

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON MONDAY, 19 OCTOBER 2015 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

GW Davies MBE      E Dodd

Officers:

Katia Daw                      Lawyer  
Yvonne Witchell              Senior Licensing & Registration Officer  
Sarah Daniel                  Democratic Services Officer – Committees

Invitees:

Mr Stephen Hayes      Premises Licence Holder  
Miss Katy John          Partner of Mr S Hayes

South Wales Police:

PC K Ellis  
PC S Rowlatt

13.    APOLOGIES FOR ABSENCE

None

14.    DECLARATIONS OF INTEREST

None

15.    LICENSING ACT 2003: SECTION 51 APPLICATION FOR REVIEW OF PREMISES LICENCE - STAR HOTEL, 144 COMMERCIAL STREET, MAESTEG, BRIDGEND

The Chairperson welcomed all those to the meeting and relevant introductions were made.

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 Star Hotel, 144 Commercial Street, Maesteg. She stated that the Premises Licence Holder was Mr Stephen Edward Hayes and the premises authorised the supply of alcohol Monday to Saturday 1200-0200 hours, Sunday 1200-0000 hours and Christmas Eve and Christmas Day to 0200 hours. Live and recorded music Monday to Saturday between 1900 and 0200 hours, Sunday 1900-0000 hours and Christmas Eve and Christmas day to 0200 hours

The application had been advertised in accordance with the regulations; there had been no representations received. A further submission document had been received from Public Protection department which after agreement from the Chairperson was submitted for the Sub-Committee's consideration. The Licensing and Registration Officer informed the Sub-Committee that at the time of preparing the report, the Licensing section were not aware of any discussions between South Wales Police, Trading Standards Department and the Premises Licence Holder

The Chairperson invited South Wales Police to give their representation to the Sub-Committee

PC Ellis stated that before he commenced with the representations he wished to highlight an error in respect of the warning letter, dated 11th June 2013. He stated that this was a duplicate of the second warning of 24th May 2011 and should therefore be ignored. He added that as per the original application six warnings had been served.

PC Ellis reported to the Sub-Committee that on 15th November 2010 Mr Stephen Hayes made an application to transfer the premises licence and vary the designated premises supervisor specifying himself as both premises licence holder and designated premises supervisor, consequently the current licence was issued shortly thereafter. PC Ellis stated that Mr Hayes was the personal licence holder; reference bcbcli1031, issued by Bridgend County Borough Council on 27th April 2010 and as such he had a recognised licensing accreditation which authorised him to apply for a personal licence.

PC Ellis stated that Mr Hayes was also the holder of a front line security industry authority (SIA) door control supervisor licence which expired on 30 August 2016 and SIA licences had a lifespan of three years, however; regular renewal of the licence showed that Mr Hayes had been a doorman since 2004 at least, therefore Mr Hayes was fully aware of licensing legislation and licensing offences. He added that he would also be aware of the rules relating to door staff and their code of conduct and how to deal with drunken customers, preventing entry to those restricted by age or intoxication and disorderly behaviour.

PC Ellis referred to the guidance issued under section 182 of the licensing act:

Section 1 referred to licensing objectives and aims:

Sub-section 1.2 highlighted that, "the legislation provides a clear focus on the promotion of 4 statutory objectives which must be addressed when licensing functions are undertaken."

PC Ellis stated that the review related to all four of the above objectives and highlighted a persistent failure by the licence holder over many years to promote the objectives. He advised that Sub-section 1.3 detailed what the objectives were and sub-section 1.4 stated 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."

PC Ellis detailed the engagement with the premises licence holder and enforcement action that had been undertaken. Sub-section 11.10 of the guidance indicated that, "where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice 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 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. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."

PC Ellis asked the Sub-Committee to note from the application that Mr Hayes had been subject of at least 13 warning letters, six of which had been issued by South Wales Police and seven by the Environmental Health Department. The majority of letters that were issued by South Wales Police related to numerous contraventions of the conditions

of the licence. Other aspects of the warning letters related to incidents of serious disorder, offences under the security industry act 2001, drunkenness of customers as well as those who had been similarly intoxicated but alarmingly were aged 15, 16 or 17 years.

PC Ellis informed the Sub-Committee that Mr Hayes was advised in the first letter to familiarise himself with the conditions of the licence but four of the five subsequent warnings concerned further contraventions of the conditions.

In relation to the high levels of intoxication of customers the third warning letter of February 2012 advised that providing a free shot on entry may be considered to be an irresponsible drinks promotion. In fact four of the six warnings raised concerns as to the level of intoxication of customers. Additionally, the Environmental Health Department had served abatement notices on Mr Hayes and he had also been subject of an action plan in order to reduce public nuisance by way of amplified music and speech.

PC Ellis advised the Sub-Committee that South Wales Police placed Mr Hayes on an action plan as recently as January 2015. He added that it was significant as five of the six warnings informed Mr Hayes that the premises licence may be reviewed. He further added that no other licence holder within the Borough had received such extensive enforcement and it was the submissions of South Wales Police that the authorities had gone over and above what the guidance dictated.

PC Ellis further advised the Sub-Committee that the first letter was served by the Environmental Health Department just one month after Mr Hayes became the licence holder in 2010, thereafter warnings solely concerning crime and disorder served by the South Wales Police highlighted that : -

- Two letters were given in 2011
- One was served in 2012
- Two were given in 2013
- The final letter being served in November 2014

PC Ellis informed the Sub-Committee that there was an attempt in the second warning letter to assist the premises licence holder as there was reference to one of the conditions being onerous and South Wales Police highlighted that it would support its removal if the application was made, he advised however that no such application was forthcoming.

PC Ellis advised the Sub-Committee that two months after being served the final warning in November 2014 South Wales Police were forced to place Mr Hayes on an action plan in January 2015 as the licensing objectives were still being seriously compromised. The time-line formed part of the review and was critical indictment of the management of the Star Hotel. He added that the statement from Inspector Lewis was equally uncomplimentary.

#### **Prevention of Crime and Disorder Objective and Public Nuisance Objective**

PC Ellis demonstrated that the time line showed persistent and unacceptable levels of crime and disorder at a venue which was authorised to open from Midday to 2.30am Monday to Saturday and Midday to 12.30am on Sunday. He stated that the premises had some of the longest opening hours within the Borough for what was a public house. He added that what was alarming, that having closely examined the time-line, the vast majority of incidents had been reported on a Friday and Saturday, with some being recorded on a Sunday. He explained this was because the venue only opened from between 8/9pm on Friday and Saturday and on Sundays prior to Bank Holiday

Monday's. He added that on Sundays the premises was authorised to open until 00.30hrs only therefore Mr Hayes had in the past applied for temporary licences (Ten's) on those days authorising him to open until 02.30am.

PC Ellis advised the Sub-Committee that the purpose of detailing the actual day alongside the date and times when incidents had been reported to South Wales Police was to highlight to the Sub-Committee that the crime and disorder objective in particular was compromised in a concise time frame on just two nights of the week only. Therefore the amount of incidents was considerably worse as they were not spread out over seven days. PC Ellis added there were serious problems being experienced and what was grossly unacceptable was that numerous incidents related to customers who were not only intoxicated but often very drunk whether they were victims, assailants or witnesses. He further added that what was particularly concerning was the number of occurrences that related to customers who were under 18.

PC Ellis stated that it was one of the functions of the licensing department to investigate all recorded incidents to determine whether they had occurred or there was a causal link to licensed premises. Where it had been verified that incidents were related to such venues they would then be appended to the database accordingly against that premises. If the incidents concerned an arrest then the custody records of suspects (i.e. Customers) were interrogated in order to determine their levels of intoxication.

PC Ellis advised that it was the experience of South Wales Police that when interviewed for those offences suspects would freely disclose how much alcohol they had consumed and at what premises, as well as their resultant level of intoxication. He added that this would indicate that alcohol was being served to persons who were intoxicated which was contrary to section 141 of the act and there was the problem as alcohol was clearly playing a major part in the disorder that is occurring. He further added that numerous suspects brought into custody had to be assessed by custody staff and made subject of what was known as custody care plans which required custody officers to monitor the demeanour of detainees for their health and wellbeing. They were then placed on detainee frequency checks causing custody officers to visit a detained person in their cell to monitor their demeanour. He stated that in most instances the checks had to be carried out every 30 minutes until the suspects have sobered up. The vast majority of those customers arrested fell into that category.

PC Ellis advised the Sub-Committee that certain detainees had been so drunk that they were not able to receive their legal rights until a considerable period of time after they had been arrested. He stated to the Sub-Committee that the following suspects had been placed on custody care plans. Other suspects who had not been arrested at the time because they fled the scene or victims did not come forward until the following day for example were not subject of care plans as they had been arrested subsequently when sober.

- 1) Incident of Sunday 13 September 2015 occurred at 00.15hrs and concerned a dispute within the premises which resulted in the arrest of a customer for using threatening behaviour. The male was checked by custody staff at 06.51hrs who found him to be still drunk – six and a half hours after the incident. He was later cautioned for the offence.
- 2) Occurrence of Sunday 30 August 2015 took place at 23.49hrs and was a serious incident which started within the licenced premises. Officers required urgent assistance. The suspect was arrested and an entry on the custody log the following day detailed, "The detained person is intoxicated". The log entry was recorded at 08.12hrs - over 8 hours after the incident. The suspect was charged to court.

PC Ellis stated that what was significant about the above customer was that the suspect was not permitted to attend licensed premises in either Porthcawl or Bridgend as she was subject of bans under both pub watch schemes. The suspect had a prolonged history of offending and was the type of customer the venue appears to attract.

- 3) Occurrence of Saturday 2 May 2015 took place at 01.49hrs and involved the arrest of a customer for threatening behaviour. Custody staff logged that the suspect was so drunk he could not be given his legal rights until 12.10hrs - over 10hrs after the incident. The suspect was cautioned.
- 4) Occurrence of Sunday 1 March 2015 took place at 00.15hrs and was recorded as an assault in the smoking area of the licensed premises. The suspect was not arrested at the time but when he was subsequently detained and interviewed he stated that his memory of events was poor due to the alcohol he had consumed that evening. The suspect was charged to court.
- 5) Occurrence of Sunday 22 February 2015 at 02.35hrs and was a serious disturbance which occurred shortly after closure and involved customers. A unit known as the territorial response team was at the scene. The unit consisted of officers who were authorised to carry taser weapons. One of the suspects was so aggressive that officers had to do what was called, "red dot", him in an attempt to force compliance i.e. Train the taser on his body, which shows a red target mark, with a threat to discharge the weapon. Three males were arrested for threatening behaviour and all three custody records detailed the following: -
  - Suspect 1: custody record endorsed 22 February 2015 at 07:56hrs – "the detained person is intoxicated." over six and a half hours after the incident
  - Suspect 2: custody record endorsed 22 February 2015 at 06.48hrs – "the detained person is intoxicated."

All three suspects were given a £90 penalty notice.

- 6) Occurrence of Saturday 14 February 2015 at 23.56hrs. A male was arrested for being drunk & disorderly having exited The Star when he proceeded to vomit before becoming aggressive to police officers who spoke to him. Custody staff recorded the following on the custody log when he was booked in: -

"detainee is intoxicated, sweating profusely and foaming at the mouth".

PC Ellis stated that he was so drunk on arrest he could not be given legal rights until 08:36hrs the following morning when he was deemed to be sober enough. The suspect was charged to court.

- 7) Occurrence of Sunday 28 December 2014 took place at 01.46hrs. A female was arrested for being drunk & disorderly following a disturbance which spilled out into the street. She was not arrested but was given a £90 penalty notice.
- 8) Occurrence of Sunday 21 December 2014 took place at 00.30hrs and was again a serious incident which involved large numbers of persons. The radio message from officers attending the scene was not by way of verbal communication but by activation of their personal attack alarm. In this instance the following was

generated: - "urgent assistance. Emergency incident created for CX30. Last known location is Talbot street" (which is the street adjoining commercial street) In such circumstances police officers may be under attack or restraining a suspect and cannot communicate verbally so they are forced to engage their emergency button on their radio which sends out a location signal, such transmissions were uncommon. Two suspects were arrested for violent behaviour and again custody staff recorded that they were "intoxicated". PC Ellis stated that suspect 1 was so drunk on arrest he could not be given legal rights until 08:37hrs 21 December 2014. Both suspects were charged to court.

- 9) Occurrence of Sunday 14 December 2014 took place at 00.58hrs and the text of the radio call from one of the attending officers was: - "large disturbance – one male detained". A male was arrested for common assault and in his witness statement the arresting officer had described the suspect as, "clearly intoxicated, his eyes were red and he smelt strongly of intoxicating liquor".

Custody record was endorsed 14 December 2014 at 08:32hrs – "the detained person is intoxicated." Eight and a half hours after the incident. When interviewed the following day regarding the assault the suspect was asked about his drunken state on a scale of intoxication from 1 to 10 with 10 being the worst. He admitted to being what he considered to be 7. The suspect was cautioned.

- 10) Occurrence of Sunday 7 December 2014 took place at 00.54hrs. An intoxicated male had just left the licensed premises and was seen to openly urinate in the street whereupon he was approached by officers and became aggressive. He was arrested for being drunk & disorderly. The custody record was endorsed 7 February 2015 at 07:54hrs – "the detained person is intoxicated." He was given a £90 penalty notice.
- 11) Occurrence of Sunday 9 November 2014 took place at 00.59hrs and was another large disturbance. The officer dealing with the case had noted the following: - "seven male persons, aged between 20 and 28 years, were arrested. The full incident has been captured on CCTV and it is worthy of note that some of the suspects had just left The Star Hotel and the others had left a wedding party in Maesteg Town Hall. All were intoxicated".

PC Ellis informed the Sub-Committee that in relation to all seven suspects each custody record detailed that they were intoxicated or under the influence. Six suspects were subsequently charged to court and one was released without charge. He stated that these incidents concerned suspects who had been arrested from 2014 to present however; similar occurrences had taken place in 2013, 2012 and 2011.

He stated that allowing customers to be intoxicated undermined both the crime and disorder and public safety objectives. The public nuisance was similarly compromised when customers become involved in incidents outside in the street. Suspects were not the only customers who had been intoxicated as victims had been found in a similarly intoxicated state.

#### Intoxicated victims

- 12) Occurrence of Sunday 23 August 2015 was a common assault and took place at 02.00hrs. The modus operandi of an offence was defined by the way a crime was committed. In this case the MO was as follows: -

Alcohol related - Complainant and suspect are ex-partners. Complainant was standing inside the public house near to the toilets. The suspect re-entered the public house after being thrown out by bouncers, and walked up to the complainant and punched her once to the face, she sustained a black eye. The suspect then made good his escape on foot.

In her witness statement she detailed that she had commenced drinking at 15.00hrs the previous afternoon and the assault had taken place at 02.00hrs, eleven hours later. She disclosed that: -

“During the day I went to Wetherspoons, Federation Bar and King Alfred Public Houses and I consumed a large amount of wine. I cannot recall how many drinks I consumed because I was intoxicated. The Star Public House was the last pub I went to.”

13) Occurrence of Saturday 2 May 2015 also took place at 02.00hrs and was alarming as it concerned an allegation of assault by a male customer which was reported by a female customer. The male was duly arrested. The occurrence log was updated at 11.42hrs that morning by the investigating officer, PC4671 Morris who made the following entry: - “victim stated that she had consumed a lot of alcohol and had continued drinking throughout the morning. A statement has been taken from her but a further statement may be required when she is sober.

She was contacted at 15.53hrs that same day by PC5077 Evans who made the following entry:- “I have contacted the victim and advised her that all enquiries are complete and the result of the investigation is as follows: - CCTV footage does not show the male assaulting her and he has been released – no further action. She believed he did assault her however; she accepted that she was quite drunk”.

PC Ellis added that the customer was so intoxicated she either genuinely thought she was assaulted or made the whole thing up which resulted in an innocent person being arrested.

14) Occurrence of Sunday 1 March 2015 took place at 00.24hrs

This was a serious assault that resulted in a customer sustaining a double fracture of the jaw. The call came from the ambulance service who reported to South Wales Police that a male been assaulted. The modus operandi: - person or persons unknown have approached the complainant whilst in a pub and have punched him to the face several times leaving his face swollen. Suspect has then made good their escape. Complainant suffered a double fracture to both sides of his jaw as a result of the assault.

1) Supervisor review 1 March 2015 02:55 PC3449 Dorney, c. Log entry: -

“The victim has flagged officers down reporting he had been assaulted by an unknown person inside the star. He clearly had visible deformity to his jaw. There were no ambulances available so he was conveyed to Princess of Wales by police. He was finding it difficult to speak because of his injury and was not able to provide any further account or statement. Officers in charge had attended at The Star Hotel to view CCTV but there were no operators working at the time”.

2) Investigator action 1 March 2015 03:07 PC536 Davies, d. Log entry: -

“The victim approached officers in Commercial Street stating that he had been assaulted in the star. He does not know who the assailant is but is certain that he has been punched to his face several times. His left jaw

was swollen and he was dribbling, unable to talk and was holding his jaw with his hand. Officers at A&E have appraised me of the fact that the victim is too intoxicated to be x-rayed. He has been given morphine for the pain. Due to his demeanour and amount of pain he is suffering A&E staff believe he has a broken jaw but do not know what part or how many breaks until the morning.

3) Victim contact 1 March 2015 15:45 PC536 Davies, d. Log entry: -

"I have spoken to the victim's father who informed me that his son was at that time in theatre having two plates inserted in his jaw due to suffering a double fracture to both sides". The victim refused to make a complaint. PC Ellis added that not only was the victim intoxicated but staff had not been trained in downloading CCTV in contravention of the conditions of the premises licence. PC Ellis further added that what was significant about the assault was that fortunately such debilitating injuries were rare.

15) Occurrence of Sunday 1 March 2015 which took place at 01.25hrs, just an hour after the previous assault. Modus operandi: the complainant was on the dance floor when he was approached by an unknown male suspect who asked him, "have you been dancing?" when the complainant responded the suspect had punched him once to the face knocking him to the ground causing bruising and swelling to the complainant's left eye. The male suspect has then made good his escape leaving prior to police attendance.

Victim contact 1 March 21015 02:38hrs PS4561 Northey, j. Log entry: -"I have conferred with victim on Commercial Street and he was highly intoxicated and very incoherent". PC Ellis stated that what was concerning about Sunday 1 March 2015 was that six incidents were reported to South Wales Police in under two hours. He further added that at 01.59hrs there was a report of fighting in the street and at 02.07hrs door staff required urgent assistance. Prior to these calls four assaults were reported between 00.15hrs and 01.55hrs. Two of the assaults concerned victims who were intoxicated whilst the perpetrator of another assault was drunk

16) Occurrence of Saturday 20 December 2014 took place at 00.24hrs and was another large disturbance and involved a glass related assault. Modus operandi: the injured party has been inside the female toilet of a public house when she attempted to separate a fight between other females. During this fracas she has been struck to the face with a bottle causing injury to her cheek just below her right eye.

Investigator action 20 December 2014 at 01:58 PC553 Shakespeare, c. Log entry: -

"Officers were approached by an unknown intoxicated male in the street stating that a female had been bottled inside the star. As officers approached the female she was sat on the floor outside the premises along with the witness. The victim had a small laceration below her right eye approximately 1cm in length. She was heavily intoxicated and could not provide much of an account other than she had been struck to the face whilst trying to separate a fight inside the female toilets in The Star Hotel"

The staff at The Star Hotel were spoken to and stated that there were approximately eight people fighting in the toilets.

### **The prevention of children from harm objective**

Some of the mandatory conditions of the premises licence were: -



7)(1) The Premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

7)(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark

Annex 2 – Conditions Consistent with the Operating Schedule

General – All four licensing objectives:-

Zero tolerance policy for the supply of alcohol to under 18's enforced at the door and again at the bar. Proof of age only by photo driving licence or passport

The Protection of children from harm:-

- No unaccompanied children allowed in trading area
- All accompanied children to leave the premises by 1730 hours
- Prominent signs displayed regarding children

PC Ellis stated that the incidents made a mockery of the conditions of the licence and related to customers under the age of 18 years. The initial warning letter to the premises licence holder of March 2011 specifically highlighted that “the venue is becoming problematic” PC Ellis added that in relation to customers regularly attending The Star Hotel who were under 18 years, the premises licence holder was informed that South Wales Police and partners at trading standards would conduct a test purchase operation at the premises. The test purchase operation was conducted on Friday 18 March 2011 and involved other public houses as well as The Star Hotel. However; PC Ellis stated that it never took place. The safety and wellbeing of the volunteers, who were aged 14, 15 and 16yrs, was of paramount importance. PC Ellis stated that therefore covert officers attended the premises and purchased alcohol and then observed the surroundings in order to ascertain the ambience and the demeanour of the clientele. They then reported back to the officers who had responsibility for the volunteers and a decision was made whether to conduct a test purchase or not. Covert officers reported that The Star Hotel was a totally unsafe environment for the volunteers to enter into and again this reflected badly on the management.

PC Ellis informed the Sub-Committee that the subsequent warning, dated a mere two months later in May 2011, detailed that South Wales Police were again obliged to highlight that drunken 15 and 16 year olds had been involved in an incident at Commercial Street and investigation of it showed that alcohol had been sold to them at The Star Hotel. PC Ellis stated that these letters were ignored as the fifth warning (of 2013) referred to an incident involving a 16 year old customer who was intoxicated. The warning is unambiguous in its content as it stated:

“you have been warned about similar offences in the past which are all recorded and to have committed these offences again is unacceptable.”

- 17) Occurrence of Saturday 8 August 2015 was reported at 21.57hrs and involved a female who had just turned 15.

The text of the original call from a concerned parent was: -

“We have been out all day. As we returned we became aware that there was a party in the house with a lot of youngsters. As we pulled up they all ran off including my daughter. I’ve tried to speak to her on the phone and she’s refusing to return. They all must be drunk as there are empty vodka cans everywhere”.

Investigation update: - “Female has been found by her father. She was in The Star Hotel in Maesteg. There were several of her friends in the establishment as well and they were all underage. She could be heard in the background having a "tantrum" as her father described it. She was screaming at her mother. Father believes that she is intoxicated.

PC Ellis informed the Sub-Committee that her father was accompanied by his sister-in-law, who was a primary school teacher, and she recognised that a number of customers were aged 15 and 16 years. The father confronted Mr Hayes and informed him that he was reporting the matter. The parents were extremely angry reported the matter not only to South Wales Police but also to the licensing authority.

The mother was later spoken to by officers and disclosed that Mr Hayes had spoken to her daughter on the night and he knows her to be under 18 years.

18) Occurrence of Saturday 3 January 2015 was reported at 23.48hrs by another concerned parent as it involved her 16 year old son who had had a verbal altercation with a female inside The Star Hotel. His mother attended at the location to take him home.

19) Occurrence of Saturday 12 December 2013 was reported @ 00.10hrs and was particularly disturbing as it involved a female who was aged 16 years and was intoxicated. The original incident report was created by officers patrolling commercial street: -

“We are with a hysterical female who is not making any sense. We are taking her to her home address. She is requesting a female officer attend”.

The female reported that having left The Star, she was pulled into a nearby alleyway and sexually assaulted. Due to the seriousness of the allegation numerous resources were deployed in investigating the incident. However; as with the incident of Saturday 2 May 2015 the female was drunk and had concocted a story.

Investigator action dc hobbs: - I have attended and attempted to speak to aggrieved at 09:30hrs (12/12/2013) today in company with her parents. On arrival \* was still intoxicated.

Victim contact PC5595 Edmunds: - Victim confirmed to me that she was very drunk on the night in question and had left The Star Hotel public house at about 23.30hrs and walked down Commercial Street. Whilst she was walking down the street she had seen a male person stumbling up the street towards her and that he made a lewd remark to her. He then stumbled into her as he was passing and due to her drunken state she has lost her balance and hit her head on the building by the side of her.

Investigator action PC981 Derrick: - the victim has been spoken to when sober and reports that the assault as initially described did not happen and that no crime has occurred.

20) Occurrence of Sunday 19 May 2013 was reported at 22.58hrs and involved the arrest of an intoxicated 17 year old male.

Modus operandi: alcohol related. Officers attended a report of a disturbance in the town centre and observed an intoxicated male causing problems. He was issued with a section 27 notice requesting him to leave the area immediately, 20 minutes later he returned within the boundary he wasn't meant to be in thereby contravening the notice.

PC Ellis informed the Sub-Committee that the arresting officer's statement detailed that door staff indicated that the male had caused problems inside and was not allowed further entry. The male stated he wanted to carry on drinking in there. The 17 year old's custody record detailed the following:-

Custody care plan - health and wellbeing. Suspect is intoxicated. Detainee check frequency: 30 minutes. Observation level: level 2 - intermittent observation. Reason: sobriety. Custody staff also made the following entry on the subject's custody record: 07:56hrs "the detained person is intoxicated".

The suspect was released on bail to the youth restorative justice service in order to prevent him entering the criminal justice system. The arrest followed the annual music event in Maesteg Welfare Park which was attended by large numbers of revellers. Numerous persons subsequently ventured into Maesteg town centre where The Star Hotel was the official after-party venue.

The occurrence summary for that weekend was as follows: -

Operation raven - investigator action 20 May 2013 00:58hrs PC4530 Richards, p. Log entry:

PC Ellis stated that there were a large number of problems in Maesteg town centre following the end of Maesteg party in the park. The majority of the issues were caused by teenagers (some as young as 14 years) in and around The Star. So far the incidents had resulted in three section 27 warning notices to leave Maesteg town centre being issued and four arrests for public order, assault and breaches of section 27 notices. A dog handler and taser units were required at Maesteg to assist local officers.

21) Occurrence of Friday 18 January 2013 was reported at 23.34hrs and involved the arrest of an intoxicated 17 year old male. The original incident report came from the CCTV operator. Fighting - female assaulting another female outside the star.

Investigator action Saturday 19 January 2013 PC5282 Holmes, g. Log entry: -

Attended at location and spoke to subject 1 (aged 17 years) and subject 2 who had been involved in an altercation inside The Star Hotel. The argument was over an unknown male. Both persons stated that it was a verbal altercation only. Neither party had any visible injuries or appeared to have been involved in a physical altercation. Door staff were spoken to who confirmed it was verbal only. Both parties left the area to return home.

22) Occurrence of Saturday 19 March 2011 at 00.15hrs.

Report of PC234 Willey: - I was exiting Maesteg police station when I observed two youths messing around with foam insulation tubes. On speaking with them it became apparent that both were intoxicated and their details were taken. One was aged 15 and the other 16 years and both boys stated that they had purchased alcohol at the Star Hotel and the King Alfred pub.

PC Ellis asked the Sub-Committee to note that South Wales Police had not been the only authority that had been the recipient of complaints that concerned children. The local authority's principal trading standards officer, Carl Window had supported the review, and in his representations of 7 September 2015 he highlighted that Trading Standards received two complaints in 2015 of minors consuming alcohol within The Star. PC Ellis stated that the number of recorded incidents that concerned persons

under age was totally unacceptable however; the mandatory conditions, as well as the conditions volunteered in the operating schedule and those appended to the licence after hearing were in place to prevent children remaining or entering the venue and to avert the sale of alcohol to minors. Three warning letters advised the premises licence holder that incidents had involved children. PC Ellis added that the incidents clearly highlighted that Mr Hayes had disregarded the conditions as well as the warnings.

Breaches of the conditions of the premises licence

PC Ellis informed the Sub-Committee that five of the six warnings concerned contraventions of the authorisation, i.e. a section 136 offence, which is the most serious offence under the act and that the punishment could be one of the following:

- 1) a maximum fine of £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.

PC Ellis added however, that parliament was dissatisfied with the restricted fine that could be imposed and in March 2015 secondary legislation was laid which removed the cap on fines for certain offences under the licensing act. This included a section 136 offence.

PC Ellis stated that the action plan was given to Mr Hayes in January 2015 after a meeting between sector Inspector Lewis and officers of the licensing department. The concerns of South Wales Police and their expectations were highlighted in a final effort to encourage Mr Hayes to promote all four objectives. PC Ellis stated that since the action plan was served it was noted that 25 further incidents had been recorded since the meeting. Eleven incidents related to customers who were intoxicated or highly intoxicated, three related to minors. Criminal offences concerned grievous bodily harm, common assault, assaulting a police officer, public disorder including threatening violence and threatening words, contraventions of the conditions of the licence and drunk & disorderly. Eight customers had been arrested.

PC Ellis stated that the action plan was intended to reduce occurrences of disorder, challenge persons entering who were drunk, manage the entry/exit point and focus on child protection and prevent nuisance. He added that what was particularly significant was that the person who instigated the plan, PS Williams, pointed out that:

“if this (i.e. The proposals outlined) is not achieved then positive action will be taken”.

PC Ellis stated that since the review was served on 1 September 2015 three disturbances had occurred out in the street which involved customers. One of which was a male that was arrested for threatening or abusive words or behaviour and another involved 15/16 year olds that were allowed entry into The Star without being challenged for proof of age verification. Given the nature of the calls it was evident that like the warning letters and a failure to adhere to the conditions of the licence the action plan had been ignored. PC Ellis added that this presented as a serious failing of the premises licence holder.

In conclusion PC Ellis summed up to the Sub-Committee that 94 incidents had been recorded either at or where there was a causal link to The Star since the first occurrence was reported in February 2011, up to the latest incident of 20 September 2015 which was detailed in that time line. Numerous incidents concerned customers who had either been intoxicated or very drunk and large disturbances had taken place inside the

premises or out in the street; assaults resulting in serious injury had also been caused to patrons. He added that false allegations had been made by females who had been heavily intoxicated and there had also been serious concerns of the welfare of children.

PC Ellis informed the Sub-Committee that there had been several contraventions of the conditions of the licence and subsequent warning letters and the action plan had failed. He added that Mr Hayes had not addressed the serious problems that were experienced at his venue or the valid concerns of South Wales Police. He stated that The Star was the most problematic public house within the Borough and appealed to the Sub-Committee to take urgent action to remedy the situation.

The Premises Licence Holder stated to the Sub-Committee that in relation to occurrence 3, the CCTV was available for South Wales Police to view. PC Ellis confirmed that the Officer in Charge attended The Star Hotel to view the CCTV footage shortly after the incident had occurred; however, no operators were available at that time to download the CCTV images. As the victim did not want to press charges the Police did not pursue the matter any further. Mr Hayes confirmed that had the complaint been followed up, he would have been able to provide the CCTV to the Police.

A Member questioned when the action plan issued from South Wales Police was implemented as the dates were not clear. PC Rowlatt stated that the plan was constructed on the 20 January 2015 and a meeting between South Wales Police and the Premises Licence Holder took place on the 23 January 2015. He confirmed that there was in fact an incident that involved minors gaining entry to premises at 23.06 on the 23 January 2015.

Members referred to the timeline of incidents that were detailed in the report and questioned if incident no.25, page 21 had occurred inside the premises or outside. PC Ellis confirmed that it occurred inside the premises between two neighbours regarding an ongoing dispute. A fight occurred where they were each kicked and punched. It was unknown if they were intoxicated but it happened inside the premises and was reported at 01.02am.

Members asked for clarification on where incident no.24, page 21 of the report had occurred. PC Ellis confirmed that an assault had taken place inside the premises on the dance floor, the victim was then dragged outside to the smoking area, it was noted that bar staff did not attempt to intervene. He confirmed that the incident was logged as alcohol related and the victim sustained scratches to their neck and face. The victim did not wish to make a formal complaint.

The Licensing and Registration Officer asked the Premises Licence Holder to confirm what days the premises was open and how many staff were employed at the establishment. The Premises Licence Holder confirmed that the premises opened for trading only on a Friday and Saturday evening and on Sundays prior to a bank holiday Monday. He confirmed that he employed two door staff (plus himself) and had three part time bar staff, one of which was his girlfriend Miss Katie John.

The Licensing and Registration Officer asked how the staff verified the age of customers visiting the premises. Mr Hayes stated that there was signage upon entrance to the club and posters inside the premises stating that if the customer looked under 21 they would be asked for proof of age. He confirmed that the Star did not have an age verification policy written down for staff to access as he felt his staff were experienced enough to know when to verify the age of customers

A member questioned what hours the premises would open on a Sunday if there was a bank holiday the following day. The Premises Licence holder confirmed that if a Temporary Event notice was agreed, the premises would open 8pm-2am.

Members questioned the date that the volunteers were supposed to conduct a test purchase but was considered unsafe for them to conduct. PC Rowlatt confirmed that this should have taken place on 18 March 2011. She advised however that minor's had entered the premises as recently as 20 September 2015, the underage customers were turned away from one premises and door staff from that premises witnessed them entering the Star without being questioned for identification.

The Sub-Committee adjourned at 11.35am and reconvened at 11.55am

The Chairperson invited the Premises Licence Holder to give his submissions to the Sub-Committee

The Premises Licence Holder referred to incident 11 detailed in PC Ellis' statement and stated that the group of youths that were involved in the disturbance at Maesteg Town Hall had not been inside The Star, he stated that they had tried to gain entry to the venue but were refused as they were intoxicated, they then headed towards Maesteg Town Hall where the incident occurred. The Premises Licence Holder stated that he felt he was being unfairly blamed for that incident. The Premises Licence Holder confirmed he was issued a warning letter for the incident which was dated 9 November 2014 which PC Williams advised Mr Hayes that he would update the records to state that the youths had not been drinking at The Star. The Premises Licence Holder stated that to this day the warning had still not been revoked.

PC Ellis stated that the official correspondence relating to the incident stated that all of the youths were intoxicated but the letter did not state that they had been drinking or served alcohol at The Star. He added that upon contact with the group in question four had stated they had been socialising in the Town Hall, Maesteg and three had stated they had been socialising in The Star, he stated however that it was unclear if they had been drinking alcohol in The Star. PC Ellis further added that from Sergeant Williams stated that Mr Hayes had been contacted regarding the incident and he admitted that the youths had in fact been in The Star before the incident occurred but they had not been drinking.

The Premises Licence Holder referred to incident no.2 of PC Ellis' statement and stated that the members of public that were involved in the incident had not been served alcohol in his premises and that they had been taking drugs before they had entered the premises. He added that he was punched in the face because he owed money to the suspect for drugs.

PC Rowlatt referred to the case log regarding the incident and stated that the victim had approached police to say he had been punched in the face, she added that the hospital report stated that the victim had to be X rayed the following morning as he was too intoxicated when he was first brought in.

A member questioned what procedures were in place regarding underage customers gaining entry to the venue. The Premises Licence Holder stated that there were "think 21" notices displayed but it was not clear how these were implemented. The Premises Licence Holder accepted that the typical age range of the patrons was 18-25.

A member asked the Premises Licence Holder where the smoking area was for the premises

Mr Hayes confirmed that the smoking area was outside at the back of the premises. He stated that he had previously closed the smoking area after complaints from neighbours regarding the noise and that it was also a problematic area for trouble, he stated that it was hard to police the area constantly due to staff being behind the bar or on the front door. However he stated that he had recently reopened the area due to requests from South Wales Police as they did not want customers spilling out onto the streets to smoke.

A member queried how thorough the door staff were at challenging customers for identification before entering the premises as they were concerned that there had been 28 incidents reported by the South Wales Police to which a considerable amount related to underage drinking. Mr Hayes stated that the premises has a "No ID, No Entry" policy and only allowed customers that looked underage entry to the premises if they provided a drivers licence or passport as identification, however if there an incident occurs inside the premises that door staff have to see to, the door may not be staffed for that time and then they had little control over who would enter the premises.

A member asked Mr Hayes why he thought a lot of the trouble happened at his venue or after customers had been visiting his venue. Mr Hayes replied that a lot of customers that visit his establishment often pre-load at home before visiting his premises. He added that the pub would usually not be busy until around 11.30pm. He stated that a lot of trouble was from customers personal problems, which often come to a head after they have had a few drinks and see each other whilst out, that could be at his establishment or elsewhere.

The Legal Officer asked Mr Hayes what measures he had put in place since he had received warnings from the Police and Environmental Health. Mr Hayes advised that when he first took over the licence of the premises the sound speakers were already in place, after representatives from Bridgend Council had visited the premises they gave him advice to reposition the speakers which he had done, they also brought in a sound monitor which, since the speakers had moved the Council were happy that there were no breaches. Mr Hayes added that he had also closed the smoking area due to the complaints regarding the noise levels and he had only reopened it at the request of the police.

The Legal Officer asked the Premises Licence Holder why he had previously been offering irresponsible drinks promotions such as a free shot upon entry to the venue. Mr Hayes explained that he did offer promotions when he first became the licence holder at the premises, however he was made aware of the fact from the police that offering such promotions was seen as irresponsible so he immediately stopped.

A member asked the Premises Licence Holder in what instances his staff would turn away customers from the venue and how his staff would know when to turn such behaviour away. Mr Hayes informed the Sub-Committee that he and his door staff would turn away any customers that were aggressive, appeared underage or were behaving inappropriately. Mr Hayes confirmed that his door staff are highly experienced and trained by an external company to do the job.

A member questioned who would clean up the empty cans and bottles that were left outside the venue at the end of each night. Mr Hayes stated that at the end of trading each night he would clear up and dispose of any drinks cans and bottles that were left on the street outside his premises and also would sweep up any litter that was left behind.

A member asked the Premises Licence Holder how he would deal with a customer coming to the premises with alcohol that they had purchased elsewhere. Mr Hayes

stated that if a customer came to the premises with any unopened bottles or cans he would remove them from their possession and keep them safe for them until the end of the night before he would return it to them. The Licensing and Registration Officer asked the Premises Licence Holder why he would return these to them as this could be seen as irresponsible and encourage them to drink alcohol on the streets. Mr Hayes stated that it was not his responsibility to confiscate alcohol from customers and that he felt this was a duty for the Police.

The Licensing and Registration Officer questioned the Premises Licence Holder on how many staff were on duty on the door of the venue and at what times. Mr Hayes informed the Sub-Committee that there would be two door staff present from 9pm and 3 present from 10pm. He added that the premises did not usually start to get busy until approximately 10.30pm. The Licensing and Registration Officer questioned why no staff were present on the door when the venue opened at 7.30pm as the premises licence stated that the venue must have SIA registered door staff present on the door at all times. Mr Hayes replied that he thought he only needed staff on the door from 9pm.

A Member referred to incident no.21 of PC Ellis statement regarding an underage male having an altercation in the premises and asked the Premises Licence Holder how he got into the venue without being checked for identification. Mr Hayes replied that he had probably gained entry to the venue before any door staff was on duty. He added as soon as he was brought to the attention of staff he was asked to leave the premises immediately.

A member asked what the Premises Licence Holder was doing to prevent crime and disorder at the premises. Mr Hayes advised that he would ask parties to leave the premises if they were causing a disturbance.

The Legal Officer asked Mr Hayes to explain incident no.9 of the timeline for 2015 on page 20 of the report and how a 15 year old child was able to gain entry to the premises. Mr Hayes stated that he had no recollection of the incident nor did he recall the persons' father coming in to speak him. He added that there was a lot of jealousy and gossip in the town and a lot of what is supposed to have happened on his premises was nothing more than rumours. The Licensing and Registration Officer stated that the Police report had stated that a 15 year old boy was inside the and the parent had attended the premises to collect the child, they then reported the incident to the police and the local authority, she added that this was not the result of gossip but that of a concerned parent.

The Licensing and Registration Officer further questioned Mr Hayes on the policy regarding age verification at the premises. She asked if there was any training provided to staff or a policy that they adhere to. Mr Hayes replied that there were "Challenge 21" posters in and around the pub and upon entrance to the pub and that is what his staff would use as a guide, when asked he confirmed there were no training notes or guidance available for them to refer too. He added that he kept a refusal of entry log at the premises but this was not available for the Sub-Committee to view at the time of the meeting.

As there were no further questions from the Sub-Committee or the Premises Licence Holder he invited South Wales Police to give their closing statement.

PC Ellis advised the Sub-Committee that Section 2 of Home Office guidance issued under Section 182 of the LA 2003 related to the licensing objectives and in particular Sub-section 2.1 Crime & Disorder stated that:

"Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership".



The Licensing Department of South Wales Police was an integral part of the Community Safety Partnership. The powers of a Licensing Committee on determining a review were outlined at *para. 8.2* of the Officers report on page 4 where seven recommendations were listed. *Para. 8.3* of the report highlighted that, *“Members must have regard to Section 11 of the HO guidance and also Section 12 of the Council’s Statement of Licensing Policy which relates to reviews.”*

Section 11 of the guidance related to reviews. Sub-section 11.1 stated that

*“the proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.”*

*Sub-section 11.24 “Where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”*

PC Ellis added that notwithstanding the numerous written warnings which had been served to Mr Stephen Hayes, incidents of crime and disorder had been recorded on a regular basis. He added that incidents showed that since he became the licence holder he had persistently undermined not only the licensing objectives but also the efforts of the authorities to promote those objectives. Many of the incidents related to assaults and large scale disorder whether they be within the premises or directly outside. He further added that serious injury had been caused by customers on customers and what was significant was that a vast amount of occurrences were alcohol related with many customers being seriously impaired by their alcohol intake.

PC Ellis concluded that it was therefore the submissions of South Wales Police that the Sub-Committee should completely disregard the first six options open to them when determining the review and choose the seventh option which was to revoke the licence.

The Chairman invited the Premises Licence Holder to give their submissions to the Sub-Committee

Mr Hayes asked the Sub-Committee to look at the facts that they had been presented with before coming to their decision. He added that he manages the premises to the best of his ability and had worked closely with South Wales Police. He stated that whilst fights do occur in the premises, there were other venues in Maesteg that attracted a lot more trouble than his and that it was just a part of society. He concluded that he felt Maesteg town needed help from the Police with the problem with drugs in the Town as this contributed to a lot of the trouble.

The Sub-Committee adjourned at 13.05pm

The Sub-Committee reconvened on 20 October 2015 at 9.15am and upon return their decision was as follows:

RESOLVED: The Sub-Committee had considered the application for review of the Premises License of The Star Hotel. They had heard the representations by the South Wales Police and the Premises Licence Holder. They had also noted the written representations of the public protection department.

In dealing with the South Wales Police's concerns they heard that they brought the review as they were concerned that matters had arisen in connection with all four of the licensing objectives being:

1. The Prevention of Crime and Disorder
2. Public Safety
3. The prevention of Public Nuisance
4. The protection from Children from Harm

**Protection from Children from harm:**

South Wales Police stated that there had been a multitude of occasions that young persons had been reported (either to the police or Public Protection) as being present in the Premises. The reports had come from concerned parents as well as other licensed premises.

Further, there had been a variety of occasions young persons had been found by police in an inebriated state and they had disclosed they had been drinking in The Star.

The police therefore had concerns that Children were not only gaining access to the premises but they were subsequently consuming alcohol within the premises as well. There were license conditions attached to the license to prevent sales of alcohol to children. The police inferred that these did not appear to be obeyed although the Premises Licence Holder refuted this. There was reference by the Premises Licence Holder to a refusals log but this was not seen by the Sub-Committee.

The Premises Licence Holder stated that he did not allow admissions to under 18's nor would he serve them if they were in the premises. He stated he required a driving license or passport as ID. Although these reassurances were pleasing to hear the Sub-Committee remained concerned that there was little evidence this is being enforced by all staff.

It was accepted by the Premises Licence Holder that before 9pm there was no one on the door and young persons can simply walk in the pub. If this happened the Premises Licence Holder stated that he would not serve them and would ask them to leave, however the Sub-Committee were concerned that once in the premises it was more difficult to prevent them obtaining and consuming alcohol.

**Prevention of Crime and Disorder**

There had been numerous incidents in the town centre where the offenders stated they had been drinking in The Star. Although the Premises Licence Holder disputed this, and referenced a few occasions where although the individual had been in the premises, they had not consumed alcohol in the premises.

The Sub-Committee further noted the number of incidents which took place inside the premises, as well as the serious nature of the incidents. It was of particular concern that individuals had suffered serious injuries within the premises, including double fractured jaw (March 2015) and a glass related attack (December 2014), as well as the reports of intoxicated females fighting and being ejected from the premises and an indecent exposure (June 2011). The Sub-Committee were sympathetic to the Premises Licence Holder's comments that all premises experienced a degree of trouble however the number of incidents as well as their nature made this case more concerning.

Generally, the Sub-Committee noted the number of incidences every year that the police had been referred to which had the Premises linked to them in some way.

### **Public Nuisance and Public Safety**

The police referenced bottles being on the street as well as people gathering on the street. Further there had been incidents of noise nuisance.

The Premises Licence Holder stated he had closed the smokers' garden to decrease trouble and that he could not control what people did outside his premises. He confirmed he would not allow people to bring drinks into his premises and would not let them leave with drinks. (He did accept that if they had unopened bottles of alcohol at the point of entering, he would confiscate these but return them at the end of the evening, which meant people would in that instance be leaving with bottles, but not bottles they had purchased from him). He further stated he regularly swept the streets outside his premises.

The Sub-Committee accepted there were limits as to what the Premises Licence Holder could control outside his premises however there were concerns about the general level of antisocial behaviour taking place.

In addition, there were a variety of incidents linked to the Premises which had required police attendance, including reports (although later dropped) of serious crimes which included sexual assaults. That caused great concern for the Sub-Committee.

### **General Concerns**

There was particular concern that there had been no improvement in any of the above over the past four years. The Sub-Committee had concerns regarding the relationship between the PLH and the police and that the number of incidents was not decreasing.

The Sub-Committee noted that although numerous warnings had been given there was no point in time that the incidents of violence / reports of underage drinking and so on had decreased.

In fact, since the action plan in January 2015 things had not improved at all. The same night the plan was discussed with the police, there was a report of under aged persons entering the

premises and just over a month later on the 1 March 2015 there was a multitude of offences including an incident of ABH, public order offences and the GBH offence being the double fractured jaw. Since the plan was discussed, there had been 26 incidents either at the Premises or linked to it.

The Sub-Committee were aware that there had been no criminal sanctions for breach of the licence conditions or for selling to underage persons. Further the Sub-Committee accepted that many of the police incidents had not lead to criminal action in that the victims had chosen not to make a complaint or had reported a different version of events the next morning once no longer under the influence of alcohol.

The Sub-Committee were aware that the premises could not be blamed for criminal activity generally and that in a few of the incidents the link to the Premises may be somewhat tenuous. However, that did not account for the vast number of reported incidents; especially those directly linked to the Premises, and must be weighed against the serious nature of some of the incidents and the age of those involved.

Taking into account all of the above the Sub-Committee considered that for the promotion of the licensing objectives aforementioned it was appropriate to revoke the licence