

REPORT

SUBJECT:	Application for a Review of a Premises Licence for The Bridgend Inn, 49 Main Road, Gilwern, Abergavenny, Monmouthshire
DIRECTORATE:	Chief Executive
MEETING:	Licensing & Regulatory Sub-Committee
Date to be considered:	21st September 2015
DIVISION/WARDS AFFECTED:	Abergavenny

1. PURPOSE:

To consider an application for a review against The Felinfoel Brewery Company Ltd, The Brewery, Felinfoel, Llanelli, Camarthenshire of a Premises Licence under the Licensing Act 2003 for The Bridgend Inn, 49 Main Road, Gilwern, Abergavenny. The application is being made by a Responsible Authority (Licensing).

2. RECOMMENDATION(S):

2.1 It is recommended members consider and determine the application. The application recommends the installation of CCTV.

2.2 In considering the application the Committee will exercise their powers under Section 52 of the Licensing Act 2003, where members can:-

- Take no action
- Exclude the licensable activity from the scope of the licence.
- Modify the conditions on the licence, which include modifying the hours, adding new conditions, altering or removing existing conditions.
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding 3 months
- Revoke the licence.

3. KEY ISSUES

3.1 At the Licensing and Regulatory Sub Committee held on the 21st July 2015 members agreed to defer the hearing. The hearing was deferred to enable Gwent Police to provide additional information in support of the evidence presented on the 21st July 2015. It was agreed by all parties to hold this hearing and then defer until the information could be submitted.

3.2 The current licence held by the premises authorises the carrying out of the following licensable activities:- Live Music, Recorded Music, provision of late night refreshment and the supply of alcohol. (A copy of the Licence is attached at Appendix A). However, it must be noted that a licence is not required for live and recorded music between the hours of 08.00hrs and 23.00hrs for an audience of less than 500 people.

3.3 Since the Licensing Sub Committee hearing on the 21st July 2015, the Designated Premises Supervisor (DPS) Mr Keith Wright has stated that he no longer wishes to act as the Designated Premises Supervisor for the Bridgend Inn (please see Appendix B, email dated 1st September 2015 confirming this). Therefore, the review application that was heard on the 21st July 2015 with a recommendation to remove the DPS no longer stands. However, the recommendation of the review to install CCTV still remains in force.

3.4 Furthermore, Felinfoel Brewery has informed the Licensing Section by letter dated 28th May 2015 that the premises would be closing on the 23rd June 2015 (Attached as Appendix C). However, the licence referred to in 3.2 above still remains in force. If the

brewery reopens the premises they would legally be required to have a DPS in order to sell alcohol. No application has been received to vary the DPS.

- 3.5 The premises licence was first applied for and granted back in 2005. Since then there has been one minor variation to alter the plan in September 2010.
- 3.6 An application has been received from Leigh Beach, Licensing Enforcement Officer for a review of the current premises licence for The Bridgend Inn, 49 Main Road, Gilwern, Abergavenny. The grounds for the application are that the premises has undermined the licensing objectives prescribed by the Licensing Act 2003, in particular, "Prevention of Crime and Disorder" and "Prevention of Public Nuisance". (A copy of this application is attached at Appendix D)
- 3.7 Under a statutory duty, copies of the application to review the Premises Licence were sent to the remaining 'Responsible Authorities' namely, Heddlu Gwent Police, Brecon Beacons National Park Planning Department, Director of Public Health, and departments of Monmouthshire County Council being the Environmental Health Section, Social Services, and Trading Standards Department.
- 3.8 A notice was displayed at the premises to enable other persons to make representations. An entry was also made on the Monmouthshire County Council web site. These duties were duly carried out.
- 3.9 No objections were received from the following Responsible Authorities, being, Social Services, Planning, and Trading Standards, should this application to review the licence proceed.
- 4.0 However representations in support of the review were received from Gwent Police who have provided a statement and some statistical data for the instruction of the committee. This information includes reference to 30 complaints made direct to Gwent Police. The original report heard on the 21st July 2015 heard 26 of these complaints. An additional 4 complaints have now been received, these are incident numbers, 584, 5, 482 and 589. Further information in support of the evidence previously heard on the 21st July 2015, has also been submitted, these are incident numbers 518, 555, 530, 10, 606, 7, 125 and 482. (To assist, the added documents are highlighted with either 'New' or 'Additional' which is attached as Appendix E).
- 4.1 The Principal Environmental Health Officer has submitted the following:

I can advise that Environmental Health have received a number of complaints regarding alleged noise nuisance from loud music and rowdy behaviour emanating from the premises including the beer garden area, the detail of which including subsequent officer investigation has been provided to the Licensing section and is evidenced in the Review documentation.

The investigation by this section into the complaints of noise nuisance has been limited as we have been unable to arrange the installation of our monitoring equipment in a complainant's home. Concern has been expressed by residents regarding the potential for reprisals if their details should become known to those who frequent the public house.

I concur with the objective of the review application

- 4.2 A further representation was received from "an other person" (attached as appendix F) the main points are highlighted below:-
 - Disturbed on many occasions often in the early hours of the morning by noise and anti-social behaviour
 - Witnessed fights
 - People urinating in the street, shouting excessive use of bad language
 - Loud music

The complainant has requested that their personal details be withheld as they are concerned over repercussions from customers.

4.3 The review application was received from Leigh Beach (Licensing Enforcement Officer) who has made the following statement within his application:

Poor management with little responsibility or control over the customers of the public house. Despite warnings and meetings with the Designated Premises Supervisor (DPS) and representative for the Licence Holder Mr Dominic Rowley the premises has continuously breached the licensing conditions and breached the hours attached to the licence.

This review is made following 5 local residential properties making numerous complaints and attending a public meeting to discuss the Bridgend Inn with Monmouthshire County Council. The complainants aren't willing to come forward because they fear retaliation. In total the Licensing Section has received 22 complaints, issued 5 warnings of a possible review and held 5 meetings with the premises licence holder.

4.4 Leigh Beach submitted an email to the Licensing Section in support of his review application on the 2nd July 2015:

- 15/06/2015 – Anonymous complaint received: Music went just beyond 11. It was hugely loud but the last customers left the pub between 03:30 – 04:30. One left in a loud Subaru Impreza which woke me up. Also a customer exited the pub at 03.30 then fell asleep on the bench outside before trying to get back into the pub for a while, giving up and then making his way home. Yesterday afternoon the language coming from the beer garden was awful.
- 27/05/2015 – Anonymous complaint received – People urinating outside the pub

4.5 Mr Matthew Phipps from TLT Solicitors submitted the following:

We act on behalf of the premises licence holder for the above premises.

Please treat this letter as a representation on behalf of the premises licence holder to the above application.

5. REASONS:

5.1 Section 32.1 of Monmouthshire County Council's Licensing Policy states:-

The Council can only review a licence where it is alleged by a "responsible authority", or other person that the licensing objectives are being breached.

These are:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

It views particularly seriously, applications for the review of any premises licence which involve:-

- Prolonged and/or repeated instances of public nuisance

These objectives are detailed in Schedule 7 of the Licensing Act 2003

The determination of an application is to be considered in accordance with section 52 of the Licensing Act 2003 and paragraphs 11.1 – 11.30 of the Guidance issued by the Secretary of State under Section 182 of the Act, the licensing policy and pool of conditions of Monmouthshire County Council

Under Section 52 of the Licensing Act 2003 the panel may exercise certain powers when considering the review. Sections 11.16 – 11.23 of the Guidance issued by the Secretary of State refers to the Powers the Licensing Authority should take into consideration when determining a review

5.2 Where it considers it necessary to promote the licensing objectives, the options available are as follows

- Take no action
- Exclude the licensable activity from the scope of the licence.
- Modify the conditions on the licence, which include modifying the hours, adding new conditions, altering or removing existing conditions.
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding 3 months
- Revoke the licence.

Section 11.20 of the Guidance issued under Section 182 of the Licensing Act 2003 states:

“In deciding which of these powers to invoke, it is expected that licensing authorities should, so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the cases of concern that instigated the review.”

On considering the making of the decision, the committee should have regard to **Sections 11.1 to 11.6 of Monmouthshire County Council’s Licensing Policy** which includes the following:-

Section 11.1: Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.

Section 11.2: Subject to case law the Licensing Authority interprets ‘public nuisance’ in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

Section 11.3: Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

Section 11.4: The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- They are situated in a residential or noise sensitive area; or
- Extended opening hours are proposed

Section 11.5: The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

Section 11.6: When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered.

Full copies of the Councils Statement of Licensing Policy and the Statutory Guidance to the Act will be available at the Licensing Sub Committee hearing or in advance if required.

6. RESOURCE IMPLICATIONS:

6.1 Nil

7. CONSULTEE'S:

Heddlu Gwent Police, South Wales Fire Service and the following departments from Monmouthshire County Council, namely, Environmental Health, Social Services, Planning, Trading Standards. Interested Parties consisting of local businesses or residents living in the vicinity

8. BACKGROUND PAPERS:

Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

Monmouthshire County Council's Statement of Licensing Policy dated July 2015

9. AUTHOR:

Samantha Winn
Senior Licensing Officer

CONTACT DETAILS:

Tel: 01633 644221

Email: samanthawinn@monmouthshire.gov.uk