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Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



Civic Offices, Angel Street, Bridgend, CF31 4WB / Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB

Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol
Direct line / Deialu uniongyrchol: 01656 643148
Ask for / Gofynnwch am: Mark Galvin

Our ref / Ein cyf:
Your ref / Eich cyf:

Date / Dyddiad: 17 September 2015

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (B)

A meeting of the Licensing Act 2003 Sub-Committee (B) will be held in Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Wednesday, 23 September 2015 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from Members / Officers.
2. Declarations of Interest
To receive Declarations of personal and prejudicial interest (if any) from members/ officers in accordance with the provisions of the Members Code of Conduct adopted by Council from the 1st September 2008.
3. Licensing Act 2003: Section 105, Temporary Event Notices, Railway Tavern, Derwen Road, Bridgend. Sea Salt Fish & Chips, 55 New Road, Porthcawl. The General Picton, 57 New Road, Porthcawl. The General Picton (Car Park Area), 57 New Road, Porthcawl 3 - 14

Yours faithfully
P A Jolley
Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:
PA Davies

Councillors
E Dodd

Councillors
DRW Lewis

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB-COMMITTEE

23 SEPTEMBER 2015

REPORT OF ASSISTANT CHIEF EXECUTIVE, LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003: SECTION 105

TEMPORARY EVENT NOTICES

RAILWAY TAVERN, DERWEN ROAD, BRIDGEND

SEA SALT FISH & CHIPS, 55 NEW ROAD, PORTHCAWL

THE GENERAL PICTON, 57 NEW ROAD, PORTHCAWL

THE GENERAL PICTON (CAR PARK AREA), 57 NEW ROAD, PORTHCAWL

1. Purpose of Report

- 1.1 To ask the Sub-Committee to consider Objection Notices submitted by the South Wales Police in respect of Temporary Event Notices served on the Licensing Authority.

2. Connection to Corporate Improvement Plan/Other Corporate Priority

- 1.2 None.

3. Background

- 3.1 Upon receipt of a Temporary Event Notice the Relevant Persons can issue an Objection Notice. In these circumstances, it is the duty of the Licensing Authority to hold a hearing to consider the Objection Notices, unless the premises user, the Relevant Persons who gave the Objection Notices and the Authority agree that a hearing is unnecessary; and, having regard to the Objection Notices, give the premises user a counter notice under Section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of the licensing objectives to do so. The authority also has the power to apply existing Premises Licence conditions to a Temporary Event Notice.

4. Current Situation/Proposal

4.1 Railway Tavern, Derwen Road, Bridgend:-

- 4.1.1. On 9 September 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Spencer Cayford Morgan ("the premises user").
- 4.1.2 The premises has the benefit of a Premises Licence for the supply of alcohol and regulated entertainment from 1030 hours until 0200 hours Monday to Sunday.
- 4.1.3 The Temporary Event Notice relates to an extension of hours for the sale by retail of alcohol and the provision of regulated entertainment from 0200 hours until 0300

hours on 26 September and 27 September 2015. The premises will close at 0330 hours. The maximum number of people at any one time to be present during the duration of the TEN is 170 persons.

4.2 Sea Salt Fish & Chips, 55 New Road, Porthcawl:-

4.2.1 On 9 September 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Eduart Arapi ("the premises user").

4.2.2 The premises does not have the benefit of a Premises Licence.

4.2.3 The Temporary Event Notice relates to the provision of late night refreshment from 2300 hours until 0200 hours between 25 September and 27 September 2015. The maximum number of people at any one time to be present during the duration of the TEN is 50 persons.

4.3 The General Picton, 57 New Road, Porthcawl:-

4.3.1 On 10 September 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Gregg Courtney ("the premises user").

4.3.2. The premises has the benefit of a Premises Licence for the sale by retail of alcohol from 1100 hours until 2300 Sunday to Thursday and from 1100 hours until 0000 hours Friday and Saturday. Live music from 1100 hours until 2300 hours Monday to Sunday. Recorded music from 1100 hours until 2300 hours Sunday to Thursday and from 1100 hours until 0000 hours Friday and Saturday. Indoor sporting events from 1100 hours until 2330 hours Sunday to Thursday and from 1100 hours until 0030 hours Friday and Saturday. Provision of late night refreshment from 2300 until 2330 hours Sunday to Thursday and 2300 hours until 0030 hours Friday and Saturday.

4.3.3 The Temporary Event Notice relates to an extension of hours for the sale by retail of alcohol from 0900 hours until 0030 hours on 25 September and 26 September 2015 and from 0900 hours until 2330 hours on 27 September 2015. Live and recorded music from 1200 hours until 0000 hours on 25 September and 26 September 2015 and from 1200 hours until 2330 hours on 27 September 2015. There will be a 30 minutes winding down period each day. The maximum number of people at any one time to be present during the duration of the TEN is 150 persons.

4.4 The General Picton (Car Park), 57 New Road, Porthcawl:-

4.4.1 On 10 September 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Gregg Courtney ("the premises user").

4.4.2 The car park is not included in the Premises Licence.

4.4.3 The Temporary Event Notice relates to the sale by retail of alcohol from 1030 hours until 2300 hours on 25 September and 26 September 2015 and from 1100 hours until 2300 hours on 27 September 2015. Recorded music from 1100 hours until 2300 hours between 25 September and 27 September 2015. The maximum number of people at any one time to be present during the duration of the TEN is 150 persons.

- 4.5 The premises users have served copies of the Temporary Event Notices upon the South Wales Police and the Council's Public Protection Department and the South Wales Police have submitted Objection Notices to the Licensing Authority. Copies of the Objection Notice has been served on each premises user and are attached at Appendix A,B and C.
- 4.6 The Licensing Authority is aware that it is possible for a premises user and the South Wales Police to enter into a period of discussion regarding the objections raised and that Section 106 of the Act enables the modification of a Temporary Event Notice with the agreement of all parties. Members are advised that the timescales governing Temporary Event Notices are relatively short and that, at the time this report was dispatched, the Licensing Authority had not been notified that any of the parties had reached agreement.
- 4.7 The Objection Notices are to be treated as not having been withdrawn. A copy of the Premises Licence conditions, if applicable, will be available at the hearing.
- 4.8 This hearing must therefore consider the points raised in the Objection Notices and make a determination on each Temporary Event Notice. Having considered the Objection Notices, the Sub-Committee has the following options:
- a) Allow the licensable activities to go ahead as stated in the Temporary Event Notice (TEN);
 - b) As the TEN is in connection with a licensed premises, the licensing authority may allow the licensable activities to go ahead but also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives;
- or
- c) If it considers that the event would undermine the licensing objectives and should not take place, give a counter notice.

5. **Effect upon Policy Framework & Procedure Rules**

- 5.1 None.

6. **Equality Impact Assessment**

- 6.1 There are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief or sexual orientation.

7. **Financial Implications**

- 7.1 None.

8. **Recommendation**

8.1 The Sub-Committee is required to consider the Objection Notices having regard to the information contained within this report, the Council's Statement of Licensing Policy and the guidance issued to licensing authorities under Section 182 of the Licensing Act 2003 and make a determination on each Temporary Event Notice.

P A Jolley - Assistant Chief Executive, Legal and Regulatory Services

Date: 17 September 2015

Contact Officer: Yvonne Witchell
Licensing and Registration Officer

Telephone: 01656 643105

E mail: Yvonne.Witchell@bridgend.gov.uk

Address: Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents:

Temporary Event Notices

South Wales Police Objection Notices

Premises Licences

Bridgend County Borough Council Statement of Licensing Policy: www.bridgend.gov.uk

Statutory Guidance issued under Section 182 of the Licensing Act 2003 issued March 2015: www.homeoffice.gov.uk



APPENDIX A

Community Safety Partnership
Licensing Department
Police Station
Brackla Street
Bridgend
CF31 1BZ

B.3-366/15
14th September 2015

Legal Services Department
Corporate Services
Bridgend County Borough Council
Angel Street
Bridgend
CF31 4WB

Spencer Cayford Morgan

Sir/Madam,

RE: TEMPORARY EVENT NOTICE UNDER SECTION 100 OF THE LICENSING ACT 2003

**SPENCER CAYFORD MORGAN – PROPOSED PREMISES USER FOR THE RAILWAY INN,
DERWEN ROAD, BRIDGEND CF31 1LC**

Extension of hours for Rugby World Cup weekend for the sale by retail of alcohol and provision of regulated entertainment.

02.00 – 03.00 hours Sat 26/09/2015 closing at 03.30 hours (i.e. Friday night)

02.00 – 03.00 hours Sun 27/09/2015 closing at 03.30 hours (i.e. Saturday night)

Maximum number of persons intended to be allowed to be present during the event - 170.

I refer to the above notification and wish to inform you that application is made on behalf of the Chief Officer of Police to object to the notice as it is believed that extending the hours would undermine the licensing objectives relating to the prevention of crime and disorder and public nuisance as set out in the Act.

The Railway Inn is a public house and it is highly significant that the premise is situated within the “*Saturation Area*” of Bridgend town centre which is subject of Bridgend County Borough Councils “*Statement of licensing policy.*”

The area contains a mere three streets yet has the highest concentration of public houses, nightclubs, restaurants and late night refreshment houses anywhere in the borough and therefore experiences the highest volume of pedestrian and vehicular traffic and consequently the highest number of reported incidents.

As a consequence numerous premises within this area have been subject of the review process under Section 51 of the Act due to the number and seriousness of the occurrences recorded coupled with a failure to adhere to the conditions of licences.

In this area alone more premises have been reviewed than in any other within the borough.

Those premises which did not have their licences revoked had restricted conditions appended to the authorisation including curtailment of their operating hours.

The Railway Inn was one such venue however; the reduced hours still remain some of the longest hours of opening within the borough.

The “event” is to facilitate the Rugby World Cup for fixtures which will take place over a weekend where there will be four matches played.

Rugby matches last for 80 minutes with an additional 15 minutes allowed for the half time period.

- The first event is for the solitary match on **Friday 25/9/2015** which will be ARGENTINA v GEORGIA which kicks off at 16.45hrs.

The fixture will end almost 8 hours before the “event” is due to commence.

- The latter event is required for three fixtures which will take place on **Saturday 26/9/2015** i.e. the first being ITALY v CANADA which will kick off at 14.30hrs
- The second being SOUTH AFRICA v SAMOA which kicks off at 16.45hrs.
- Thirdly the ENGLAND v WALES fixture will kick off at 20.00hrs and end at approximately 21.35hrs.

Therefore the final fixture will end 4 hours and 30 minutes before the proposed “event” is due to start.

All these fixtures are more than comfortably catered for under the existing licence, BCBCLP265, which authorises the carrying out of the following licensable activities: -

Supply of alcohol, live music, recorded music

Monday to Sunday: 10.30 – 02.00 hours

Opening hours of the premises

Monday to Sunday: 10.30 – 02.30 hours

Therefore the venue is permitted to open for 16 continuous hours daily.

The proposed premises user wishes to extend licensable activity and opening during a period which in itself presents as problematic and even more so when fixtures involve Wales which considerably increases the footfall not only within the town centre but beyond and with it a rise in the number of recorded incidents.

With the notification of additional hours of licensable activity to 03.00am, plus a 30 minute wind down period, in an area which is problematic “*per se*,” the Chief Officer feels that there will be every likelihood of increased crime and disorder and nuisance.

During 2015 there have been a number of reported criminal offences recorded and many of

those incidents concern customers who have been highly intoxicated.

Officers investigating offences have also reported contraventions of the conditions of the licence.

Therefore such matters will be expanded upon at any hearing in respect of this notification.

Regards,

Inspector 3675 Drew
On behalf of the Chief Officer of Police

Pen-y-bont ar Ogwr
Mwy Diogel



Safer Bridgend

www.saferbridgend.org.uk

APPENDIX B



Community Safety Partnership
Licensing Department
Police Station
Brackla Street
Bridgend
CF31 1BZ

B.3-351/15
14th September 2015

Legal Services Department
Corporate Services
Bridgend County Borough Council
Angel Street
Bridgend
CF31 4WB

Eduart Arapi

Sir/Madam,

RE: TEMPORARY EVENT NOTICE (TEN) UNDER SECTION 100 OF THE LICENSING ACT 2003

EDUART ARAPI – PROPOSED PREMISES USER FOR SEASALT FISH & CHIPS DURING THE ELVIS FESTIVAL

Extension of hours from 23.00 to 02.00hrs on 25th, 26th and 27th September 2015.

For the provision of late night refreshment.

I refer to the above notification and wish to inform you that application is made on behalf of the Chief Officer of Police to object to the notice as it is believed that extending the hours would undermine the licensing objectives relating to the prevention of crime and disorder and public nuisance as set out in the Act.

This “*event*” relates to the Elvis Festival and alcohol related crime rises more significantly during this event which in itself presents as extremely problematic.

The event experiences the highest volume of pedestrian and vehicular traffic and consequently the highest number of reported incidents.

It is estimated that over 30,000 people attended last years festival and incidents of crime and disorder, public nuisance and anti-social behaviour were totally unacceptable.

With the notification of additional hours of licensable activity to 02.00am the Chief Officer feels that there will be every likelihood of increased crime and disorder and public nuisance.

Regards,

Inspector Drew – Communities & Partnerships
On behalf of the Chief Officer of Police

Pen-y-bont ar Ogwr
Mwy Diogel



Safer Bridgend

www.saferbridgend.org.uk



APPENDIX C

Community Safety Partnership
Licensing Department
Police Station
Brackla Street
Bridgend
CF31 1BZ

B.3-3537&354/15
14th September 2015

Legal Services Department
Corporate Services
Bridgend County Borough Council
Angel Street
Bridgend
CF31 4WB

Sir/Madam,

RE: TEMPORARY EVENT NOTICE UNDER SECTION 100 OF THE LICENSING ACT 2003

GREGG COURTNEY - PROPOSED PREMISES USER FOR THE GENERAL PICTON, 57 NEW ROAD, PORTHCOWL CF36 5DH

The representations concern two separate temporary event notices

- 1) Extension of areas of licensable activity to include a marquee, pay bar and music in the rear car park.

Also an extension of hours of licensable activity within those areas for the following: -

The sale by retail of alcohol

Fri 25/09/2015 - 10.30hrs to 23.00hrs
Sat 26/09/2015 - 10.30hrs to 23.00hrs
Sun 27/09/2015 - 11.00hrs to 23.00hrs

Provision of regulated entertainment in the form of recorded music.

Fri 25/09/2015 - 11.00hrs to 23.00hrs
Sat 26/09/2015 - 11.00hrs to 23.00hrs
Sun 27/09/2015 - 11.00hrs to 23.00hrs

On the premises only for 150 persons to include live music.

-
- 2) Also an extension of hours for the sale of alcohol within the premises.

Fri 25/09/2015 - 09.00hrs to 00.30hrs, plus a 30 minute wind down
Sat 26/09/2015 - 09.00hrs to 00.30hrs, plus a 30 minute wind down
Sun 27/09/2015 - 09.00hrs to 23.30hrs, plus a 30 minute wind down

Regulated entertainment in the form of live and recorded music will be from: -

Fri 25/09/2015 - 12.00 to 00.00hrs
Sat 26/09/2015 - 12.00 to 00.00hrs
Sun 27/09/2015 - 12.00hrs to 23.30hrs

On the premises only for 150 persons

I refer to the above notification and wish to inform you that application is made on behalf of the Chief Officer of Police to object to the notice as it is believed that the event would undermine the licensing objectives relating to the prevention of crime and disorder and public nuisance as set out in the Act.

Both notifications relate to the Elvis Festival and alcohol related crime rises more significantly during this event which in itself presents as extremely problematic.

The event experiences the highest volume of pedestrian and vehicular traffic and consequently the highest number of reported incidents.

It is estimated that over 30,000 people attended last years festival and incidents of crime and disorder, public nuisance and anti-social behaviour were totally unacceptable.

Additionally the premises have been subject of previous enforcement under the Licensing Act and there are also a number of incidents of crime and disorder recorded.

These matters will be expanded upon at any hearing in respect of this temporary event.

With the notification of additional hours as well as areas of licensable activity the Chief Officer feels that there will be every likelihood of increased crime and disorder and public nuisance.

Regards,

Inspector 3675 Drew
On behalf of the Chief Officer of Police

Pen-y-bont ar Ogwr
Mwy Diogel



Safer Bridgend

www.saferbridgend.org.uk