

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

7.     APOLOGIES FOR ABSENCE

None.

8.     DECLARATIONS OF INTEREST

None.

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

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are relatively short and no agreement had been reached and the Objection Notices were to be treated as not having been withdrawn.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 30<sup>th</sup> 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 14<sup>th</sup> 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 31<sup>st</sup> 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. She stated that 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 advised that if the premises user opened in accordance with the hours requested in the TEN it would be in breach of the planning consent which would be a criminal offence. She further advised that the licensing regime is separate to the planning system and therefore 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:

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.

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.

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 30<sup>th</sup> 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 at these 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 the premises had closed earlier. The Premises Licence Holder stated that the premises already close 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. 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.

Committee

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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-note that 70% of the reported crime took place on the weekend, however, no specific statistics were given for 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 5 weeks, 2 weekends, Eden Wine Bar/Ego Nightclub has been open there have been no reported crimes.

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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 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.

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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 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