

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of the Licensing Sub Committee held at County Hall, Usk on Monday 21st September 2015 at 2.00 p.m.

PRESENT: County Councillor: B. Strong (Chair)
County Councillors: R.J. Higginson and J. Prosser

OFFICERS IN ATTENDANCE:

L. O’Gorman	-	Principal Licensing Officer
S. Winn	-	Senior Licensing Officer
L. Beach	-	Enforcement Officer
I. Gealy	-	Assistant Solicitor
H. Owen	-	Specialist Environment Health Officer
P. Harris	-	Democratic Services Officer

ALSO IN ATTENDANCE:

N. Hilton	-	Gwent Police
M. Phipps	-	TLT Solicitors for Felin Foel Brewery
D. Rowley	-	Felin Foel Brewery
N. Curtis	-	Resident
S. Curtis	-	Resident

1. APOLOGIES FOR ABSENCE

No apologies received.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR THE BRIDGEND INN, 49 MAIN ROAD, GILWERN, ABERGAVENNY.

To consider an application for a review against The Felinfoel Brewery Company Ltd, The Brewery, Felinfoel, Llanelli, Carmarthenshire 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).

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.

The Chairman welcomed all to the meeting and introduced Members of the Sub Committee, Officers and representatives present.

The Principal Licensing Officer presented the key issues, which summarised:

- 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.

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- 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.
- 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.
- 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.
- 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)
- 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.
- 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.

No objections were received from the following Responsible Authorities, being, Social Services, Planning, and Trading Standards, should this application to review the licence proceed.

Representation was made from one resident, main concerns from the representation were:-

- That residents were fearful for themselves and their property.
- Fear of reprisals from offenders of disturbance
- A letter from the Brewery requesting local residents comments was hand delivered to residents by the DPS in a threatening manner.

Chair invited applicant to address the Sub Committee. The Solicitor for the applicant responded as follows:

The Brewery appreciated that they had failed to promote the licensing objectives with four particular failings:-

- Garden space being used after 10 p.m. in breach of conditions.
- Customers poorly behaved.
- Noise nuisance (predominately music) escaping.
- Lock-in's

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Felinfoel have since removed the DPS, entire management team and closed the premises. It was felt that CCTV was unnecessary as the issues had been dealt with.

The Members were invited to ask questions based on the evidence provided. During discussion we noted:

- Removal of DPS and management team.
- The Brewery's reaction to complaints.
- Potential of Premises from a tourist perspective.
- Security and safety.

The committee was advised that the Brewery was experienced at running Public Houses with great emphasis on getting the correct DPS in place, as they felt their Public Houses should be at the heart of the Community. The potential new DPS had catering experience which would hopefully change the ambiance and clientele of the premises.

Concerns were expressed regarding the speed of which the Brewery reacted to complaints received and the committee were assured that the Brewery had taken the most severe action available to them in removing the DPS and closing the premises.

It was mentioned that CCTV costs may prove to be a beneficial addition to the Premises.

Following questioning the Members left the meeting to allow them the opportunity to deliberate and discuss the findings.

Upon re-commencement, The Chair advised that the Committee had considered the application under the Licensing Act 2003 and issued the statement below;

The sub-committee have considered the application to review application a premises licence for the Bridgend Inn, Gilwern, Abergavenny.

We have heard representations from the applicant Monmouthshire County Council Licensing Officer Mr Leigh Beach P.C. Nick Hilton of Gwent Police, Mr Huw Owen Monmouthshire County Council Environmental Health Department, Mr Phipps of TLT solicitors and a residents.

We have also taken into account any other written representations and objections received.

In reaching the decision we have had regard to:

- the Licensing Act 2003
- the licensing objectives
- the Council's statement of licensing policy.
- the guidance issued by the Home Office

In taking into account all of the above matters, any other relevant legislation, for example, the Human Rights Act 1998 and all the relevant circumstances of the application.

The following points were discussed and it was felt that:-

Given that the DPS who ran the public house is no longer in situ, there is an opportunity for the brewery to run the pub in a more appropriate manner, and therefore we are giving the brewery a chance to get it right.

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we have decided to:

Take no action. However, any further problems at the pub will no doubt lead to a further review and appropriate action would no doubt be taken.

The applicant and objector may appeal to the Magistrates Court against this decision within 21 days of being notified of the decision.

The applicant and objector will receive written confirmation of this decision within 5 working days.

The meeting ended at 15.35 p.m.