

## **LICENSING SUB COMMITTEE**

Minutes of a meeting of the Licensing Sub Committee held in the Council Chamber, County Hall, Ruthin on Monday, 30 May 2022 at 2.00 pm.

### **PRESENT**

Councillors Gwyneth Ellis, Hugh Irving and Barry Mellor

**Observer** – Councillor Alan James

### **ALSO PRESENT**

Solicitor (JC), Senior Licensing Officer (NJ) and Senior Committee Administrator (KEJ)

### **WELCOME**

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

#### **1 APPOINTMENT OF CHAIR**

Councillor Hugh Irving was formally appointed Chair for the meeting.

#### **2 DECLARATION OF INTERESTS**

No declarations of personal or prejudicial interest had been raised.

#### **3 LICENSING ACT 2003: REVIEW OF A PREMISES LICENCE - THE GLANGLASFOR, 1 GLANGLASFOR, RHYL, DENBIGHSHIRE LL18 1RP**

A report (previously circulated) was submitted upon –

- (i) an application having been received from North Wales Police for the Review of a Premises Licence in respect of The Glanglasfor, 1 Glanglasfor, Rhyl (a copy of the existing Premises Licence and current operating schedule having been attached as Appendix A to the report);
- (ii) the grounds for review as stated on the application being as follows –

*“as a result of the premises failing to promote the four licensing objectives, specifically the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm. Additionally concern has been raised that the premises is in breach of its premises licence hours. Despite attempts by North Wales Police and Denbighshire County Council to address the concerns raised, the premises has failed to engage on a continued basis. 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 having been attached as Appendix B to the report but in summary related to an incident on 3 March 2022 with serious concerns raised regarding a potential breach of the premises licence; drunk persons on the premises; failure to control customers; age verification policy; children drunk on the premises and the premises facilitating a lock in which included children, and the subsequent lack of engagement by the Premises Licence Holder/Designated Premises Supervisor to discuss those concerns and previous concerns relating to Covid in October 2020;

- (iii) reference having been made to the joint enforcement protocol with North Wales Police and the Council involving a Level 1 engagement meeting with the premises for allowing customers to get drunk on the premises and a failure to provide CCTV to Police following a serious assault on the premises;
- (iv) in view of the incidents associated with the premises, North Wales Police submitted that the premises did not have sufficient measures in place to promote the four licensing objectives, and also highlighted the Premises Licence Holder/Designated Premises Supervisor’s lack of engagement with both the Police and the Council. Consequently, the Police had sought a review of the premises licence and requested members consider a number of additional measures as a form of resolution (Appendix C to the report);
- (v) there having been no further representations received from Responsible Authorities or members of the public in response to the requisite public notice of the Review Application;
- (vi) the need to consider the Review Application taking due account of the Council’s Statement of Licensing Policy; Guidance issued by the Secretary of State; other relevant legislation and representations received, and
- (vii) the options available to the committee when determining the application.

The Senior Licensing Officer introduced the report and outline the facts of the case.

### **APPLICANT’S (NORTH WALES POLICE) SUBMISSION**

Mr. Aaron Haggas, Police Licensing Officer for Conwy and Denbighshire was in attendance on behalf of the North Wales Police.

In making the case for the Police, Mr. Haggas explained that the Police sought to engage with licensed premises at the first opportunity following any concern which tended to be a formal letter with an expectation of an acceptance or decline of that offer. It was frustrating when those invited did not attend and more frustrating when subsequent invitations were ignored. The importance of a working relationship between all responsible authorities and licensed premises was highlighted and the Police were fully aware of the challenges and demands of the licensing industry.

However, there was a responsibility to actively promote the four licensing objectives and licensed premises were entrusted to fulfill their responsibilities in that regard.

Mr. Haggas referred to the events of 3 March 2022 as detailed in the Review Application which had prompted Police to attend the premises following a call reporting disturbance. When Police attended the front door was locked but there was some noise and disco lights and people could be seen inside. There was some reluctance to let the Police into the premises and upon entering officers saw a number of people, some under the age of 18, and Mrs. Butler presented herself as the licensee. Police officers noted people were drunk and very loud with several holding alcoholic drinks – when challenged the drink had to be taken from them and they became confrontational. Those in attendance were recognised by the Police as they were considered something of a challenging group within the town. Due to concerns over the drunken state of the youngsters they were taken home; one of whom was subsequently arrested. People were heavily drunk, struggling to stand, slurring their words and being very confrontational and there were further concerns raised as to why children were in the licensed premises. Mr. Haggas submitted that, in a situation where the Designated Premises Supervisor or a member of staff found young people in the premises, appropriate care and attention should be taken to contact someone responsible for them or the Police, not to facilitate what he referred to as an after-hours youth club where alcohol was being consumed. It was of serious concern to the Police that there were no conditions on the licence that would help safeguard the premises and support them in terms of dealing with children on the premises, intoxication, the monitoring of incidents, and how to manage behaviour. Of further concern was the lack of engagement following the letters of invitation and subsequent submission of the Review Application.

Mr. Haggas responded to questions regarding the Level 1 engagement meeting to discuss appropriate measures to be taken to deal with an incident at the premises involving drunk customers, an assault, and failure to provide CCTV. Whilst there might have been some informal agreement in that regard, no measures had been put forward in terms of conditions on the premises licence.

## **PREMISES LICENCE HOLDER'S REPRESENTATION**

Mr. Stephen Butler, Premises Licence Holder/Designated Premises Supervisor was in attendance in support of the premises licence review.

Mr. Butler responded to the incident on 3 March 2022 and explained that Mrs. Butler had been covering for him at the premises whilst he was ill at home. Mrs. Butler had brought two youngsters into the premises because they were being sick outside and she wanted to arrange for a taxi to take them home. It was accepted that not everyone in the premises was 18 and he agreed that a challenging group had entered the premises approximately an hour before, being aggressive and terrorizing Mrs. Butler, and she had not known what to do with them. Mr. Butler added that he had attended the Police Station on previous occasions when invited to speak with the Police but he had not received a letter relating to the incident on 3 March 2022 and therefore had been unaware of the interview in this regard.

The Chair put a number of questions to Mr. Butler and sought to clarify issues regarding the detail contained in the Review Application. In response Mr. Butler –

- confirmed that when he had received letters from the Police in the past regarding other matters he had responded to them
- advised that due to not receiving the letters he had missed a meeting in October 2020 to discuss concerns regarding Covid and the two meetings in March 2022
- explained that he had just taken over the running of the premises prior to the Level 1 engagement meeting in 2019 and whilst he had been in the process of installing CCTV, it had not been operational at that time, and had been subject of the discussion with the Police with no further action taken in that regard
- confirmed that CCTV at the premises was now operational and the Police had been given access to it on a number of occasions in regard to incidents outside the premises which had no connection to the premises itself
- cited bad luck that the incident on 3 March 2022 had taken place when he had been ill at home and Mrs. Butler, who had less experience, had been lone working and subject to an impromptu visit by an intimidating group of people
- provided assurances that the group of people had not been to the premises previous to that incident or since then; it was a quiet pub with only one staff member required and it was an isolated incident which had not been repeated.

At this point, the Chair asked if the Police had any evidence of previous incidents associated with the premises. Mr. Haggas confirmed there was no evidence that the premises caused a consistent concern; the concern related to the seriousness of the particular incident on 3 March 2022. He submitted that running a pub in a busy town centre required licensees to be able to deal with challenging individuals and it was likely only by good fortune that there had been no other incidents at the premises. There was also evidence that the premises had operated beyond its permitted hours with consistent failings within the premises highlighted during the incident. Mr. Butler responded that it was an isolated incident which had occurred when he had not been at the premises and Mrs. Butler could not call on him to assist, and he considered there to be a good level of general management at the premises. It was noted that the premises licence permitted alcohol sales to 12 midnight with a closing time of 12.30 am.

Mr. Butler went on to explain that, whilst he operated a Challenge 25 policy, he had been unaware of the need to record identification checks in cases where age had been verified as 18 or over and questioned the need and legality of that practice. Mr. Haggas explained that it would be a case of due diligence to evidence that a check had been carried out and no other detail would be recorded other than the date of birth and signature of the checker.

The Chair drew Mr. Butler's attention to the additional measures proposed by the Police as a form of resolution. Mr. Butler responded to those as follows –

- he did not agree with the proposed removal of himself as Designated Premises Supervisor or Premises Licence Holder
- he wanted to retain the current permitted hours for licensable activities to 12 midnight each night given that the proposal to reduce the time to 11.00 pm would have serious implications on the viability of the business

- he agreed with the proposed conditions insofar as they related to CCTV
- advised that Challenge 25 was currently operated at the premises and accepted the proposed condition in that regard
- argued against the need for all training to be undertaken by an external training company which he did not consider justified given there were no issues at the premises [Mr. Haggas submitted that the incident suggested that staff were not appropriately trained and an external company would ensure due diligence.]
- he did not agree with the condition that no children be permitted on the premises given that holidaymakers, families and children provided a core part of the pub's afternoon trade and was vital to the business. In response to Mr. Haggas's submission that children had not been safeguarded on the premises during the incident on 3 March 2022, Mr. Butler advised that it had been extremely late at night and Mrs. Butler had only invited them in to give them water as they were being sick outside, with the intention of taking them home in a taxi. The remainder of the people in the premises were over 18.

Members raised further questions with Mr. Butler who responded that –

- with regard to the incident on 3 March 2022 the challenging group came into the premises around 11.00 pm and then a younger group of girls congregated outside around 12 midnight being sick. Mrs. Butler invited them in because they were very drunk and she was giving them water with the intention of taking them home. They were separate groups.
- at closing time, the challenging group refused to leave and were being rowdy and intimidating
- the CCTV was in operation at the time of the incident but the Police did not ask for the recording which was kept for 28 days – the incident had not been brought up with him until some 6 – 12 weeks after it had occurred
- he did not own the premises; it was owned by SGB House Limited (his brother in law) and operated as a pub, it had operated as a club many years ago
- he had been unaware of the practice to record age verification checks for those who had been challenged and proved to be over 18
- letters may not have been received at the business address because of the manner in which the shutters were on the building with some post being thrown at the rear of the premises; with regard to his home address the post was sporadic with mix ups over similar street names. However, where letters had been received he had responded to them and had met with the Police on a number of occasions regarding other issues.

## **APPLICANT'S (NORTH WALES POLICE) FINAL STATEMENT**

In making a final statement, Mr. Haggas submitted that Mr. Butler's admission of not knowing particular things had demonstrated the need for an external company to provide training and to support the premises. Had Mr. Butler attended the meeting scheduled for 14 March and 21 March 2022 it would have been within the timeframe to provide the CCTV footage of the incident on 3 March 2022 and further highlighted the need for licensees to engage with the Police. The incident had involved children which must be a priority at all times and the appropriate measures should always be taken. There would be concerns with regard to people taking

children home in taxis or cars because that would raise questions with regard to their own safety and the safety of the children, and the appropriate measure would be a responsible person collecting the children and the Police being notified which would ensure if there was a concern or incident, the premises could show due diligence to safeguard themselves and the children.

The Chair permitted Mr. Butler a final response to which Mr. Butler confirmed that he had nothing further to add to his submission.

## **ADJOURNMENT TO CONSIDER THE APPLICATION**

At this juncture (2.30 p.m.) the Chair closed the meeting to all other parties and the Licensing Sub Committee retired to consider the application in private session.

## **DECISION AND REASONS FOR THE DECISION**

**RESOLVED** that the conditions of the Premises Licence be modified in line with the modifications as recommended by North Wales Police in their Review Application, as reproduced below –

### **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 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 available at all times the premises are open.*
- i) *The Designated Premises Supervisor must ensure weekly checks of the operation of the CCTV system. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the*

accuracy of the time and date. A written record of these checks must be kept, including a signature of the person carrying out the check. The written record must be kept on the premises at all times and made available to a representative of any responsible authority on request

- j) *Should the CCTV not be operational, the premises are to cease licensable activities and to only reopen once CCTV is available and is operational*
  - k) *Daily recorded checks are completed to ensure the CCTV is operational and these checks to be made available to North Wales police and Denbighshire County Council on demand.*
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. *All training to be undertaken by an external training company.*
  4. *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 twelve months.*
  5. *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.*
  6. *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 18s 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*
  7. *The incident and refusals book record will be made available for inspection on demand by North Wales Police or Local Authority officers on request.*
  8. *Access to the premises is not restricted at any time and there are customers within the premises, all point of entry and egress to remain unlocked. Unless specifically instructed by a member of North Wales Police or Denbighshire County Council.*

### **Protection of Children from Harm**

1. *No children permitted on the premises after 19.00 hours.*

2. *The age verification policy that the premises will operate will be **Challenge 25**.*
3. *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 twelve months as a minimum.*
4. *All training to be undertaken by an external training company.*
5. *Records in 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.*
6. *The premises will implement a Challenge 25 record by which all customers who are asked for proof of age will be recorded. Details to be retained will be first and last initial, date of birth and postcode.*

The Chair conveyed the Sub Committee's decision to the Applicant and the Solicitor set out the modifications to the Premises Licence and reported upon the reasons for the decision as follows –

The Licensing Sub Committee had carefully considered the report together with the written representations made by the various parties and oral submissions during the hearing from Mr Haggas of North Wales Police and Mr Butler together with the responses to questions from Sub Committee members. The Sub Committee had also taken into account the relevant law, guidance and the Council's Statement of Licensing Policy as part of their deliberations.

The evidence was clear that:

1. There were children at the premises after the permitted hours on the licence, who were intoxicated.
2. The requirements of Challenge 25 were not sufficiently understood by those who sold alcohol at the premises.
3. The premises were not a consistent concern to North Wales Police.
4. Mr Butler had attended a level 1 engagement meeting with North Wales Police about the installation of CCTV at the premises.

On the basis of the evidence provided and in light of the incident at the premises during 3 March 2022 set out in the evidence submitted by North Wales Police, the Licensing Sub Committee found that there were insufficient grounds to justify the removal of Mr Butler as Designated Premises Supervisor or Premises Licence Holder, or to change the hours of operation on the licence.

However, the Licensing Sub Committee did find that there were failings in relation to the effective management of the premises and felt that the modifications of the licence conditions would provide an opportunity to improve management practices and keep staff, customers and the community, including children, safe and were an appropriate manner to address the concerns raised by North Wales Police in



relation to the incident of 3 March 2022 and enable the premises to be better managed in the future in accordance with the relevant licensing objectives.

The decision had been made on the grounds of the promotion of the licensing objectives relating to the Prevention of Crime and Disorder and the Protection of Children from Harm.

The meeting concluded at 3.30 p.m.