after 0030 hours to avoid migration of customers between licensed premises late at night. In relation to Condition 3, it was proposed that staff will telephone the police immediately when there is crime and disorder at the premises and the premises would adopt a radio network as and when it was available. The Premises Licence Holder's representative informed the Sub-Committee that in order that a radio network to work a number of premises would have to sign up to it.

The Premises Licence Holder's representative informed the Sub-Committee that by re-inserting the conditions which were to be deleted previously it would satisfy the Sub-Committee. He stated that the majority of customers frequenting the premises arrived after 2330 hours and that the business needed to be commercially viable and that if there were further reductions in opening hours it would affect the commercial viability of the business. He informed the Sub-Committee that a staggered means of egress from premises was required in order to avoid crime and disorder. It was also proposed that the supply of alcohol would cease at 0030 hours and the decked areas would close at the point which alcohol ceased to be sold. Music would cease at 0045 hours in order to encourage customers to gradually leave for the premises to close at 0100 hours. The Premises Licence Holder's representative informed the Sub-Committee that the Premises Licence Holder had made significant concessions which had been discussed at length the police and which would go a long way to reducing the difficulties previously experienced at the premises.

The Legal Officer asked South Wales Police to explain their change on position from revocation to one of negotiation with the Premises Licence Holder.

PC Rowlatt informed the Sub-Committee that the main issue South Wales Police had with the premises was one of non-compliance with the licence conditions and a failure to promote the licensing objectives. It was felt that a Level 3 warning would not alter conditions and the way in which the premises are managed. However, it was felt that an application for the revocation of the premises licence could give rise to negotiations with the Premises Licence Holder on the potential for conditions being altered. PC Rowlatt informed the Sub-Committee that a change in the DPS would not have an effect as the premises are very much a family business. She stated that the Premises Licence Holder had attended meetings and is prepared to work with the police and also understands that this would be the last opportunity in order to make his business work, which had given rise to the negotiations on the licensing conditions. An action plan had also been served on the Premises Licence Holder.

In response to a question from the Licensing and Registration Officer as to compliance with Condition 9, the Premises Licence Holder's representative informed the Sub-Committee that door staff on duty at the premises would ensure that there would be no consumption of fluids in the external decked area after 0000 hours. The Premises Licence Holder's representative also informed the Sub-Committee that in relation to Condition 13, door supervisors shall be on duty at the premises on Sundays preceding a Bank Holiday Monday from 2200 hours until closure.

The Premises Licence Holder's representative informed the Sub-Committee that there had been a gentleman's agreement in place with the previous Premises Licence Holder regarding the use of the decked area which had been sanctioned by the police prior to the application being made for the review of the premises licence. As a result of the application made by the police, the Premises Licence Holder had co-operated with the police.

In response to a question from the Sub-Committee, the Premises Licence Holder stated that it was his intention to continue to have dancing at the premises. PC Rowlatt informed the Sub-Committee that dancing would be allowed at the premises up until 2300 hours.

The Sub-Committee adjourned at 11.46am to consider the amended conditions put forward and reconvened at 11.55am and on their return it was:

RESOLVED: That the Licensing Sub-Committee modified the Premises Licence as follows:-

Supply of Alcohol:-

Thursday to Saturday: 1030 – 0030 hours

Recorded Music (Indoors Only):-

Thursday to Saturday: 0900 – 0045 hours

Opening Hours of the Premises:-

Thursday to Saturday: 0900 – 0100 hours

**Prevention of Crime & Disorder**

(Conditions numbered and listed below replace the existing conditions numbered accordingly)

1. No re-admission after 0000 hours and no admission after 0030 hours.
2. Condition 2 deleted.
3. The Premises Licence Holder will ensure that all incidents of violence and disorder are immediately reported to the Police and a radio network to be adopted as and when available.
4. 4a – 4L to remain on Premises Licence.
5. The Premises Licence Holder will ensure that CCTV is installed and fully functioning by 1 August 2015.
6. To remain on Premises Licence.
7. The Premises Licence Holder will ensure that all staff are trained in the requirements of “Challenge 25” policy and records kept and updated.
8. The Premises Licence Holder will ensure that “Challenge 25” posters are displayed in prominent positions around the bar and entrance area.
9. There will be no consumption of fluids in the external decked area after 0000 hours which will be used as a designated smoking area.
10. The Premises Licence Holder will ensure that all door staff are SIA trained and hold a suitable accredited qualification (mandatory condition) and badge will be displayed in a suitable approved holder.
11. The Premises Licence Holder will ensure that the number of door supervisors employed at the premises is in accordance with the following ratio: a minimum of two door supervisors will be employed for the first 100 customers and one door supervisor for every 50 thereafter.
12. The Premises Licence Holder will ensure that door supervisors are on duty at the premises on Thursday, Friday, Saturday and Sundays preceding a Bank Holiday Monday from 2130 hours until closure
13. During the wind down period from 0030 hours, Thursday to Saturday only, the style tempo and volume of any music shall be consistent with the wind down period and extra lighting shall be illuminated.
14. The Premises Licence Holder will ensure that the maximum number of persons permitted on the premises at any one time will be 150 persons. This will be taken from the entrance point at the start of the decked area and will include the decked area.
15. The decking area will close at the time the supply of alcohol ceases.

Note:-

The respondent has agreed to a new CCTV digital system to be installed into the premises removing existing camera angles and upgrading cameras to cover all areas to which the public has access. This will be implemented and operational by the 1<sup>st</sup> August 2015.

The meeting closed at 11.58 am