

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1a, County Hall, Ruthin on Monday, 25 July 2016 at 9.30 am.

PRESENT

Councillors Hugh Irving, Barry Mellor and Cefyn Williams (Agenda Items 1 – 3)

Councillors Bill Cowie, Hugh Irving and Cefyn Williams (Agenda Item 4)

ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM) and Committee Administrator (KEJ)

1 APPOINTMENT OF CHAIR

Councillor Cefyn Williams was appointed Chair for the meeting.

The Chair welcomed all parties to the meeting and all present were introduced. The hearing procedures had been circulated previously to all parties and copies of the Statement of Licensing Policy were made available at the meeting.

2 DECLARATION OF INTERESTS

No declarations of interest were raised.

3 LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE - PRINCE OF WALES, REGENT STREET, LLANGOLLEN

A report by the Head of Planning and Public Protection (previously circulated) upon –

- (i) an application having been received from Mr. Steven Evans for a new Premises Licence in respect of the Prince of Wales, Llangollen;
- (ii) the applicant having requested authorisation to provide the following licensable activities –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
Provision of Live Music Amplified (Indoors only)	Monday – Sunday	19:00	01:00
Provision of Recorded Music (Indoors only - Jukebox)	Monday – Sunday	19:00	01:00
Provision of Performance of Dance (Indoor only)	Monday – Sunday	19.00	01.00
Supply of Alcohol	Sunday & Monday	11:00	00:00

(for consumption on and off the premises)	Tuesday & Wednesday Thursday – Saturday	11:00 11:00	23:00 01:00
*Hours that the premises will be open to the public	Sunday & Monday Tuesday & Wednesday Thursday - Saturday	11.00 11.00 11.00	01.00 00.00 02.00

- (iii) *the applicant having also requested that the premises remain open to the public from 11.00 a.m. until 02.00 a.m. on Christmas Eve and Boxing Day and in addition to the timings detailed above, the applicant having requested authorisation to provide alcohol from 1.00 a.m. until 02.00 a.m. on Boxing Day and Christmas Eve;
- (iv) one written representation (Appendix A to the report) having been received from two interested parties living near the premises highlighting areas of concern in relation to noise, disorderly behaviour and littering;
- (v) the North Wales Fire and Rescue Services having submitted representations (Appendix B to the report) advising that there were still outstanding matters to be addressed in terms of fire safety provisions at the premises which should be resolved prior to a licence being issued;
- (vi) the North Wales Police having submitted representations to the application but following discussions with the applicant a number of conditions designed to further promote the licensing objectives had been drawn up (Appendix C to the report) and on that basis the Police requested that if members were minded to grant the application, they consider incorporating those conditions within the premises' Operating Schedule (Appendix E to the report);
- (vii) the Council's Pollution Control Section having submitted representations (Appendix D to the report) raising concerns regarding the close proximity of the premises to residential properties and proposed a number of conditions (which had been agreed by the Applicant) to be imposed should the licence be granted;
- (viii) the need to consider the application taking due account of the Council's Statement of Licensing Policy; Guidance issued by the Secretary of State; other relevant legislation and relevant representations received, and
- (ix) the options available to the committee when determining the application.

The Public Protection Business Manager guided members through the report and outlined the facts of the case. Mediation had been ongoing between the Applicant and the nearby residents in order to address their concerns. An email was read out from one of those residents, Mr. Simon Proffitt, advising that the Applicant had agreed to consider better sound protection for the side windows and would enforce a ban on carrying open drinks off the premises.

APPLICANT'S SUBMISSION

The Applicant, Mr. Steven Evans was in attendance in support of his application. A legal technicality meant it had not been possible to transfer the existing premises licence and a new application had to be submitted. Mr. Evans advised that the premises had been operated responsibly under the previous licence and there had been no issues with the Police or Environmental Health and he had also agreed to all the measures requested. He asked that the application be granted in line with the previous premises licence and as applied for.

NORTH WALES FIRE AND RESCUE SERVICE SUBMISSION

Mr. David Roberts, Compliance Manager and Mr. Nigel Day, Compliance Officer attended on behalf of the North Wales Fire and Rescue Service.

The Fire Officers elaborated upon concerns in respect of the premises as detailed in their written representations (Appendix B to the report) and following the most recent Fire Safety audit, highlighting issues which needed to be addressed before a licence was granted. It was explained that fire safety issues identified following an inspection in June 2015 had not been completely addressed, including the issue with the double gate to the side of the premises that was locked when the premises was occupied causing egress to be delayed in the event of an emergency evacuation. In addition issues identified in the Fire Risk Assessment undertaken in May 2016 had not been prioritised, actioned or completed. Many issues had been identified as high risk and required addressing in a very short timescale or before the premises was occupied. Whilst the Applicant had given assurances that the necessary works would be carried out, no evidence had been provided in that regard. The fact that some issues remained outstanding since June 2015 gave the Fire Authority cause for concern.

In response to questions regarding the outstanding issues the Applicant explained that work had been carried out in terms of testing and dating of the fire extinguishers and most of the other works would be carried out in the next few weeks. There had been a delay in resolving the fire alarm and double gate issues given that there were plans to create flats above the premises. In addition the Police had insisted that the double gates be kept locked as a control measure and a plan had been put in place to allow for the gate to be unlocked in the event of fire. The Fire Officers expressed concern regarding the effectiveness of that plan and suggested an electronic mechanism to ensure the gate could be easily opened.

INTERESTED PARTIES SUBMISSION

One written representation had been received (Appendix A to the report) from Simon Proffitt and Jen Sandiford of Regent Street detailing their concerns which included noise, disorderly behaviour and littering. Both Mr. Proffitt and Ms. Sandiford were present at the meeting.

Mr. Proffitt referred to the written representations detailing his concerns. Whilst accepting that some issues were beyond the control of the licensee, concerns were raised regarding the volume of music emanating from the premises into the early hours of the morning causing disturbance. He also referred to disturbance from patrons leaving the premises and congregating near the property together with

concerns over littering, including glasses and bottles being discarded. It was noted that a ban on patrons taking drinks off the premises over the last two weeks had significantly reduced that problem.

Mr. Proffitt responded to members' questions as follows –

- complaints had been made to Police relating to (1) damage to a sign in their garden, and (2) glass at the property, both of which had been recorded but no action had been taken other than advice given by Police to contact them if further issues arose
- he had lived at the property approximately two and a half years and it was difficult to recall if problems had improved or worsened since the Applicant took over the running of the premises two years ago. Since the premises had been operated under Temporary Event Notices there had been an improvement.

Members also put questions to the Applicant who –

- clarified management arrangements at the premises and confirmed his attendance from 11.00 p.m. on days a late licence was operated
- advised that premises was currently operating permitted hours ahead of the previous licence with music ceasing at 12.30 a.m.; approximately 20/30 minutes drinking up time; patrons encouraged to leave the premises by 1.00 a.m., and the premises completely cleared by 1.10 a.m.
- explained that previous practice involved plastic glasses being issued to patrons but a total ban on patrons leaving with any open receptacles had recently been introduced – it was suggested that customers could be bringing receptacles from other licensed premises which were being discarded because patrons could not gain entry to the premises with them
- confirmed that he had spoken with Mr. Proffitt regarding his concerns and explained that he would double/triple glaze the side windows as recommended by a sound expert in order to alleviate concerns in that regard; he had also agreed noise control measures with the Council's Pollution Control Officer; with regard to noise limiters, whilst he would look into that matter further, it may prove cost prohibitive;
- advised that the premises had been long established and well known as a music venue, without which it would be unviable.

POLLUTION CONTROL SUBMISSION

Mr. Sean Awbery from the Council's Pollution Control Section referred to his written representations (Appendix D to the report) proposing a number of conditions to be imposed on the licence, if granted, in order to minimise the risk of public nuisance. Those conditions had been agreed with the Applicant. Since becoming aware of the noise concerns raised by the interested parties, Mr. Awbery suggested a further condition may be imposed on the licence in respect of installing noise limiters should the agreed alterations not contain noise levels as appropriate.

NORTH WALES POLICE SUBMISSION

A representative from North Wales Police was not in attendance. Members noted their written representations and a number of conditions which had been agreed between the Applicant and the North Wales Police in order to further promote the licensing objectives (reproduced at Appendix C to the report). The Police had requested that if members were minded to grant the application they consider incorporating those conditions within the Operating Schedule.

APPLICANT'S FINAL STATEMENT

In making a final statement the Applicant reminded the Sub Committee that the premises had been long established as a licensed venue. Whilst he accepted that there were problems from time to time he had made every effort to resolve them. He reiterated that he was willing to undertake the necessary works as requested by the Fire Authority and Pollution Control but asked that he be granted as much time as possible to carry out the necessary works given the cost involved, stressing the difficulties in running a licensed premises in the current economic climate. He reiterated his willingness to work with all parties involved in order to resolve the issues raised.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (10.15 a.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that, subject to the conditions as set out below, a Premises Licence be granted be granted for the following –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIME FROM	TIME TO
<i>Provision of Live Music Amplified (Indoors only)</i>	<i>Sunday – Thursday Friday and Saturday</i>	<i>19:00 19.00</i>	<i>00:00 01.00</i>
<i>Provision of Recorded Music (Indoors only - Jukebox)</i>	<i>Sunday – Thursday Friday and Saturday</i>	<i>19:00 19.00</i>	<i>00.00 01:00</i>
<i>Provision of Performance of Dance (Indoors only)</i>	<i>Sunday – Thursday Friday and Saturday</i>	<i>19.00 19.00</i>	<i>00.00 01.00</i>
<i>Supply of Alcohol (for consumption on and off the premises)</i>	<i>Sunday – Thursday Friday and Saturday</i>	<i>11:00 11:00</i>	<i>00:00 01:00</i>
<i>*Hours that the premises will be open to the public</i>	<i>Sunday – Thursday Friday and Saturday</i>	<i>11.00 11.00</i>	<i>00.30 01.30</i>

Authorisation was also given for the premises to remain open to the public from 11.00 a.m. until 02.00 a.m. on Christmas Eve and Boxing Day.

In addition to the permitted hours for the provision of alcohol, authorisation was given for the provision of alcohol from 11.00 a.m. until 01.30 a.m. on Boxing Day and Christmas Eve.

CONDITIONS

North Wales Fire and Rescue Service –

Representations put forward by the North Wales Fire and Rescue Service in their submission, and as detailed in Appendix B to the report, must be resolved to their satisfaction prior to the licence being issued.

As put forward by the North Wales Police –

Prevention of Crime and Disorder

1) CCTV

- a) *A CCTV system will be installed at the premises and be in operation at all times the premises are open.*
 - b) *The CCTV system will have cameras monitoring both the interior and exterior of the premises. In the case of the interior of the premises there will be sufficient cameras installed to cover all areas to which the public have access, with the exception of the toilet areas. All entry and exit points are to be covered and must provide a clear head and shoulders view.*
 - c) *The CCTV system will be of a standard capable of providing images of evidential quality and capable of facial recognition in all lighting conditions.*
 - d) *The CCTV system will have a facility to record the images from all cameras and these images will be retained for a minimum period of 28 days.*
 - e) *The CCTV system will include a facility whereby the correct date and time are included within the images recorded.*
 - f) *The CCTV system will have a facility whereby images can be downloaded onto some form of removable media. It is the responsibility of the premises licence holder to provide the removable media and that should removable media be seized, it is the responsibility of the premises to ensure that there are additional formats of removable media available.*
 - g) *Images from the CCTV system will be made available to Police or Local Authority officers on demand.*
 - h) *At least one member of staff trained in the use of the CCTV system and capable of providing the recorded images from the CCTV system will be on duty at all times the premises are open.*
 - i) *The Designated Premises Supervisor must ensure daily checks of the operation of the CCTV system will be made at the start of business each day – any defects in the system will be addressed immediately. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.*
- 2) **PRIOR** *to being permitted to undertake the sale of alcohol all staff without a personal licence, including any unpaid members of staff, family members and casual persons who may be involved in the sale of alcohol at the premises, will be trained in their responsibilities under the Licensing Act 2003 and any*

subsequent amendments to that Act - in particular they will receive training with regard to the service of alcohol to persons who are drunk.

- 3) *Refresher training in relation to the initial training at 2) above will be undertaken by all members of staff involved in the sale of alcohol every six months.*
- 4) *Records of the initial training received and subsequent refresher training will be maintained and will be produced to Police or Local Authority officers on request.*
- 5) *Incident and Refusals Book – an incident and refusals book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident and refusal book must be used to record the following:*
 - a) *Any incident of violence or disorder on or immediately outside the premises.*
 - b) *Any incident involving drugs (supply/possession/influence) on the premises.*
 - c) *Any other crime or criminal activity on the premises.*
 - d) *Any refusal to serve alcohol to persons who are drunk.*
 - e) *Any refusal to serve alcohol to under 18's or anyone who appears under 18.*
 - f) *Any call for police assistance to the premises.*
 - g) *Any ejection from the premises.*
 - h) *Any first aid/other care given to a customer.*
- 6) *The incident and refusals book must be made available for inspection by responsible authorities on request. This information may also be recorded electronically by the use of a till based or similar system.*
- 7) *The incident and refusals book to be reviewed every two weeks by premises management and signed/dated to confirm compliance.*
- 8) *The incident and refusals book record will be made available for inspection on demand by North Wales Police or Local Authority officers on request.*
- 9) *The premises will carry out a risk assessment for the requirement of door supervisors. In addition to weekend trade this will include any function, Bank Holidays, Christmas Eve and New Year's Eve.*

The Prevention of Public Nuisance

- 1) *When the premises is hosting live music and entertainment at the premises beyond 21.00 hrs, including sports events and DJs, management will ensure that external doors are kept shut and will conduct regular checks to ensure that there is not excessive sound emitting from the premises.*
- 2) *Management will ensure that people outside the premises using the smoking area and beer garden are not creating excessive noise and nuisance.*
- 3) *Management will ensure that customers disperse from the premises in a calm and orderly manner, reminding them to keep noise levels down if needed.*

The Protection of Children from Harm

- 1) *The age verification policy that the premises will operate will be Challenge 25*
- 2) *All staff, including any unpaid members of staff, family members and casual persons engaged in the sale of alcohol will be trained in the Challenge 25 policy PRIOR to being permitted to undertake the sale of alcohol and will undertake refresher training every six months as a minimum.*
- 3) *Records of the Challenge 25 training will be maintained and will be made available for inspection on request by North Wales Police or Local Authority officers on request.*

As put forward by the Council's Pollution Control Section –

- 1) *All entrances and exits, including the smoking area doorway shall have lobby entrances fitted, each with 2 sets of self-closing doors, to minimise the break-out of noise; at any time at least one of the sets of doors will remain closed whenever music is being played at a level considered to be above 'background'*
- 2) *All doors and windows shall be kept closed whenever music is being played at a level considered to be above 'background' to minimise the break-out of noise*
- 3) *If additional ventilation is required, the premises shall be fitted with acoustically treated ventilation / air conditioning to avoid the need to open doors and windows whenever music is being played at a level considered to be above 'background'*
- 4) *The playing of live / recorded music externally in the beer garden / smoking area is not permitted*
- 5) *The smoking area shall be closed to the public for the consumption of alcohol after 23.00 hrs*
- 6) *The placing of bottles into receptacles outside the premises shall only be permitted to take place between the hours of 09.00 hrs and 21.00 hrs to minimise disturbance to nearby properties*
- 7) *Prominent, clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly*
- 8) *No flashing or bright lights shall be positioned on or outside the premises and any security or access lighting shall be installed and operated so as not to cause a nuisance to nearby properties.*

The noise conditions to be fulfilled as above and be completed to the satisfaction of the Council's Pollution Control Officer within six months of the date of the hearing. If, in the opinion of the Pollution Control Officer, the noise conditions do not limit the noise to a level which would be considered acceptable, that he will advise whether

or not the installation of noise limiters would benefit the property, and in such circumstances the applicant shall install limiters at the premises. In the event that noise limiters are not advised, the Pollution Control Officer will advise what other steps will be required to reduce the impact of noise causing a disturbance and annoyance to local neighbours.

Additional Condition –

In addition to the above the Applicant must ensure that patrons do not leave the premises with any open drink receptacles.

The Chair conveyed the Sub Committee's decision to the parties present and the Solicitor reported upon the reasons for the decision as follows –

The Sub Committee heard about the impact the premises had had on local residents, under the current operation of Temporary Event Notices. This included glass bottles being found in a neighbouring property; rubbish and litter from customers, including cigarette ends, amongst other things. It also heard evidence that the noise levels attributable to the premises were loud and unacceptable and were causing a nuisance and disturbance, particularly in the early hours of the morning. The Sub Committee heard that customers were leaving the premises in such a way that would disturb local residents, particularly those with a young family.

It was considered appropriate to limit the permitted hours for licensable activities together with hours that the premises would be open to the public so as to reduce the impact of noise emanating from the premises late at night and in the early hours and thus promote the licensing objectives.

The Sub Committee also heard evidence from the North Wales Fire and Rescue Service that despite originally visiting the premises in June 2015, the recommendations made at that time had not been fully completed and that this was essential for the effective operation and to ensure compliance with the licensing objective of Public Safety.

The Sub Committee had regard to the conditions suggested by North Wales Police and considered they would promote the licensing objectives in the round, these were accepted by the Applicant and so were imposed on the face of the licence.

The Sub Committee also considered the representations put forward by the Environmental Health Officer and considered that they would have a positive effect on mitigating the level of noise emanating from the premises and thus promoting the licensing objective relating to Public Nuisance, and Crime and Disorder in particular. The conditions were accepted by the Applicant and imposed on the face of the licence, to be implemented within 6 months of the grant of the licence.

4 LICENSING ACT 2003: APPLICATION FOR A REVIEW OF A PREMISES LICENCE - BAR BOW, 27 WATER STREET, RHYL

A report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application having been received from North Wales Police for the review of a premises licence held by Mr. James Benbow in respect of Bar Bow, 27 Water Street, Rhyl pursuant to Section 51 of the Licensing Act 2003;
- (ii) the grounds for review related to all four licensing objectives (Prevention of Crime and Disorder; Public Safety; Prevention of Public Nuisance and the Protection of Children from Harm) as follows –

“as a result of incidents and crime and disorder, and concerns raised by North Wales Police of the management at the licensed premises, particularly failure to comply with the conditions of the premises licence.

Despite attempts by North Wales Police and Denbighshire County Council to address the concerns raised, using the licensed premises review procedure, serious incidents have continued.

The premises has failed to promote the four licensing objectives.

North Wales Police have a lack of confidence in the Designated Premises Supervisor, the Premises Licence Holder and management of the premises to responsibly manage the premises”

full details of the review application and the incidents and interventions undertaken by the North Wales Police and Denbighshire County Council having been attached as Appendix 1 to the report;

- (iii) a meeting having been held with the Licence Holder and the Designated Premises Supervisor to discuss continuing concerns and a detailed Stage 1 action plan was agreed by all parties which was not complied with;
- (iv) a subsequent meeting having been held on 6 July 2016 at the request of the Premises Licence Holder’s Legal Representative to allow an opportunity to present what actions had been taken to improve the management of the premises (outline proposals having been tabled at the meeting);
- (v) a fully copy of the existing Premises Licence including the current operating schedule having been included in the Review Application (Appendix 2 to the report);
- (vi) the need to consider the Review application taking due account of the Guidance issued by the Secretary of State; the Council’s Statement of Licensing Policy; other relevant legislation, and relevant representations received, and
- (vii) options available to the committee when determining the Review application.

The Public Protection Business Manager introduced the report outlining the facts of the case and options available to the Sub Committee when making their decision.

APPLICANT'S (NORTH WALES POLICE) SUBMISSION

Assistant Force Solicitor Gill Jones; Chief Inspector Paul Joyce; Sergeant Steve Prince, and Police Licensing Manager Aaron Haggas were in attendance in support of the Review Application on behalf of the North Wales Police.

The Assistant Force Solicitor explained that the review application had been submitted as a last resort advising that officers had worked hard with the management to try and support them but all those attempts had failed. The review had been called based on all four of the licensing objectives and it was the prime responsibility of management to address those issues and ensure the premises was operated efficiently. She referred to a long list of incidents associated with the premises since it was opened in 2014 covering serious assaults, drugs, theft and underage drinking. The latest incident as reported in the press referred to a serious assault which had occurred outside the premises resulting in the victim sustaining a broken nose and whose attacker had been sentenced to two years imprisonment. The Premises Licence Holder, Mr. James Benbow was not in attendance and whilst the proposal to transfer the Premises Licence was noted, no formal application had been submitted. Given the catalogue of incidents and lack of engagement on the part of the premises the Police had no confidence in the management's ability to responsibly operate the premises.

The Police Licensing Manager provided some background to the premises which was a popular Sports Bar/Night Venue attracting a wide age range clientele. The open layout of the premises was conducive to identifying and dealing with concerns. Reference was made to repeated attempts to engage with the Premises Licence Holder and management of the premises since October 2014, initially offering advice and support in managing an effective licensed premises and subsequently in addressing specific areas of concern identified and in response to particular incidents. Members were advised of a distinct lack of engagement by the management of the premises and specific concerns over Mr. Benbow's attitude and his refusal to join Rhyl Rules and Pub Watch and his reluctance to apply policies and implement changes in order to address specific problem areas and promote the licensing objectives. Mr. Benbow considered it acceptable to allow individuals in the premises who had been banned under Rhyl Rules and management were dismissive of the Police's concerns and failed to accept there were control issues at the premises and their responsibilities in that regard.

The Sub Committee was shown CCTV footage of several incidents on the premises during April and May 2016 including serious assaults/fighting inside the premises and lack of management control; a male repeatedly exposing himself to customers unchallenged; children entering and leaving the premises unattended; men using the ladies toilets, and suspected drug dealing and drug taking. The Sub Committee's attention was also drawn to particular incidents detailed in the Police's written submission (Appendix 1 to the report) with regard to underage drinking; sexual conduct and other serious assaults together with a number of serious incidents which the management had failed to report to the Police. The Police Licensing Manager elaborated upon the actions as listed in the action plan issued on 20 May 2016 in order to promote responsible licensable activity and address the problems identified, the majority of which had not been complied with, and violent

disorder and drug use/supply had continued at the premises. The evidence presented demonstrated the lack of robust management of the premises which undermined the four licensing objectives.

The Assistant Force Solicitor concluded by referring to the meeting with the Premises Licence Holder and Legal Representative (Mr. Winston Brown) on 6 July 2016 at which they presented a small number of actions taken to improve management of the premises. Since then there had been no firm proposals as to how the problems would be addressed. Finally reference was made to an email dated 21 July 2016 from Mr. Brown detailing proposals to transfer the Premises Licence to Mr. Luke Irving with Mr. Benbow withdrawing from any future involvement in the business, and closing the premises for up to 28 days to allow for a refurbishment and rebranding exercise. Given that Mr. Irving was already part of the same management and given the lack of measures to address the problems and promote the licensing objectives, the Police could gain no assurance from those proposals and were not confident that any major changes would be implemented. Chief Inspector Paul Joyce added that a constant police presence was required in the area and Sergeant Steve Prince advised that in his twenty five years as a Police Officer he had never known any premises to cause such concern.

PREMISES LICENCE HOLDER'S REPRESENTATION

Solicitor Mr. Winston Brown, the Designated Premises Supervisor (DPS) Miss. Jessica Lane and Bar Manager Mr. Luke Irving were in attendance in support of the licence review. Mr. Brown had submitted some documentation (circulated at the meeting) in support of the licence review including an outline of the proposals to address issues of concern as discussed with Police during their meeting on 6 July together with comments from a security consultant. An email dated 21 July 2016 detailing a number of additional proposals was also provided, summarised below –

- that the Premises Licence be transferred to Luke Irving with James Benbow having no involvement in the business going forward
- Bar Bow to close from 7 August 2016 for up to 28 days to allow a refurbishment and rebranding of the business
- Bar Bow to be reopened under a new name to signal a different type of business and help ensure the wrong crowd was not attracted
- the existing SIA security firm be retained but monthly meetings to be held with a representative of the security firm, DPS and licensing police officer to review performance of security arrangements
- argued that the proposals along with liaising with the relevant authorities would result in a well-established and safe environment for public and staff.

Mr. Brown thanked the Police for their detailed presentation. He advised that problems were being acknowledged and that proportionate measures were being put in place to address them, highlighting the main issues as follows –

- not being a member of Rhyl Rules had resulted in people banned from other premises being allowed into Bar Bow which became a magnet for trouble – this had now been acknowledged and the premises had joined Rhyl Rules and Pub Watch to provide assurances that identified trouble makers would be kept out

- with regard to children and drugs on the premises, it had been alleged that door staff had been complicit with some drug dealing in the past which had been resolved by the new DPS working constructively with new door staff
- the proposed transfer of the Premises Licence to Luke Irving had arisen due to the lack of confidence expressed by the Police in the current Premises Licence Holder and was considered a sensible measure in order to move forward constructively with Mr. Benbow focusing on other business interests – it was argued that Mr. Irving was very experienced in the licensed trade. Whilst the current DPS had been criticised she was very committed and involved in turning things around at the premises
- indicated that many of the issues were historical and associated with the previous DPS and that the proposed change in management together with additional measures would help the premises move forward
- elaborated upon the measures put forward during the meeting with the Police on 6 July 2016, particularly training which had been undertaken to address areas of concern including drunkenness and drugs to enable staff to deal with those issues promptly and efficiently.

Mr. Brown argued that, given the significant measures being taken to address the issues identified by the Police, revocation would not be proportionate in this case. In light of the Police's criticism of the current DPS, Miss. Lane, a change to the DPS would also be considered and he suggested that this action may be a more proportionate response to consider in response to the Police's concerns.

The DPS, Miss. Lane reported upon the staff training undertaken covering alcohol/drug awareness, conflict management and CCTV. Regular staff meetings had been introduced to cover issues such as Challenge 25, toilet checks, etc. and she had already noticed a massive change in the bar, with fewer, less serious incidents, suggesting that bad things needed to happen for things to change. Miss. Lane provided assurances that the aim was to achieve a trouble free bar and measures were being taken which were already having an effect, such as practicing Rhyll Rules and being proactive in that regard. She wanted to work closely with the Police and develop good relations, advising that incident reports were emailed on a weekly basis to the Police and Licensing Department and the Police contacted in response to incidents as appropriate. Miss. Lane felt that closing the bar and re-opening with a different name and upmarket establishment would result in a fresh start, both in terms of management and clientele. Given her previous involvement in managing the premises Miss. Lane accepted there may be concerns regarding her continuation as DPS and she would be open to the suggestion for a new DPS to give greater confidence in that regard. Finally she accepted that the changes were crucial in changing the culture of the premises and was confident that the new robust management style would prove effective.

Representatives from Bar Bow responded to members' questions as follows –

- with regard to proposals to transfer the Premises Licence it was clarified that Mr. Benbow owned the premises but the licence would be transferred to Mr. Irving and Mr. Benbow would not be involved in the day to day operation of the premises – there was the possibility of the bar being leased to Mr. Irving and operated as a separate premises

- Miss. Lane had been DPS at the premises since January 2016 and the previous DPS had brought much of the trouble at the premises
- it was accepted that the change could not be made overnight but measures had been introduced and matters were improving
- Miss. Lane had been unclear about what aspect of the pricing strategy was of concern to the Police given that pricing was competitive and in line with other licensed premises – however the Police advice had been taken in that regard
- confirmed that an incident book was kept detailing any occurrences and the Police were called when appropriate
- Miss. Lane advised that she had no previous experience of working in the licensing trade prior to her employment at Bar Bow where she had initially worked as bar staff before taking over as manager in January 2016; she had undertaken a BIIAB Course and wished to progress further in the trade. Mr. Irving referred to his previous employment history and experience in the licensed trade spanning the last 6/7 years and had also undertaken the BIIAB Course.

Members also put questions to the Police Representatives who advised that –

- with regard to Miss. Lane's claims that the premises had improved over the last couple of months, the Police advised that they would expect to see changes in a premises on notice of review and it was too early to judge whether there would be any significant impact as a result of the proposed changes. The evidence presented covered the period from 2014 and included some recent events
- if the Premises Licence was transferred, Mr. Benbow would still retain a business interest and element of control which was a cause for concern. Both the DPS and Luke Irving had been involved in the current management structure and had no significant impact on the management of the premises
- the serious issues identified at the premises should not be allowed to continue whilst the management of the premises reviewed its processes.

APPLICANT'S (NORTH WALES POLICE) FINAL STATEMENT

In his final statement the Police Licensing Manager responded to previous comments made by Miss. Lane that she did not agree with Rhyl Rules but would comply for the sake of the premises and she had only made contact about the Pub Watch scheme on 4 July 2016. Mr. Benbow was still associated with the premises and blamed the Police for the serious incident on 30 May 2016 as evidenced by comments on facebook. It was submitted that shifting management around was a poor strategy to address concerns and there was nothing to support what the re-branding would achieve and the Police were not satisfied that measures were being put in place to resolve issues. The drop in recent incidents referred to by Miss. Lane was questionable with serious matters such as the hammer attack not being reported to Police. Finally the Police had been disappointed to note Miss. Lane's comments that things had to get so bad before they got better – the Police sought to support licensed premises but wanted well run, responsibly managed premises and to get so bad before getting better was not a common practice.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (2.00 p.m.) the committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that the Premises Licence in respect of Bar Bow, 27 Water Street, Rhyl be revoked.

The Chair conveyed the Sub Committee's decision to all parties at the meeting and the Solicitor verbally reported upon the reasons for the decision as follows –

The Licensing Sub Committee expressed serious concerns regarding the catalogue of incidents and issues relating to the premises as presented by North Wales Police which demonstrated abject and sustained failures in the management of the premises and covered a failure to meet all four of the licensing objectives detailed, in particular, below –

Prevention of Crime and Disorder

There was clear evidence of crime and disorder at the premises over the last two years and over recent months. This crime and disorder led to serious injuries being sustained by customers and staff in the premises. There was evidence of weapons being used and likely evidence of drug taking and drug dealing at the premises. There was also evidence that males used the female toilets putting females at risk of harm. There was clear evidence that toilet checks were insufficient at the premises. There had been frequent fights and disturbances resulting in criminal prosecutions. The Sub Committee considered staff and customers to be at risk if they attended the premises notwithstanding the time of day the premises were open. Crime and Disorder was a feature throughout all opening times.

Protection of Children from Harm

There was clear evidence that underage children were simply entering the premises unaccompanied and unchallenged by staff and management. Underage children had access to alcohol and were not challenged. This was unacceptable and children were put at risk. Children were also at risk of assault, particularly when there was evidence that males entering the premises had exposed themselves on a number of occasions and had gone unchallenged by staff and management. The CCTV footage showed a male (known for being banned from other premises in Rhyl) exposing himself on a number of occasions, and directly in front of an elderly customer on one occasion. The lack of management intervention and the risk this kind of behaviour presented to children cannot be underestimated. Safeguards at the premises were simply not in place to protect children from harm. Children (young females) were seen in the toilets unchallenged by staff and management, and it was seen on the CCTV that males entered the female toilets unhindered when females were present, placing women and children at risk.

Prevention of Public Nuisance

There was evidence that the premises was a source of public nuisance. The failure to comply with Rhyl Rules and to engage with Pub Watch and embrace the ethos of

a safer drinking culture was endemic throughout the staff and management and showed a considerable lack of awareness. There was disregard of the licensing laws and advice which had been given from professionals in the area of expertise, designed to assist and encourage the management of the premises. This failure continued despite numerous attempts made by professionals to aid and promote responsible management practices at the premises. Consequently no assurance could be taken from recent attempts and undertakings to engage which were considered too little, too late by the Sub Committee.

Public Safety

The premises was considered unsafe for members of the general public. The lack of management control in the premises to deal effectively with crime and disorder had put staff and customers at risk. There was evidence that management and supervision in the premises were inexperienced in the management of a premises of this size and nature. There was also concern that the Premises Licence Holder, Mr. Benbow, was still a controlling influence in respect of the premises which was a serious cause for concern. There was no complete assurances given that he would be removed from any management control over the premises whatsoever.

The current management accepted that there had been problems at the premises.

Overall the Sub Committee had no trust and confidence in the current ownership and management of the premises sufficient to satisfy itself that it could operate a credible and safe premises under the Licensing Act 2003. The proposals to change the Premises Licence Holder and potential to change the Designated Premises Supervisor were insufficient to instill any confidence that there was now a sea change into how the premises would be run in future, particularly if the current Premises Licence Holder, Mr. Benbow remained the owner or controlling mind of the company. The small advances which had been made at the hearing, whilst they went some way towards addressing the problems, should have been implemented much sooner and were, of themselves insufficient to satisfy the Sub Committee that the licence should be allowed to continue.

The attitude towards the Police and Licensing Officers who had tried to assist them over the previous few months was of particular concern, as it was the attitude of the current Designated Premises Supervisor who said she thought that things had to get that bad so that things could be improved. That view was simply not accepted by the Sub Committee. People had been injured and distressed as a result of incidents of crime and disorder at the premises. The view taken by the Designated Premises Supervisor was not at all encouraging and showed a lack of experience and naivety about the requirements of running a licensed premises in accordance with the law.

There had, in the opinion of the Licensing Sub Committee, been a total breakdown in the management of the premises to run an establishment in accordance with the requirements of the law. As such, the Sub Committee considered that revoking the licence was necessary in the circumstances.

The meeting concluded at 2.45 p.m.