

LICENSING SUB-COMMITTEE: 21st December 2018

Report of the Head of Regulatory Services

Application for the Review of a Premises Licence

Application No: CCCP00437

Name of Premises: Pengam Moors Social Club, Seawall Road, Tremorfa, Cardiff

Ward: Splott

1. Application

1.1 An application for a Premises Licence - Review, has been received in respect of the Premises Licence held by Mr Brian Robert Barton for Pengam Moors Social Club, Seawall Road, Tremorfa, Cardiff, CF24 5TH

1.2 The Licence Holder is permitted by the licence to provide the following:

(1) In respect of the following licensable activities:

- i) The supply of alcohol for consumption on and off the premises
- ii) The provision of regulated entertainment in the form of indoor sporting events, live music and recorded music (indoors)

(2) The premises may be open to the public between the following hours:

Sunday to Thursday: 10:00 to 00:00
Friday and Saturday: 10:00 to 01:00
Christmas Eve: 10:00 to 02:30
New Years Eve: 10:00 to 02:30

(3) The premises is permitted to provide licensable activities during the following hours:

- i) The supply of alcohol for consumption on and off the premises:
Sunday to Thursday: 10:00 to 23:30
Friday and Saturday: 10:00 to 00:30
Christmas Eve: 10:00 to 02:00
New Years Eve: 10:00 to 02:00

- ii) The provision of regulated entertainment in the form of indoor sporting events:
Monday to Sunday: 10:00 to 23:00
Christmas Eve: 10:00 to 02:00
New Years Eve: 10:00 to 02:00
- iii) The provision of regulated entertainment in the form of live music (indoors):
Friday and Saturday: 20:00 to 23:30
Sunday: 12:00 to 16:00
Christmas Eve: 10:00 to 02:00
New Years Eve: 10:00 to 02:00
- iv) The provision of regulated entertainment in the form of recorded music (indoors):
Monday to Sunday: 10:00 to 23:00
Christmas Eve: 10:00 to 02:00
New Years Eve: 10:00 to 02:00

2. Details of the Application for Review.

- 2.1 An application for Review has been received from South Wales Police. A copy of the application is enclosed with the report. The grounds for the review, as stated by South Wales Police are as follows:

“South Wales Police apply for a review of the premise licence relating to the Pengam Moors Social Club on the basis that staff allowed entry to the premises on the 26th October 2018 to a male who then committed a serious assault against another male by hitting him to the head with a baseball bat. There was then a delay in reporting this matter to the police or report the presence of the assailant who remained on the premises for a time after the assault. In doing so, the premises has failed to support the licensing objectives, namely that of Preventing Crime and Disorder and that of Maintaining Public Safety”.

3. Relevant Representations

The application for review has been advertised on the premises as required by the legislation. No representations have been received.

4. Legal Considerations.

- 4.1 Any decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

- a) To take no action.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) To exclude a licensable activity from the scope of the licence.
- d) Remove the Designated Premises Supervisor.
- e) Suspend the Premises Licence for a period not exceeding three months.
- f) Revoke the Premises Licence.

4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Recommendation.

It is recommended that the application for Review be considered and determined on its merits.

Dave Holland
Regulatory & Supporting Services

04 December 2018

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Superintendent J. Maal of South Wales Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Pengam Moors Social Club. Seawall Road Tremorfa	
Post town Cardiff.	Post code (if known) CF 24 5TH

Name of premises licence holder or club holding club premises certificate Mr Brian Robert Barton. No.7 Madoc Road, Tremorfa, Cardiff.

Number of premises licence or club premises certificate(if known) CCCP/00437
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Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address. Superintendent J. Maal Eastern Basic Command Unit Cardiff Bay Police Station James Street Cardiff CF10 5EW
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓



Please state the ground(s) for review (please read guidance note 2)

South Wales Police apply for a review of the premise licence relating to the Pengam Moors Social Club on the basis that staff allowed entry to the premises to a male who then committed a serious assault against another male by hitting to the head with a baseball bat. There was then a delay in reporting this matter to the police or report the presence of the assailant who remained on the premises after the assault. In doing so, the premises has failed to support the licensing objectives, namely that of Preventing Crime and Disorder and that of Maintaining Public Safety.

Please provide as much information as possible to support the application (please read guidance note 3)

Police Reference 1800408626 – Assault

At 22:21hrs on the night of Friday 26th October 2018 South Wales Police received a report of an assault at the Pengam Moors Social Club. The initial report to Police stated that there was a huge commotion in the club and that a male had entered the premises in possession of a baseball bat and had hit someone. Police were informed that all persons had all left but at the time of the call to Police they were still outside.

The initial Police investigation indicated that a 30yrs old male had been allowed to enter the premises with a baseball bat having stated to door staff that the bat was part of his Halloween costume, thereby being allowed to enter. At the time of the incident the club was holding a Halloween themed event. Inside the premises was a 27yr old male who was subsequently the victim of an assault when the 30yr old male struck him to the head with the baseball bat. The victim was allowed to leave the premises as was the assailant a short time later.

The 27yr old male was later the victim of a second assault at the hands of the 30yrs old male who again used a weapon to inflict injury upon him. In addition, damage was caused to property belonging to family members of the victim.

It is the view of Police that these further incidents could have been prevented had The Pengam Moors Social Club adopted a positive approach to the Prevention of Crime and disorder.

Police references 1800408735/1800408956

Mr Brian Barton is both the Designated Premises Supervisor and the Licence Holder for the premises. During a meeting with Police Licensing officers, Mr Barton accepted that the admitting of the male to premises in possession of an offensive weapon, followed by the delay in notifying the Police both of the incident and of the presence of the suspect on the premises had undermined the licensing objectives. He understood that the premises had failed to prevent crime and disorder and had failed to protect the safety of the public at the premises. In addition during the visit evidence of suspected drug usage at the premises in the form of bags suspected to have been used to contain controlled drugs were observed in the area of the mens toilets.

South Wales Police have started consultation with the premises licence holder. The review is necessary to prevent further serious incidents at the premises by way of additional conditions placed on the premises licence to promote the licensing objectives.

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day Month Year

┆	┆	┆	┆	┆	┆	┆	┆
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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

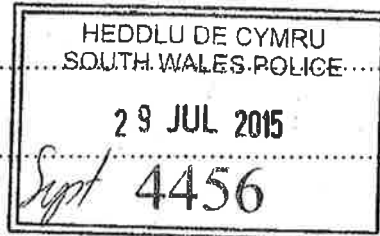
Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Superintendent



Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Police Constable Tim Davies
Police Licensing Department
Cardiff Bay Police Station
James Street
Cardiff
CF10 5EW

Post town

Cardiff

Post Code

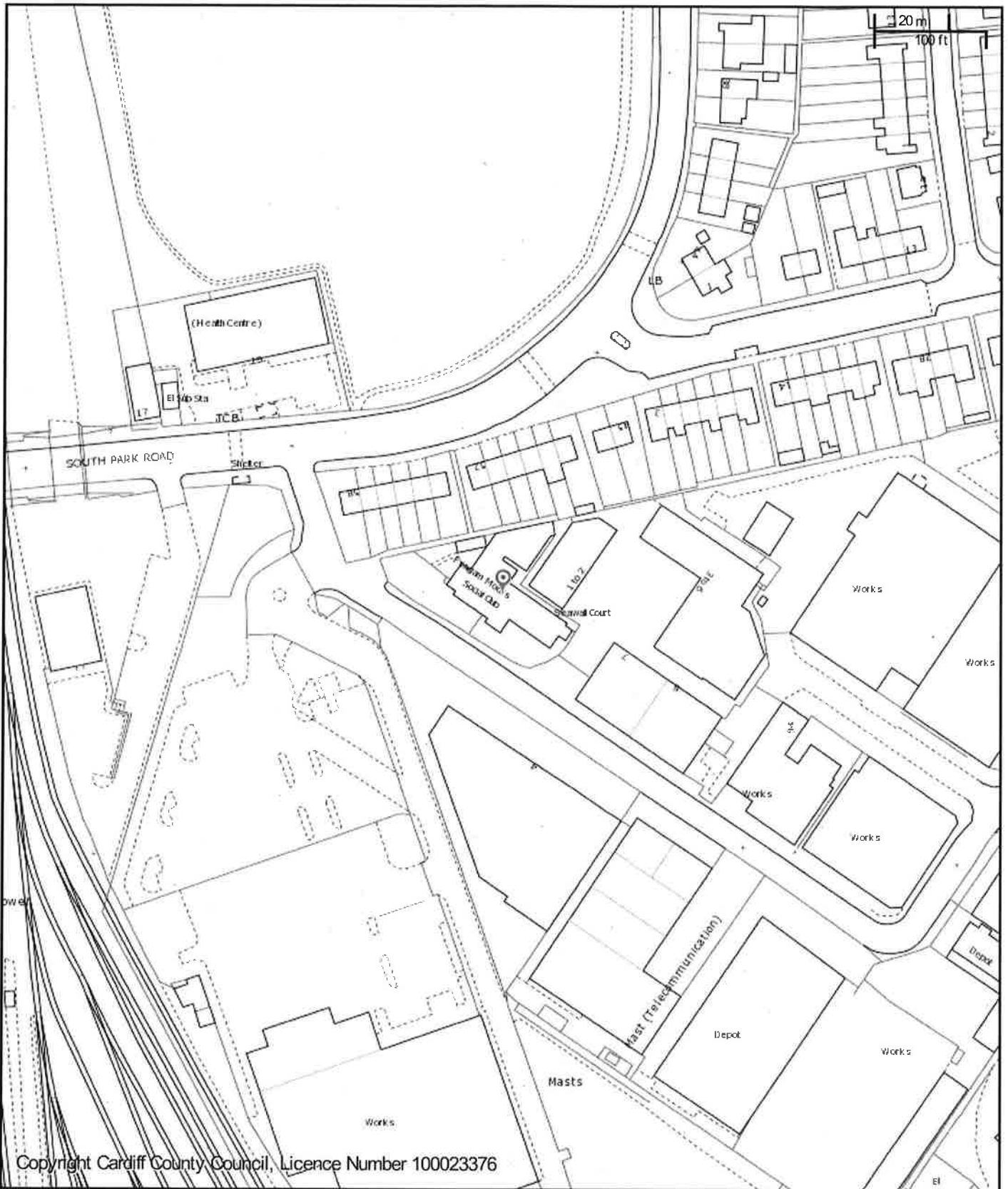
CF10 5EW

Telephone number (if any) 02920527207



If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) tim.davies@south-wales.pnn.police.uk and justin.hardwick@south-wales.pnn.police.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



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<p>CHIEF EXECUTIVE Paul Orders</p> <p>Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW Tel: 029 20872088</p> <p>County Hall, Atlantic Wharf CARDIFF CF10 4UW Tel: 029 20872087</p>	<p align="center">Cyngor Caerdydd</p> <p align="center">Cardiff Council</p> 		<p>Title</p> <p>Scale: 1:1417 Date: 4/12/2018 at 11:32 AM Coordinates © Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made. Ordnance Survey 100023376 (2014).</p>
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