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

Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol
Direct line / Deialu uniongyrchol: 01656 643147
Ask for / Gofynnwch am: Andrew Rees

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

Date / Dyddiad: 14 September 2015

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Friday, 18 September 2015 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 40
To receive for approval the public minutes of the meetings of the Licensing Act 2003 Sub-Committee of 10 July, 28 July and 27 August 2015 and the Licensing Sub-Committee of 18 August 2015.
4. Application to Licence Private Hire Vehicle 41 - 44
5. Application to Licence Private Hire Vehicle 45 - 48
6. 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.
7. Exclusion of the Public
The minutes and reports relating to the following items are not for publication as they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.

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| 8. | <u>Approval of Exempt Minutes</u> | 49 - 52 |
| | To receive for approval the exempt minutes of the Licensing Sub-Committee of 18 August 2015. | |
| 9. | <u>Application for Grant of New Licence</u> | 53 - 58 |
| 10. | <u>Application for Grant of New Licence</u> | 59 - 62 |

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 COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON FRIDAY, 10 JULY 2015 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

Councillors

GW Davies MBE

PN John

Officers:

Andrea Lee

Senior Lawyer

Yvonne Witchell

Licensing & Registration Manager

Rachel Morris

Senior Licensing Assistant

Andrew Rees

Senior Democratic Services Officer – Committees

Representing South

Wales Police

PC S Rowlatt

PC D Barrett

Representing the

Premises Licence

Holder

Jeffrey Jenkins

Premises Licence Holder

Mike Hammett

Representing the Premises Licence Holder

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

3. LICENSING ACT 2003: SECTION 51 APPLICATION FOR REVIEW OF PREMISES LICENCE THE BAY, 33 THE ESPLANADE, PORTHCAWL

The Licensing and Registration Officer reported on an application submitted by the Chief Officer of Police for a review of the premises licence of The Bay, 33 The Esplanade, Porthcawl. She stated that the Premises Licence Holder is Mr Jeffrey Jenkins and the premises authorises the supply of alcohol between 1030 and 0000 hours Sunday to Wednesday, 1030 and 0100 hours Thursday to Saturday and New Year's Eve terminal hour 0130 hours New Year's Day. Live music (indoors only) between 2000 and 2300 hours Thursday to Saturday, 1300 to 1500 hours and 1930 to 2200 hours on Sundays, New Year's Eve and Bank Holiday Sundays terminal hour 0100 hours. Recorded music (indoors only) between 0900 and 0030 hours Monday to Wednesday, 0900 and 0130 hours Thursday to Saturday, 1000 and 0030 hours on Sundays, New Year's Eve 0130 terminal hour and Bank Holiday Sundays to 0030

terminal hour. Seasonal variation for recorded music, to commence at 0900 hours from Easter Sunday until the end of September with no change to the terminal hour.

The application had been advertised in accordance with the regulations; there had been no representations received or additional documents for the Sub-Committee's consideration. The Licensing and Registration Officer informed the Sub-Committee that discussions had taken place between the South Wales Police and the Premises Licence Holder.

PC Rowlatt informed the Sub-Committee that there had been extensive negotiations between South Wales Police and the Premises Licence Holder resulting in a list of remedies which had been agreed as acceptable conditions to address the issues raised by the review document for the Sub-Committee's consideration. In relation to Condition 1, to restrict the supply of alcohol from Thursday to Saturday 1030 to 0030 hours. In relation to Condition 2, recorded music (Indoor only) from Thursday to Saturday 0900 to 0100 hours and in relation to Condition 3, the opening hours of the premises Thursday to Saturday from 0900 to 0100 hours.

PC Rowlatt also informed the Sub-Committee that in relation to the prevention of crime and disorder, it was proposed to delete Conditions 1, 2 and 3 and Condition 4 will remain. Condition 5 will be amended so that CCTV will be installed and fully functioning by 1 August 2015. Condition 6 will remain. Condition 7 will be amended to state "All staff will be trained in the requirements of Challenge 25 policy and records kept and updated". Condition 8 will be amended to state "Challenge 25 posters will be displayed in prominent positions around the bar and entrance area". Condition 9 will be amended to state "There will be no consumption of fluids in the external decked area after 0000 hours which will be used as a designated smoking area".

PC Rowlatt informed the Sub-Committee that the Premises Licence Holder had volunteered the following additional conditions:

10. All door staff shall be SIA trained and hold a suitable accredited qualification and badge will be displayed in a suitably approved holder.

11. The number of door supervisors employed shall be in accordance with the following ratio: A minimum of two door supervisors will be employed for the first 100 customers and one door supervisor for every 50 thereafter.

12. Door Supervisors shall be on duty at the premises on Friday and Saturday from 2200 hours until closure.

13. Door Supervisors shall be on duty at the premises on Sunday s preceding a Bank Holiday Monday from 2200 hours until closure.

14. During the wind down period from 0030 hours, the style tempo and volume of any music shall be consistent with the wind down period and extra lighting shall be illuminated.

15. The maximum number of persons permitted in the premises at any one time will be 150 persons. This will be taken from the entrance point at the start of the decked area and will include the decked area.

16. The respondent had agreed to a new CCTV digital system to be installed into the premises removing existing camera angles and upgrading cameras to cover all areas to which the public has access. This will be implemented and operational by 1 August 2015.

The Sub-Committee questioned whether the Premises Licence Holder employed door supervisors at the premises were SIA accredited and the capacity at the premises. The Premises Licence Holder confirmed that the door supervisors employed at the premises are SIA accredited and that the previous capacity at the premises was 224 persons.

The Sub-Committee adjourned at 10.17am to consider the amended conditions put forward and reconvened at 10.38am.

The Legal Officer informed both parties the Sub-Committee was minded to proceed with a full hearing and requested both parties discuss further amendments to the proposed conditions as it had concerns regarding the proposed deletion of conditions and the proposed opening hours.

The Sub-Committee adjourned at 10.40am to allow both parties the opportunity to discuss further amendments to the conditions. The Sub-Committee reconvened at 11.25am.

The Sub-Committee invited both parties to make submissions.

The Premises Licence Holder's representative informed the Sub-Committee that further discussions had taken place with South Wales Police and further amendments would be proposed for the Sub-Committee's consideration which both parties consider would be sufficient to meet the difficulties at the premises. He stated that the majority of customers frequenting the premises on Thursday to Saturday did not arrive until 2330 hours and a significant reduction in the opening hours would have a significant impact on the viability of the premises. The reduction in the capacity at the premises would also have a significant on the viability of the premises.

The Premises Licence Holder's representative informed the Sub-Committee that the proposed deletion of Conditions 1-3 had been proposed by the Premises Licence Holder and that the impetus for their removal came from South Wales Police. He stated that in relation to the prevention of Crime and Disorder Condition 1 it was proposed that there would be no re-admission to the premises beyond 0000 hours and no admission to the premises after 0030 hours to avoid migration of customers between licensed premises late at night. In relation to Condition 3, it was proposed that staff will telephone the police immediately when there is crime and disorder at the premises and the premises would adopt a radio network as and when it was available. The Premises Licence Holder's representative informed the Sub-Committee that in order that a radio network to work a number of premises would have to sign up to it.

The Premises Licence Holder's representative informed the Sub-Committee that by re-inserting the conditions which were to be deleted previously it would satisfy the Sub-Committee. He stated that the majority of customers frequenting the premises arrived after 2330 hours and that the business needed to be commercially viable and that if there were further reductions in opening hours it would affect the commercial viability of the business. He informed the Sub-Committee that a staggered means of egress from premises was required in order to avoid crime and disorder. It was also proposed that the supply of alcohol would cease at 0030 hours and the decked areas would close at the point which alcohol ceased to be sold. Music would cease at 0045 hours in order to encourage customers to gradually leave for the premises to close at 0100 hours. The Premises Licence Holder's representative informed the Sub-Committee that the Premises Licence Holder had made significant concessions which had been discussed at length the police and which would go a long way to reducing the difficulties previously experienced at the premises.

The Legal Officer asked South Wales Police to explain their change on position from revocation to one of negotiation with the Premises Licence Holder.

PC Rowlatt informed the Sub-Committee that the main issue South Wales Police had with the premises was one of non-compliance with the licence conditions and a failure to promote the licensing objectives. It was felt that a Level 3 warning would not alter conditions and the way in which the premises are managed. However, it was felt that an application for the revocation of the premises licence could give rise to negotiations with the Premises Licence Holder on the potential for conditions being altered. PC Rowlatt informed the Sub-Committee that a change in the DPS would not have an effect as the premises are very much a family business. She stated that the Premises Licence Holder had attended meetings and is prepared to work with the police and also understands that this would be the last opportunity in order to make his business work, which had given rise to the negotiations on the licensing conditions. An action plan had also been served on the Premises Licence Holder.

In response to a question from the Licensing and Registration Officer as to compliance with Condition 9, the Premises Licence Holder's representative informed the Sub-Committee that door staff on duty at the premises would ensure that there would be no consumption of fluids in the external decked area after 0000 hours. The Premises Licence Holder's representative also informed the Sub-Committee that in relation to Condition 13, door supervisors shall be on duty at the premises on Sundays preceding a Bank Holiday Monday from 2200 hours until closure.

The Premises Licence Holder's representative informed the Sub-Committee that there had been a gentleman's agreement in place with the previous Premises Licence Holder regarding the use of the decked area which had been sanctioned by the police prior to the application being made for the review of the premises licence. As a result of the application made by the police, the Premises Licence Holder had co-operated with the police.

In response to a question from the Sub-Committee, the Premises Licence Holder stated that it was his intention to continue to have dancing at the premises. PC Rowlatt informed the Sub-Committee that dancing would be allowed at the premises up until 2300 hours.

The Sub-Committee adjourned at 11.46am to consider the amended conditions put forward and reconvened at 11.55am and on their return it was:

RESOLVED: That the Licensing Sub-Committee modified the Premises Licence as follows:-

Supply of Alcohol:-

Thursday to Saturday: 1030 – 0030 hours

Recorded Music (Indoors Only):-

Thursday to Saturday: 0900 – 0045 hours

Opening Hours of the Premises:-

Thursday to Saturday: 0900 – 0100 hours

Prevention of Crime & Disorder

(Conditions numbered and listed below replace the existing conditions numbered accordingly)

1. No re-admission after 0000 hours and no admission after 0030 hours.
2. Condition 2 deleted.
3. The Premises Licence Holder will ensure that all incidents of violence and disorder are immediately reported to the Police and a radio network to be adopted as and when available.
4. 4a – 4L to remain on Premises Licence.
5. The Premises Licence Holder will ensure that CCTV is installed and fully functioning by 1 August 2015.
6. To remain on Premises Licence.
7. The Premises Licence Holder will ensure that all staff are trained in the requirements of “Challenge 25” policy and records kept and updated.
8. The Premises Licence Holder will ensure that “Challenge 25” posters are displayed in prominent positions around the bar and entrance area.
9. There will be no consumption of fluids in the external decked area after 0000 hours which will be used as a designated smoking area.
10. The Premises Licence Holder will ensure that all door staff are SIA trained and hold a suitable accredited qualification (mandatory condition) and badge will be displayed in a suitable approved holder.
11. The Premises Licence Holder will ensure that the number of door supervisors employed at the premises is in accordance with the following ratio: a minimum of two door supervisors will be employed for the first 100 customers and one door supervisor for every 50 thereafter.
12. The Premises Licence Holder will ensure that door supervisors are on duty at the premises on Thursday, Friday, Saturday and Sundays preceding a Bank Holiday Monday from 2130 hours until closure
13. During the wind down period from 0030 hours, Thursday to Saturday only, the style tempo and volume of any music shall be consistent with the wind down period and extra lighting shall be illuminated.
14. The Premises Licence Holder will ensure that the maximum number of persons permitted on the premises at any one time will be 150 persons. This will be taken from the entrance point at the start of the decked area and will include the decked area.
15. The decking area will close at the time the supply of alcohol ceases.

Note:-

The respondent has agreed to a new CCTV digital system to be installed into the premises removing existing camera angles and upgrading cameras to cover all areas to which the public has access. This will be implemented and operational by the 1st August 2015.

The meeting closed at 11.58 am

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 28 JULY 2015 AT 10.00 AM

Present

Councillor – Chairperson

GW Davies MBE DG Owen

Officers:

Katia Daw Lawyer
Rachel Morris Senior Licensing Assistant
Andrew Rees Senior Democratic Services Officer - Committees

4. APOLOGIES FOR ABSENCE

None.

5. DECLARATIONS OF INTEREST

None.

6. LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE 33 MARKET STREET, BRIDGEND

The Senior Licensing Assistant reported that a Temporary Event Notice (TEN) had been received from Mrs Saima Rasul (the premises user) in respect of 33 Market Street, Bridgend.

She stated that the premises has the benefit of a Premises Licence for the supply of alcohol and recorded music from 1130 until 2330 hours Sunday to Wednesday and from 1130 until 0200 hours Thursday to Saturday. Live music on the first floor from 1130 until 2330 hours Sunday to Wednesday and from 1130 until 0200 hours Thursday to Saturday. Live music on the ground floor from 1130 until 2300 hours Sunday to Thursday and from 1130 until 0000 hours Thursday to Saturday. The Premises Licence has conditions prohibiting the premises from opening until the conditions have been complied with.

The Senior Licensing Assistant informed the Sub-Committee that the TEN related to an extension of hours for the sale by retail of alcohol and the provision of regulated entertainment from 0200 hours until 0400 hours on 2 August 2015, with the premises closing at 0430 hours. She stated that it was intended that the maximum number of people at any one time to be present during the duration of the TEN is 200 persons.

The Senior Licensing Assistant reported that the premises user had served a copy of the TEN on South Wales Police and the Public Protection Department and both had submitted Objection Notices in relation to the TEN to the Licensing Authority. She stated that it was possible for the premises user, South Wales Police and the Public Protection Department to enter into a period of discussion regarding the objections raised which enables the modification of the TEN with the agreement of all parties. The Senior Licensing Assistant informed the Sub-Committee that the timescales governing TENs are relatively short and no agreement had been reached and the Objection Notices were to be treated as not having been withdrawn.

The premises users were invited to present their case for the TEN.

The Sub-Committee was addressed by Mr Zahid Rasul, Premises Licence Holder who informed the Sub-Committee that he had submitted the TEN as he wished to extend his opening hours from 0200 hours until 0400 hours on 2 August 2015 for the opening weekend of his premises. He believed that it was his right to be able to have 12 TENs per year as he had done in Swansea and Neath Port Talbot where he is also the Premises Licence Holder of establishments. He informed the Sub-Committee that the objections to the TEN could only relate to noise pollution but noise would be inevitable with a large number of people attending his premises.

The Premises Licence Holder informed the Sub-Committee that he wanted to have the opportunity to make a success of his venture and had purchased the freehold of the property and spent £300k on renovating the premises. He stated that Bridgend used to have a vibrant night life and he had purchased the premises to regenerate the town centre and that everybody should have the chance to operate on a level playing field. He informed the Sub-Committee that he had organised a coach to carry people he had invited from Port Talbot to his opening night. He was aware that he would require planning consent should he require longer opening hours on a continuous basis. He also informed the Sub-Committee that he had been unable to enter into discussions with the police and the Public Protection Department as he had recently been in hospital. He had at the request of the Public Protection Department made alterations to the premises by extending the corridor and installed a new CCTV system.

The Premises Licence Holder stated that the area in which his premises is situated is very derelict with 9 properties for sale and that he knew of other businesses seeking to commence business in the town centre and who would also operate in the night time economy as well as during the daytime. He estimated that if he was allowed to operate until 0400 hours his business would turnover an additional £250k per annum. He stated there was a need to keep people in Bridgend and not having to go to similar venues in Cardiff and Swansea and also a need for more clubs and wine bars to open in Bridgend. He stated that he has invited owners of licensed establishments in Swansea to his opening night to showcase Bridgend with the aim of encouraging them to invest in Bridgend. He informed the Sub-Committee that he had requested to stay open for an additional 2 hours as another venue in the town centre is able to stay open until 0430 hours; however he would not be in competition with the other venue as he was aiming to attract an older clientele to his venue which also had a VIP area where patrons paid a fee for the privilege. He stated that in order for his business to survive he needed to operate on a level playing field with other venues which was the reason for the submission of the TEN, but had not applied for these hours on a permanent basis. He believed that he was able to have 12 TENs in a year.

The Premises Licence Holder informed the Sub-Committee that a Risk Assessment had been carried out at the premises yesterday as he had been in hospital during the previous week. He stated that if less than 5 persons were employed at the venue he was able to train staff. All staff are trained to avoid complaints being received from customers. He stated that there were already a number of venues in Bridgend which attracted younger people and he aimed to attract older people to his venue who would be more appreciative of the surroundings which he had spent a lot of money on refurbishing. He also informed the Sub-Committee that he was holding events at the venue for Doctors and the Indian community.

The Legal Officer advised the Sub-Committee that the planning regime is separate to licensing. There is no requirement for the hours agreed by licensing to match those set by the planning permission. In fact the statutory guidance expressly allows for this

situation to happen. The Committee could allow the TEN and if the hours covered by the TEN were outside of the planning requirements then, although granted by Licensing, trading in those hours would be in contravention of the planning consent for the premises for which there would be separate enforcement by Planning. Alternatively, the Premises Licence Holder could contact the Planning Department to request a change to the hours stated in the planning permission. This would be a matter outside of the jurisdiction of the Committee and not one the Committee can become embroiled in. The Committee today are simply looking at the Licensing objectives and not any constraints imposed by the Planning Permission. The Premises Licence Holder informed the Sub-Committee that he had been advised by his planning advisors who had been informed that if the Planning Department was on his side the police would also be on his side. The Legal Officer advised that, as it currently stood, the Premises Licence Holder would be in contravention of the planning consent if the TENs was granted and he traded for the extra hours. The Premises Licence Holder stated that he would not breach the law and that he had architectural and legal advice as part of his team. If the TENs was granted he would speak to his advisors.

The Sub-Committee questioned the arrangements for the VIP area. The Premises Licence Holder informed the Sub-Committee that there was a cost of £150 per table in the VIP area which had now sold out for the opening night. He stated that he had invited people that he knows to the opening night which he had restricted to 200 people when he was allowed up to 500 people on his licence. The Sub-Committee questioned the Premises Licence Holder how he would prevent people entering his premises who had not been invited. The Premises Licence Holder stated that the majority attending the opening night are people that he knows and would be arriving at approximately 2300 hours.

PC Rowlatt questioned the Premises Licence Holder on the hours which he proposed to operate. The Premises Licence Holder informed the Sub-Committee that he was allowed to open until 0230 in accordance with the premises licence and the planning consent and was aware that if he exceeded these hours over 21 days he would require further planning consent. He stated that if the TEN was granted he would approach the Planning Department.

PC Rowlatt questioned the Premises Licence Holder as to how did he propose to meet the licensing objectives. The Premises Licence Holder informed the Sub-Committee that the Licensing Act allowed 12 TENs to be held each year and that he would operate in accordance with the licensing objectives and the law.

PC Rowlatt informed the Sub-Committee that South Wales Police is supportive of the Premises Licence Holder's venture, however a long time had elapsed since the grant of the premises licence and the venue opening and she questioned the reasons for this. The Premises Licence Holder stated that he had bought the property on a handshake approximately 18 months ago, but since then had suffered a stroke resulting in him having ongoing medical issues which he would need surgery for. He informed the Sub-Committee that he had applied to be open until 0400 hours in order to bring back some vibrancy to Bridgend town centre. He stated that he has a great deal of respect for the police and he was aware that they were not objecting to the TEN on the basis that it was a new business, but believed that he needed to operate on a level playing field with other businesses. He also informed the Sub-Committee that he was inviting the owners of licensed premises in Swansea to the opening night in order to encourage investment as Bridgend town centre had a number of empty properties.

PC Rowlatt asked why the TEN was not submitted until 15 July 2015. The Premises Licence Holder stated that he did not think the premises would be ready in time for 1 August 2015 and that the bank had put pressure on him to open in order that they have

a return on their investment. He stated that Environmental Health and the Fire Service were due to inspect the premises this week to monitor sound and test noise levels. He informed the Sub-Committee that the venue would be ready to open on 1 August 2015. He stated that he would apply for TENs much earlier in future but stated that he had given the required period of Notice for the serving of this TEN. He added that there remained 2 possible dates for TENs left this year, namely the August Bank Holiday and on "black" Friday, although he may apply for a TEN for the Diwali celebration planned for Indian Doctors, which would be a family event.

PC Rowlatt questioned the numbers the Premises Licence Holder had in mind attending the opening night. The Premises Licence Holder stated that the premises would be open to the public until 0230 hours and that invited guests would be permitted to stay at the premises until later. He stated that the VIP tables were for friends and people who had worked on the project or for him previously and that they were decent and respectful people. PC Rowlatt questioned how many people would be allowed in to the premises and also the number of staff deployed on the door. The Premises Licence Holder informed the Sub-Committee that he proposed to deploy 9 of 10 persons on the door who would have clicker devices to control access to and egress from the premises. He had placed a limit of 150 people upstairs and 350 people downstairs at the venue. PC Rowlatt informed the Sub-Committee that potentially 500 people could be attending on the opening night and questioned the Premises Licence Holder as to how he proposed to control the numbers staying at the premises for the hours the subject of the TEN. The Premises Licence Holder stated that he knew the people attending the TEN personally. PC Rowlatt requested an explanation as to the invitation of 1,400 people to the opening night on Facebook. The Premises Licence Holder stated that 77 people had so far confirmed they would be attending, but was expecting a couple of hundred people to turn up. PC Rowlatt referred to the coach of 72 people arriving from Port Talbot at 2300 hours and questioned how the licensing objectives would be promoted. The Premises Licence Holder informed the Sub-Committee that the people arriving by coach would be wearing wrist bands as would people in the VIP area.

The Sub-Committee questioned how the Premises Licence Holder would ask people not invited to stay until 0400 hours to leave. The Premises Licence Holder stated that the staff would clear the premises at 0230 hours. The Legal Officer asked what would be the latest time for the serving of alcohol to those not invited to the TENs and the means by which people required to leave at 0230 hours would be enforced. The Premises Licence Holder informed the Sub-Committee that the music would be switched off and the lights put on to clear the venue. He stated that he had decided to limit numbers as he did not believe many people would not attend the opening night.

PC Rowlatt stated that the TEN needed to be administered correctly and that the Premises Licence Holder would be in breach of the TEN if he went above the numbers specified in the TEN. The Premises Licence Holder informed the Sub-Committee that he would limit the number in future TENs to 500 people.

PC Rowlatt referred to the application for the TEN and questioned the reason why the Premises Licence Holder had applied for the sale of alcohol off the premises as well as on the premises and whether he had taken account of the DPPO in place in the town centre. The Premises Licence Holder informed the Sub-Committee that he wanted people attending the TEN to have the opportunity to take a bottle of wine or champagne home with them which would be placed in bags which he had specially ordered. He did not intend serving cans for consumption away from the premises. PC Rowlatt asked how this would promote the licensing objective of promoting public safety. The Premises Licence Holder informed the Sub-Committee that the off sales would relate to the purchase of expensive drinks and he did not intend selling cans or bottles of beer to be taken out.

PC Rowlatt questioned why the Responsible Authorities had not been provided with the Risk Assessments. The Premises Licence Holder informed the Sub-Committee that the Risk Assessments had been undertaken yesterday as some of the work had not been completed previously and he was now able to provide copies to the Responsible Authorities.

The Principal Environmental Health Officer questioned the Premises Licence Holder on the Health & Safety Policy and Risk Assessments. The Premises Licence Holder stated that he now had both in place and if there were any documents that he lacked he would take steps to put them in place prior to opening. In response to questions from the Principal Environmental Health Officer, the Premises Licence Holder confirmed that he now had electrical and gas safety certificates and a management of asbestos plan. The Principal Environmental Health Officer expressed concern that the Premises Licence Holder proposed to employ 5 people to serve 200 customers, and that he had contradicted himself by stating that he proposed to employ 9 door staff. The Premises Licence Holder informed the Sub-Committee that the door staff would be employed by a door security company which he engaged. There would be 5 bar staff which included a glass collector employed at the venue. The Principal Environmental Health Officer informed the Premises Licence Holder that he would require a written record of the risk assessment if there were more than 5 employees. The Premises Licence Holder informed the Sub-Committee that if there were 500 persons at the venue he would employ 15 staff. In addition to bar staff he would employ a chef and a manager, he was interviewing for the position of glass collector today and that he would have staff for every position and everything would be documented.

The Environmental Health Officer further questioned the Premises Licence Holder in relation to the numbers of staff he proposed to employ on the opening night. The Premises Licence Holder informed the Sub-Committee that in addition to the 5 staff, members of his family would also be working at the venue on the night.

The Principal Environmental Health Officer questioned the Premises Licence Holder as to whether he had written the Health & Safety Policy and Risk Assessments. The Premises Licence Holder informed the Sub-Committee that he would not open the premises until all boxes had been ticked and the Responsible Authorities are satisfied that he had complied with their requirements. The Principal Environmental Health Officer referred to the visit to the premises which took place with the Police, Licensing and Pollution Control staff on 20 November 2014 and stated that the Responsible Authorities had yet to have sight of the documentation requested at that meeting, despite two written reminders sent to the Premises Licence Holder, one of which had been hand delivered by Emma Aston, Environmental Health Officer on 2 December 2014. The Responsible Authorities had not had a response or telephone message from the Premises Licence Holder in relation to the Risk Assessments and would not have sufficient time to evaluate the documentation prior to the TEN. The Premises Licence Holder informed the Sub-Committee that it had been a rush to open the premises and he intended to provide the Responsible Authorities with all the documentation required of him. He stated that the sound system was not yet in place and would be installed tomorrow and which would be inspected by Environmental Health and Pollution Control. The Fire Service would also be inspecting the premises regarding fire safety tomorrow. The Principal Environmental Health Officer informed the Premises Licence Holder that the documentation was needed in order that he satisfy the licence conditions and would have to be assessed by the end of tomorrow at the earliest to enable the premises to open on the following night.

In response to a question from the Sub-Committee as to where the event had been advertised, the Premises Licence Holder stated that he had advertised the event on

Bridge FM. The Sub-Committee asked whether the Premises Licence Holder intended selling drinks at discounted prices. The Premises Licence Holder stated that offering drinks promotions attracted the wrong clientele and it would send out the wrong message as to the type of venue he wished to have. He stated that a pint of beer / lager would cost upwards of £3.25 and that the purchase of alcohol for the business was done by his wife. The Premises Licence Holder informed the Sub-Committee that he was in possession of the relevant documentation to give to the Responsible Authorities and that he wished to work in co-operation with the police.

The Principal Environmental Health Officer asked the Premises Licence Holder how he proposed to comply with the Risk Assessment which he had just complied. The Premises Licence Holder stated that he would only employ experienced staff at the venue. He proposed to train staff for 6 hours this week in advance of the opening night and everything would be in place on Thursday. Members of his family would have a presence on the opening night in order to manage the event. The Principal Environmental Health Officer stressed the importance of all staff being fully aware of their roles and expressed concern that the premises did not have a manager. The Premises Licence Holder informed that he would be the manager until such time as he had appointed a manager. His son is the Assistant Manager and his wife would also be present on the night.

In response to a question from the Sub-Committee, the Premises Licence Holder stated that he had undertaken a survey of the property when he purchased it.

In response to a further question from the Sub-Committee, the Premises Licence Holder confirmed that the dress code in place at the venue would be smart and no working clothes to be worn. He did not want boisterous people frequenting the premises and he would admit over 21s only. He stated that he would ensure that the food and the events at the venue are good and did not wish to cater for youngsters as there were already a number of venues in the town centre catering for their needs. He had refurbished the premises to a high standard to deter unruly people from attending the premises. Door supervision at the premises would be run by Black Knight Door Security who he had used for the past 7 years at his other premises.

PC Ellis referred to the remarks made by the Premises Licence Holder in that he did not break the law and questioned him in relation to his premises licence being revoked in Port Talbot. The Premises Licence Holder stated that he had one of the best venues licensed by Neath Port Talbot Council; however he had placed a manager in charge of this venue which resulted in his licence being suspended for a period of 3 months. After that the family now managed the premises themselves and that his son would be on board to assist in managing the premises. PC Ellis stated that the Premises Licence Holder had broken the law as he had a premises licence reviewed. The Premises Licence Holder stated that he would ensure that there would always be a presence from his family at the premises until such time as he had appointed a manager. He stated that he needed to be given a fair chance to establish his business in Bridgend.

In response to a question from the Sub-Committee, the Premises Licence Holder clarified the content of the advertisement for the opening night on Facebook which stated that the event would be open to over 18s but that door staff would only admit over 21s to the premises.

The Sub-Committee adjourned at 11.40am and reconvened at 11.50am.

South Wales Police were invited to present their case.

PC Rowlatt informed the Sub-Committee that the club proposed to open on Sunday 2nd August 2015 from 'opening hours' until 04.30 hours, with the supply of alcohol and entertainment both on and off the premises until 04.00 hours. She stated that the TEN had been signed and served on the 15th July 2015 but different copies had been provided to the authorities. South Wales Police had been served as above, with no indication of the numbers attending or any indication of what the opening hours are, or for how long this event will go on. The Environmental Health Department had also been served the same.

PC Rowlatt stated that this case had given concern about the scale, location, timing of the event and concerns about public nuisance. The police believe that allowing the premises to be used in accordance with this TEN will undermine the licensing objective, which has resulted in the objection notice served by South Wales Police.

PC Rowlatt stated that the Sub-Committee had three options.

1. Grant the TEN as it stands; this could not be allowed as this would be allowing offences to take place which did not enforce the prevention of crime and disorder.
2. Grant it with conditions transposed over from the existing premises licence. Conditions are already being breached, if the Sub-Committee did this, it would still be allowing the licensing objectives to be undermined and further licensing offences to take place.
3. Or issue a counter notice. The South Wales Police recommend this is the correct and necessary response that will support the licensing objectives and prevent crime and disorder and not add to the existing problems of Bridgend late night economy.

PC Rowlatt stated that the premises is situated in the "saturation area" which is subject of Bridgend County Borough Council's "Statement of Licensing Policy" and the saturation policy was specifically created due to the unacceptably high levels of crime, anti-social behaviour and alcohol related public disorder within Bridgend town centre.

"Cumulative impact" was also included within the policy and applicants are supposed to consider the licensing objectives when making applications and show to the committee how the event will not add negatively.

PC Rowlatt referred to Section 182 of Home Office guidelines under the Licensing Act 2003 Sub-section 13.24 in that "The licensing authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information, which may inform consideration of these issues, includes:

- Trends in licence applications, particularly trends in application by type of premises and terminal hours;
- Changes in terminal hours of premises;
- Premises capacities at different times of night"

PC Rowlatt referred to the document which was attached to the BCBC statement of licensing policy in regard to the cumulative impact area and recommend the Sub-Committee pay particular attention to the material times that show an increase in crime and disorder along with an increase in hours of licensable activity.

PC Rowlatt referred to the most recent crime pattern analysis report carried out for the Bridgend Town centre dated the 30th Dec 2014, which showed a total of 210 occurrences for a 3 month period between the hours of 18.00 and 06.00 hours.

1. It shows the occurrence type most reported was PS10 concern for safety (52)
2. 70 reported crimes of which the highest recorded offence was drunk and disorderly (13)
3. Over 70 % of incidents were reported mostly on a weekend, Friday, Saturday and Sunday
4. Street record was the location type recorded most frequently
5. The specific premises that showed the highest number of incident recorded against it 27 was the only other Nightclub currently in town.

PC Rowlatt stated that these statistics are relevant to this hearing as they show the crime pattern in relation to the TEN in this area

- 1) that the specific area where this TEN is located is already a hot spot location
- 2) That the day it wishes to take place is already where 70% of all incidents are already recorded
- 3) In comparison the only other late night venue to have these hours are already subject to the highest numbers of recorded incidents.
- 4) The highest number of crime incidents recorded at these times is in relation to drunk and disorderly customers or public safety issues of concern for persons, intoxicated through drink.

PC Rowlatt also stated that Bridgend town centre is already the late night economy hotspot within the whole borough of Bridgend. Allowing sales of alcohol to take place up to 4am with people leaving at 04.30 in the morning will only lead to an increase in this existing crime and disorder and allow even more persons to be highly intoxicated which will exacerbate the existing problem within this area. This TEN will therefore not support the prevention of crime and disorder.

PC Rowlatt informed the Sub-Committee that the Premises Licence Holder had not said how it will get the customers out of town; why they are offering sales off the premises and there were no other premises open to relieve the strain from taxis.

PC Rowlatt also highlighted that 5 other premises within the saturation area submitted applications to extend their opening hours to either vary the same hours or indeed beyond. With the exception of premises A, South Wales Police feel that the proposals would not promote the objectives and made relevant representations. However; each application was approved and subsequently each licence was reviewed by South Wales Police as the opening timings lead to a significant increase in crime and disorder. Reviews that did not lead to revocation resulted in a reduction of the operating hours and this included premises A where South Wales Police had attempted to show some faith in management's ability to operate until 04.30am; however; this confidence was entirely misplaced. Additionally it was the intention of South Wales Police to again review licences within the cumulative impact area. Later hours had led to much more severe crimes taking place as persons suffer more from the effects of being able to drink more alcohol.

Premises A. Sale of alcohol until 4.00 was reduced to sale of alcohol until 02.30AM
Premises B. Sale of alcohol until 4.00 was reduced to sale of alcohol until 02.00AM
Premises C. Sale of alcohol until 5.00. Licence was surrendered prior to review
Premises D. Opening until 03.30. Licence was revoked
Premises E. Opening until 4.30. Licence suspended and subsequently surrendered.

PC Rowlatt informed the Sub-Committee that there was clearly a causal link between later hours and violent crime. She stated that Under the Crime and Disorder Act 1998 section 17 it created a statutory partnership between local authorities, the police and

other key partners to work together in reducing crime and disorder in all aspects of their work. She informed the Sub-Committee that Section 17 of the Act states:

“It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder.”

PC Rowlatt informed the Sub-Committee that South Wales Police have provided details proving how this area is already of concern, and another premises to be able to open till this time would be anti any preventative measures. She stated that Section 5.13 needs to be considered from the BCBC statement of licensing policy:

“When determining applications for longer licensing hours consideration should be given to the individual merits of the case.”

PC Rowlatt questioned the merits of this case. She stated that a TEN has been issued because the applicant wants to open late for its first weekend of trade for its nightclub. She questioned whether this was fair and genuine in which to operate and referred to the Facebook pages which had been opened and invited to 1,400 people, charging an admission of £6.00 per person. The Facebook page states that 77 are already going and another 300+ from a rugby organisation. She stated that this is a massive test for the Sub-Committee and not what the spirit of the TEN was created for. PC Rowlatt informed the Sub-Committee this was not the first time that this applicant has tried for this lateness of hour. Original applications for the premises licences have been served on South Wales Police previously and each time the applicant had been told he has planning restrictions that disallow it. Therefore the licence was granted with hours that it can operate to. She stated that the TEN application is just a circumvention of what has already been rejected.

PC Rowlatt referred point 7.7 of the Guidance which states that a TEN does not relieve the premises user from any requirements under planning legislation and therefore the premises could not open. PC Rowlatt questioned the motive for the application as it would want to operate to hours that it does not have on its first opening weekend and advertise the fact. The premises have already been specifically informed on several occasions that it cannot operate until these times without committing offences. Customers will think the premises is always open late causing either confusion in future, or will set a precedent for a number of other TENs to be served to continue these hours in future. She stated that the decision made by the Sub-Committee will be the catalyst and will set a precedent for the future. If a soft touch is chosen and the application for the TEN is granted it would add to this confusion, if the Sub-Committee did not grant the application it will allow the premises to operate as it should, as all responsible authorities expect it to and with much less potential for crime and disorder than otherwise.

PC Rowlatt informed the Sub-Committee that the TEN served on the police / Environmental Health asks for Opening hours on a Sunday morning, and questioned of it meant that no premises licence will operate at all from the opening of the premise at 11.30 am on Sat 1st August 2015. It had to be assumed that the copy served on the Licensing authority is correct. However this is still ambiguous. Will the applicant be operating from Closing on Sunday 2nd Aug 02.30 hours or from 02.00 hours for the sale of alcohol hours. The report to the Sub-Committee will amend that the application will be from 02.00 hours, however, the circulation and service of the notices are unclear. The copies circulated to other responsible authorities also do not state what number of persons present the TEN applies to while the local authority state that 200 has been applied for. PC Rowlatt questioned whether these errors or admissions fall outside the provision of service under section 100; is it incorrectly served, which you can then serve

a counter notice for. She stated that the TEN was given to the police served by hand, on 15th July 2015 12 working days prior to the event taking place. The fact that a different copy has been served on this responsible authority is an important note to make. Is it a breach of note 16 on the service of a TEN which states a "copy must be served". PC Rowlatt informed the Sub-Committee that it should be assured that the statement of licensing policy says those small errors or amendments can be rectified. However, electronic service from licensing authority still adds to confusion on the timings of when this event will start and clarity has not been given until the officer's report was completed on the 21st July. PC Rowlatt questioned what copy does the applicant have and is it different again, and will it be looking for different times or capacities to the ones already served. Allowing these errors serve no other purpose than to create confusion and SWP state that this is an unfair and incorrect way to go about service of any event let alone the opening night of a major new night club in town.

PC Rowlatt informed the Sub-Committee that the Temporary Event Notice proposes to extend the hours of licensable activity to the same hours the premises user attempted to operate by way of a grant application. However; after intervention by the Planning Authority he amended the application accordingly to comply with the planning restrictions. The user is fully aware of the planning restrictions as a planning application was submitted in 2013 to significantly extend those hours until 04.00am on Sat and 05.00am on Sun, this proposal was refused. PC stated that these hours cannot be complied with by the premises licence as they are superseded by planning regulations that prevent the premises from operating until this time. The relevancy of this factor is by allowing the TEN to go ahead, it will allow the applicant to commit offences under planning law and also by allowing the TEN to go ahead it will allow the applicant to apply up to 12 times for more TEN to go ahead, thereby allowing more offences to take place. A breach of planning notices can lead to the Magistrates Court and therefore are criminal offences. PC Rowlatt stated that this does not support the licensing objective of prevention of crime and disorder. The applicant is well aware of these facts, so the application itself does nothing either to prevent crime and disorder when they clearly know they will be breaching planning regulations. South Wales Police believe this to be highly relevant in relation to the first and foremost licensing objective of the prevention of crime and disorder. The aim of the Licensing objectives as stated by section 182 guidance are vitally important and should be the principal aim for everyone involved. Sub section 1.5 gives the police the powers they need to effectively manage and police the last night economy. The needs of the community need to be reflected and the community do not need another nightclub open until this hour and police do not need an increase on an already disorderly town centre. The Licensing authorities should look to the police as the main source of advice on crime and disorder and it has provided this information based on existing evidence within the late night economy.

PC Rowlatt stated that it was assumed and the numbers of entry will be 200; however none have been filled in on the police copy, and therefore there would be a night club that can only take in 200 customers all night from Saturday to Sunday, when it can hold thousands on two floors. PC Rowlatt questioned how the applicant will manage the event and how will only 180 persons be effectively managed and turned away, without creating problems. The opening of a brand new nightclub with adverts and flyers have already gone out but there would be a limit of 200 people, which would give rise to fights in the queues or a load of unhappy customers who get kicked out. Again this will lead to disorderly behaviour where police assistance will be required.

PC Rowlatt referred to the promotion of the licensing objective of crime and disorder and despite police objections a premises licence was issued to the Eden Club dated 21st May 2015 and on it are stipulated many conditions for the premises licence to be compliant. She stated that South Wales Police has chased several times and can

evidence several email trails and conversations requesting sight of a copy of the risk assessment. This is for the police to be able to react to the potential capacity numbers allowed at the premises. However until this date no risk assessment has been provided and it was far too late for it to be proved now.

PC Rowlatt informed the Sub-Committee that the police did not have the resources to deal with issues when there are already existing stop conditions in respect of the existing premises licence conditions.

PC Rowlatt referred to condition D entry of the existing premises licence, which relates to re-entry, in that the capacity numbers will be written into the risk assessment which will be supplied to South Wales Police prior to the opening of the club. Annex 3 conditions granted by the Sub-Committee states - The premises shall not open to the public until the following written policies have been submitted to, and approved by, the South Wales Police of which condition D entry and re-entry policy is a part of. PC Rowlatt also referred to condition 8 under a door staff control policy 8. ... SIA registered Security Company, contact details will be supplied to SWP Licensing department. She noted that the Premises Licence Holder has informed the Sub-Committee at the hearing that he proposed to use Black Knight for the provision of door security.

PC Rowlatt also referred to condition 5 under C the use of glass policy which states that no drinks at all or glass bottles or glasses will be allowed outside. Yet the applicant has asked for both on and off sales of alcohol in the TEN and taking alcohol away after attending the nightclub. South Wales Police submit that this does not promote the licensing objectives of prevention of crime and disorder, or in fact public safety. To allow this to go ahead, it would allow up to 200 persons to leave a night club with potential weapons in their hands that they could fall over on in fact use, unless plastic bottles have been specifically brought in. However alcohol in the street is still not a good thing at this time in the morning and can lead to noise nuisance for residents in the area, hence the Designated Public Place Order in this area of Bridgend Town Centre. The Designated Public Place Order gives the police the power to confiscate sealed cans and bottles in found in possession. Allowing the TEN to go ahead therefore does not support the existing legislation. The area is historically known for anti-social behaviour and disorder irrespective of the type of businessmen operating in this area.

PC Rowlatt stated that by granting the TEN application it will allow partying until 04.30 am in the morning and leaving a nightclub with bottles and cans and questioned how will this promote the crime and disorder objective and bottles and cans and disorderly behaviour erupting onto Market Street and the rest of Bridgend town centre.

PC Rowlatt informed the Sub-Committee that the premises is currently not compliant with the existing premises licence conditions yet is still planning to open without the police having enough time to actually authorise these policies. However, further evidence uncovered showing that it is not just the police, but other responsible authority's namely the Public Protection Department are waiting on the applicant for further information.

PC Rowlatt referred to the conditions relating to A Door Control Staff policy 10. The Head door person will monitor the 'nite net' radios and communicate with other users of the system in Bridgend town Centre. She stated that the company that supply these radios have been contacted and also waiting on the applicant before they can supply the radios. These conditions will not currently be met in time for this opening night.

PC Rowlatt also referred to condition D relating to entry / re-entry, no admission or re-admission to the premises shall be granted after 01:30 hours. The smoking area to be treated as part of the premises for this condition and shall be closed at 01.30 hours. She stated that this was in contrast to the advertisement on the webpage stating that £6 entry after 1.00am and entry till late. If the Sub-Committee modified the TEN to apply this condition then persons will not be able to smoke at the premises from 01.30 till 04.30 when they leave. If this was not applied, then persons will be free to come and go all throughout the night and create a bottle neck from all other venues that close and customers will gravitate to the premises.

PC Rowlatt stated that as it currently stands the premises will open on Friday and will be breaching these existing conditions, which leads to a section 136 unauthorised licensing activity. Allowing the TEN to go ahead even if it was modified to include conditions it will still allow licensing breaches to take place. This therefore does not support the licensing objectives that prevent crime taking place.

She stated that the Sub-Committee need to have regard to statement of licensing policy that states: - Nothing in this policy should be taken as indicating that any requirement of licensing law or any other law may be overridden by the terms of this policy. In relation to a breach of planning notice, the Council itself will also have regard to wider considerations including community safety, crime and disorder, litter, noise and the ability of the police and the street and public transport infrastructure to cope with an influx of customers into a particular area for entertainment. Any increase in licensable activity has serious potential to increase crime at the premises.

The venue is in the heart of the saturation area subject of the special policy area and the Licensing Authority must be mindful of their own policy to limit late licences within this area. She further reminded that the premises have planning restrictions which are relevant as stated in the statement of licensing policy. A TEN does not relieve the premises user from any requirement under planning law for appropriate planning permission where it is required. The premises do not have permission and has been regularly reminded about that fact yet it persists.

PC Rowlatt concluded that allowing the TEN would have a negative impact and requested the Sub-Committee issue a Counter Notice.

The Premises Licence Holder informed the Sub-Committee that he would only be using plastic glasses at his premises and there would be no glasses to be taken outside the premises. He proposed on his opening night to allow expensive bottles to be purchased at the venue which would be placed in a bag for customers to take home with them. He stated that the admission charge would be £5.00 per person and there would be no re-entry to the premises after 0230 hours. He informed the Sub-Committee there would be no confusion as to the opening hours as he proposed to have the extended hours for the opening night only. He also stated that his venue is brand new and he should have the opportunity to operate on a level playing field. There is a taxi rank outside the premises and Radio Cabs who operate in the vicinity have 150 cars and would be able to cope with conveying customers home.

The Senior Licensing Assistant informed the Sub-Committee that the permitted numbers had been omitted from the TEN, however she had added the relevant numbers which was for 200 persons initialling the changes she had made to the original application received from the Premises Licence Holder. She stated that the Premises Licence Holder would not be able to open the premises until he had Nite Net installed.

In response to a question from the Sub-Committee, PC Rowlatt stated that there a number of domestic properties in the vicinity of the premises on Wyndham Street.

In response to a question from the Sub-Committee, PC Ellis informed the Sub-Committee that the other late night venue is situated in the area covered by the saturation in Derwen Road and would be subject to enforcement. PC Ellis also informed the Sub-Committee that in relation to the kebab shop in the vicinity its hours of opening had been reduced as there was no dispersal of customers and which had led to crime and disorder in the town centre. The Police believed that allowing the TEN coupled with the kebab shop remaining open it would give rise to crime and disorder.

The Sub-Committee questioned whether food would be served at the premises. The Premises Licence Holder informed the Sub-Committee that he proposed to operate as a steak house when the kitchen at the premises was up and running. PC Rowlatt stated that the Premises Licence Holder could serve food until 2259 hours and was not subject to the TEN.

The Sub-Committee questioned the percentage of trouble inside and outside premises in the town centre. PC Rowlatt informed the Sub-Committee that crime and disorder in the town centre had decreased as a number of premises had closed down. There had been 210 recorded incidents with 52 incidents taking place in town centre streets.

The Sub-Committee questioned the entry fee the Premises Licence Holder proposed to charge which seemed to vary between £5.00 and £6.00 and whether he proposed to open both the wine bar and the night club on the same night. The Premises Licence Holder stated that he proposed to open the wine bar on Friday night and to open the club on the following night. He also proposed to have an official opening of the venue on 7 August 2015 which he proposed to invite MPs, AMs and the Mayor.

PC Ellis informed the Sub-Committee that the TEN would give rise to public nuisance as a result of sound emanating from the premises, crime and disorder and would give rise to public safety.

The Principal Environmental Health Officer informed the Sub-Committee that the Public Protection Department objected to the TEN as the application fails to meet the licensing objective relating to public safety. She stated that it was a condition of the premises licence that prior to opening, the Premises Licence Holder provide a Health & Safety Policy; Risk Assessments; Procedures for Serious or Imminent Danger; Gas and Electrical Safety and Management of Asbestos plan. To date, the Premises Licence Holder had not provided these and as such had failed to demonstrate how the premises would not impact on public safety.

The Principal Environmental Health Officer also informed the Sub-Committee that as the Premises Licence Holder proposed to open this Friday it gave the Department very little time in which to evaluate the requirements and documentation expected from the Premises Licence Holder. She stated the Premises Licence Holder would be in breach of the conditions of the premises licence if the TEN was granted. The Public Protection Department had further concerns regarding the training of staff.

The Chairperson invited all parties to make closing statements.

The Premises Licence Holder informed the Sub-Committee that the statistics produced by South Wales Police in relation to crime and disorder in the town centre did not relate to his premises as he had yet to open and could not be treated as relevant. He stated that more people coming to the town centre would however give rise to more issues. He stated that clubs in the town centre had closed for a reason and that as his place is a new venue the crime statistics could not relate to him. He stated that the other club which was allowed to open late was 500 yards from his premises. He informed the Sub-

Committee that if the TEN was granted his legal team would speak to the Planning Department in relation to the hours of opening. He stated that he was behind on the submission of the relevant documentation but confirmed that it would be ready otherwise the venue would not open. He stated that the sound system was not yet installed.

The Premises Licence Holder informed the Sub-Committee that he would only employ experienced staff at the premises and that he would address the concerns raised by the Public Protection Department prior to opening. He stated that the crime figures raised by South Wales Police did not relate to his premises; however issues would be created as new venues open and would be addressed and he would provide evidence of any trouble at his venue to the police. His application for a TEN sought a one off event for the opening night only and he was only required to give 15 days' notice in accordance with the legislation.

PC Rowlatt informed the Sub-Committee that South Wales Police is not against the business operating in accordance with the hours granted in the premises licence. She stated there had been no agreement or modifications been discussed between the applicant and South Wales Police and no reassurance given on how this application will not have a negative impact on the town centre by increasing customers at the critical time of 04.30 am. She also stated that there is already pressure on the taxis firms at this time and there are no alternative late night food venues to subdue the crowds at this time. There are residential properties in the vicinity and there are no buses or other forms of transport available. Applying conditions to the TEN will not uphold the licensing objectives as these objectives are already currently being breached.

PC Rowlatt informed the Sub-Committee that the premises should not open until all documentation has been approved by the police. South Wales Police have 3 days to approve documents which have not been served, which was unacceptable when the applicant has had plenty of time to get specific information and documents prior to this launch.

PC Rowlatt stated that the police wish to prevent this event taking place so as to prevent an increase in crime and disorder and to promote public safety. The premises have not even opened yet and it is already not compliant with licensing conditions. She stated that the premises Licence Holder has said that things will get done but they have not been since February and the police have been continually told that it will happen next Monday.

The police have concerns over the public safety of the premises as no risk assessment has been viewed and the applicant has given the police no time in which to agree these documents.

The police have concerns over the licensing objectives not being met by the failure to comply with the exiting conditions. There are also concerns over the off sales of alcohol and the concerns towards public nuisance and the commercial advantage to allow this event to take place.

South Wales Police therefore urged the Sub-Committee to issue a Counter Notice in this instance.

The Principal Environmental Health Officer informed the Sub-Committee that the Public Protection Department could not withdraw its objection to the TEN as it had not had sight of the documentation it had requested in relation to a Health & Safety Policy; Risk Assessments; Procedures for Serious or Imminent Danger; Gas and Electrical Safety and Management of Asbestos plan. It would also have very little time in which to

evaluate the documentation when it was received in order to satisfy it would not impact on public safety.

The Sub-Committee adjourned at 1.15pm and reconvened at 3.10pm, when it was:

RESOLVED: That the Licensing Sub-Committee has considered the application for a TEN for 33 Market Street, Bridgend. The Sub-Committee has taken into account the applicant's representations as well as the objections by the Police and Public Protection.

Dealing with three administrative points firstly:

Initially, the Sub-Committee is happy that good service took place and the Licensing Officer informed all relevant bodies at an early stage.

Secondly, the Sub-Committee have noted paragraphs 13.57 and 13.58 of the Home Office Guidance. The Sub-Committee note that it is not bound by any decision of the Planning Committee.

Finally, the Sub-Committee noted paragraph 13.30 of the Home Office Guidance and note that the Cumulative Impact Policy applies to granting or a variation of a Premises Licence. The Sub-Committee has however, noted that this premises is located within an area covered by the Cumulative Impact Policy.

Dealing with the TEN, the Sub-Committee has considered the objections being that the extra two hours covered by the TEN in addition to the already licensed hours will affect the following licensing objections:

1. prevention of crime and disorder
2. public nuisance and
3. public safety.

Dealing with the prevention of crime and disorder, the Sub-Committee is concerned by the figures shown by the Police regarding the increased reports of crime associated with longer hours of drinking. The Sub-Committee accept the applicant states these figures were not specific to his premises, however, the premises has not been open or traded as yet and so cannot produce any evidence to show how he is countering this trend and reducing the crime.

Dealing with public nuisance and public safety, the Sub-Committee note the concern that nowhere else will be open at 0430 hours when people leave and no there will be areas to disperse the crowds or to allow persons to calm down or sober up. This has effects on queuing for taxis, on noise and disruption and is made more worrying by the potential for individuals to have glass bottles which they will have taken from the premises.

In addition, the Sub-Committee has concerns over the decrease from 500 to 200 persons at 0200 hours. The Sub-Committee accept that the applicant stated he would turn off

the music, stop serving alcohol, turn the lights on and ask all customers without bands to leave the premises. However, the Sub-Committee is concerned about the practicalities of this. In addition, the Sub-Committee fear this will not promote the licensing objectives of the prevention of crime and disorder, public nuisance and public safety, as we are concerned about issues both inside and outside the premises at 0200 hours.

The Sub-Committee feel the event would undermine the licensing objectives for the above reasons, and resolve to give a counter notice.

The Senior Licensing Assistant advised that there would be no right of appeal due to the proximity of the opening night and to the hearing.

The meeting closed at 3.15 pm

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 27 AUGUST 2015 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

PA Davies E Dodd

Officers:

Katia Daw Lawyer
Yvonne Witchell Licensing & Registration Manager
Andrew Rees Senior Democratic Services Officer – Committees

Representing South
Wales Police

PC S Rowlatt
PC K Ellis
Rhys Jones Community Safety Partnership (Observing)

Representing the
Premises Licence
Holder

Mrs S Rasul Premises User
Mr Z Rasul Premises Licence Holder

7. APOLOGIES FOR ABSENCE

None.

8. DECLARATIONS OF INTEREST

None.

9. LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE 33 MARKET STREET, BRIDGEND

Councillor PA Davies informed all parties that her grandson Rhys Jones of the Community Safety Partnership was observing the proceedings. The Premises Licence Holder did not have any objections to him observing the proceedings. The Legal Officer advised that Mr Jones should sit at the back of the Chamber to observe the proceedings.

The Licensing and Registration Officer reported that a Temporary Event Notice (TEN) had been received from Mrs Saima Rasul (the premises user) in respect of 33 Market Street, Bridgend.

She stated that the premises has the benefit of a Premises Licence for the supply of alcohol and recorded music from 1130 until 2330 hours Sunday to Wednesday and from 1130 until 0200 hours Thursday to Saturday. Live music on the first floor from 1130 until 2330 hours Sunday to Wednesday and from 1130 until 0200 hours Thursday to

Saturday. Live music on the ground floor from 1130 until 2300 hours Sunday to Thursday and from 1130 until 0000 hours Thursday to Saturday.

The Licensing and Registration Officer informed the Sub-Committee that the TEN related to an extension of hours for the sale by retail of alcohol and the provision of regulated entertainment from 2330 hours until 0200 hours on 31 August 2015, with the premises closing at 0230 hours. She stated that it was intended that the maximum number of people at any one time to be present during the duration of the TEN is 499 persons.

The Licensing and Registration Officer reported that the premises user had served a copy of the TEN on South Wales Police and the Public Protection Department with South Wales Police submitting an Objection Notice in relation to the TEN to the Licensing Authority. She stated that it was possible for the premises user and South Wales Police to enter into a period of discussion regarding the objections raised which enables the modification of the TEN with the agreement of all parties. The Licensing and Registration Officer informed the Sub-Committee that the timescales governing TENs are relatively short and no agreement had been reached and the Objection Notices were to be treated as not having been withdrawn. PC Rowlatt confirmed there had been no amendments and a full hearing would take place.

The Chairperson invited South Wales Police to present their case.

PC Rowlatt informed the Sub-Committee that this is an application for extra hours of trade on a Sunday preceding a Bank holiday on 30th August 2015 from 'opening hours' until 02.30 am for the supply of alcohol and entertainment both on the premises only until 02.00am with 499 persons on the premises. The TEN was signed and served on the police on Friday 14th August 2015. PC Rowlatt informed the Sub-Committee that the TEN was the second such application to have been received from the premises user since it had opened on 31 July 2015. The first TEN was refused by this Sub-Committee and a counter notice issued. The premises has only been open and operating since the 31st July, effectively two weekends of trade prior to submitting the new TEN. If the TEN is granted, the premises will have been open for 5 weekends this weekend.

PC Rowlatt informed the Sub-Committee that this is a simple case of using a TEN as an extension of hours over those issued by planning legislation and the Licensing Sub-Committee on the grant of the new premises licence for a late night wine bar and restaurant. The application for the grant of a licence for Eden never mentioned the name Ego nightclub, but played a big part on it being a dessert restaurant.

PC Rowlatt informed the Sub-Committee that the TEN will not support the prevention of crime and disorder. Initially she referenced that allowing the TEN would be allowing a criminal offence to take place as the premises would be open contrary to planning. She stated that she knew the Sub-Committee is not bound by planning legislation and so can grant this application even though the event will breach its existing planning hours. South Wales Police understands this position; however it respectfully asked that the Sub-Committee consider the position of South Wales Police. The Legal Officer referenced the statutory guidance and advised that the planning regime and licensing regime are separate and the guidance expressly allows for different times to be imposed by the two regimes. It is clearly stated in the guidance that when this happens the license holder must obey the earlier of the two times, be-it licensing or planning. If the TEN is granted today, and if the planning condition is not amended, then if the premises user opened in accordance with the hours requested in the TEN it may be in breach of the planning consent which would be a criminal offence. This is a separate matter. The legal officer

further advised that as the licensing regime is separate to the planning system the Sub-Committee was not able to consider planning matters relating to the premises.

PC Rowlatt informed the Sub-Committee that it had three options, namely:

1. Grant the TEN as it stands – South Wales Police is of the view that cannot happen as this would be allowing offences to take place which do not enforce the prevention of the crime and disorder licensing objective.
2. Grant it, with conditions transposed over from the existing premises licence. If the Sub-Committee decide to grant it, South Wales Police asked that it transpose all appropriate licensing conditions over from the existing licence so that it will allow the premises to operate as it would as this is a nightclub with the potential of further crime and disorder by its very nature that persons wish to get drunk whilst there or even before.
3. The Sub-Committee could issue a counter notice, which South Wales Police advised would be the correct and necessary response that will support the licensing objectives of preventing crime and disorder. Additionally this event would therefore not add negatively to the existing problem that Bridgend town centre has, late at night.

PC Rowlatt informed the Sub-Committee that this is also not a grant application for extra hours, although that is in essence what this is, and what the applicant wants, who are using the temporary event notice to get it. She stated that there was nothing under the Act that says they could not. PC Rowlatt referred to Subsection 7.2 in the revised Home office guidance which states:-

“The system of permitting temporary activities is intended as a ‘light touch’...where. Instead a person wishing to hold the event ...gives notices to the authority. Point 7.20 states that TENs may be given by premises which already have licences for an ‘event’ ”. Sub-section 7.35 in the revised Home office guidance on TENs states that:-

“7.35 Such cases might arise because of concern about the scale, location, timing of the event or concerns about public nuisance”. South Wales Police do have concerns about this event.

PC Rowlatt informed the Sub-Committee that this event is being held on the Sunday preceding a bank holiday Monday, which is the key day for increased crime and disorder because of the bank holiday. She stated the majority of people have time off work and go out to celebrate when ordinarily they would not be out. The increase of footfall within the town centre is so great that the likelihood of further nuisance, safety issues due to intoxication or reports of crime and disorder is far greater than any other Sunday and even that of the Saturday, which ordinarily would be the spike for an increase in crime. She stated that instead of partying on a Saturday night, most revellers seem to choose the Sunday night to come to town. So much so that South Wales Police have to provide extra police officers to deal with the demand that it brings, demand due to the timing of this event.

PC Rowlatt also referred to the locality of the event and informed the Sub-Committee that it is not bound by the “Saturation / cumulative impact area” which is subject of Bridgend County Borough Council’s “Statement of Licensing Policy”. A policy that was specifically created due to the unacceptably high levels of crime, anti-social behaviour and alcohol related public disorder within Bridgend town centre. This is not a new application and therefore the Sub-Committee does not need to consider the policy. However, South Wales Police informed the Sub-Committee that this policy exists and that the premises are situated within the heart of it, on Market Street. Statistically, there

is a greater potential for an increase in crime and disorder, due to the premises' locality, than if it was situated on another street elsewhere within the Borough of Bridgend. It would be remiss of South Wales Police not to inform the Sub-Committee of these facts when it makes its decision. The premises are situated in an area that is saturated with other late night venues. As the premises have only been open for such a short time South Wales Police cannot give any statistics in relation to the premises and the statistics South Wales Police have were created prior to this night club opening.

PC Rowlatt referred to the scale of the event which allows an extra 499 revellers to be present at the club and out on the street at 02.30 am Monday morning, when other venues are already in operation and these customers spill out on to the streets with all the others. PC Rowlatt questioned how customers will be managed effectively so that they do not add to the existing crime in the town centre and hoped that the applicant has explained succinctly on how this event will be managed effectively so that it will not add negatively to this existing impact area.

PC Rowlatt stated that South Wales Police have grave concerns in granting this event due to the timing, scale and locality of this event and the availability for an extra 499 more persons being catered for in the town centre up to 02.30 in the morning. There would be one late night food premises open to help sober people up.

PC Rowlatt referred to the document attached to the BCBC statement of licensing policy with regard to facts and figures in Bridgend town centre and requested the Sub-Committee pay particular attention to the material times that show an increase in crime and disorder along with the types of crimes that are being reported. She stated that the most recent crime pattern analysis report that has been carried out for the Bridgend Town centre is dated the 30th Dec 2014, for a 3 month period, Oct 2014 – Dec 2014. It was created to assess the impact that the late night economy is having on the town centre and only looked at incidents reported between 18.00 hours and 06.00hours. It was also created to see if the current resourcing levels were adequate. The report highlighted the types of occurrence reported days and times and hot spot locations. The key findings of the report show a total of 210 occurrences for this 3 month period between the hours of 18.00 and 06.00 hours. It shows the occurrence type most reported was PS10 concern for safety (52), with 70 of the 210 night time economy incidents being crimes. The offence recorded on the highest number of occasions was drunk and disorderly (13), assault with injury was also high with no intent (9) was also high. There were 17 violent offences recorded over the period. Occurrences were reported mostly on a weekend, with over 70% of incidents reported mostly on a weekend, being Friday, Saturday and Sunday. Occurrences peaked at 22.00 hours, but were also high between 01.00 hours and 03.00 hours. 'Named premises' saw the highest number of incidents recorded of which 27, 11 of the 17 violent incidents reported occurred at licensed premises.

PC Rowlatt informed the Sub-Committee that this analysis is relevant to this application because occurrences peak around the time that this event wants to go on until; occurrences were reported mostly on a weekend, when this event wants to start. The highest recorded offence is drunk and disorderly. This event wants to sell alcohol until 02.00 am. The highest occurrence type most reported in concerns for safety. PC Rowlatt questioned what will happen to customers at this event once they have finished drinking and dancing until 02.30 in the morning.

PC Rowlatt informed the Sub-Committee this event is for a night club to have extra hours to drink alcohol and party into the late hours on a bank holiday Sunday into Monday with no forethought of the effects that this activity has. She stated Bridgend town centre is already the late night economy hotspot within the whole borough of

Bridgend and there is clearly a causal link between later hours of alcohol sales and violent crime.

PC Rowlatt referred to the Crime and Disorder Act 1998 s 17 which states that a statutory partnership is created between local authorities, the police and other key partners to work together in reducing crime and disorder in all aspects of their work. Section 17 of the Act states "it is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder."

PC Rowlatt stated that South Wales Police have provided information on how this area is already of concern, and therefore allowing the TEN to go ahead will no doubt add to the existing problems. Whilst the premises has been operating there have been two reports passed to the police Licensing team in relation to conduct in the vicinity of the premises.

PC Rowlatt informed the Sub-Committee that the whole aim of the Licensing objectives as stated by section 182 guidance that are vitally important and should be the principal aim for everyone involved. She stated that Sub section 1.5 gives the police the powers they need to effectively manage and police the last night economy.

Reflecting the need of the community - The community does not need another nightclub open until this hour and the police do not need an increase on an already disorderly town centre.

PC Rowlatt informed the Sub-Committee that Licensing authorities should look to the police as the main source of advice on crime and disorder and that the Sub-Committee had been provided with this information based on existing evidence within the late night economy.

In relation to Crime and Disorder, despite police objections a premises licence was issued to the Eden Club dated 21st May 2015 and on it are stipulated many conditions for the premises licence to be compliant. She stated that on the opening weekend police had cause to speak to door staff at the location because persons were attending with bottles and leaving them all out in the street. Street pastors reported attending on several occasions to go to the area and clear it of bottles and potential weapons. This is even though condition 7 on the premises licence states that: "7. The Premises Licence Holder shall ensure that no drinks shall be consumed anywhere outside the curtilage of the premises". PC Rowlatt stated that door staff were not managing the outside area and the extra persons and were not on Pubwatch.

PC Rowlatt informed the Sub-Committee that Operation Raven was in operation for the weekend commencing 31/07/2015. PC Rowlatt referred to a supervisor review on 1 August 2015 at 04:12am by PS 4310 Wilcox, as follows j. log entry: Eden club grand opening weekend - door staff had radio net and separate radio and were seen checking ids. 5 door men working. Owner spoken to who said that tonight only the down stairs is open but on Saturday the upstairs will also be open. No issues tonight. The owner was spoken to who said that some of his staff had persons shouting at them from the flats across the road when closing. No exact flat identified.

PC Rowlatt referred to a second instance as follows: Investigator action on 1 August 2015 23:54pm PC 2662 Harward P. Log entry: MOBILE UPDATE: Eden nightclub - 9 door staff at location 4 downstairs and 5 upstairs. Large number of persons on the road and door staff spoken to in relation to this matter. Persons seen exiting taxis drunk depositing bottles outside club. Street pastors are attempting to clear bottles from

outside club to place in large bins down the road. Pastors state that this has been the third time in the past hour. 250 Persons on premises at time of speaking to door staff.

PC Rowlatt referred to a third instance as follows: Investigator action on 2 August 2015 00:55am PC 5217 Taylor, M. Log entry: MOBILE UPDATE - Eden checked and numerous persons loitering around, sitting on pavements and standing in road. No sign of door staff controlling the location.

PC Rowlatt referred to a recent incident where an ambulance was called to the premises because a person had an injury to his ribs; however it could not be substantiated what happened, just that police assistance was not required.

The Sub-Committee was addressed by Mr Zahid Rasul, the Premises Licence Holder who stated that the crime figures reported by South Wales Police relating to Bridgend town centre pre-dated the opening of his premises which had only been open for a few weeks. He stated that since opening the premises he had deployed 3 staff on the door to the premises to assist people outside the premises. There had been no crime emanating from the premises since it had opened and that he worked with the police.

In relation to a question from the Sub-Committee, PC Rowlatt was unable to provide a breakdown of the 210 incidents of crime and disorder in Bridgend town centre relating to Christmas.

The Licensing and Registration Officer questioned the Premises Licence Holder as to type of event the subject of the Temporary Event Notice. The Premises Licence Holder informed the Sub-Committee that he proposed to open the whole venue for the playing of recorded music; there would be no live music played. He would not be serving food as he did not yet have a kitchen installed and in any event his licence prevented him from serving food after 2300 hours.

The Sub-Committee questioned the Premises Licence Holder as to the numbers of people recorded on the clicker device as having attending the premises on the 2 weekends the premises had been open. The Premises Licence Holder stated there were 350 people at the premises on the opening weekend and 70 people at the premises last weekend recorded on the clicker devices.

The Sub-Committee questioned there would be any other premises open in Bridgend town centre until 0230 hours this weekend. PC Ellis informed the Sub-Committee that there is one licensed premises licensed to open until 0300 hours, other premises in the town centre were able to open until 0230 hours.

The Sub-Committee questioned whether an analysis had been undertaken of crime and disorder arising from premises in the town centre. PC Rowlatt informed the Sub-Committee that there had been no crime and disorder emanating from the premises themselves since it had opened. There had been 6 reported incidents of crime in Market Street in 2013/14 which had reduced to 2 incidents in 2014/15.

The Sub-Committee questioned whether the people sitting on the pavement outside Eden and by the taxi rank had been to the premises. PC Rowlatt stated that it was unclear whether they had been to the premises.

The Sub-Committee questioned whether violent crimes had been recorded as having taken place in premises in the town centre. PC Ellis informed the Sub-Committee that 11 out of 17 crimes had taken place at premises with the peak times being 0100 and 0300 hours which are the times the Premises Licence Holder proposed to hold the Temporary Event Notice. The Sub-Committee questioned the location of the residential

properties in close proximity to the premises. PC Rowlatt stated that there are residential properties above shops in Market Street. The Premises Licence Holder informed the Sub-Committee that he had called the police as people living in the residential properties were shouting at each other. PC Ellis stated there are 9 licensed premises in the Market Street area which are in close proximity to the residential properties. The premises Licence Holder informed the Sub-Committee that residential properties are above the licenced premises known as Berties.

The Sub-Committee questioned the police as to the numbers of people who will be in licensed premises in the town centre on the night of the proposed TEN. PC Ellis informed the Sub-Committee that Sax nightclub has a capacity of 600 and most premises in the town centre were likely to be full to capacity with there between 2,500 – 3,000 people in the saturation area on 31 August 2015. The Sub-Committee questioned the availability of taxis to cope with conveying people home. PC Ellis informed the Sub-Committee that there is a taxi office and rank situated on Market Street and taxis congregate on Derwen Road. He stated that after all the licensed premises had closed there was only one kebab shop open until 0400 hours where people will congregate.

The Sub-Committee adjourned at 10.58am and re-convened at 11.05am.

The Premises Licence Holder informed the Sub-Committee of his application for a TEN on the Bank Holiday weekend. He believed that the Friday and Saturday nights on the Bank Holiday weekend would be quite as most people would go out on Sunday night. He was therefore requesting the same hours as he operated on Saturday nights to apply for the Sunday night over the Bank Holiday until 0230 hours. He stated that his premises are well run and that his premises would be the only one in the town centre which would closing earlier than others who have the benefit of extended hours on the Sunday night. He also stated that this was the last Bank Holiday prior to 'Black Friday', the Friday before Christmas.

The Premises Licence Holder informed the Sub-Committee that he had spoken to the Planning Department regarding the extension of opening hours in the future and that he wished to have the opportunity to establish his business which also operated as a wine bar. He had not opened the restaurant part of his business yet as he believed it takes time to establish this side of the business to get things right and to maintain quality. If he had opened the restaurant it would have to close by 2300 hours in accordance with the conditions of his licence. He informed the Sub-Committee that he operates a strict code on who is admitted to the premises and that the premises are very plush playing relaxed music targeted at an older clientele. He stated that the TEN would give people the opportunity to come along and visit his premises over the Bank Holiday. He also stated that the police had been very supportive of him since the premises had opened and that he intended to run the premises very responsibly and not to create a burden on the police.

The Legal Officer referred to the hours of operation at the premises and asked whether other premises had later closing time on a Friday and Saturday or whether the situation the TENs was creating on this bank holiday Sunday was a mirror of the situation on a Friday and Saturday. The Premises Licence Holder stated that the premises already closed earlier than neighbouring premises. PC Rowlatt informed the Sub-Committee that other premises in the town centre close earlier than Eden, namely public houses which close at 0000 hours or 0100 hours. She stated that the Premises Licence Holder was attempting to compare his premises with nightclubs such as Sax, the Roof and the Railway which have later hours. The Legal Officer stated that she was seeking clarification in order to establish whether there were other venues for people to go to when Eden closed on a Friday or Saturday, given that representations have been made that by granting the TEN there would be nowhere for persons to go. PC Rowlatt informed

the Sub-Committee that the only place for people to go to after 0230 hours would be the kebab shop or to go home. PC Ellis outlined to the Sub-Committee the hours of operation of premises in the town centre this Bank Holiday weekend. The Premises Licence Holder stated that the Railway is open for dancing. PC Ellis informed the Sub-Committee that the Railway and the Roof are public houses which have small dance areas. He stated there are no purpose-built nightclubs left in Bridgend as their licences had been revoked due to crime and disorder problems in the town centre.

The Sub-Committee questioned the number of supervising staff employed at the premises. The Premises Licence Holder stated that he normally employs 6 or 7 door staff at weekends but that he monitors the situation. He employed 10 door staff on the opening weekend and this weekend he proposed to have 9 or 10 door staff. He stated that safety is of paramount importance to him. He informed the Sub-Committee that he checked the numbers on the clicker devices and the dress code of those seeking admittance.

The Licensing and Registration Officer asked whether the Premises Licence Holder had adopted the nite net system. The Premises Licence Holder confirmed that the system was up and running and that all staff are wired up to it.

The Chairperson asked both parties to sum up.

PC Rowlatt informed the Sub-Committee that if it granted this event and did not incorporate their existing licensing conditions, then persons will be free to come and go all throughout the night and create a bottle neck from all other venues that close and customers will gravitate to and from the premises causing issues in the street.

PC Rowlatt referred to paragraph 8.6 of the Council's Statement of Licensing Policy which states:

8.6 The council itself will also have regard to wider considerations including community safety, crime and disorder, litter, noise and the ability of the police and the street and public transport infrastructure to cope with an influx of customers into a particular area for entertainment.

PC Rowlatt stated that any increase in licensable activity has serious potential to increase crime at this premises. The venue is in the heart of the saturation area subject of the special policy area and the Licensing Authority must be mindful of their own policy to limit late licences within this area.

PC Rowlatt stated that there had been no reassurances given on how this application will not have a negative impact on the town centre by increasing customers at the critical time of 02.30 hours on Bank Holiday Sunday. There is already great pressure on the taxi firms at this time and there are residential properties in the vicinity.

The police wish to prevent this event taking place so as to prevent an increase in crime and disorder and to promote public safety and therefore urge the Sub-Committee to issue a Counter Notice in this instance.

The Premises Licence Holder informed the Sub-Committee that he was requesting the grant of his permitted hours which he has on Thursday to Saturday to be applied to this Bank Holiday Sunday 31 August 2015. He stated that he operates his premises within the rules and wished to give the opportunity for people to visit the premises over the Bank Holiday weekend. He also stated that he runs a good operation and had given full time employment to 5 people. He also informed the Sub-Committee that it was in his interest to run the premises properly and responsibly as he had committed a great deal

of investment in the premises and that he wished to have the opportunity to prove himself.

The Sub-Committee adjourned at 11.28am and re-convened at 1.05pm.

RESOLVED: That the Sub-Committee has considered the TEN for 33 Market Street T/A Ego Nightclub.

The Sub-Committee has heard the objections from the Police relating to 3 of the Licensing Objectives:-

- 1) Crime and Disorder
- 2) Public Safety
- 3) Public Nuisance

In relation to crime and disorder, the Sub-Committee has heard from the Police that they were concerned that the premises user would open contrary to planning permission thereby committing an offence. The Sub-Committee has taken into account the statutory guidance at paragraphs 13.57 and 13.58. The Sub-Committee note that the planning permission regime is separate to the licensing regime and the guidance explicitly allows there to be different hours. The guidance expressly states that where the terminal hour for planning permission is different to the licensing hours, the applicant must observe the earlier closing time.

The other aspects of crime and disorder relied upon by the Police are the statistics showing crime in the area for a 3 month period from 18.00 to 06.00 hours. The Sub-Committee note that 70% of the reported crime took place on the weekend, however, no specific statistics were given for Bank Holiday Sundays. The Sub-Committee also note the peak timing of 01.00 – 0300 hours. The TEN asks for times from 2330 until 0200 hours so is partially covered by the statistics. The Sub-Committee note that the premises with the highest number of incidents linked to it was the other late night premises. The Sub-Committee have also noted that in the 2 weekends that Eden Wine Bar/Ego Nightclub has been open there have been no reported crimes.

In relation to public safety, the Sub-Committee has heard that there are limited venues open at 0230 hours to absorb those leaving Eden Wine Bar/Ego Nightclub. The Sub-Committee has taken into account the Police representations that the few establishments cannot cope with the additional 500 people; however, the Sub-Committee have also heard from the

Premises User that this will not be significantly different from a Saturday night.

Further in relation to public safety, the Sub-Committee has heard from the Police, using the aforementioned statistics that the vast majority of reports were in relation to public safety. The Sub-Committee has taken this into account, but note this was prior to Eden Wine Bar/Ego Nightclub opening and is not specific to Bank Holiday Sundays.

Finally, in relation to public nuisance, the Sub-Committee note that since Eden Wine Bar/Ego Nightclub has opened there have been 2 incidents reported. One of an individual in the flat shouting to people on the street, the other of persons sat on the pavement outside Eden and by the taxi rank and that it was unclear whether they had any links to Eden Wine Bar/Ego Nightclub. The Sub-Committee has taken into account the number of residential properties in the area and the steps being taken by the premises user to eliminate people congregating on the street and that the premises user's husband phoned the Police himself.

The Sub-Committee has noted that the premises are within the area covered by the cumulative impact policy, although this policy does not directly relate as this is not the grant of a new licence. The Sub-Committee has also taken into account the general willingness of the premises user to comply with the conditions imposed on the licence, including nite net.

Given the above and given that the premises user is only asking for hours on Bank Holiday Sunday to match those that she has on a Saturday, the Sub-Committee is prepared to allow the TEN to go ahead but impose all the existing conditions on the Premises Licence onto the TEN, as it feels they are appropriate for the promotion of the licensing objectives.

The Sub-Committee also conclude by reminding the premises user of the planning permission restriction. This TEN does not override the planning permission and the premises user must contact the Planning Department should it wish to change the permission. Opening contrary to planning permission is a criminal offence.

The meeting closed at 1.15 pm

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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 CF31 4WB ON TUESDAY, 18 AUGUST 2015 AT 10.00 AM

Present

Councillors
PA Davies
DG Owen

E Dodd

CJ James

PN John

Officers:

Katia Daw
Yvonne Witchell
Sarah Daniel

Lawyer
Licensing & Registration Officer
Democratic Services Officer - Committees

27. ELECTION OF CHAIRPERSON

RESOLVED: That Councillor PA Davies be elected Chairperson for the meeting due to the absence of the Chairperson

(Councillor PA Davies took the Chair)

28. APOLOGIES FOR ABSENCE

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

Councillor DRW Lewis – Holiday
Councillor GW Davies – Holiday

29. DECLARATIONS OF INTEREST

Councillor P John declared a personal interest in that the applicant was known to him in relation to Item 5 and 6 on the agenda. He withdrew from the meeting during consideration of the items as he was unable to view the vehicles.

30. APPLICATION FOR GRANT OF STREET TRADING CONSENT

The Assistant Chief Executive – Legal and Regulatory Services submitted a report which requested the Sub-Committee to determine an application for the grant of a street trading consent for a single vehicle for the sale of ice cream, sweets, tea/coffee, biscuits and crisps from a vehicle in various locations in the County Borough.

The applicant was in attendance in support of the application.

The Licensing and Registration Officer informed the Sub-Committee that the application was originally submitted prior to the expiry date, to renew and extend the scope of the existing consent which covered fixed trading on Newton Beach site and Porthcawl streets as a mobile trader. The applicant had previously provided supporting evidence from the land owner of consent to occupy the fixed trading site at Newton Beach, Porthcawl.

The Licensing and Registration Officer sought clarification from the applicant as to whether she intended to trade at Rhych Avenue, Porthcawl specifically as a site. The applicant confirmed that her application was only to trade at Newton Beach as a fixed site and as a mobile trader in the Porthcawl area.

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

RESOLVED: That consent be granted subject to the standard conditions of the amendments to the application to restrict fixed trading at Newton Beach, Porthcawl site only.

31. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Licensing and Registration Officer submitted a report regarding an application by Forge Travel Limited to licence a vehicle registration number EK64 ESY as a hackney carriage vehicle to seat four persons. The vehicle is pre-owned and was first registered with the DVLA on 31 October 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.

The applicant informed the Sub-Committee that he intended to use the vehicle for school contract work and also intended to use the vehicle to transport passengers for a number of travel agents across South Wales and also to transport patients to and from hospital.

The Licensing and Registration Officer informed the Sub-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 vehicle registration number EK64 ESY as a hackney carriage vehicle to seat four persons.

Given there had been more than 14 days since the first registration it fell outside of para 2.1 of the Hackney Carriage Licensing Policy. Para 2.2 allows a relaxation of the rule in exceptional circumstances.

In considering whether there were exceptional circumstances in this case the Sub-Committee noted the reason for needing a vehicle by 2 September 2015 for the start of a school contract and also noted the age and condition of the vehicle, including the exceptional standards of safety, quality and comfort, therefore the Sub-Committee granted the application.

32. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Licensing and Registration Officer submitted a report regarding an application by Forge Travel Limited to licence a Hyundai I40, vehicle registration number EK14 FPT as a private hire vehicle to seat four persons. The vehicle is pre-owned and was first

registered at the DVLA on 27 March 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.

The applicant informed the Sub-Committee that he intended to use the vehicle for school contract work and also intended to use the vehicle to transport passengers for a number of travel agents across South Wales and also to transport patients to an and from hospital.

The Licensing and Registration Officer informed the Sub-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 Hyundai I40, vehicle registration number EK14 FPT as a private hire vehicle to seat four persons.

Given there had been 14 days since the first registration of the vehicle it fell outside of para 2.1 of the Private Hire Vehicle Policy. Para 2.2.5 allows a relaxation of this policy in certain circumstances namely:

- Exceptional interior and exterior appearance
- Exceptional Safety standards

The Sub-Committee were satisfied that the above circumstances applied and granted the application in view of the exceptional condition of the interior and exterior and the exceptional safety standards of the vehicle.

33. URGENT ITEMS

None

34. 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 Paragraph 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.

LICENSING SUB-COMMITTEE B - TUESDAY, 18 AUGUST 2015

	Minute No.	Summary of Item
	8.	Application for Grant of New Licence
	9.	Disciplinary Hearing for Existing Licence Holder
35.		<u>APPLICATION FOR GRANT OF NEW LICENCE</u>
36.		<u>DISCIPLINARY HEARING FOR EXISTING LICENCE HOLDER</u>

The meeting closed at 12.25 pm

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

18 SEPTEMBER 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

1. Purpose of Report.

- 1.1 To ask the sub-committee to consider the application to grant a licence for a private hire vehicle.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 None

3. Background.

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. These applications are referred to Licensing Sub-Committee for determination.

4. Current situation / proposal.

- 4.1 Application is made by Forge Travel Ltd, to licence a Mercedes Benz Vito vehicle registration number KX14 MLY as a private hire vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 1 May 2014. The applicant has stated that the vehicle has not reached sufficient mileage for any service of the vehicle to be required.
- 4.3 The vehicle is submitted for consideration under the Council's Private Hire Vehicle Policy.
- 4.4 Policy Guidelines

The vehicle policy applicable to this application was approved by the Licensing Committee on 10 March 2008. The relevant extract from the policy is as follows:

“(Policy 2.1) Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent registered keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant's name. Applications will normally be dealt with under the Scheme of Delegation to Officers.

(Policy 2.2.5) A relaxation of the policy will also be considered in exceptional circumstances for applications relating to the first licensing of private hire vehicles. The Council does not seek to limit or define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:

- *That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.*
- *That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.*
- *That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.*

(Policy 2.4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.”

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

7. Financial Implications.

7.1 None for the Authority. The Applicant has paid the application fee.

8. Recommendation.

8.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services
14 September 2015

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Licensing and Registration Officer

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Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

18 SEPTEMBER 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

1. Purpose of Report.

- 1.1 To ask the sub-committee to consider the application to grant a licence for a private hire vehicle.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 None

3. Background.

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. These applications are referred to Licensing Sub-Committee for determination.

4. Current situation / proposal.

- 4.1 Application is made by Forge Travel Ltd, to licence a Mercedes Benz Vito vehicle registration number KX14 MMF as a private hire vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 1 May 2014. The applicant has stated that the vehicle has not reached sufficient mileage for any service of the vehicle to be required.
- 4.3 The vehicle is submitted for consideration under the Council's Private Hire Vehicle Policy.
- 4.4 Policy Guidelines

The vehicle policy applicable to this application was approved by the Licensing Committee on 10 March 2008. The relevant extract from the policy is as follows:

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- *That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.*
- *That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.*
- *That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.*

(Policy 2.4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.”

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

7. Financial Implications.

7.1 None for the Authority. The Applicant has paid the application fee.

8. Recommendation.

8.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services
14 September 2015

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Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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