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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**  
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Ask for / Gofynnwch am: Andrew Rees

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

**Date / Dyddiad:** 17 June 2015

Dear Councillor,

**LICENSING SUB-COMMITTEE B**

A meeting of the Licensing Sub-Committee B will be held in Committee Rooms 2/3, Civic Offices, Angel Street, Bridgend CF31 4WB on **Tuesday, 23 June 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 1 September 2008.
3. Approval of Minutes 3 - 46  
To receive for approval the public Minutes of a meeting of the Licensing Sub-Committee held on 27 February 2015, 13 March 2015, 1 April 2015 and 28 April 2015.
4. Exclusion of the Public  
The minutes and report relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007.  
  
If following the application of the public interest test the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.
5. Approval of Exempt Minutes 47 - 56  
To receive for approval the exempt Minutes of a meeting of the Licensing Sub-Committee held on 13 March 2015, 1 April 2015 and 28 April 2015.

6. Application for Renewal of Licence

57 - 60

7. Urgent Items

To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

**P A Jolley**

Assistant Chief Executive Legal and Regulatory Services

**Distribution:**

Councillors:

GW Davies MBE

PA Davies

E Dodd

Councillors

CJ James

PN John

DRW Lewis

Councillors

DG Owen

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 27 FEBRUARY 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

P A Davies  
P N John

Officers:-

Y Wittchell - Licensing and Registration Officer  
R Morris - Senior Licensing Assistant  
K Daw - Legal Officer  
M A Galvin - Senior Democratic Services Officer - Committees

Representatives from New Premises at 33 Market Street, Bridgend

Z Rasul - Joint applicant  
S Rasul - Joint applicant

Representatives of Statutory Bodies:

H Williams - Public Protection Department  
E Aston - Public Protection Department  
Sergeant D Williams - South Wales Police  
PC S Rowlatt - South Wales Police

547 APOLOGIES FOR ABSENCE

None.

548 DECLARATIONS OF INTEREST

None.

549 LICENSING ACT 2003: SECTION 17  
APPLICATION FOR PREMISES LICENCE  
33 MARKET STREET, BRIDGEND

The Assistant Chief Executive Legal and Regulatory Services submitted a report, in respect of an application for a new Premises Licence for the above premises made jointly by Zahid and Saima Rasul. The premises was a two storey building described as a wine bar, café and nightclub. The plans that accompanied the application indicated that the premises would comprise a ground floor and first floor areas and designated areas for either dancing or dining.

She confirmed that Appendix A showed the original application form that was submitted to the Council and other responsible authorities though some changes had been made to this since it had been submitted.

Paragraph 3.3 of the report indicated the timings applied for licensable activities, which were Sunday to Wednesday, 1130 to 0200 hours, with no non-standard timings, and Thursday to Saturday 1130 to 0200 hours. No non-standard timings for the year had been applied for as part of the proposals, and the application stated that the premises would close to the public at 0000 hours Sunday to Wednesday, and 0230 hours Thursday to Saturday. These were revised timings from the original application and had been agreed by the applicants and circulated to the responsible authorities.

The Licensing and Registration Officer pointed out that a number of discussions had taken place with representatives from the Responsible Authorities during the consultation period in respect of the application, and representatives from the Police and Public Protection Department were present to air their comments and any other representations they had in respect of the application.

She confirmed that representations to the application made by the South Wales Fire and Rescue Service were shown at Appendix B to the report, however, these representations had now been withdrawn. She asked the applicants if the maximum number of patrons allowed in the building at any one time was 150 persons on the first floor and 350 persons on the second floor.

Mr Rasul confirmed this was correct.

The Licensing and Registration Officer added that the South Wales Fire and Rescue Service had recommended that the main doors to the premises be re-hung in order that they can open outwards, and the means of escape from the building would also be set by them. Other concerns along the lines detailed in paragraph 4.5 of the report were required to be adhered to by the applicants, though they had confirmed that they would be happy to comply with these.

The next part of the report detailed representations made to the application by the Public Protection Department as illustrated in Appendix C to the report. Discussions had been ongoing between representatives of this Department and the applicant's since their application was submitted and agreement had been reached over a number of concerns. These would be explained at the appropriate time in the meeting when the representatives from Public Protection would give their submission.

Appendix D then outlined the representations made to the application by the South Wales Police, and these related to the fact that they considered granting the application would not promote the Licensing objectives particularly in relation to crime and disorder, given that the premises was included in the 'hot spot' Saturation Area of the town centre. If the application was to be granted, the Police considered that this would have a negative accumulated impact on the night time economy of Bridgend.

Paragraph 4.5 of the report confirmed that representations originally submitted by the Licensing Authority had now been withdrawn subject to the applicants agreeing to the additional conditions contained in this part of the report, being incorporated into the Operating Schedule of the licence.

The applicants confirmed they were in agreement with these added conditions.

Paragraph 4.6 of the report confirmed that a local resident had submitted representations to the application, which had not been withdrawn. Details of this were shown in Appendix E of the report and this needed to be considered as part of today's proceedings by the Sub Committee.

The Licensing and Registration Officer then referred to paragraph 4.7 of the report, and the comments of the Planning Department which were observations only as opposed to a representation or objection (to the application). The applicant had amended their

application to accord with the permitted hours of opening of the premises to the public within the permitted hours as shown within this part of the report.

The remainder of the report contained details of the Council's Statement of Licensing Policy and Home Office guidance issued under the Licensing Act 2003, some of the provisions of which Members needed to give consideration to when determining the application, as these provisions were relevant to the application.

She also took the Sub-Committee back to paragraph 4.3 of the report, where it indicated that the applicants had indicated that measures identified in some of the representations are accepted, and they were willing to submit an amended Operating Schedule. However, some issues were still under discussion, and therefore, without prejudice to the outcome of the Hearing, the elements of the Operating Schedule and representations which have been agreed would be drafted for consideration at today's meeting.

The Chairperson then called upon each party in question to give their submission, commencing with the applicant.

Mr Rasul confirmed that his wife and himself had taken over the premises subject of the application, which was the old China, China restaurant. They intended to open a licensed premises which would offer the town centre something a bit different, in the form of a nightclub and/or private function room on the first floor and a wine bar/restaurant on the ground floor, that would cater for adults and families.

There were plans to hold live bands on the first floor of the premises on occasions, if this was something that proved to be popular, and that the premises would look to cater for people aged 25 – 30 plus. As referred to, the downstairs restaurant would encourage families to get together for meals, though children would need to vacate the premises by a specific time after having their meal. Mr Rasul felt having undertaken some research, that there were quite a few licensed premises that catered for younger people in their late teens and early twenties, hence why he felt the age of clientele and the type of customer he was trying to attract to the premises, which were that bit older, would enjoy something a bit different that he intended providing.

The ground floor would be designed in such a way that it would be an up market wine bar and restaurant, which would also provide an expansive dessert menu. The first floor would cater for a nightclub environment on the weekend, primarily playing eighties and nineties music. During the week this part of the premises could be used for birthday or wedding parties and as alluded to earlier some hiring of bands to play live music.

Mr Rasul had looked at other premises in Bridgend and its neighbouring towns, and there was nothing currently being provided that resembled the type of premises he was looking to provide, and that this would be an excellent facility that would not only support the people of Bridgend, but also the valley areas and towns of Maesteg, Pencoed and Porthcawl. Indeed, the type of licensed premises he intended to provide could be likened to the Hi Tide at Porthcawl. Patrons therefore had to either visit there or go further afield to Cardiff or Swansea to frequent a similar up market premises.

Mr Rasul added that he had previous experience in setting up successful businesses such as this latest venture, and therefore he knew there was a market for this type of licensed establishment. He was looking forward to working with the Responsible Authorities in order to ensure that the premises would operate successfully, should his application be granted by Members today. He felt that the premises would offer something different for Bridgend through inward investment, and give a number of employment opportunities for would be employees, all of which he would ensure would be employed from within the County Borough.

He mainly operated from a similar business situation in Port Talbot, and he had noticed over the last 15 years or so, that the quality of the night time economy in Bridgend had declined, and he felt this was an opportunity ie through his Club/Restaurant/Wine bar for this to be revitalised.

A Member noted that families would be encouraged to eat in the ground floor restaurant at the premises, but she wondered how this would work given that the first floor of the premises may be used as a nightclub on the weekend. She asked if there would be integration amongst patrons using both floors of the premises, and she also asked if families may be put off by possibly having to queue to gain entrance into the premises on the busier nights ie Friday and Saturday.

Mr Rasul advised that there would be a separate entrance at the side of the premises for visitors to the 1<sup>st</sup> floor nightclub and patrons would pay for entry into this. Downstairs patrons would access through the main doors situated to the front of the premises, and there they could order a meal or just visit the wine bar for a drink. People who were eating downstairs could then go upstairs free of charge should they wish after eating, however, anyone under the age of 18 would have to have their food and leave the premises around 9pm – 9.30pm.

A Member was pleased to note that the applicants had carried out research into what they considered there would be a demand for in terms of night time economy opportunities there were for Bridgend.

Mr Rasul stated that his wife and himself had visited a number of licensed premises during the last 12 months to try and establish what Premises Licence holders and clientele who visited their establishments felt was 'missing' in Bridgend, and this was they ascertained, a premises for older clientele where patrons could also have a nice meal in a convivial setting. The premises also needed to be bigger they felt, to cater for a variety of different functions and 33 Market Street would be able to hold a capacity of 500 persons at a time between both areas that comprised the premises. It had also been established that there was not that many venues around within which to hold private functions. Mr Rasul had also established that people from a village came to a town for their night time entertainment, and people from a town visited a city. It was never the other way around. He therefore felt that the type of premises he had in mind, would mean that people in Bridgend may now no longer feel the need to go to Cardiff or Swansea of an evening, when an establishment similar to that being provided in these places was on people's doorsteps in Bridgend.

He added that there was also only one real proper Wine bar in Bridgend, the recently opened Nolton House, but they didn't serve food. Both his wife and himself therefore thought that it would be a good idea to introduce a premises where an excellent selection of good wines were on offer, in a chic boutique type surrounding with the availability also of a quality food menu. McArthur Glen had some nice eating places, but nothing in the form of a Wine bar or venues where entertainment was provided.

The Chairperson noted that there were two function rooms intended at the premises, ie one upstairs and one downstairs. He asked if these could be accessed by different or the same method(s).

Mr Rasul confirmed that patrons could access the 1<sup>st</sup> floor of the premises from outside via a side entrance to the premises. There was also a stairway internal to the property that linked the ground to the first floor. He reiterated that if patrons were eating downstairs on a Friday or Saturday night, then they could proceed upstairs then to the nightclub via these internal stairs. Patrons just going to the nightclub would pay and gain access to the upstairs via the premises side door. The main access at the front of the premises allowed patrons access to the ground floor. Patrons could not obviously access any part of the premises where there was being held a private function, unless of course they had been

invited to this. The premises would be laid out in such a way, that private functions could be held in parts of the ground floor area, as well as the first floor.

The Chairperson also noted that there was a taxi company situate next door to the premises. He felt that this may lead to a congregation of people perhaps waiting for taxis almost outside his premises, and wondered how this would affect his business. He added if Mr Rasul felt also that there would be a congestion of patrons at any one time late at night in Market Street, moving from one premises to another, particularly as this was designated as a "saturation area".

Mr Rasul did not think that this would affect his business in any way, given that there were always taxis available during the evening over the weekend period, and that taxis were accessible almost straight away if/when patrons required one. He added that there were actually 2 taxi businesses in the immediate vicinity of his premises, and cabs were also available round the corner from Always Cabs ie outside the Railway public house and all the way up to the railway station. Mr Rasul did not consider that there would be an overload of people within the street at any one time moving from one licensed premises to another, as the opening/closing times of all the premises in this location were very similar. He expected that the trend would be for patrons to leave either the Roof or his premises, then go to the kebab house or another takeaway establishment, then to have a taxi home.

The Licensing and Registration Officer requested clarification from the applicants that written into the Operating Schedule of the new premises would be a Condition confirming that there would be no entry or re-entry into the premises after 0200 hours.

Mr Rasul confirmed this would be the case.

The Licensing and Registration Officer also sought confirmation from Mr and Mrs Rasul that there would be wristbands allocated to patrons who visited the premises and were able to move freely from the ground floor to the first floor and vice versa.

Mr Rasul confirmed that this would be the case and on top of that, a clicker would be used to calculate how many patrons were situate in the first floor area of the premises at any given time.

She further sought confirmation that an effective procedure would be put in place for the management of any queuing taking place outside the premises, so as to avoid large numbers of people from congregating on the pavement area immediately outside the premises.

Mr Rasul once more confirmed that any instances of the above would be managed effectively by him and his staff.

PC Rowlatt asked the applicants if they could explain what a dessert bar was.

Mr Rasul advised that this meant that there would be an expansive menu available for desserts, as currently there was a demand for this so he was capitalising on current trends.

PC Rowlatt noted what Mr and Mrs Rasul intended to offer at the premises in terms of attracting clientele, and that this would involve a restaurant and Wine bar in the downstairs part of the premises and a nightclub on the 1<sup>st</sup> floor, as well as renting out the 1<sup>st</sup> floor room for private events. She did ask however, how the two different customer bases on the two separate floors, would be managed.

Mr Rasul gave a scenario ie that if a couple had a meal downstairs, for example on a Friday or a Saturday quite late about 22.00 or 22.30hrs , they might then wish to go

upstairs for a dance in the nightclub following this. However, regardless of whether or not patrons were just paying customers to go to the nightclub or see a band on the 1<sup>st</sup> floor of the premises or dining downstairs before relocating to the first floor, no more than 150 patrons would be admitted into this room at any one time.

He reiterated that a clicker would be used by Door Control personnel in order to ensure the number of people are restricted to 150 persons in the 1<sup>st</sup> floor room at any one time, and 350 on the ground floor. Added to this, there would be CCTV footage that would monitor people at the premises including their movement between floors.

PC Rowlatt asked the applicants if there would be something that would cordon off or separate the various different entrances into the premises.

Mr Rasul advised that there would be a rope outside the main entrance to the front of the premises to stop people gaining access in the absence of a Door Control person. A further Door Control member of staff would also be situate at the side entrance into the premises to monitor who enters and exits the premises by this method, as well as on the stairs just inside the main entrance, to separate the permitted number of patrons that were allowed at any one time within the ground and first floors of the premises.

PC Rowlatt asked if there would definitely be a payment for patrons to gain entry into the first floor nightclub section of the premises on a weekend eg a Saturday.

Mr Rasul confirmed that there would be a charge for entry to the 1<sup>st</sup> floor part of the premises on a Saturday evening for patrons visiting this part of the premises only. However, those patrons using the Wine bar and/or having a meal within the ground floor part of the premises, would be able to proceed to use the upstairs part of the premises as an extension of their evening without having to make an entry payment.

PC Rowlatt asked the applicants where payment would be taken on weekends for those wishing to visit the 1<sup>st</sup> floor part of the premises, in order to see a Band or attend the nightclub.

Mr Rasul confirmed that payment would be taken at the side entrance to the premises.

PC Rowlatt noted that the toilets at the premises were situate in between the 1<sup>st</sup> and ground floor of the premises. She asked how many there were in total.

Mr Rasul advised that there were a total of 6 cubicles in the ladies toilet and 2 in the men's toilet, plus urinals.

PC Rowlatt then asked how many Door Control staff Mr Rasul intended employing at the premises.

He replied that there would be one employed at the two entrances to the premises, with one also monitoring the stairway to the 1<sup>st</sup> floor situate behind the main entrance. There would be a 4th Door Control person roaming the premises. They all would be connected via radio to a person that would be monitoring the various CCTV screens at the premises.

Mr Rasul added that he would be happy to have an open discussion with the South Wales Police as to how many Door Control staff should be used at the premises at different times, ie within the week and on weekends.

One of the representatives from the Public Protection Department noted what Mr Rasul had said earlier in terms of monitoring the number of patrons at the premises at any given time. She asked though however, how people would be monitored moving from the ground floor of the premises to the 1<sup>st</sup> floor, particularly if they did so before the Door



Control personnel started their shift which was normally later in the evening when paying patrons would visit the nightclub.

Mr Rasul stated that the numbers of patrons at any one time in the premises, whether this be on either floor or accumulatively, would continually be monitored during the evening between the clicker system and periodic head counts.

A question was raised as to what time the 1<sup>st</sup> floor nightclub would open, for example on a Saturday evening.

Mr Rasul confirmed that after 21.00hrs there would be no children allowed on the premises ie to the ground floor restaurant with their families, then at 22:00hrs the nightclub would open.

PC Rowlatt asked if signs would be erected at the premises confirming that children needed to be off the premises by no later 21.00hrs.

Mr Rasul confirmed that this would be the case.

In response to a question from the floor in respect of people who were disabled having access to the premises, Mr Rasul confirmed that there would be a disabled access and a lift that could convey patrons from the ground floor to the 1<sup>st</sup> floor and vice versa.

A Member whilst noting that children had to vacate the premises ie ground floor by 21.00hrs, asked what time the kitchen would close for the serving of food.

Mr Rasul advised that 23:00hrs would be the cut-off point by which to order food, and families (with children) would be encouraged to order no later than 20.00hrs. Takeaway orders would also be available he added.

PC Rowlatt asked how the applicants would ensure that restriction on numbers on the ground floor and first floor of the premises would be controlled, with there effectively being three entrances to both floors.

Mr Rasul confirmed that this would be achieved by Door Control personnel using clickers, the allocation of wristbands at the two main entrances, particularly the side entrance to the 1<sup>st</sup> floor and by Door Control staff communicating frequently on their radio connections.

The Licensing and Registration Officer referred to the premises Operating Schedule, and she confirmed that aside of the recommendations made by the Public Protection Department, a minimum of 3 SIA qualified door control staff would need to be at the premises from 22:00 hours onward.

Mr Rasul advised that he would increase this to 4 on Friday and Saturday evenings with the staff commencing duty at 22.00hrs. At other times however, on nights when there were say a band upstairs rather than a nightclub, then the Door Control staff would start work earlier.

A representative from the Public Protection Department agreed with this suggestion as 4 such staff would be required to control patrons queuing into the premises.

The Licensing and Registration Officer noted that families would be catered for downstairs in terms of having a meal etc before 21:00 hours, and she enquired if plastic glasses would be used on both floors of the premises or just the 1<sup>st</sup> floor.

Mr Rasul advised that he had intended to use plastic glasses as receptacles on the 1<sup>st</sup> floor only rather than the ground floor also. He added that he had operated a nightclub in

Port Talbot for the last 6 years and he felt it was safer to use polycarbonate glasses in this environment. He felt however, that it was in order to use normal glasses in the ground floor Wine bar. He would be selling expensive wines and he did not ideally wish to serve these in plastic glasses. He also intended to have wine tasting evenings.

The Licensing and Registration Officer asked Mr Rasul if the Fire Officer had agreed the use of all entrances (ie both) to the premises as part of their Risk Assessment.

Mr Rasul advised the Sub-Committee that originally he had agreed with the South Wales Fire and Rescue Service that a maximum of 780 patrons be allowed in the premises at any one time, but having made certain modifications to the interior of the premises, it was agreed to reduce this number to 560 persons. His wife and himself then decided to reduce this figure to a round 500 persons. They had agreed to all the requirements put forward by the South Wales Fire and Rescue Service including appropriate access and egress from the premises, and they were satisfied with this and other requirements they suggested, hence them withdrawing their representations.

The Licensing and Registration Officer pointed out to Mr Rasul, that the premises abutted a pavement that was technically a public highway. She asked what steps the applicants would put in place in order to ensure that patrons would not be queuing on such pavement area, and causing an obstruction to the highway.

Mr Rasul advised that he intended to put up a steel barrier outside the side entrance ie for queuing into the upstairs nightclub, whilst patrons would just be able to walk in the main front entrance where he did not envisage there would be any queuing. There would also be a smoking area situate at the side of the premises.

A Member noted that drinks would be placed in plastic glasses for patrons who visit the 1<sup>st</sup> floor of the premises, and that he intended serving drinks in normal glasses in the ground floor wine bar. He noted that patrons would be able to move freely from downstairs to upstairs, and he asked if staff would be checking to ensure that patrons don't take drinks from downstairs to upstairs.

Mr Rasul ensured that staff would not allow patrons to come upstairs with glasses and if they done so, they would need to pour their drink first into a plastic receptacle.

The Chairperson then asked the Officers from the Public Protection Department to give their observations on the application.

One of the representatives from the Public Protection Department advised that she had met with the applicants and was happy to withdraw their representations to the application subject to the following being agreed to:-

Conditions/Restrictions:

1. Hours of opening shall be restricted to :

Sunday-Wednesday: 11.30-00.00

Thursday- Saturday: 11.30-02.30

All other licensable activities shall cease 30 minutes before the closing time

2. Live music to ground floor shall be restricted to:

Sunday - Thursday 11.30-23:00

Friday and Saturday 11.30-00.00.

3. Live music to the first floor level shall cease 30 minutes before closing time.

4. Prior to the premises becoming operational, the premises license holder shall submit a written noise management plan to the Public Protection Department, detailing how noise from the following will be controlled:
  - customers who congregate outside to smoke
  - customers queuing to enter the premises
  - customers leaving the premises
  - recorded and live music
5. The noise management plan referred to in condition (7) above, shall also include a timescale for implementing the controls, which shall be agreed in writing by the Public Protection Department. All controls which form part of the plan shall be implemented within the agreed timescales and shall be maintained thereafter. A copy of the noise management plan shall be kept on the premises.
6. The noise management plan shall be reviewed and amended accordingly at the request of any one of the Responsible Authorities where justified problems of noise and disturbance have occurred and any additional controls which are identified shall be carried out in full within a further timescale to be agreed with by the Responsible Authority requesting the review
7. There shall be no drinks consumed anywhere outside the curtilage of the premises.
8. I would request that the litter provisions as stated in the operating schedule numbers 29 -32 are imposed as conditions.
9. The premises shall not be opened to members of the public, until it can be demonstrated that the premises is in a safe condition by ensuring that the matters identified in appendix 1 are addressed to the satisfaction of the Public Protection Department.

Noise from patrons outside premises:

1. Doors staff will be present at the front entrance of the premises every Friday and Saturday from 22.00 hours until closing time.
2. Door staff will be present at the front entrance of the premises on live band nights including week days from the start of live performance until closing time.
3. At least one member of door staff on the entrance of the premises shall be responsible for controlling the noise from patrons outside in order to prevent noise nuisance to residents.  
Noise from live & recorded music
4. An independent sound technician will be employed to set the level for the sound limiters on all sound making equipment.
5. Limiters shall be provided to all sound making equipment to control sound levels including live and recorded music.
6. The level set for limiters will be agreed by the Public Protection Department prior to the initial premises opening.
7. The live music which is being managed independently of the recorded music shall be calibrated at least once every 12 months. The certificate showing at what level the limiter cuts off shall be forwarded to the Public Protection Department within two weeks of it being undertaken

The Public Protection Officer confirmed that as Mr Rasul had already submitted a Noise Management Plan, it was proposed that Condition 4 on the document be changed to as follows:

4. Prior to the premises becoming operational, the premises license holder shall maintain and implement a written noise management plan which has been agreed with the Public Protection Department, detailing how noise from the following will be controlled:
  - customers who congregate outside to smoke
  - customers queuing to enter the premises
  - customers leaving the premises
  - recorded and live music

The representatives of the South Wales Police (SWP) then presented their case.

PC Rowlatt advised that Section 182 of the Licensing Act related to the guidance issued by the Home Office.

Section 2 of that guidance refers to the Licensing Objectives and in particular Sub-section 2.1 Crime & Disorder which stated that:

“Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership”.

She explained that the Licensing Department of SWP was an integral part of the Community Safety Partnership and it was making representations to the Sub-Committee that it is their view that the likely effect of the grant of the application on the licensing objectives would be to increase crime and disorder and public nuisance at or in the vicinity of the premises.

The proposals would also impact on the protection of children from harm objective.

Having scrutinised the Operating Schedule which detailed the proposals by the applicants to promote the licensing objectives those representations are duly reinforced she added.

In terms of the premises itself, PC Rowlatt explained that the building was originally the first Tesco's to open in Bridgend and was a massive venue spread over four storeys where the ground and first floors are intended to be licensed.

The premises was unnamed in the application but is described as a, “wine bar, café, nightclub” and will be known as the Eden Club with the nightclub known as Pure Ego.

The latest planning application gave an indication that the intended use of this premise is as a nightclub as what wine bar or café would operate until the hours being applied for.

She advised that currently the building was subject to planning restrictions.

From Sunday to Wednesday it must close between midnight and 07.00hrs, and on Thursday, Friday and Saturday it cannot open between 02.30hrs and 07.00hrs.

The reason for this restriction was in the interests of residential amenities as there are a number of dwellings in close proximity to the premises.

However, in October 2014 application was made to relax the hours and open between 07.00hrs and 04.00hrs on Friday and 07.00hrs and 05.00hrs on Saturday.

In other words explained PC Rowlatt it was proposed that the venue would close for 3 hours only on a Saturday and 2 hours on Sunday. The Planning Authority refused the application.

She proceeded by explaining both applicants had been advised on a number of occasions prior to submitting the planning application that the planning permission did not authorise the excessive hours proposed, but during a meeting between South Wales Police and the Licensing Authority in 2014 the applicant's stated that they had been granted planning permission.

PC Rowlatt added that again prior to making application for a Premises Licence, the refusal of the application and the planning hours were discussed and the permitted hours were reinforced.

However, detailed within the Premises Licence application was a proposal to open until 02.30am on a Sunday when the premises must close at midnight.

She understood that only after representations were made by a number of authorities was the proposal to open until 02.30am on Sunday withdrawn.

In short, like many other licence holders/potential licence holders, advice was completely ignored.

With regard to the "Special Policy", PC Rowlatt confirmed that the premises has potential for a massive capacity which can facilitate scores of revellers and substantially increase the foot fall not only within Market Street but the whole of Bridgend town centre.

It was important to note that this street, along with Derwen Road, Wyndham Street and part of Nolton Street, is situated within the "hot-spot" area designated within the local authorities "Statement of Licensing Policy" as being part of the special "saturation area" of Bridgend town centre agreed between the local authority and South Wales Police.

The area is particularly problematic as reported in the BCBC Statement of Licensing Policy.

Sub-section 6.4 of the "Special Policy" states that "the effect of adopting a Special Policy of this kind is to create a rebuttable presumption that applications for new Premises Licenses or material variations of licenses will normally be refused, if relevant representations to that effect are received, unless applicants can demonstrate that the operation of the premise involved will not add to the negative cumulative impact already being experienced in this area".

Meanwhile sub-section 6.5 of the Policy stated that "applicants will need to address the special policy issues in their operating schedules in order to rebut the presumption, i.e. that the operation of the premises would not add to the negative cumulative impact experienced".

Therefore it is for an applicant to prove that the venue will not add to the negative cumulative impact in this locality and not for responsible authorities or interested parties to prove that it will. All Responsible Authorities have had to advise the applicant to rewrite the operating schedule etc to be able to comply.

PC Rowlatt confirmed that part of the policy relevant to the "Saturation Area" as well as the pertinent parts of Home Office guidance should be perused and digested.

The "Saturation Area" consisted of Derwen Road, Wyndham Street and Market Street, the site of the premises, along with part of Nolton Street, and contained the highest concentration of bars, nightclubs, restaurants, takeaways and late night refreshment houses i.e. premises selling hot food or drink between 23.00hrs and 5.00hrs.

It also experiences the highest volume of pedestrian traffic and consequently the greatest number of reported incidents.

There was an extremely disproportionate amount of crime, particularly alcohol related violent crime, public disorder, anti-social behaviour, public nuisance, litter and noise pollution within this area when compared to the rest of the Borough she explained.

During particular outbreaks of serious and prolonged public disorder, premises operating under the hours proposed have had to be shut down by South Wales Police to hasten the dispersal of drunken, violent persons remaining in the vicinity of the town centre.

Such incidents could be attributed to intoxicated individuals availing themselves of alcohol at venues which were operating until the very early hours of the morning.

Indeed, she added that numerous alcohol related incidents were regularly recorded including violent crime.

PC Rowlatt explained that premises within this area had been subject of various and prolonged enforcement over the years due to the failure to promote the objectives.

The vast majority of these venues were not only granted increased opening hours despite strong opposition from the Police but some premises again had additional hours approved despite police objections and the policy being in place.

She advised that Section 53A(1)(b) of the Act related to the Expedited Review procedure where a Superintendent or a rank above presents a "Summary" application to the Licensing Authority detailing that it is the Chief Officers opinion that premises licensed to sell alcohol are associated with serious crime and/or disorder.

The Licensing Authority must then within:

- a) 48 hours consider interim steps;
- b) 28 days determine the Review

The concerns of South Wales Police which have been disclosed to the local authority led to the imposition of the "Saturation Policy" and have been fully justified, as premises within these 4 streets alone have not only been subject of Review (Section 51) but also the Expedited Review process. It had been necessary to request the immediate closure of venues which have failed to promote the objectives.

She added that, in fact the situation deteriorated to such an extent that South Wales Police had been forced to make application to review the licence of every problematic venue within the "hot spot" area.

The problems were such that Reviews did not solely relate to premises licensed to sell alcohol but also late night refreshment houses.

Expedited Reviews in this area were disproportionate to the rest of the Borough and have effectively forced the hand of Licensing Sub-Committees

- One Expedited Review resulted in the suspension and subsequent revocation of a Premises Licence;
- Another led to the suspension of the authorisation and the hours were subsequently reduced;
- Whilst a third expedited review also saw a decrease in the operating hours.

Full Review applications have led to similar determinations as licences have been suspended immediately and later revoked, or suspended and the operating hours reduced and the conditions modified appending further restrictions to the licence.

PC Rowlatt explained that additionally on service of another Review application the Premises Licence Holder voluntarily agreed to reduce the hours of licensable activity and opening and append a considerable number of modifications and additions to the conditions of the licence prior to hearing.

Another problem venue closed prior to the imminent submission of an application to revoke the licence.

She advised that South Wales Police respectfully suggested that although some reviews have resulted in the opening times being reduced in our submissions; the decreases have not been substantial enough as those venues are able to open until 02.30hrs and 03.00hrs with the latter also being authorised to open until 04.00hrs for a considerable number of non-standard dates.

In fact a third of all review applications served by the Chief Officer of Police related to venues within the "Saturation Area" which was totally unacceptable and a damning indictment of the management of those premises and represented an abject failure by licence holders to promote the licensing objectives.

Notwithstanding review enforcement, a number of licensees had been prosecuted and received substantial fines.

P C Rowlatt confirmed that in short, licensing legislation introduced in 2003, primarily allowing an extension of operating hours to allow a more gradual dispersal of patrons has had a grossly negative impact in this area in particular and clearly has not worked.

The reality of the situation within the town centre was that there is no such thing as gradual dispersal, as customers routinely remained in venues which were permitted to stay open until 05.45hrs, 05.00hrs and 04.30hrs with the inevitable drunken chaos.

This was still very much the case at those venues which have been forced to close earlier.

She felt that it cannot be right or indeed fair that excessive resources have to be utilised on a weekly basis to police a handful of licensed venues in Bridgend town centre to the severe detriment of other areas of the community.

SWP were not opposed per se to new licensed premises or those within the "hot spot" area merely those which will add to the negative cumulative impact and in turn fail to promote the objectives.

In fact two of the most recent applications in October 2014 and January 2015 were for the grant of licences at venues within the "Saturation Area", where she believed the granting of those applications would not add to the saturation area.

In relation to the application before Members, PC Rowlatt confirmed that the amended opening hours under standard timings as to those originally proposed were now: -

Sunday to Wednesday - 23.30hrs to midnight

Thursday to Saturday – 23:30hrs to 02.30 hrs  
(i.e. into the early hours of Friday, Saturday and Sunday morning).

Under non-standard timings i.e. seasonal variations cultural events is written but there are no specific timings, dates or events stipulated? This "proposal" is indicative of the application and is unacceptable and must be ignored PC Rowlatt explained.

She then proceeded to advise, that representations from the South Wales Fire & Rescue Service detail “available floor space close to 700 people. The proposed situation is unacceptable” as the Officer highlighted that there were inadequate fire escapes to cope with such numbers and calculate a figure of 280.

The Legal Officer advised PC Rowlatt that it was not in order for her to speak on behalf of the South Wales Fire and Rescue Service even though they were absent from the meeting, particularly as they had now withdrawn their representations to the application following certain issues and concerns they had regarding this now having been agreed upon with the applicants following a site visit of the premises having been undertaken.

In respect of the Operating Schedule, and returning again to the “Statement of Licensing Policy” the following was detailed she explained:-

Section 9 – Steps to promote the Licensing Objectives, 9.8 The prevention of crime and disorder

She stated that “Section 17 of the Crime & Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the Council and licensing authority to consider crime and disorder reduction in the exercise of their duties. When addressing crime and disorder, applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these issues should be included within the Operating Schedule or considered as best practice”.

In short, PC Rowlatt considered that the applicants needed to address the “Special Policy” in their Operating Schedule in order to refute the presumption that the venue would add to the negative impact.

Onus was therefore on the applicant and not Responsible Authorities to evidence that the variation will not have additional negative impact on crime and disorder.

However, she felt that the applicants had failed to address the Policy.

Within Section M of the Operating Schedule at boxes A to E, the Act required the applicant to describe any additional steps intended to be taken in order to promote all 4 Licensing Objectives.

She explained that the steps detailed were translated into conditions of the Premises Licence and arguably attempt to negate Responsible Authorities from making representations in respect of the application.

Several meetings with the applicants had not only been facilitated at Bridgend Police Station with SWP and its partners, but consultations had been held on site and numerous telephone calls had been made.

The applicant’s had been strongly advised of the “Special Policy” and the need to address it in the application.

PC Rowlatt added that the applicants had written in the Operating Schedule (as referred in the report) and in fact there were two summaries appended to the application totally confusing the reader. The application so made reflected how the applicants would operate the premises, but not necessarily how they would operate the premises under the licensing laws

Each licensing objective needed to be addressed individually, however, having made an assessment of the summaries they were not referred to she added.



Some of the proposals (page 29 of the report) related to the opening times for example, or were bland, contradictory or duplicated. Some were not conditions as they are lawful requirements, and some proposals were merely statements, whilst others were unenforceable and irrelevant and could be appended as “conditions” to the application.

Such proposals were also contrary to Sub-Section 8.41 of Home Office guidance she added.

PC Rowlatt considered that it was however important, that all Operating Schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

She explained that if one referred to the heading “Hours the premises are open to the public” for example (page 31 of the report), the proposals numbered 1, 2, 3 and 6 were not Conditions, as they were duplicated from the timings detailed in the application. In any event, Proposal 6 was a duplicate of Proposal 3. She considered that these proposals should be completely disregarded, as they were irrelevant.

She went on to state that Proposal 4 was meaningless as there was no point having a no entry re-entry condition of 02.00 hours when licensable activity ceased at 02.00 hours.

The wording of Proposal 5 was such that as it stood, every customer who entered the premises, regardless of age or the time they enter, would be required to wear a wrist band or be stamped. PC Rowlatt considered this proposal to be unachievable and therefore not valid, and difficult to write into Conditions.

Point 12 detailed that persons under 18 years would not be permitted within the premises after 21:00 hours, so she enquired who was going to satisfy proposal 5, regarding the issue of wrist bands or hand stamping, as door staff were not intending to come on duty until 22:00 hours.

PC Rowlatt asked just as importantly, who was intending to remove customers prior to 21:00 hours who were under 18 years of age, and already in the venue, and also who would prevent such persons from entering. She felt that these proposed Conditions were going to be difficult to enforce.

PC Rowlatt then referred to the sub-heading Supply of Alcohol in the application. With regard to proposals numbered 7 and 8 under this heading, ie the times within which alcohol would be served at the premises, she stressed these were not Conditions and were just indicative timings.

Proposal 11 under this heading, ie a strict policy for under 18’s in that they are not to be served any alcohol, again was not a Licence Condition advised PC Rowlatt. As to serve alcohol to persons under 18 was contrary to Section 146 of the Act.

Proposal 15 stated that “customers who are noticeably highly intoxicated will be escorted from the premises”. She made the point however, that individuals who were very drunk should not be allowed to gain entry in the first place, or indeed be permitted to consume so much alcohol within the Club that they reach such a state.

PC Rowlatt then referred to Proposal 16, ‘all identification will be checked at the point of entry after 21.00 hours’. She wondered how this would be achieved again given the fact that Door Control personnel would not start their shift until 22:00 hours.

Persons under 18 would therefore be able to gain entry prior to this time, and she reiterated for Members to note that door staff would not even be on duty at this time.

Proposal 17 related to Challenge 25, however, the following was a mandatory Condition of licences concerned in alcohol sales or supply:-

“The Premises Licence holder or Club Premises Certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol”. She added that if the premises wished to attract older clients, then perhaps this should be stipulated via a suitable Condition.

PC Rowlatt then referred to the sub-heading Live Music on page 32 of the report. There were 7 Proposals outlined under this heading, numbered 18 – 24. However, she pointed out to the Sub Committee that these were duplicated within the other summary where they appeared in different sequence and were numbered 18 – 25.

The Licensing and Registration Officer whilst noting this point, asked the Police representatives if they had any concerns regarding crime and disorder as a result of the points and restrictions made by the applicant in respect of this part of the report.

PC Rowlatt confirmed that she did have concerns that excessive noise in the form of the playing of loud music may be heard outside the premises where there was some residential accommodation..

A representative from the Council’s Public Protection Department confirmed that any such noise nuisance would be alleviated, due to the fact that the applicants had now made the foyer of the premises bigger. She added that issues surrounding live and recorded music being played at the premises, had been addressed in the Noise Management Plan.

PC Rowlatt noted from the Noise Management Plan illustrated on page 34 of the report, noted from Proposal 37, that Mr Morgan the Sound Technician, would be the only person which would have control on the limiters set on the amplifiers throughout the building. She felt that having a named person responsible for this, was too restrictive.

The Public Protection Department representative advised that it had been agreed with the applicants that a named person would not be used in respect of this as it was too restrictive. That would be changed to ‘independent persons’. She added that all Conditions proposed in respect of live recorded music would be replaced as Conditions by the points that comprised the Noise Management Plan.

Going back to page 32 of the report, and the controls proposed in respect of the playing of Live Music at the premises, Proposal 18 ie all windows and doors are to be kept closed during opening times and whilst live amplified music is being played, SWP felt that this was unachievable in their experience. The inner lobby was too small and persons would be entering and leaving through these doors leaving one open at any point. Though she acknowledged that the lobby was to be increased in size, the South Wales Fire and Rescue Service had also directed that the main entrance doors would now swing out which would also perhaps not help the situation regarding noise.

Proposals 19 and 20 under Live Music related to this ending at 23:00 hours which was entirely contradictory to the timings of licensable activity proposed earlier in the live music part of the application (Part E) of 23:30 hours 3 days a week, and 02:00 hours 4 days a week.

PC Rowlatt then referred to proposals 20/21 ie to the effect that “all noise is to be monitored throughout the night”. She felt this again was bland and un-enforceable.

She then referred to the sub-heading Recorded Music on page 33 of the report where proposals were shown detailed at Points 25 and 26, which were duplicated at points 26 and 27 on the second summary, where Proposal 28 had also been added. She pointed out that the first point referred to the fact that recorded sound will be supplied and

managed by Mr Paul Morgan who was also the Sound Technician. Again she reiterated as before that this proposal and number 26 was unachievable, given that on every occasion that the premises is open according to that wording, Mr Morgan would have to fulfil this role. She acknowledged however, that this may have now also been superseded in the Noise Management Plan with specific reference to him now being taken away. Proposal 26, ie reference to checking sound levels, also did not detail the settings on the limiters.

PC Rowlatt added that Proposal 28 under the sub-heading Recorded Music, was totally un-enforceable.

She advised that South Wales Police would not dwell further on the regulated entertainment proposals or the Sound Management Plan, as these would and had already to a degree, been addressed by the Public Protection Department Officers. She stated that it was suffice to say sound was to be supplied and managed by a separate Company, and Mr Morgan was named as Technician who would be responsible for recorded sound.

She just wished to stress that this needed to be addressed in all parts of the Noise Management Plan where reference was made specifically to him by name, as this was too prescriptive and not acceptable, given that Mr Morgan would not always be on duty, and in any event, it is the Licence holder and Designated Premises Supervisor who were ultimately responsible for the premises.

Furthermore added PC Rowlatt, there were several flats situated opposite the property, whilst another licensed venue actually abutted the building and had a flat above.

As was made reference to in Appendix E of the report, the occupant of the flat had complained of noise nuisance by music and speech, anti-social behaviour, urinating etc, as a consequence of the current licensed venue and these problems she felt would increase with a new venue.

The proposed timings will include plays, films, indoor sporting events, boxing and wrestling, live music, dance, bands, live singers, parties, weddings, DJ's, recorded music and anything of a similar nature.

Additionally explained PC Rowlatt, Proposal 27 under the sub-heading Noise and patrons congregating outside, highlighted that there would be a queuing system in place outside the building to prevent outbursts from customers with the help of metal barriers.

She advised that customers would be able to gain entry up to 02:00 hours, and will also be permitted outside to smoke up until this time. PC Rowlatt felt that there was a need to consider how this could be conditioned, as there was a concern regarding possible anti-social behaviour taking place if patrons were queuing at more than one entrance to the premises, particularly as the new premises was near a taxi rank and Toms bar which though now closed was soon to re-open. She felt that this could instigate trouble. She also felt that these timings proposed would severely impact on the quality of life of those residents nearby, and would therefore not adequately promote the prevention of public nuisance.

In respect of Proposal 28, there will be security at the front entrance at all times to control any situation that occurs that may lead to disturbance.

PC Rowlatt stated that 'at all times' was detailed, yet this proposal was completely contradictory to proposals detailed elsewhere in the summary, where the following proposals were volunteered.

Minimum of 3 door staff will be starting at 22:00 hours until closing time, and minimum of 3 door staff will be in the business during opening hours for 22:00 hours onward. She considered that this was not a sufficient number being employed in the premises, given this was situated in the saturation area of the town, for the control of drinking, drugs, and spot checks in terms of patrons carrying weapons into the premises. PC Rowlatt felt therefore that this proposal was unachievable.

She then referred to the sub-heading Litter and the proposals under this numbered 29 – 32., pages 28 – 37 of the application referred. One of these proposals confirmed that there would be 'wall fixed ashtrays all along outside of the building'. PC Rowlatt once more felt that this would not be possible, as the façade of the premises consisted of huge expansions of glass, and there were no walls to affix receptacles to for discarded cigarettes.

The next proposals related to an area away from the entrance, customers queuing to enter and non-smokers in order to alleviate noise. PC Rowlatt explained however that such an area was not detailed anywhere on the plan, and there was a footpath and taxi rank outside and another licensed venue, next door, outside the front of the building and queues would force the public onto the carriageway. This area she confirmed was public highway and as such, was public accessible land.

PC Rowlatt then advised that under another summary document from the applicants, 4 headings were referred to namely:-

1. Hours the premises are open to the public
2. Cameras
3. Supply of alcohol and proof of age, and
4. Door staff

She explained that the first and third proposals were again duplicated as they had been referred to elsewhere or are irrelevant and were not Conditions as they were timings for licensable activity and opening.

There was a proposal she added that "customers who are noticeably intoxicated would be escorted out of the premises and into a taxi so no disturbance in the street".

The Proposals numbered 1, 2, 3 and 6 are not conditions as they are duplicated from the timings detailed in the application. In any event Proposal 6 is a duplicate of Proposal 3.

These proposals should be completely disregarded advised PC Rowlatt as they were irrelevant.

Proposal 4 she considered was meaningless as there is no point in having a no entry re-entry condition of 02.00hrs when licensable activities cease at 02.00hrs.

Proposal 5, the wording of this proposal was such that as it stood every customer who entered the premises, regardless of age or the time they enter, will be required to wear a wrist band or be stamped.

This proposal was unachievable and therefore not valid again she felt

Point 12 detailed that persons under 18 years will not be permitted within the premises after 21.00hrs so PC Rowlatt enquired who was going to satisfy Proposal 5 regarding issuing wrist bands or hand stamping as door staff did not come on duty until 22.00hrs

Just as importantly she added, who would remove customers prior to 22.00hrs who are under 18 years and already in the venue and who will prevent such persons from entering

If one referred to the heading supply of alcohol for example, Proposals numbered 7 and 8 were not Conditions and again merely referred to timings.

Proposal 11 was not a Condition as to serve alcohol to persons under 18 was contrary to Section 146 of the Act.

Proposal 15 was that "customers who are noticeably highly intoxicated will be escorted from the premises".

She pointed out that individuals who were very drunk should not be allowed to gain entry into the premises in the first instance, or indeed be permitted to consume so much alcohol within the Club that they reach such a state.

Proposal 16 put forward by the applicants was that "All identification will be checked at the point of entry after 21.00hrs".

She pointed out that persons under 18 would therefore be able to gain entry prior to this time. She wished the Sub-Committee to once more note however, that door staff would not be on duty at such a time.

Proposal 17 related to Challenge 25, however, the following was a mandatory Condition of licences concerned in alcohol sales or supply: -

"The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol".

PC Rowlatt then began to refer to issues regarding live and recorded music being played at the premises, however, a representative from the Public Protection Department confirmed that the observations put forward by the Police in their submission should not be raised as they had all been addressed in the Noise Management Plan discussed earlier in the meeting. She added that an independent rather than a named person should be responsible for the setting of levels of sound equipment etc, as had the Police had rightly stated, to align this role to just a named individual was too prescriptive..

PC Rowlatt did however point out, that there were several flats situated opposite the property whilst another licensed venue actually abutted the building and had a flat above.

The occupant had complained of noise nuisance by music and speech, anti-social behaviour, urinating etc. as a consequence of the other current licensed venue and these problems would increase with a new venue such as the Wine Bar.

The proposed timings would include plays, films, indoor sporting events, boxing and wrestling, live music, dance, bands, live singers, parties, weddings, DJ's, recorded music and anything of a similar nature.

PC Rowlatt stated that Proposal 27 of the applicant's submission, highlighted that "there will be a queuing system in place outside the building to prevent outbursts from customers with the help of metal barriers"

Customers would be able to gain entry up to 02.00hrs and will also be permitted outside to smoke until 02.00hrs.

These timings PC Rowlatt felt, would severely impact on the quality of life of those residents and will not in the opinion of the Police promote the prevention of public nuisance. There was a need to consider how this could be conditioned for a new Premises Licence. There was a concern regarding possible anti-social behaviour with excessive queuing, particularly with there being more than one entrance to the premises

and how this Condition would work, bearing in mind that the premises was near a taxi rank and another licenced establishment

Proposal 28/29 of the submission was "There will be security at the front entrance at all times to control any situation that occurs that may lead to disturbance".

At all times is detailed yet this proposal is completely contradictory to proposals detailed elsewhere in the summary where the following proposals are volunteered: -

"Minimum 3 door staff will be starting at 22.00hrs until closing time", and "Minimum 3 door staff will be in the business during opening hours for 22.00hrs onward".

Proposal 28/29 was therefore also unachievable stated PC Rowlatt.

Under the heading Litter the proposals were numbered 29 to 32 on one summary submitted by the applicant and 31 to 34 on another.

Proposals 29/31 is that there will be "wall fixed ashtrays all along the outside of the building".

Again this was unachievable in the view of the Police, as the façade of the premises consisted of huge expansions of glass and there were no walls to affix receptacles for discarded cigarette.

Proposals 30/31 or 32/33, related to an area away from the entrance, customers queuing to enter and non-smokers in order to alleviate noise.

This area was not detailed anywhere in the plan, and there is a footpath and taxi rank outside and another licensed venue, next door, outside the front of the building and queues will force the public into the carriageway considered PC Rowlatt.

This area was the public highway and is public accessible land.

Under another summary document 4 headings are referred to namely: -

Hours premises are open to the public  
Cameras  
Supply of alcohol and proof of age  
Door staff

The first and third proposals were again duplicated stated PC Rowlatt, as they have been referred to elsewhere or are irrelevant and are not conditions as they are timings for licensable activity and opening.

There is a proposal that "customers who are noticeably intoxicated will be escorted out of the premises and into a taxi so no disturbance in the street would be made and no hassle to other customers waiting to enter the premises".

This proposal however she stated was in part duplicated and was addressed earlier.

Furthermore if no taxis were available then door staff will not be able to comply with this proposed Condition and is again unachievable.

It was the experience of South Wales Police that the very fact that customers are ejected causes disturbance to those within, as well as non-patrons in the immediate vicinity.

Turning to the proposal under the heading door staff, "All door staff would be valid SIA licence holders" this could not be a Condition. It was a lawful requirement as to employ

unlicensed door staff in licensable conduct would be contrary to Section 5(1) of the Private Security Industry Act 2001.

A further Condition was volunteered in that door staff "will be provided by a registered company".

Similarly the applicants are not SIA licence holders themselves and therefore can only employ door staff through a company registered with the SIA.

In terms of the applicant's proposal to employ a "minimum of 3 door staff from 22.00hrs", she advised that no particular days are mentioned in the application, so if this proposal is translated into a condition then this venue will have to have 3 door staff on duty from 22.00hrs daily 7 days a week.

PC Rowlatt added then that the club is potentially massive and although minimum numbers are given, 3 door staff was inadequate for such a venue when one considered its location and the extent of the problems in this area.

Finally, she turned Members attention to a document entitled Staff Training Policy for Eden Wine Bar.

Like many other of the proposals provided this document should be disregarded as it is not relevant to the promotion of the objectives. Prior to ending the Police submission other than its conclusions, PC Rowlatt advised that some of the proposals originally put forward by the applicants, conflicted with what had been discussed today, including the provision of polycarbonate plastic glasses being used at the premises. The Police considered that the application was too onerous over-convoluted, and that some of these proposals would not work as Conditions which they were required to be. There was added concerns of the Police, such as capacity issues at the premises, numbers of SIA staff that were going to be employed there, especially on Friday's and Saturday's, the times for the serving of food, times for children (persons under 18) leaving the premises in the evening, issues regarding the queuing of patrons with there being no policy put forward regarding queuing. There was also not evident any random search policy proposed to be put in place at the premises ie for persons who may be carrying weapons or drugs.

A Member asked representatives from the Police if they had any idea how many people visited premises in Bridgend of an evening on a Thursday, Friday, Saturday and Sunday night, ie collectively, and if this figure, and in particular, if the extra clientele that would be generated by patrons visiting the premises subject of the application, would demand extra Police in Bridgend on these nights.

PC Rowlatt advised that it was impossible without examining Police data to establish what this figure was, however, on a Saturday night for example and possible a busy Friday, there were over 1000 patrons attending night time economy establishments in Bridgend, with the early hours of the morning on Saturday and Sunday, ie 12.00hrs to 03.00hrs reaching a peak. Though SIA door staff controlled the premises that opened this late, if there was trouble at the premises they would evict patrons and then the Police would have to be called to ensure that this trouble did not spill into the town centre. That was the drain on the Police resources she added.

The Chairperson noted that the new premises would be in the Saturation Area of the town centre. He noted further however, that 4 late night establishments had closed in town in the last couple of years. He questioned therefore with this in mind, that the opening of one further premises could impact upon the Cumulative Impact Area of this part of Bridgend town.

Sgt Williams explained that the Cumulative Impact Area was reviewed along with the Statement of Licensing Policy every 3 years. A lot of disorder which took place in Bridgend used to occur in Derwen Road, Nolton Street and in the general area of where the new premises was located. Records showed that disorder in the streets of Bridgend and more particularly the Hot Spot/Saturation Area were still on the rise as of and up to last Xmas.

PC Rowlatt added that with two taxi ranks in the immediate vicinity of the premises, this could exacerbate any potential incidents of disorder in or outside the premises.

The Licensing and Registration Officer advised that there was one further objection to the application showed at Appendix E to the report, however, despite being sent a copy of the agenda and report and being invited to attend the meeting this objector was not present.

Mr Rasul confirmed that he had spoken with this objector last August, when he had not issued a complaint or objection to the application even though he was aware of it.

He had raised concerns primarily of patrons urinating and vomiting in the doorway to the premises he was residing at, and privacy reasons as this had regularly occurred when Toms Bar had been open. This bar was now however closed.

Mr Rasul tabled a photograph of the doorway of this premises which he felt Members would note from, was degraded in vomit and dirt that had been stained for some time.

Mr Rasul had asked this person if he was interested in employment at the new premises as he had previous experience of working in licensed premises such as this, and he had replied that he would keep this in mind. However, he had subsequently accepted a job in a nightclub in Bridgend called Hobo's, and Mr Rasul felt that he had mainly objected to his application as his new premises would be a competitor to Hobo's bar.

The Chairperson then asked those present to give their closing statements.

The representatives from the Public Protection Department confirmed they had nothing to add to their previous submission.

PC Rowlatt on behalf of the South Wales Police then gave some Conclusions.

She confirmed that the Police were of the opinion that the licensing objectives have not been adequately addressed in the Summary/Operating Schedule submitted by the applicants, and indeed, how the operation of the premises and the licensable activities proposed would not add to the negative cumulative impact in the "hot spot" area of Bridgend town.

She drew the Sub Committees attention to the following areas of guidance steps required to promote the Licensing Objectives.

- 8.33 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.



- 8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
  - any risk posed to the local area by the applicants' proposed licensable activities; and
  - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy. The South Wales Police therefore gratefully requested that the Sub-Committee refuse the application.

The applicants then gave their closing statements.

Mr Rasul advised that his wife and he were experienced business people since 1981

He had looked at opening a business in Bridgend that would fill a void presently in respect of the night time economy establishments currently on offer in this location. He felt that the type of business subject of the application was required there, and if provided, would mean that local people would not have to travel further afield to places such as Cardiff, Swansea and Porthcawl to experience the type of facility he intended providing.

His business he felt would create jobs and boost the economy in terms of inward investment. His establishment was also required he felt, as a lot of night time establishments in the town centre had in the past few years closed.

Crucially, he felt that the type of business he was looking to provide was required for older patrons and families alike. Families could enjoy the restaurant, and couples the Wine bar, while perhaps younger people would enjoy a nightclub facility and the attraction of bands. The premises would also cater for private parties he added.

By completion, he confirmed that he would have invested £250k into the venture, and as a business man, he would not have committed such an amount if he felt the business would fail. He had researched in some depth what he felt was missing in the Bridgend town centre in terms of a place to socialise in the evening, that offered something different than nightclubs that catered for the very young.

He assured the Sub-Committee that he would work with the statutory bodies to ensure the business succeeds if his application is granted today, and that his track record in operating businesses similar to this in other locations was something that should be considered.

In short he felt that Bridgend was missing something, and that the type of business he had in mind, would fill that void.

As this concluded all parties submissions, Members retired to consider the application further. Upon their return, it was

RESOLVED:

The Licensing Sub-Committee considered the application for a new Premises Licence for 33 Market Street, Bridgend, which is within an area covered by its Cumulative Impact Policy. Members noted the amended application as well as the representations from the Fire Service, Public Protection Department and Licensing Authority, all of which have been withdrawn.

They heard the two representations which remained, one from the Police and another from a member of the public. The Sub-Committee also noted its Cumulative Impact Policy. Given the representations by the Police, Members presumed that granting the application would impact on the licensing objectives of crime and disorder, public nuisance and protection of children from harm. Having made this presumption, they had considered the representations made by the applicants as to whether they have rebutted this presumption.

In relation to crime and disorder, the Sub-Committee noted that there have been recent closures of other such premises in the vicinity. It considered the suggested training to staff regarding dealing with inebriated persons and the times alcohol will be sold and when persons will be leaving the premises. As well as reassurances made by the applicants regarding the provision of door staff and the appropriate use of non-glass drink containers.

In relation to public nuisance, the Sub-Committee noted the arrangements being made to deal with queues to enter the premises and also the agreed conditions with the Public Protection Department regarding the volume of music to be played at the premises etc.

In relation to the protection of children from harm, it noted that all the children will be required to leave the premises by 21:00 hours and the nightclub will not open until 22:00 hours. To ensure children will have left by 21:00 hours, staff will be trained to ask those with children to leave by 21:00 hours and that no new customers with children will be seated after 20:30 hours as it would not be possible for them to order and eat in sufficient time.

In respect of the above, and on the basis that granting the application is unlikely to add to the Cumulative Impact on the licensing objectives of crime and disorder, public nuisance and the protection of children from harm, the Sub-Committee granted the application with additional Conditions.

In dealing with the Conditions, it noted the operating schedule which the Licensing and Registration Officer would convert into enforceable Conditions. Members further noted the Conditions required from the Public Protection Department and the amendment agreed at today's meeting. Members further imposed a Stop Condition in that the Premises Licence cannot take effect until the following policies have been drafted and signed off by the Police:-

1. Suitable door staff policy;
2. Drugs search policy (including the provision of an appropriate search room);
3. Use of glass policy;
4. Re-entry policy;
5. Access between floors policy, dealing specifically with the access to the toilets.

The Sub-Committee requested that these policies be drafted and agreed in a timely manner.

The meeting closed at 4.30pm

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MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 13<sup>th</sup> MARCH 2015 AT 10.15AM

Present:

Councillor D R W Lewis - Chairperson

Councillors:

G W Davies MBE  
P A Davies

Officers:

Y Witchell - Licensing and Registration Officer  
F Colwell - Licensing Enforcement Officer – as representative of Responsible Authority  
K Watson - Legal Officer  
J Monks - Democratic Services Officer - Committees

Invitees:

R Kanal - Premises Licence Holder  
G Khaldi - Independent Interpreter

South Wales Police Representatives

Sgt D Williams - South Wales Police  
PC Ellis - South Wales Police  
PC Rowlett - South Wales Police

1 APOLOGIES FOR ABSENCE

None

2 DECLARATIONS OF INTEREST

None.

3 LICENSING ACT 2003: SECTION 51  
APPLICATION FOR REVIEW OF PREMISES LICENCE  
MAESTEG CHARCOAL GRILL, 25 COMMERCIAL STREET, MAESTEG, BRIDGEND

The Chairperson opened the meeting and the appropriate introductions were made.

The Licensing and Registration Officer advised those present that the meeting was to consider an application for a Review of the Premises Licence submitted by the Chief Officer of Police, attached at Appendix A, in relation to the above premises. The Premises Licence authorises the provision of late night refreshment at the premises between 2300 and 0000 hours Sunday to Thursday and 2300 to 0200 hours Friday and Saturday.

She advised the Sub-Committee that the Premises Licence Holder is Mr Ramazan Kanal and he had requested an interpreter to be present at the meeting. She then introduced Ms Khaldi who would be an independent interpreter who was there to assist all Parties and to facilitate in the exchange of information regarding the Hearing.

The Licensing and Registration Officer confirmed that Mr Kanal had received the relevant papers and explained that the application had detailed two main issues in that Mr Kanal had employed a migrant worker who was in the UK illegally, and had not complied with the licensing objectives of the premises which are subject to both licensing and planning regulations. The current Licence only authorises the provision of hot food and drink, known as late night refreshment. Whilst the Licensing Authority had granted a licence for certain opening hours, the Premises Licence Holder has a responsibility to ensure appropriate planning provision is in force to match the licensing hours. In the case of this premise there was a difference between what was permitted by the Licensing regime and what was permitted by Planning. She informed Members that for reference purposes she had copies of planning applications that were in force at the premises, as well as the latest planning policies. However, the Planning Department had not made representations regarding this application and therefore the planning decisions could not be reviewed.

She advised that the original Premises Licence Holder was aware that he could not take advantage of the licensing hours until the appropriate planning permission was in force. In order to comply with both the licensing and planning regimes since October 2013, the premises should only remain open between 2300 hours and midnight from Sunday to Thursday and 2300 to 0100 hours on Friday and Saturday nights.

She invited the South Wales Police to present their application.

PC Ellis referred Members to the Home Office Guidance and the Licensing Policy and advised that information highlighted within the review demonstrated a systematic and deliberate failure by Mr Kanal to promote two key objectives, i.e. the prevention of crime and disorder and public nuisance. He advised that the Licensing Department in the South Wales Police was an integral part of the Community Safety Partnership (CSP). He maintained that Maesteg Charcoal Grill is a conduit for committed offences, including the employment of an illegal immigrant and highlighted for Members pages 17, 18 and 19 of the review.

He reported that UK Border Agency (UKBA) Officers visited the Maesteg Charcoal Grill in June 2014 where a total of four persons were found to be working at the premises, including Mr Kanal. He informed the Sub-Committee that there was a vast amount of information available to employers in order to assist them in avoiding immigration offences. He continued by reporting that enquiries had identified that one of those persons, a Turkish national migrant, had overstayed the terms of his UK entry visa. It was further discovered that as far back as the 29<sup>th</sup> September 2010, that person was the subject of administrative removal procedures by UKBA. He explained that job opportunities were denied to individuals who were illegally entitled to work in the UK and stated that Mr Kanal was exploiting the vulnerability of such persons. After being questioned by UKBA Officers, Mr Kanal admitted that the illegal migrant had worked at the premises for only one week. A referral notice was subsequently served on the owner by post. He advised that UKBA is able to impose a penalty amount of up to £20,000 per illegal worker to deter such criminality. He described how offences committed under the Immigration Act 1971 to remain in the UK without leave was contrary to Section 241A and carried a penalty of six months in prison, or a fine. PC Ellis alleged that the migrant had been working at the premises for 14 months prior to the investigation by UKBA and outlined some evidence in support of this, including details of 999 calls made by the migrant from the premises.

PC Ellis reported that two of the complaints received by the Police involved the premises operating outside the regulated opening hours. Another concern was the reported theft of food from the premises, which came via the 999 system, that a male was banging on the window of the premises and Police assistance was required immediately. The first recorded incident was on the 30<sup>th</sup> April 2013 and the last was in November 2013, interspersed with calls during May and June 2013.

PC Ellis reported that other offences had also taken place under the Licensing Act 2000 and the Town & Community Planning Act and Gambling Act 2005. The latter two concerned other

Licensing Authorities and the offences were committed by Mr Kanal which he reported had been, or are being addressed by those partners. He stressed the importance of noting that the restrictions on the Premises Licence which required both Licensing and Planning permission.

He continued by informing the Sub-Committee that Mr Kanal became a Licensee in 2011 and the planning restrictions had stipulated the opening hours to be Sunday to Saturday from 9.00am to midnight. In 2012 Mr Kanal successfully applied to relax the planning restrictions and open on Friday and Saturday nights until 1.00am. In 2013 his application was approved to extend the opening hours from Sunday to Thursday until 1.00am. Given the restrictions, he asked the Sub-Committee to note sub-section 8.2 of the policy which stipulates that the Authority should recognise that the hours for opening consent may differ from licensing hours and therefore the Premises Licence Holder must observe the closing times, which meant that the premises must close at midnight from Sunday to Thursday and 1.00am on Friday and Saturday nights.

He explained that the planning applications not only reinforced Mr Kanal's knowledge of the permitted opening times, but in February 2013 a Planning Contravention Notice was served on the premises which also detailed the permitted hours. However, Mr Kanal contravened the conditions imposed in 2000 when he took over the premises in 2011 by opening after midnight at that particular time. He also breached the planning timings in 2011, 2012 and 2013 as well as the Planning Contravention Notice.

PC Ellis informed the Sub-Committee that Mr Kanal's role as Premises Licence Holder dictates that he clearly knows the opening hours authorised by the Licensing Authority. Mr Kanal contravened those hours of licensing activity authorised by the Premises Licence and since 2011 he has been the subject of 15 licensing visits where Officers evidenced illegal trading. In total Mr Kanal had remained open and sold food beyond the licensed hours on 21 separate occasions. He reported that Mr Kanal had held the position of joint or sole Premises Licence Holder since 2011 and had been the subject of considerable enforcement action during that time, and was therefore solely responsible for the situation he now found himself in.

PC Ellis then went on to explain Mr Kanal's background when he first reported an incident to the Police in February 2009, which took place when he was employed as a delivery driver/chef at the premises. Mr Kanal duly made a witness statement and had indicated that he had been employed for around three months, yet his association with the premises dates back to 2008. The Licensing Department of South Wales Police developed serious concerns regarding Mr Kanal's ability to promote the licensing objectives with regard to an incident that occurred at the premises in May 2011 when he was in charge. He made another witness statement complaining that he had been assaulted by a customer and sustained facial injuries which amounted to actual bodily harm. PC Ellis detailed four alarming factors regarding that incident:

1. It occurred at 2.38am on a Sunday night, which in effect was a Saturday night, yet the premises were restricted to close at midnight at that time.
2. Notwithstanding this restriction, the Licence authorised the premises to sell food until 2.00am on a Saturday and to close at that time. Selling food after that hour contravenes all conditions of the licence and is a serious offence under Section 136.
3. There were nine conditions regarding the installation and maintenance of CCTV in order to protect staff and for the prevention of crime and the apprehension of offenders. However, the CCTV system at the time was a VHS type, yet there was no video in the player thus preventing images from being recorded. This was again a serious breach of the licensing conditions.
4. A male was arrested and his custody care plan had highlighted that he was intoxicated, argumentative and abusive at the time of his arrest. Yet Mr Kanal had been content to serve food to him in that state and after the permitted hours. The suspect was bailed pending further investigation; however Mr Kanal had subsequently withdrew his statement,

and coupled with the fact that there was no CCTV evidence available; the suspect was released without charge. PC Ellis advised that by Mr Kanal refusing to assist the Police with the investigation had impacted on the licensing objectives of the premises.

PC Ellis advised that as well as Mr Kanal receiving a visit from the Divisional Officer, he had also received three warning letters, and despite being given suitable verbal advice by Police Officers on a number of occasions, he continued to commit numerous offences by opening the premises after the restricted hours, even after being served with the review application.

In conclusion, PC Ellis advised that given his history Mr Kanal was not fit to hold the responsible role of Premises Licence Holder.

PC Rowlett reported that there was only one licensing activity authorised by the Premises Licence which was the provision of late night refreshment and the failure by Mr Kanal to promote the licensing objectives. She stated that criminal activity was associated with the premises which impacts on crime prevention and public nuisance objectives. In relation to offences under the Immigration Act by employing a person who has not been granted leave to enter or remain in the UK, she advised that for this offence alone the Sub-Committee should consider revocation of the Premises Licence. She reminded Members that offences had also been committed by Mr Kanal under the Licensing Act, the Planning Act and the Gambling Act, outlined in the application pack.

The Chairperson asked Mr Kanal if he wished to question the South Wales Police representatives.

With regard to the CCTV, Mr Kanal advised that in his defence he did have a letter from the CCTV Company regarding the repair of the system. He maintained that in 2010 the UKBA Officers visited the premises and did not find any illegal workers at that time.

The Legal Officer advised that the Police had been referring to the person who was working at the premises in 2014, but had been working somewhere else in 2010 which was not related to the Maesteg Grill.

PC Ellis explained that the UKBA Officers had indicated that the illegal migrant who was found at the premises in 2014 was the same person who had been served papers for his removal from the country in 2010 and there had been no suggestion that he was working at the Maesteg Grill at that time.

Mr Kanal produced his Premises Licence and advised that when he had shown it to Police Officers they did not stipulate that it was illegal and he did not receive a warning. The Sub-Committee were shown Mr Kanal's Premises Licence.

The Legal Officer advised that the warning letters which were sent to Mr Kanal were contained within the application pack and the police evidence was that he had been verbally warned about his restricted opening hours as well.

The Licensing and Registration Officer advised that whilst the original Premises Licence granted the opening hours until 2.00am, Mr Kanal had never been successful in obtaining planning permission to match those hours. She asked the South Wales Police representative to take Members through the events when Sgt Lewis attended the premises and Mr Kanal had signed his pocket book.

PC Ellis advised that it was common practice amongst Premises Licence Holders to deny having received warning letters. He reported that on the 4<sup>th</sup> December 2011 Sgt Lewis had been tasked with physically handing a warning letter to the Premises Licence Holder at Maesteg Grill as a result of Mr Kanal claiming he had not received any warning letters. Sgt Lewis got the Premises Licence Holder to sign his pocket book, which had contradicted Mr Kanal's statement. Furthermore, PC Ellis stated that Mr Kanal had informed him of the



licensed opening times of the premises and that he must adhere to earlier closing times in line with the Licensing Policy. He reported that the planning hours only allowed the premises to remain open until midnight at that time and that earlier time was the time he should have been closing the premises.

The Licensing and Registration Officer asked how many complaints of noise nuisance and public nuisance had been received since 2011.

PC Ellis advised that although there had been incidents of disorder at the premises they were few and there were no incidents of litter. He reported that the vast number of incidents related to the premises opening outside the licensed hours and breaches of the licensing conditions.

The Licensing Enforcement Officer stated that she supported the review application made by South Wales Police due to concerns regarding the management of the premises. There had been a number of complaints received by the Licensing Authority since 2011 and the most recent complaint was in February 2015, in that the premises was serving hot food passed the restricted licensing hours. The complaint made was that the location was generating a great deal of noise as well as litter. She reported that there was video footage evidence submitted by the complainant showing that the premises was still open at 00.20 hours; however the video did not show the sale of hot food at that time.

She advised that Mr Kanal had been known to her since 2011, with sole responsibility as Premises Licence Holder since 2013. A range of complaints had been reported concerning opening hours of takeaway premises in Commercial Street where the premises is situated.

The Licensing Enforcement Officer reported that in May 2012 her department received a complaint via the South Wales Police that a gaming machine was sited at the premises. A warning letter was then sent to Mr Kanal and his partner in June 2012 advising them that the premises was not licensed for a gaming machine and requested that the machine be removed immediately. On the 8<sup>th</sup> October 2013 during an enforcement visit by herself and colleagues, a Category B gaming machine was found to be available for use at the premises and a verbal warning was issued, followed by a warning letter which was sent on the 10<sup>th</sup> October 2013. The letter advised that it was an offence for gaming machines of any category which are not exempt from regulations to be sited at non-gambling premises such as fish and chip shops, takeaways and taxi offices. A further inspection of the premises on the 27<sup>th</sup> March 2014 again found an illegal gaming machine was available for use at the premises. A further verbal warning was given followed by a further warning letter sent on the 7<sup>th</sup> April 2014.

In light of the above breaches of the Gambling Act, the Licensing Enforcement Officer advised that she had no confidence in Mr Kanal promoting the licensing objectives. She concluded by saying that it also showed Mr Kanal's disregard to any correspondence from the Licensing Authority, or any regulations currently in force.

The Chairperson asked whether Mr Kanal had any questions for the Licensing Enforcement Officer. He replied that he did not.

The Sub-Committee adjourned at 12.30pm and reconvened at 1.15pm.

#### 4 EXCLUSION OF THE PUBLIC

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in Paragraphs 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants.

<u>Minute No:</u>	<u>Summary of Item:</u>
5	Licensing Act 2003: Section 51 Application for Review of Premises Licence

6. The press and public were then readmitted.

The Chairperson then invited the Premises Licence Holder to present his case.

He explained that UKBA Officers visited his premises and found a person who was illegally in the UK. He claimed that he did not know that the person was illegal as he had applied for a visa in Anchora in Turkey and Mr Kanal thought that business agreement was legal and therefore believed that the man could work at the premises, which was why he had made that mistake. He advised that only he had received a Penalty and the illegal migrant did not receive a fine and was not deported to Turkey. He claimed that he had made a mistake and appealed against the fine imposed on him. He further claimed that his accountant had sent the letter of appeal to a different department at the Home Office and the period when he could appeal had elapsed, which was why he now had to pay the fine. He explained that he was experiencing family problems at the time and had asked the man, who was a friend of his and who lived in London, to look after his shop whilst he was away. He advised that he did not pay him, which he had explained to the UKBA Officers and did not believe they had listened to him properly.

The Chairperson asked Mr Kanal whether he had known the man in 2010, and if so he would have known him to be an illegal migrant.

Mr Kanal replied that he thought the man was in the country legally through a business visa and did not think there would be a problem for him to look after the shop.

A member asked Mr Kanal how long the man was employed by him without wages.

Mr Kanal replied that he looked after the shop for eight days and repeated that he had not paid him.

Another Member advised that the evidence had shown that the UKBA Officers were satisfied that the man who was an illegal migrant had been living in Maesteg at Mr Kanal's premises for some time.

Mr Kanal explained that the man sometimes visited him at the premises and he used to come over as a visitor. Mr Kanal denied that the man had been living at the premises since 2010.

The Legal Officer asked Mr Kanal whether he accepted that the man was at his premises from April 2013.

Mr Kanal replied that he was unsure.

The Legal Officer asked why the man had been making phone calls to the Police and if so, whether he accepted that the man was employed at the premises when the incident was reported.

Mr Kanal denied that the man was employed at the premises and advised that he only visited to eat food with him.

He claimed that when he received his Licence in November he had abided by the opening hours.

The Chairperson asked if the Licence had stipulated that the premises should close at 1.00am and the Planning Department had stipulated that he should close at 1.00am then at what time did he close.

Mr Kanal advised that he had followed the times stipulated on his Licence.

The Chairperson asked Mr Kanal whether he always followed the details of his Licence, as opposed to an instruction from the Planning Department.

Mr Kanal stated that he believed that he had received the Licence after the instruction by the Planning Department.

A Member asked Mr Kanal how many times the Police had informed him that the premises should close at 1.00am and that they had explained to him the difference between the planning and licensing details.

Mr Kanal explained that when he had shown his Licence to the Police they had confirmed that it was correct and left the premises. One week later the Police returned to check and he again showed them his Licence and they had told him there was not a problem. He advised that the Police had visited him around four or five times and every time he showed them his Licence as well as the Planning Licence.

A Member asked Mr Kanal why he thought the Police kept coming back.

Mr Kanal advised that he thought someone had made a complaint against him and the Police had reminded him of the time he should close the premises. He explained that he now understood the difference between Licensing and Planning, but did not understand before today.

In response to a question from the Sub-Committee, Mr Kanal advised that he had phoned the Licensing Department to clarify the opening times and was told that if his Licence stated 2.00am he was entitled to open until that time.

The Licensing and Registration Officer advised that there was no record of a phone call from Mr Kanal which was relevant to that matter. She confirmed that her Officers had been aware since 2011 that there was a difference between the Planning and Licencing restrictions.

Mr Kanal advised that he worked with the Police regarding those people who were intoxicated. He had lived in Maesteg since 2008. He explained that in 2014 British Gas had accused him of breaking the gas meter and of stealing gas. The company had complained about him to the Police and he was spoken to at the Police Station, after which the case went to Court. He claimed that the case was stopped as he was found not guilty.

A Member asked Mr Kanal whether his CCTV was now in operation.

Mr Kanal advised that it was as it had been repaired.

The Chairperson asked Mr Kanal whether the CCTV was regularly maintained.

Mr Kanal advised that he recently purchased a new CCTV and therefore had no regular maintenance carried out, only when there was a problem.

The Chairperson referred to the illegal gaming machine.

Mr Kanal advised that one machine was legal, but the other was illegal and the Licensing Enforcement Officer had advised him to replace the illegal one with the other.

The Licensing Enforcement Officer confirmed that was correct. She explained that she was called to the premises in October 2013 and Mr Kanal had since changed the machine.

The Chairperson then invited the South Wales Police representatives to give their summing up.

In summing up PC Rowlett advised that there was only one licensable activity at the premises authorised by the Licence, which was for the provision of late night refreshment. The grounds for the review were based on promoting the licensing objectives and it had been demonstrated in the application that there had been a failure by Mr Kanal to promote those objectives and an unwillingness to remedy the situation. She referred the Sub-Committee to paragraph 11.18, Section 11 of the Home Office Guidance, which gives Responsible Officer guidance in relation to warnings which have already been issued. The paragraph states that further warnings after that would be inappropriate. Paragraph 11.19 of the Guidance outlines the steps which should be taken to promote the licensing objectives. She took Members through the steps in relation to the four licensing objectives:

- To take no action – South Wales Police do not believe this to be relevant;
- To notify the conditions – Mr Kanal was afforded the opportunity to address the issues of offending and enforcement letters, but continued to fail to promote the licensing objectives. She advised that there did not seem any point in adding to the conditions when the current ones were not being complied with;
- To exclude a licensable activity – In essence there was only one licensable activity at the premises which was the sale of late night refreshments.
- To suspend a Licence for a period not exceeding three months – South Wales Police believed that this would only be a short term fix
- To revoke a Licence – South Wales Police believe that the representations today supported that action.

PC Rowlett clarified the reason the Police wanted the license to be revoked by referring to paragraph 11.28 of the Home Office Guidance, which made it clear that a licence could be revoked when the crime prevention objective was being undermined. Furthermore, paragraph 11.8 clearly stated that this could be considered even in the first instance. She advised that this was an area of the guidance where there was little room for manoeuvre.

She informed the Sub-Committee that there had been previous enforcements on the premises by four separate authorities, which the Police believe had been ineffective. She advised that the Police were of the opinion that the offences committed were either due to ignorance on Mr Kanal's part or consistent and determined over a long period. She stated that the situation would not change and the offending committed to date encompassed several different Acts. The Police therefore believe that revocation of the licence would be the correct decision to be made.

She advised that even if a decision to revoke the licence stands, the premises would still be able to operate under the Planning Guidance and the respondent would still be able to sell hot food between the hours of 9.00am and 23.00pm, which amounted to 14 hours per day.

The Chairperson asked Mr Kanal if he wished to sum up. He replied that he did not.

The Chairperson thanked Ms Khaldi for interpreting on behalf of all parties.

**RESOLVED:** That the Sub-Committee heard the evidence from the Police in support of their application, which related to employment of an illegal immigrant and breaches of the Licensing Act and Gambling Act.

The Premises Licence Holder confirmed in the hearing that an illegal immigrant had been caught working at the Maesteg Charcoal Grill. He also confirmed that he had accepted he was the employer of this worker. The Premises Licence Holder did not provide any evidence that he had checked the worker's entitlement to work in the UK and therefore the Sub Committee did not accept his assertion that he was unaware of the worker's status. The Sub-Committee's view was that the burden of establishing a worker's ability to work falls on the employer.

The Sub-Committee also heard that the Premises Licence Holder had received numerous warnings from the South Wales Police and the Planning Department in relation to contraventions of the Licensing Act. The Sub-Committee accepted the evidence of the Police that there had been a number of breaches of the opening hours. The Sub-Committee did not accept that the Premises Licence Holder was not aware of his opening hours, as there was evidence of a number of warnings, both verbal and written. If the Premises Licence Holder was uncertain, he could also have contacted the Licensing Authority for clarity.

The Sub-Committee considered the Home Office Guidance and gave particular consideration to Section 11.27 and Section 11.28.

The Sub-Committee concluded that the Premises Licence Holder had continually breached the conditions and this had failed to promote the licensing objectives.

The Sub-Committee also felt that employing an illegal immigrant was a serious criminal activity which undermines the crime prevention objective.

Given the ongoing breaches and the seriousness of the offence, the Sub-Committee determined to revoke the licence, and therefore no licensable activity can take place at the premises after 11.00pm.

The meeting closed at 3.10pm.

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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (B) HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON WEDNESDAY, 1 APRIL 2015 AT 2.00PM

Present:

Councillor D R W Lewis - Chairperson

Councillors:

P A Davies  
E Dodd

Councillors:

C J James  
P N John

Officers:

H Picton - Service Manager - Trading Standards  
A Lee - Legal Officer  
A Rees - Senior Democratic Services Officer – Committees

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member for the reason so stated:

Councillor G W Davies MBE - Holiday.

12 MINUTES OF THE PREVIOUS MEETINGS

RESOLVED: That the minutes of the meetings of the Licensing Sub-Committee (B) held on 9 December 2014 and 3 February 2015 were approved as a true and accurate record.

13 DECLARATIONS OF INTEREST

None.

14 TOWN POLICE CLAUSES ACT 1847  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Service Manager - Trading Standards submitted a report regarding an application by Parrott Motors to licence a Citroen Multispace vehicle registration number CA61 DCO as a hackney carriage vehicle to seat four persons. The first registration of the vehicle was on 9 February 2012. She stated that the vehicle had previously been registered with the Council since 9 February 2012 and the licence had now expired, despite the applicant being sent renewal reminders.

The applicant was present in support of the application and the Sub-Committee adjourned the meeting in order to view the vehicle.

On inspecting the vehicle, the mileage was confirmed as being 96,090 miles.

The applicant informed the Sub-Committee ownership of the vehicle had been transferred from the vehicle's previous owner to the applicant on 23 January 2015. He stated that the vehicle licence had lapsed due to an error on the part of the applicant recording the incorrect renewal date in the company's records and some had been required to be made to the vehicle.

The Service Manager - Trading Standards informed the Committee that the application fell outside the Policy guidelines for the first licensing of vehicles and which would normally be refused; however, a relaxation of the Policy may be considered in exceptional circumstances.

The Sub-Committee retired to consider the application further and on their return it was:

RESOLVED: That the Sub-Committee considered the application to licence a Citroen Multispace vehicle registration number CA61 DCO as hackney carriage vehicle to seat 4 persons and granted the application in view of the exceptional condition of the vehicle.

15 TOWN POLICE CLAUSES ACT 1847  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Service Manager – Trading Standards submitted a report regarding an application by Mr Simon Jones to licence a Dacia Logan, vehicle registration number NA64 YGT as a private hire vehicle to seat four persons. The vehicle is pre-owned and was first registered at the DVLA on 31 December 2014. There was no service history or MOT certificate as the vehicle had not reached the required mileage or age

The applicant was present in support of the application and the Sub-Committee adjourned the meeting in order to view the vehicle.

On inspecting the vehicle, the mileage was confirmed as being 733 miles.

The Service Manager - Trading Standards informed the Committee that the application fell outside the Policy guidelines for the first licensing of vehicles and which would normally be refused; however, a relaxation of the Policy may be considered in exceptional circumstances.

The Sub-Committee retired to consider the application further and on their return it was:

RESOLVED: That the Sub-Committee considered the application to licence a Dacia Logan vehicle registration number NA64 YGT as a private hire vehicle to seat 4 persons and granted the application in view of the exceptional condition of the vehicle.

16 EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in Paragraphs 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants.

Minute No:      Summary of Items:

17                  Exempt Minutes of the meetings of the  
Licensing Sub-Committee held on 9



December 2014 and 3 February 2015.

18 Application for the Renewal of Licence.

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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (B) HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 28 APRIL 2015 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors:  
P A Davies

Councillors:  
E Dodd

Officers:

R Morris - Senior Licensing Assistant  
A Lee - Legal Officer  
A Rees - Senior Democratic Services Officer – Committees

23 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:

Councillor G W Davies – Other Council Business  
Councillor P N John – Other Council Business.

24 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Sub-Committee (B) of 3 March 2015 were approved as a true and accurate record.

25 DECLARATIONS OF INTEREST

None.

26 TOWN POLICE CLAUSES ACT 1847  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Senior Licensing Assistant submitted a report regarding an application by Forge Travel Limited to licence a Mercedes-Benz ML350 AMG Sport Bluetec Auto, vehicle registration number KM63 VUC as a private hire vehicle to seat four persons. The vehicle is pre-owned and was first registered at the DVLA on 8 January 2014. There was no service history or MOT certificate as the vehicle had not reached the required mileage or age

The applicant was present in support of the application and the Sub-Committee adjourned the meeting in order to view the vehicle.

On inspecting the vehicle, the mileage was confirmed as being 17,324 miles.

The applicant informed the Sub-Committee that his business operated a fleet of 30 vehicles and undertook school contracts with Bridgend and Neath Port Talbot County Borough Councils. He intended to use the vehicle for school contract work where he picked up pupils from remote farms. He also intended to use the vehicle to convey passengers to join cruise ships as part of contracts the business has with a number of travel agents across South Wales. He informed the Sub-Committee that the vehicle did not have a service history as this was stored on the vehicle's computer.

The Senior Licensing Assistant informed the Committee that the application fell outside the Policy guidelines for the first licensing of vehicles and which would normally be refused; however, a relaxation of the Policy may be considered in exceptional circumstances.

The Sub-Committee retired to consider the application further and on their return it was:

RESOLVED: That the Sub-Committee considered the application to licence a Mercedes-Benz ML350 AMG Sport Bluetec Auto, vehicle registration number KM63 VUC as a private hire vehicle to seat four persons and granted the application in view of the exceptional condition of the vehicle.

27 TOWN POLICE CLAUSES ACT 1847  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Senior Licensing Assistant submitted a report regarding an application by Mr James Bickerstaff licence an Audi A4, vehicle registration number PE61 DZP as a private hire vehicle to seat four persons. The vehicle is pre-owned and was first registered at the DVLA on 16 September 2011. The applicant had provided a service history and MOT certificate for the vehicle.

The applicant was present in support of the application and the Sub-Committee adjourned the meeting in order to view the vehicle.

On inspecting the vehicle, the mileage was confirmed as being 90,523 miles.

The applicant informed the Sub-Committee that he works for Driven Taxis in Porthcawl undertaking mostly local work with occasional airport work. He had sold his previous private hire vehicle, a Vauxhall Insignia to a colleague.

The Senior Licensing Assistant informed the Committee that the application fell outside the Policy guidelines for the first licensing of vehicles and which would normally be refused; however, a relaxation of the Policy may be considered in exceptional circumstances.

The Sub-Committee retired to consider the application further and on their return it was:

RESOLVED: That the Sub-Committee considered the application to licence an Audi A4, vehicle registration number PE61 DZP as a private hire vehicle to seat four persons and granted the application in view of the exceptional condition of the vehicle.

28 EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in Paragraphs 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants.

<u>Minute No:</u>	<u>Summary of Items:</u>
29	Exempt Minutes of the Licensing Sub-Committee of 3 March 2015.
30	Applications for the Grant of Licences.

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