

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO:	<u>THE CHAIR AND MEMBERS OF THE STATUTORY LICENSING SUB-COMMITTEE</u>
SUBJECT:	<u>STATUTORY LICENSING SUB-COMMITTEE – 25TH MAY, 2021</u>
REPORT OF:	<u>DEMOCRATIC SERVICES OFFICER</u>

PRESENT: Councillors D. Hancock (CHAIR)
M. Day
T. Smith

WITH: S. Osborne – Team Leader - Licensing
H. Jones – Senior Licensing Officer
S.A. Evans - Solicitor

AND: J. Stokes, Applicant
E. McGregor, Applicant's Solicitor
K. Williams – Gwent Police
L. Thomas – Gwent Police

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
1.	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.	
2.	<u>APOLOGIES</u> There were no apologies for absence received.	

3.	<p><u>DECLARATIONS OF INTEREST & DISPENSATIONS</u></p> <p>There were no declarations of interest or dispensations reported.</p>	
4.	<p><u>STATUTORY LICENSING SUB-COMMITTEE</u></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 14, Schedule 12A of the Local Government Act, 1972 (as amended).</p> <p>Consideration was given to the report of the Senior Licensing Officer which outlined an application received in respect of an application to transfer a premises licence and vary the DPS at Scarretts, 23 Greenfield Crescent, Beaufort, Ebbw Vale in accordance with the Licensing Act 2003.</p> <p>The Senior Licensing Officer outlined the report and confirmed that in accordance with the consultation process as specified in the Licensing Act 2003, a copy of the applications had been served on Gwent Police, who were given 14 days to submit written representations. It was noted that representations had been received from Gwent Police which were attached to the report at Appendix 1.</p>	

The Sub-Committee considered the written representations for these applications for Transfer of Premise Licence and varying of DPS at Scaratts, 23 Greenfield Crescent, Ebbw Vale as presented in the Officer's report, together with the oral representations to be received on behalf of the Applicant and Gwent Police.

The Sub-Committee was made aware of the objection received from Gwent Police contained in Appendix 1, of the Officer's report and Members were informed of the serious problems in the area concerning persons using the Licensed premises in the past.

At this juncture, the Applicant's Solicitor wished to point out that the application for consideration by the Sub-Committee was only in relation to the transfer of licensing as no objections had been received from Gwent Police in relation to the varying of the DPS to the Applicant.

A lengthy legal discussion ensued on this matter focussing on a difference of legal opinion between the Authority's Solicitor and the Solicitor for the Applicant. The Committee were informed that this matter had been the subject of correspondence between the Licensing Team, Gwent Police and the Authority's Solicitor and the Authority's Solicitor was satisfied that the representations received from Gwent Police could be considered in respect of both applications.

The Applicant's Solicitor requested sight of the emails which confirmed these details. This was allowed and the Applicant's Solicitor was furnished with copies of the emails between the Local Authority and Gwent Police. The Chair agreed that the Applicant's Solicitor could read these emails to the Sub-Committee.

The Authority's Solicitor confirmed that her advice remained unchanged and that in her view, the representations were in relation to both of the applications and that ultimately this is a matter for the Committee to consider.

Therefore, the Chair advised that the matter proceed and invited the Applicant to address the Sub-Committee.

The Applicant advised that previous staff would have no say in the day to day running of the public house. The new employees would need to take directive from the Applicant. The Applicant's Solicitor added that the public house was a community hub and home to the local youth football team. The public house had wheelchair access which allowed residents from a local facility to frequent the public house. The Applicant's Solicitor referred to the email from Gwent Police which stated that there was no issue with the Applicant taking up DPS and it was added that the Applicant would revise opening times and employ security/door staff.

The Applicant's Solicitor continued that the Applicant was well respected in the local community and would keep staff in check.

The Applicant's Solicitor further advised that the Applicant would welcome dialogue with the Police in respect of the licensing hours and ongoing weekly meetings to ensure the premises was monitored. In the initial opening period the public house would have reduced opening hours and operate an over 21s policy going forward. The Applicant intended to contact local residents to ensure they are well aware of the changes to be made at the public house. It was stated that the previous employees would no longer be involved in the business and new staff would be recruited.

The Applicant's Solicitor asked the Sub-Committee to give consideration to the transfer of the premises license only as no objections had been raised by Gwent Police in respect of the DPS.

At this juncture the Chair invited Gwent Police to address the Applicant.

L. Thomas, Gwent Police representative noted the proactive approach the Applicant proposed if the Licence was approved and asked why contact had not been made prior to this Sub-Committee hearing.

The Applicant advised that she had visited the Police Station a number of times, however on each occasion it had been closed. The Applicant explained that she had tried to telephone Gwent Police but had not got through and asked for a contact number of the responsible liaison officer.

In response to a question raised in relation to experience as a DPS or Licence Holder, it was confirmed that the Applicant did not have experience of these specific roles. The Applicant added that she had many years of experience in bar work.

At this juncture, the Chair invited Officer and Members to address the Applicant.

There were no questions raised by Officers.

A Member asked if security would be employed to prevent anti-social behaviour and customers taking glasses outside of the premises.

The Applicant advised that drinking outside of the designated areas would not be allowed and a doorman would be employed.

Another Member noted the noise concerns experienced in the local area which emanated from the premises and asked what actions would be put in place to address these issues.

The Applicant advised that double doors had been installed, all windows and doors would remain closed. These actions would be undertaken to ensure that noise was kept to a minimum.

The Applicant advised that correspondence had been received from local residents who had welcomed the new proposals and appreciated the new management arrangements.

The Applicant's Solicitor summarised his previous comments and reiterated that in his view, no objections had been made from Gwent Police in relation to the DPS. The Applicant's Solicitor stated that previous problems and issues within the public house should not be taken into account when considering the Applicant. There would be regular meetings with the Police going forward, if approved and although initial contact had not been made, the Applicant's Solicitor felt that Gwent Police could have reached out to the Applicant following the application being submitted.

The Applicant's Solicitor reiterated that the public house would be run and managed by the Applicant and no other parties. It was stated that approval was crucial in maintaining this community hub which was welcomed by local people.

The Chair invited Gwent Police to provide their summary of their representations and the Gwent Police Solicitor requested that the Sub-Committee should take into account the representations on both of the applications as agreed with by the Local Authority's legal advice. Although the Applicant had stated that there would be no involvement from previous parties, the Sub-Committee should bear in mind that one of the previous employees was married to the Applicant.

Further statements were provided by Gwent Police as included in the Licensing Act and K. Williams, Gwent Police was invited to give concerns on the application.

K. Williams, Gwent Police referred to the high fence erected around the premises and noted that this prevented clear visibility for the neighbourhood team who patrolled the area. The issues with the fence was ongoing and therefore still under consideration with Planning. The Applicant confirmed that although the fence had been erected to a high standard, if there was concerns she would be willing to remove or replace the fence.

Gwent Police felt that the applications should be refused due to previous issues at the public house. There had been a great deal of neighbourhood concern and it was felt that public house needed a clean break with no links to previous applicants. It was stated that this was not the last chance for the public house new applications could be made.

At this juncture the Chair thanked everyone for their representations and the Licensing Officers, Gwent Police, the Applicant and the Applicant's Solicitor left the meeting while the Sub-Committee discussed the application.

The Sub-Committee thereupon discussed the application received in respect of an application to transfer a premises licence and vary the DPS at Scarretts, 23 Greenfield Crescent, Beaufort, Ebbw Vale and following deliberation the Licensing Officers and Representatives were invited back into the meeting and the Solicitor read out the decision of the Sub-Committee as follows:-

The Sub-Committee, having regard to the representations made by the Applicant, the Police and their Legal Representatives appreciate that unacceptable behaviour has taken place in and around the establishment in the past and have weighed this up against the Licensing objectives and statutory duties. The fact that the Premises has also enjoyed periods of time without issue, requiring no Police involvement was also considered.

The Sub-Committee also appreciated that there is a family connection between the Applicant and the Owners of the establishment/ previous License holders. However, based on the Management plan that the Applicant put forward and her indication that she will liaise with the Police, the Sub-Committee felt that the Applicant should be given an opportunity to prove herself and the decision was made to:-

To grant the application to transfer the Licence; and
To specify Mrs Janet Stokes as DPS.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.