

**Appendix 8 to this report only: Not for publication pursuant to Section 100BA (2) & (7) of the Local Government Act 1972 and the undermentioned Exempt Paragraph 13 of Part 4 of Schedule 12A to the above Act. In all the circumstances of the case, pursuant to Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public interest in maintaining the exemption, is considered to outweigh the public interest in disclosing the information.**

## **NEATH PORT TALBOT COUNCIL**

### **Licensing and Gambling Acts Sub Committee**

12th February 2024

### **Report of the Head of Legal Services – Craig Griffiths**

#### **Matter for Decision**

**Wards Affected:** Glynneath Football Club

### **Application for the Review of a Premises Licence**

#### **Purpose of the Report**

1. To consider an application by South Wales Police for the review of the premises licence for Glynneath Town Football Club

|               |                              |
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| Premises Name | Glynneath Town Football Club |
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| Premises Address             | 12 High Street, Glynneath, Neath, SA11 5BR  |
| Premises Licence Holder Name | Glynneath Town Football Club Ltd  |
| DPS Name                     | Mr Christopher Foote  |
| Applicant Name               | Mr Nicholas Bailey  |
| Applicant Address            | South Wales Police, Western BCU, Neath Police Station, Gnoll Park Road, Neath, SA11 3BW |

## **Executive Summary**

2. This is an application under the Licensing Act 2003 for a review of the premises licence for Glynneath Town Football Club.
3. The application for review has been submitted by South Wales Police on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm.
4. Additional representations were received from Legal Regulatory Services (Licensing), Environmental Health and a local resident.

## **Background**

5. At any stage following the grant of a premises licence, a responsible authority may ask the licensing authority to review the licence because of a matter(s) arising at the premises in connection with any of the four licensing objectives.
6. When a licensing authority receives an application for a review from a responsible authority, it must arrange a hearing; the arrangements for which must follow the provisions set out in regulations.
7. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
- Exclude a licensable activity from the scope of the licence.
- Remove the designated premises supervisor.
- Suspend the licence for a period not exceeding three months;
- Revoke the licence.

## **Grounds for Review**

(The following is information taken directly from the application for review)

8. On behalf of the Chief Officer of Police I formally make an application for the review of the Premises Licence of Glynneath Town Football Club (premises licence number 0149) 12 High Street, Glynneath, Neath in the County Borough of Neath and Port Talbot.
9. The grounds for the review are as follows:
10. It is the belief of the Police that there has been a significant, and prolonged failure of the management of the premises to promote the licensing objective of preventing crime and disorder and that the current Designated Premises Supervisor has failed to take the necessary steps to address the issues that have been highlighted to him during engagement with responsible authorities and which should have been obvious to him, as an operator of a premises within the night time economy.
11. We believe that the examples highlighted below demonstrate that there needs to be significant change at the premises to ensure that the licensing objectives are promoted and the customers attending there remain safe.
12. The licence for this premises was transferred in February 2021 during the period of the Covid crisis and lockdown which lasted, in one form or another, until 19th July 2021 when all Covid restrictions were lifted.
13. Since Mr FOOTE took over as DPS there have been 31 reported incidents relating to the premises.

14. Six relate to the Covid breaches, eight relate to alcohol related violence and ten relate to reports of underage drinking/sales/events at the premises.
15. Incident 1
16. Eight days after Glynneath Town Football Club Ltd taking over the licence and running of the premises reports began to be received of Covid breaches at the premises, with complaints being received on 10th February & 13th February, and further reports were received on 1st May, 8th May, 15th May, 2 on the 30th May and 20th June.
17. On 5th May 2021 I wrote to the then DPS following a visit about a number of covid breaches and the steps needed to rectify the issues identified. (attached as Appendix 1) On 7th May 2021 an application was received to vary the DPS to Mr Chris FOOTE, who remains the DPS to this date.
18. On 25th May 2021 following another visit, where a number of Covid breaches were again discovered, a Covid Improvement Notice was issued by Neath Port Talbot Council. (attached as Appendix 2) giving the operators 7 days to put appropriate measures in place.
19. On 16th November 2022 a report was received on an event having taken place at the premises at which there was a high number of underage children present and I again spoke with Mr Harris and warned him that events such as this would cause the premises problems if they continued.
20. On 1st August 2022 staff at the premises reported finding a knife with what was described as a 6 – 8 inch blade, hidden under a sink in one of the toilets at the premises. While I was grateful that the item was found by staff the question must be asked how did the knife get into the premises unnoticed.
21. On 29th January 2023 an assault was reported that occurred at the premises requiring the injured party to attend Morriston A&E to have stiches in a facial wound. The victim reporting having been drinking alcohol at the premises and standing at the bar waiting to be served again when he was assaulted by 3 other males. The victim was 17 years of age. On receipt of this report, I spoke with Mr Johnny Harris and, as I knew there was a sophisticated system at the premises, requested that he make CCTV footage available to assist the investigation. None was supplied despite another request also being made by the investigating officer.

22. A check of the licence conditions showed that there is no condition relating to a requirement for CCTV to be held or supplied on request, so there is no consequence to not supplying footage if requested.
23. I believe that all of these incidents show a disregard for the regulations that were in place at the time and which were designed to keep people safe to the extent that they undermine the licensing objective Public Safety.
24. Incident 2.
25. On the 16th February 2023 a report was received that the following Friday & Saturday (17th & 18th February) there were to be two 17th birthday parties held at the venue. I rang Mr Harris and spoke to him while he was at work. I again outlined the risks of holding such events and backed this up by sending Mr Harris a letter (attached as Appendix 3) again warning him against holding such events. He assured me, as outlined in the letter, that the only party booked was a 50th Birthday party.
26. Despite this assurance on the 17th February (one of the dates suggested for a 17th Birthday party) officers attended the report of a collapsed female having a cardiac arrest. What they in fact found was a large event at the club getting out of hand and a young female having been carried out of the premises in a collapsed state. The female, and her friends, who were all spoken to, was in a group of 15 and 16 year old girls attending the event.
27. They recounted that they had all been inside and all admitted drinking alcohol actually saying, 'well we weren't drinking pop were we'. They stated that the collapsed girl had 'gone off with some boy they didn't know' and minutes later after she returned appearing to be very drunk, she collapsed and they called an ambulance. She was carried out of the premises and taken to side of the road opposite to await the arrival of an ambulance.
28. It is evident from the footage of officers attending that a large proportion of those attending appeared younger than 18, with a number actually being spoken to and identified as being under 18, with some admitting to being as young as 15 (attached as Appendix 4).

29. Footage included in Appendix 8 – Body Worn Video entitled ‘2202 170223 PCSO 57202 Conversation with Chris Foote’ will show staff asking officers, through an open window, can you get rid’ of the people outside and later telling officers that they’re checking ID’s inside so what happens outside isn’t their responsibility. They are reminded by officers that the sole reason the people have come to the club is for their event.
30. The same member of staff then went on to say that they’d bought bands off friends or people who were 18 demonstrating, I believe, that they premises management had no control over the sale of bands or idea of how this was being done and they clearly had no idea of how many might turn up.
31. Footage included in Appendix 8 – Body Worn Video entitled ‘2215 170223 PC8264 Shows numbers and conversation with Chris Foote will show the DPS Mr Foote admitting that there was an organised party taking place which, from the footage, contradicts Mr Harris’s assurance that it was a 50th Birthday party. The footage will also show cover the issues of door staff not being employed as they can only use ‘proper door staff’ which they have to pay for and which he claims he can’t get.
32. He then also appears to admit that there were no ID checks taking place, other than at the bar and the reason given is that he’d been told by Licensing that only trained door staff can ID people.
33. I can categorically say that at no point have ether I, or colleagues from the Local Authority Licensing Team, ever told Mr Foote that he could not check a customer’s ID before they enter his premises. The only conversation I have ever had with him about what he can and cannot do regarding searching people prior to entry, as this is a role carried out by staff licensed by the Security Industry Authority (SIA).
34. The exchange, I believe, demonstrates that the main consideration when running of these events is reducing costs & generating profit rather than the safety of those attending and that either he does not understand how far his authority extends as the DPS of a premises or that he is trying to deflect responsibility when talking to the attending officers, for not doing something onto Licensing staff, who are not present to contradict him, about a subject matter that the Police officer he was talking to about a subject the officer would not have expert knowledge about.
35. Footage included in Appendix 8 – Body Worn Video entitled ‘2204 170223 PCSO 57202 advised 17+ event’ will show a PCSO establishing

that the method of advertising was via Facebook and that the event advertised as a 17+ event and was called 'Half Term Madness' once again, clearly not a 50th Birthday Party.

36. A time and date of 21st February was arranged to meet Mr Harris at the premises 10.30am between myself, Mr Harris and Mr Malough of the Local Authority Licensing Team, to view the footage captured on the premises CCTV of both the assault on the 29th January 2022 and to demonstrate that there had not been any underage parties over the previous weekend.
37. When the appointment was being made over the phone by Council staff Mr Harris asked a member of the NPT Licensing team, whether he actually had to supply CCTV as a result of the request I had made. He was told that as there was no condition requiring it, he would not be in breach of a licence condition if he did not supply any footage.
38. On our arrival Mr Harris said that he didn't know how to operate the CCTV system but did know the password and that he was happy for me to look at the footage if I knew how to access it on the hard drive. On looking at the CCTV hard drive it became apparent that there was no footage stored at all. When I looked at the system operating logs it showed that the system had been reformatted at 10am that morning, overwriting any footage that had been previously recorded.
39. I told Mr Harris about this and explained that as this was now the second occasion that CCTV footage had not been available, that I suspected that it had been done deliberately to remove any incriminating footage showing the possibility of underage sales at the premises he claimed vehemently that this was not the case and said that it must have been a power surge or something similar, as he wouldn't know how to do anything like that.
40. A condition relating to the use of CCTV at the premises and a requirement to retain footage for a set period of time and a requirement to supply footage on request (as outlined below) while not guaranteeing that footage would be supplied, would put in place repercussions should something similar happen again.
41. The events held on 17th which was attended in such numbers, by children, many of whom admitted to officers that they were under 18 and who had paid on the door to enter, without challenge about their age, and the disorder and disruption caused to a significant number of people in

the vicinity that night, I believe undermines both of the licensing objectives of preventing crime and disorder and of protecting children from harm.

42. The fact that on officers attendance found that both doors of the premises were locked preventing either ingress or egress, and which results in people asking officers for help to get out of the front door shows that, had anything untoward happened inside the venue there was no means of escape which, I believe, undermines the licensing objective of public safety as it created an environment in which there was no means of escape from the building without someone inside unlocking doors or electric shutters first.
43. Incident 3
44. 3. On 22nd October 2023 officers attended a report of 50+ people fighting outside the premises. While there was no fight outside when they attended, (occ: 2300358980). A number of people had been ejected due to issues with then being underage which had led to the noise and nuisance which had resulted in the call to Police.
45. When I spoke with Mr Harris after the event I did establish that a 17+ event had been run at the premises, organised by a member of Glynneath Rugby Club, and which started at 7.30pm There were no SIA door staff at the event and ID checks were allegedly carried out by bar staff.
46. At about 9pm the previous evening Police staff had earlier driven past the beer garden and recorded footage to show that there were a number of people in the outside area and confirming that the premises was busy. (attached as Appendix 5).
47. PC Wallen, at my request, sent a request and an upload link for footage from both the door and the upstairs bar area to Mr Harris, which he did. To date no footage has been uploaded or supplied by either the DPS or the Premises Licence holder. There is no condition requiring footage be supplied on request so he would not be in breach of a licence condition if he does not supply any footage. This is the third occasion that CCTV footage has not been supplied following a request by Police.
48. Having experienced the problems after their event in February, (mentioned above) one would expect that robust measures would be in place to prevent any trouble, or disruption to local residents from those



attending any subsequent event. Clearly from the calls that were received this was not the case and I believe that the decision not to employ SIA door staff for the event would itself, given what has happened previously, would undermine the licensing objective of preventing crime and disorder.

49. This decision, when considered with the fact that they once again handed over control of their premises to a third party and the end result of the evening being emergency calls about fighting, means that the behaviour of those attending, the failure of the premises management to put robust control measures in place combine, I believe, to undermine the licensing objective of preventing crime and disorder.
50. Incident 4
51. On 27th October 2023 Police were alerted to another underage event taking place at the premises and on attendance found crowds, estimated to be between 300 – 400 young people either having just left or leaving the premises. It transpires that a 16+ event was being held at the venue organised, marketed as a 'Halloween event' and run, by Mr Keaton Davies, who is believed to be the stepson of the DPS, Mr Chris Foote.
52. On officers' attendance it became clear that neither Mr Foote nor Mr Harris had been present at the event and that, in effect, the premises had been handed over to Mr Davies to run his event. It was clear that there was no proper control over the ticket sales and that a lot more than expected had turned up. The event was initially ticket only but, during discussions after the event, at my meeting with Mr Harris, it became clear that these sales were initially slow so it then became a 'pay on the door' event which attracted people from as far afield as Swansea, Ystradgynlais and even Cardiff.
53. There was no SIA door staff provision at all, and when a member of staff was asked by a PCSO how many had attended they were told that the clicker had got to 371 before it got too busy to keep count any more. When I asked Mr Harris what the capacity of the premises was he stated that he thought it was 150. This would mean that the event was being run at more than double the capacity of the premises as Mr Harris understood it to be. I have included some screenshots from the extensive Body Worn Video captured by the attending officers to show just how busy it was (attached as Appendix 6).
54. Pc Wallen also re-entered the upstairs function room after it had been cleared to check the room over and had found that the fire escape stairs,

leading to the ground floor, had been blocked and was being used as a storage area. I have taken screenshots from the footage which are attached as Appendix 7) This, when considered alongside the overcrowding witnessed, poses a very serious risk of restricting the number of people able to exit the room in an emergency and is a staggering breach of the licensing objective of promoting public safety and would, I believe had the fire service discovered it, resulted in a prohibition notice being served on the premises.

55. Mr Harris admitted that the event had quickly got out of control and Mr Foote had attended as soon as he was contacted by staff who were telling him how crowded it had become. Mr Harris showed me footage from the night on his mobile phone that showed the beer garden from the main gate to the door of the premises from just before the doors opened, which was severely overcrowded. He also showed me footage from about 30 minutes later the upstairs function room showing from the bar into the room and I could not see any free space with people queuing at the bar at least 5 - 6 people deep. It was clear that it was not possible for staff to effectively ID check anyone and there was no evidence seen on the footage, that I saw, to show that they were.
56. I have attended courses on 'Public Safety at Events' and a 'Large Events Course' which deal with the safety concerns and control measures normally seen at large festival or concerts and at such event the responsible organisers normally calculate for between 2.5 – 3 people per square metre for safety. What I saw on both the beer garden, and upstairs function room cameras far exceed that, with my estimate being a minimum of 5 – 6 people per square metre, approximately double the limit considered to be safe.
57. I have, during my 40 year Police career, worked in many situations involving large crowds ranging from crowds at football matches, demonstrations in excess of 130,000 people, the 2012 Olympics and riots. I have worked at stadiums across the UK including the Principality, Wembley and many Premierships grounds across London, and I have received training in crowd dynamics, so that I can recognise a potentially crush situation when I see one.
58. What I saw on the footage was one small step away from a 'crush situation' with little or no control measures in place and no one qualified, or able to deal with the situation should it have deteriorated which is could

have done for a variety of reasons. I believe, that this constituted a breach of the licensing objective of promoting public safety.

59. It was also another occasion where the management team of the premises have handed over control of the premises to someone who has no formal connection with the club and when they have again chosen to step away completely from the event as if this absolves them of any responsibility for what happens at it.
60. PC Wallen, at my request, sent a request and an upload link for footage from both the door and the upstairs bar area to Mr Harris, which he did. To date no footage has been uploaded or supplied by either the DPS or the Premises Licence holder.
61. There is no condition requiring footage be supplied on request so he would not be in breach of a licence condition if he does not supply any footage. This is another occasion that CCTV footage has not been supplied following a request by Police.
62. The event held on 27th, less than a week after the previous problem event, was attended by a large percentage of people who, again, admitted to officers that they were under 18 and who had paid on the door to enter, without apparent challenge, the overcrowding within the premises combined with the failure of the management team to ensure that anyone under the age of 18 attending the premises does not have access to alcoholic drinks, purchased or smuggled in, undermines the licensing objectives of preventing crime and disorder and of protecting children from harm.
63. Having experienced the problems after their previous events, one would expect that robust measures would be in place to prevent any trouble, or disruption to local residents from those attending any subsequent event. Clearly from what was captured on the Body Worn Video footage this was not the case and I believe that the decision not to employ SIA door staff for the event, to once again give over control of their premises to a third party, given what has happened previously, combine to undermine the licensing objectives of preventing crime and disorder and of protecting children from harm.
64. Footage included in Appendix 8 – Body Worn Video entitled ‘2042hrs 271023 Arrival at scene’ will show the numbers of people outside the premises, the overcrowding inside the premises and the disruption to the local residents by the event. The overcrowding is shocking and it is clear

that there is no one from the premises management team on site to oversee the event is a failure of the management of the premises.

65. The further footage captured by Pc Wallen of the fire escape and how it was blocked, included in Appendix 8 – Body Worn Video entitled '2216hrs 271023 Fire exit concerns' show just how perilous the situation of the upstairs function room actually was and meant that the only method of escape for an already overcrowded room, was via the main doors and stairs. I believe that this undermines the licensing objective of public safety.
66. Incident 5
67. Just five days later, a report was received about yet another underage event at the premises, this time when officers attended, although it was again clear that an event was taking place, they found that both the front and back doors were locked, preventing them gaining access to the premises. The attending officers felt that this was a clear tactic to prevent officers quickly entering the premises, as I believe, they were aware that there were already going to be repercussions about what they were doing because of the previous event 5 days earlier.
68. Eventually, after hammering on the door for some time, the officers were let in by a member of staff. They estimate that when they entered there were between 100 – 150 people in the premises, some with drinks in their hands, and with empty bottles strewn everywhere. The bar staff said that they had been checking ID's at the bar before serving anyone, while also saying that they would have needed ID to get in initially.
69. Officers asked a number of people inside the premises, who they suspected of being under 18 and who were either drinking what appeared to be alcohol, or had alcoholic drinks on the table in front of them for ID and only one person was able to provide proof of age, despite staff saying they were checking everyone's ID.
70. Once again there were no SIA door staff working so it is not clear who would have been checking ID's other than bar staff. Enquiries revealed that the person organising the Halloween event was a student at Ysgol Maes y Derwyn and was a party for years 12 & 13 (age range 16 – 18).
71. Once again it appears that the premises had been handed over to the organiser with the only 'staff' of the premises present being bar staff. When I spoke with Mr Harris about the safety of having both doors

locked, he stated that it had been done to prevent the overcrowding seen at previous events and, 'as a former fireman', he was well aware that doors could be locked as long as someone was present who had access to unlock the doors if needed.

72. I am unsure whether this is actually the case and I'm sure this would have been great comfort to anyone had there been a fire at the premises. Having all of the exit doors of the premises locked preventing easy escape from the building in the event of an emergency, in my opinion, undermines the licensing objective of public safety.

73. PC Wallen, at my request, sent a request and an upload link for footage from both the door and the upstairs bar area to Mr Harris, which he did. To date no footage has been uploaded or supplied by either the DPS or the Premises Licence holder. There is no condition requiring footage be supplied on request so he would not be in breach of a licence condition if he does not supply any footage. This is yet another occasion that CCTV footage has not been supplied following a request by Police.

#### 74. CONCLUSIONS

75. Despite the issues identified in this application it is only fair to review how, if at all, the management of this premises have breached their obligations under the licensing act.

- Are people under the age of 18 allowed into the premises – Yes
- Is the premises allowed to hold events for persons under 18 - Yes
- Are the DPS or Premises Licence Holder duty bound by a licence condition to supply CCTV footage to Police on request – No
- Do the management team commit any offence by handing over control of their premises to an untrained third party – No
- Is there clear evidence that person under 18 have been able to purchase alcohol at the premises – No
- Is the premises duty bound by a licence condition to employ SIA door staff – No

76. What is clear however is that although the management of the premises have not breached any licence conditions they have, I believe, they clearly have not promoted the licensing objectives as well as they should,

or could have done which has resulted in many children being put at risk at the premises. Some have become victims of assault, some had suffered issues as a result of alcohol consumption and while I have no evidence to definitively prove alcohol sales to persons under 18 there are enough people who have attended these events who have admitted to Police that they have consumed alcohol in the premises that I believe that we can assume that, while I accept some may have smuggled alcohol in, not every one of them smuggled alcohol into the premises at events held there. A situation made easier by there being no SIA door staff present.

77. I believe that the measures in place to prevent alcohol sales, i.e. the age verification policy, was not robustly implemented, sometimes by choice and on other occasions by the fact that, due to the numbers attending it was practically impossible to enforce. Even these occasions do not excuse the sales as the premises should never have been that crowded in the first place.
78. Looking at the above questions it becomes clear that if action is not taken to put robust measures in place at the premises, then the scenes that we have witnessed and about which I make reference, will continue to happen without sanction to members of the premises management as they are not breaching any condition of their licence in doing what they have done.
79. Let me also make it abundantly clear that the issues at the premises appear to be when they hold underage events or regulated entertainment and not the normal business. In my professional experience events such as this cannot be run without an overwhelming number of staff and with robust control measures properly enforced, none of which apply in this case. It is also my professional advice, when sought, that events such as these will inevitably lead to issues as soon as social media advertising becomes involved as the organisers then cease to have control of marketing their own event.
80. Section 11.10 of the Section 182 guidance states that it is good practice for responsible authorities to engage with licence holders, give them early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps, they need to take to address those concerns.
81. To give the licence holder every opportunity to avoid a review being submitted, I met with him to explain that a review was being considered

and the remedial measures that would be sought during such a review to see whether he was prepared to instigate the changes himself, removing the need for a review, but his only question was whether, at the review, we would be seeking a revocation of the premises licence.

82. In fact, since the meeting he has had the CCTV requests mentioned in points 3, 4 & 5 above, and has not submitted the footage requested, indicating to me that without the changes to the conditions outlined we will be no further forward.
83. Mr Harris has confirmed that premises bar staff were working on the nights in question when it is believed that there were numerous sales of alcohol to people under the legal age, which brings me to question the training they have received or their willingness to apply it if they have received proper training, in which case all staff need to be receive fresh training and this may take some time.
84. It is clear that 'in house training' where staff are shown as they work what is required that Mr Harris said his staff receive has not worked and a more formal approach to training is needed, potentially from an outside provider. This however will take time and I would therefore ask that the committee to consider how much time would be needed to ensure this is done when considering their decision.
85. As a result of this position, I am left with no other option than to submit this review and ask the Committee to consider whether the measures requested are proportionate and will enable, if followed, the premises to operate without undermining the licensing objectives in the future.
86. I am not aiming to penalise a business and make it incur a financial penalty or a reduction in its trade but I believe that if all of the changes suggested, which are designed to support the four licensing objectives, and which I believe are necessary, are adopted by the Premises Licence Holder, that the premises should be able to continue to operate, but with a significantly higher level of oversight by the new DPS, a professional security team and a set of robust conditions that leave the DPS with a clear understanding of what is expected of them, which in turn will lead to a much lower risk to those attending as customers.
87. The Video footage contained with Appendix has not been served with this application in accordance with GDPR due to the number of children captured on the footage. The footage will be made available for a private

viewing before any hearing and made available for viewing at any subsequent committee hearing.

88. Recommendations

89. It is the view of the Chief Officer of Police that these premises pose enough risk to those attending the venue and that they are undermining the licensing objectives of Preventing Crime & Disorder, Protecting Children from Harm and of Public Safety by virtue of the following actions, or failures of the premises management in terms of;

- handing over control of the premises to unqualified people leaving events run with no input from either the DPS or PLH.
- by failing to ensure that anyone under the age of 18 attending the premises does not have access to alcoholic drinks, purchased or smuggled in.
- by failing to ensure that there is adequate supervision of the premises when licensable activity is taking place.
- by allowing significant overcrowding, they are failing to provide a safe environment for those attending the venue including significant numbers of children.
- by failing on a number of occasions to provide CCTV footage requested because, it is believed, the lack of CCTV footage then hides their own failures to promote the licensing objectives.
- By failing to ensure that the staff that are employed at the premises have sufficient training in the sale of age related products.
- that there is no control of ingress, egress, or the behaviour of their customers either inside or in the immediate vicinity of the premises when attending events promoted by the premises.

90. We believe that these failures warrant consideration of significant changes at the premises as outlined below;

91. The current DPS, Mr Chris Foote, does not appear to exert sufficient control at the premises and by handing over control of his premises to young people, apparently unconnected with the football club to run events as they see fit, does not appear to be bother about having much oversight of what actually happens at the premises and as a result the Police take



the view that he does not have sufficient control of the day to day running of the premises to be considered effective & request that he be removed as DPS.

92. Having looked carefully at the premises licence conditions, of which excluding the mandatory conditions it is clear that, a number of new conditions need to be added as none of the actions outlined in the evidence above actually breach a licence condition. I would therefore request that all conditions, other than the mandatory conditions be replaced with the following.
93. No open glasses or bottles should be brought into or out of the premises by customers.
94. No entry/re-entry from 45 minutes before the last permitted hours.
95. Prominent, clear, and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and leave the premises and the area quietly.
96. A Challenge 25 policy will apply and Proof of age will be required from any person who appears to be under the age of 25 years who attempts to purchase or consume alcohol. The means of verification should be a form of identification which bears their photograph, date of birth and a holographic mark and is restricted to:-
  - P.A.S.S Accredited Proof of Age Schemes e.g,Citizen Card,
  - Proof GB
  - Photocard driving licence or passport.
97. A Digital CCTV system shall be installed, or existing system maintained, at the premises which will be operational at all times when the premises is open to the public & be capable of providing pictures of evidential quality in all lighting conditions particularly facial identification. The CCTV recordings must be correctly timed and date stamped & retained for a period of 31 days and made available for viewing by the Police or an authorised Officer of the Licensing Authority on request.

The system must provide coverage of the following areas: -

- The exterior perimeter of the premises

- The entrances and exits to the premises;
- The interior public areas of the premises;

98. The Premises Licence Holder will ensure that a staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and is capable of dealing with any request from South Wales Police or the Licensing Authority to download CCTV recordings in a recordable format either to USB, to an on-line evidence facility or to disc.
99. Recordings shall be made available immediately for viewing on request by police or authorised officer of the licensing authority and a copy must be supplied within [72 hours / 5 days] of any lawful request.
100. An anti-drugs policy agreed with the police must be implemented and in operation at all times whilst the premises are open to the public. A drugs drop- safe is to be installed and maintained in accordance with police requirements and provision made for random searches and drug testing procedures of patrons in accordance with police requirements.
101. Whenever regulated entertainment is provided at the premises a minimum of 2 SIA registered door supervisors will be on duty from 30 minutes before the advertised start time of the entertainment and until 30 minutes after the end of the regulated entertainment.
102. At all other times, the premises licence holder will risk assess the need for door supervisors and provide door supervision between such times and in such numbers as is required by the risk assessment. They shall also display their S.I.A licence in a reflective armband whilst on duty.
103. A daily register of security personnel will be maintained. The register shall show the name, address and licence number of each door supervisor, and the dates and times that they operate. The register must be kept available for inspection by the Police and authorised officers of the Local Authority.

104. When regulated entertainment is provided the premises licence holder shall operate and maintain a counting system to monitor the number of persons entering and exiting the premises to ensure that maximum numbers are not exceeded.
105. The premises shall maintain a log of all incidents occurring at or in the vicinity of the premises. This will include details of any disorder, assaults, theft, possession/supply of illegal substances and persons ejected or refused entry to the premises. The log shall record the date and time of the incident, the personnel involved and reporting the incident, the action taken and, where appropriate, the outcome of the incident. This must be kept available for inspection by the police and the licensing authority at all reasonable times.
106. All entries in the incident log must be made prior to premises staff, including SIA door staff, leaving the premises and the incident log must not be removed from the premises. The incident log must not be removed from the premises other than by authorised Police or Council staff.
107. The premises licence holder shall ensure that all windows and doors are kept closed whilst regulated entertainment is being provided.
108. The premises licence holder shall cooperate with the police in carrying out any crime reduction or detection operation at or in connection with the premises e.g., use of drugs detection dogs, drugs itemiser.
109. No persons under the age of eighteen are permitted in the premises when regulated entertainment is taking place.
110. The Premises Licence Holder will at the end of each calendar month provide copies of the Incident Book and Refusals Log to South Wales Police
111. Respectfully submitted for consideration of the Licensing Committee.

## **Current Licence**

### 112. Supply of Alcohol

Monday to Sunday: 10:00 - 00:00

### 113. Films

Function Room Only

Monday to Sunday: 10:00 - 00:00

114. Indoor Sporting Events

Snooker Hall Only

Monday to Sunday: 10:00 - 00:00

115. Live Music

Snooker Hall & Bar

Thursday to Sunday: 12:00 - 23:00

Function Room

Monday to Sunday: 10:00 - 00:00

116. Recorded Music

Bar & Function Room

Monday to Sunday: 10:00 - 00:00

117. Performance of Dance

Function Room Only

Monday to Sunday: 10:00 - 00:00

118. Anything of Similar Description

Function Room Only

Monday to Sunday: 10:00 - 00:00

119. Provision for Making Music

Function Room Only

Monday to Sunday: 10:00 - 00:00

120. Provision for Dancing

Function Room Only

Monday to Sunday: 10:00 - 00:00

#### 121. Provision of Late-Night Refreshment

Function Room Only

Monday to Sunday: 10:00 - 00:00

#### 122. Opening Hours

Monday to Sunday: 10:00 - 00:30

#### 123. Conditions attached to the licence (in addition to the mandatory conditions)

124. The Designated Premises Supervisor, Door Supervisor or nominated responsible person must ensure that drunk and or disorderly persons are not allowed access or are removed from the premises.

125. Disabled persons must be made aware of the arrangements for their evacuation in case of emergency.

126. All staff must be trained and aware of the emergency evacuation procedure.

127. Ensure that all windows and doors are kept closed whilst amplified music is being played.

128. Provide prominent signs throughout the premises and at all exits requesting patrons to leave in a quiet and orderly manner so as to minimise impact on local residents.

129. Make appropriate arrangements to avoid noise/disturbance from the disposal of empty bottles.

130. A documented procedure must be in place to verify the age of person who appear to be under eighteen years of age to prevent them gaining access to the premises and or purchasing alcohol. The means of verification should be restricted to:-

(1) Accredited Proof of Age Scheme's e.g. Portman, Validate

(2) Photocard driving licence or passport.

131. A sign indicating that the admission of children is restricted in accordance with the specified requirements must be conspicuously displayed on or immediately outside the premises in order that it can be viewed prior to entry into the premises.
132. No live music to be played on the ground floor until acoustic works have been undertaken to the satisfaction of the Environmental Health Department so as to ensure that the live music shall be inaudible inside any noise sensitive premises.

### **Relevant Representations**

133. Peter Malough - Legal Regulatory Officer. Representations attached at Appendix 9.
134. Calum Lewis - Environmental Health Officer. Representations attached at Appendix 10, 11, 12, 13 and 14.
135. Local Resident (name and address redacted). Representations attached at Appendix 15.

### **Officer Report**

136. Body worn CCTV footage provided by the Police will be available for pre-viewing at the licensing office and at the Licensing and Gambling Committee hearing only.

### **Equality Impact Assessment**

137. Not Applicable

### **Legal Impacts**

138. There is a right of appeal against the decision to the Magistrates' Court.

### **Risk Management**

139. Not Applicable

## **Consultation**

140. Consultation has been undertaken in accordance with the Licensing Act 2003.

## **Recommendation**

141. That members determine the application after considering all relevant evidence.

## **Reasons for Proposed Decision**

142. To ensure the licensing objectives as set out in the Licensing Act 2003 are promoted.

## **Implementation of Decision**

143. The decision is for immediate implementation.

## **Appendices**

144. Appendix 1 - Covid Visit SWP letter to DPS on 05/05/21.

145. Appendix 2 - Covid Improvement Notice issued by LRS on 25/05/21.

146. Appendix 3 - SWP Warning letter re: underage drinking on 16/02/23.

147. Appendix 4 - Screenshots from an event on 17/06/23.

148. Appendix 5 - Screenshots from an event on 21/10/23.

149. Appendix 6 - Screenshots from an event on 27/10/23.

150. Appendix 7 - Screenshot re: fire safety from event on 27/10/23.

151. Appendix 8 - SWP bodyworn video footage [Not for publication]

152. Appendix 9 - Representations from LRS

153. Appendix 10 - Representations from Environmental Health.

154. Appendix 11 - Video from Environmental Health

155. Appendix 12 - Video from Environmental Health

156. Appendix 13 - Noise Abatement Notice served by EH on 15/09/21.

157. Appendix 14 - Witness Statement by EH Officer dated 27/11/23.

158. Appendix 15 - Representation from Local Resident (redacted)

## **List of Background Papers**

159. Review Application

160. Neath Port Talbot Licensing Policy

<https://www.npt.gov.uk/1689>

161. Secretary of State's Guidance

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

162. Neil Chapple

Legal Regulatory Manager

Tel (01639) 763050

Email [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)