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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 643148
Ask for / Gofynnwch am: M A Galvin

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

Date / Dyddiad: 22 July 2015

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (B)

A meeting of the Licensing Act 2003 Sub-Committee (B) will be held in the Council Chamber, Civic Offices, Angel Street Bridgend CF31 4WB on **Tuesday, 28 July 2015 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from members/officers.
2. Declarations of Interest
To receive Declarations of personal and prejudicial interest (if any) from members/ officers in accordance with the provisions of the Members Code of Conduct adopted by Council from the 1st September 2008.
3. LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE 33 3 - 14
MARKET STREET, BRIDGEND

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

Distribution:

Councillors:
G W Davies MBE

Councillors
D R W Lewis

Councillors
D G Owen

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB-COMMITTEE

28 JULY 2015

REPORT OF ASSISTANT CHIEF EXECUTIVE, LEGAL AND REGULATORY SERVICES

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

1. **Purpose of Report**

- 1.1 To ask the Sub-Committee to consider Objection Notices submitted by the South Wales Police and the Council's Public Protection Department in respect of a Temporary Event Notice served on the Licensing Authority.

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

- 1.2 None.

3. **Background**

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

4. **Current Situation/Proposal**

- 4.1 On 15 July 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Saima Rasul ("the premises user") in respect of 33 Market Street, Bridgend.
- 4.2 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.
- 4.3 The Premises Licence has conditions prohibiting the premises from opening until the conditions have been complied with.

- 4.4 The Temporary Event Notice relates to an extension of hours for the sale by retail of alcohol and the provision of regulated entertainment from 0200 hours until 0400 hours on 2 August 2015. The premises will close at 0430 hours. The maximum number of people at any one time to be present during the duration of the TEN is 200 persons.
- 4.5 The premises user served a copy of the Temporary Event Notice upon the South Wales Police and the Council's Public Protection Department and the South Wales Police and Public Protection Department have submitted Objection Notices in relation to the Temporary Event Notice to the Licensing Authority. Copies of the Objection Notices have been served on the premises user dated the 16 and 17 July 2015 and are attached at Appendix A and B.
- 4.6 The Licensing Authority is aware that it is possible for the premises user, South Wales Police and the Council's Public Protection Department to enter into a period of discussion regarding the objections raised and that Section 106 of the Act enables the modification of the Temporary Event Notice with the agreement of all parties. Members are advised that the timescales governing Temporary Event Notices are relatively short and that, at the time this report was dispatched, the Licensing Authority had not been notified that any party had reached agreement.
- 4.7 The Objection Notices are to be treated as not having been withdrawn. A copy of the Premises Licence conditions will be available at the hearing.
- 4.8 This hearing must therefore consider the points raised in the Objection Notices and make a determination on the Temporary Event Notice. Having considered the Objection Notices, the Sub-Committee has the following options:
- a) Allow the licensable activities to go ahead as stated in the Temporary Event Notice (TEN);
 - b) If the TEN is in connection with a licensed premises, the licensing authority, may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives;
- or
- c) If it considers that the event would undermine the licensing objectives and should not take place, give a counter notice.

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

- 5.1 None.

6. **Equality Impact Assessment**

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

7. Financial Implications

7.1 None.

8. Recommendation

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

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

Date: 22 July 2015

Contact Officer: Yvonne Witchell
Licensing and Registration Officer

Telephone: 01656 643105

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

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

Background documents:

Temporary Event Notice

South Wales Police Objection Notice

Public Protection Department Objection Notice

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

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

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Appendix A

Licensing Officer 5102 Rowlatt
Community Safety Partnership
Licensing Department
Police Station
Brackla Street
Bridgend
CF31 1BZ

B.3-252/15

Thursday, 16 July 2015

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

Mrs Saima RASUL
Designated Premises Supervisor & Premises Licence Holder
Eden Wine Bar
33 Market Street
BRIDGEND
CF31 1LJ

Sir/Madam,

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

EDEN WINE BAR ,33 MARKET STREET BRIDGEND CF31 1LJ

Extension of hours from CLOSURE on Sunday 2ND August 2015 until 04.30 am.

For the sale by retail of alcohol and the provision of regulated entertainment and to supply alcohol both on and off the premises.

Application is made on behalf of the Chief Officer of Police, to object to the notice as it is believed that the event would undermine the licensing objectives relating to the prevention of crime and disorder and public nuisance as set out in the Act.

Sub section 7.7 of the revised guidance section 182 of the Licensing Act 2003 issued by the Home Office

“A TENS does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.”

CURRENTLY THE BUILDING IS SUBJECT OF PLANNING RESTRICTIONS:

... on Thursday, Friday and Saturday it cannot open between 02.30am and 07.00am.

The reason for this restriction is: In the interests of residential amenities as there are a number of dwellings in close proximity.

The planning authority is not one authority that can object to a Temporary Event notice as this power is only designated to the police and environmental health officers.

Sub section 7.35 under police and environmental health intervention of the revised guidance section 182 of the Licensing Act 2003 issued by the Home Office states "such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance."

South Wales Police respectfully suggest that this event is for the opening weekend of this premises which should not be managed by a TENS but by the premises licence that it has been issued with.

That the operation of such a large premises, with such additional hours, outside of its planning hours will only set a precedent for future events. The premises is located in the saturation policy / cumulative impact area and the grant of this event is likely to have a negative impact in this area if it is granted therefore consideration should be given to refuse this application and issue a counter notice.

Yours faithfully,



Licensing Officer 5102 Rowlatt

Mrs Saima Rasul
Designated Premises Supervisor
and Premises Licence Holder
Eden Wine Bar
33 Market Street
Bridgend
CF31 1LJ

**Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol**
Direct line / Deialu uniongyrchol: (01656) 643256
Ask for / Gofynnwch am: Mrs Jane Peaty
Our ref / Ein cyf: EJD
Your ref / Eich cyf:
Date / Dyddiad: 17th July 2015

Dear Madam

LICENSING ACT 2003, SECTION 100
TEMPORARY EVENT OBJECTION NOTICE
EDEN WINE BAR, 33 MARKET SREET, BRIDGEND CF31 1LJ

Extension of hours from closure on Sunday 2nd August 2015 until 04.30am
For the sale by retail of alcohol and the provision of regulated entertainment and to supply alcohol both on and off the premises.

Application is made by the Public Protection Department to object to the notice as it is believed that this event will undermine the licensing objective relating to Public Safety as set out by the Act.

It is a condition of your premises licence that prior to opening, you provide the Department with the attached documentation. You have not provided this information and as such have failed to demonstrate that the premises will not impact on public safety. Should the relevant documentation be submitted, I will remove this objection.

Yours faithfully



Jane Peatey, Principal Environmental Health Officer
On behalf of **ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES**

Appendix 1

Health & Safety Policy

1. Where there are five or more employees, a written statement of general policy with respect to health and safety must be provided and revised as often as appropriate. The health and safety policy statement should set out how health and safety will be managed in the premises. It is a unique document that shows **who** does **what**; and **when** and **how** they do it.

The matters normally dealt with in the 'Arrangements' section of the safety policy would include: -

- | | |
|------------------------|---------------------------------|
| A) First Aid | G) Accident recording/reporting |
| B) Fire Safety | H) Training |
| C) Electrical Safety | I) House Keeping |
| D) Manual Handling | J) Machine Maintenance |
| E) Protective Clothing | K) Hazardous Chemicals |
| F) Lift Safety | L) Noise |

The above list is not exhaustive and any other matters relating to the specific business activities should be included.

Risk Assessments

2. A suitable and sufficient assessment of the risks to health and safety of employees and others shall be made. The assessment is a systematic examination of all work activities undertaken and the risks they create for employees, visitors, customers and others. A written record is required of the assessment if there are **more than five employees**.

The following principles should be applied when deciding the necessary control measures:

- if possible avoid a risk altogether e.g. do the work in a different way, taking care not to introduce new hazards
- combat the risks at source e.g. replacing slippery steps is better than displaying a warning sign;
- adopt working requirements to the individual;
- take advantage of technological and technical process;
- implement risk prevention measures that protect the whole workstation rather than individuals;
- ensure that all workers and other people on site understand what they must do; &
- the existence of a positive safety culture that is recognised at all levels within the organisation.

Procedures for Serious or Imminent Danger

3. Establish procedures to be followed in situations of serious or imminent danger e.g. fire, bomb alert etc. Procedures should set out clear guidance when workers should stop work and how they should move to a place of safety. Identify competent persons to implement procedures, identifying their specific roles and responsibilities. The procedures and competent persons must be brought to the attention of all staff.

Passenger Lift

4. Provide a lifting equipment certificate for the passenger lift. The lifts must be thoroughly examined by a competent person at intervals: -
 - a) Equipment for lifting persons or a lifting accessory must be examined **every six months**;
 - b) Other lifting equipment every 12 months; &
 - c) or in accordance with an examination scheme.

A LOLER report of the examination must be sent to the person responsible for the equipment (duty holder). **A copy of the latest record of such a check to this office must be forwarded to the Public Protection Department.**

The maximum load, which the lift can carry must be clearly marked in a conspicuous position within the lift car, this should include the maximum number of persons to be carried.

Gas Safety

5. All gas appliances and heating systems must be maintained in safe working order and checked for safety at least every 12 months by a competent person who is registered under the Gas Safe Register scheme. Up to date records of appropriate safety checks must be kept and made available for inspection. **A copy of the latest record of such a check must be forwarded to the Public Protection Department.**

Electrical Safety

6. The electrical installations (mains electrics) and portable equipment must be maintained in a safe working condition. In most commercial premises it is appropriate for the electrical installation to be inspected by a suitably competent person at least every 5 years. A competent person must be employed to test and inspect the mains electrical installations and keep a copy of this certificate at the premises so that it can be checked as and when required for future inspections. **A copy of the latest electrical inspection report must be forwarded to the Public Protection Department.**

Management of Asbestos

7. A person with responsibilities for the repair and maintenance of non-domestic premises must find out if there are, or may be, asbestos-containing materials (ACMs) within the building.

The duty to manage will require the duty holder to:

- Take reasonable steps to find asbestos on their premises and assess the condition of these materials;
- Presume that materials do contain asbestos unless there is strong evidence that they do not;
- Prepare a record of the location and condition of asbestos, or presumed asbestos, materials and assess the risks from them;
- Prepare and implement a plan to manage those risks; and
- Provide information on the location and condition of the materials to anyone who is liable to disturb them. (E.g. Staff, contractors)

The duty requires that information on the location and condition of the asbestos is made available to anyone liable to work on it or disturb it. Any employees involved in building

maintenance work and any contractors working on the premises should know if the building contains, or may contain, asbestos. They should also be told where it is and that there are potential risks to their health if they disturb it.

