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Bridgend County Borough Council



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

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
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**Gwasanaethau Gweithredol a Phartneriaethol /
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /:
Gofynnwch am / Ask for: Andrew Rees

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

Dyddiad/Date: 14 December 2016

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, 20 December 2016 at 2.00 pm.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
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 Eden Bar & Ego 33 3 - 12
Market Street Bridgend

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:
GW Davies MBE

Councillors
PN John

Councillors
DRW Lewis

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB-COMMITTEE

20 DECEMBER 2016

REPORT OF CORPORATE DIRECTOR, OPERATIONAL & PARTNERSHIP SERVICES

LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE EDEN BAR & EGO 33 MARKET STREET BRIDGEND

1 Purpose of Report

- 1.1 To ask the Sub-Committee to consider an Objection Notice submitted by the South Wales Police in respect of a Temporary Event Notice served on the licensing authority.

2 Connection to Corporate Improvement Plan/Other Corporate Priority

- 2.1 None

3 Background

- 3.1 Upon receipt of a Temporary Event Notice the Relevant Persons may issue an Objection Notice. In these circumstances it is the duty of the licensing authority to hold a hearing to consider the Objection Notice, unless the premises user, the Relevant Persons which gave the Objection Notice and the authority agree that a hearing is unnecessary; and, having regard to the Objection Notice, 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.

4. Current Situation/Proposal

- 4.1 On 9 December 2016, the licensing authority received a Temporary Event Notice ("TEN") from Saima Rasul ("the premises user") in respect of a Boxing Night event to be held at Eden, 33 Market Street Bridgend on Tuesday 27 December 2016 stated as 1200 to 0430 hours, for the sale by retail of alcohol and the provision of regulated entertainment, on the premises only. The maximum number of people at any one time to be present is **499**.
- 4.2 The premises has the benefit of a Premises Licence.

- 4.3 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 has submitted an Objection Notice in relation to the Temporary Event Notice to the licensing authority. A copy of the Objection Notice has been served on the premises user dated the 13 December 2016. Details of the objection are set out in the Objection Notice at Appendix A.
- 4.4 The licensing authority is aware that it is possible for the premises user and the South Wales Police to enter into a period of discussion regarding the objections raised and that Section 106 of the Act enables the modification of 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.
- 4.5 The Objection Notice is to be treated as not having been withdrawn. There are no policies relating to Temporary Event Notices within the Council's Statement of Licensing Policy. The Sub-Committee must have regard to the statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Section 7 relates to Temporary Event Notices.
- 4.6 This hearing must therefore consider the points raised in the Objection Notice and make a determination on the Temporary Event Notice. Having considered the Objection Notice, 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 Notice 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.

P A Jolley – Corporate Director, Operational & Partnership Services

Date: 14 December 2016

Contact Officer: Yvonne Witchell, Team Manager - Licensing

Telephone: 01656 643643

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

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

Background documents: Temporary Event Notices
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.gov.uk

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

B.3-441/16

Tuesday, 13th December 2016

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

SAIMA RASUL FOR EDEN BAR & EGO, 33 MARKET STREET BRIDGEND CF31 1LJ

Tuesday 27th December 2016 from 00.00 to 04.30 hours, for the sale by retail of alcohol, the provision of regulated entertainment, on the premises only, with approximately 499 persons in attendance.

Application is made on behalf of the Chief Officer of Police, to object to this temporary event notices (TEN's) as it is believed that the events would undermine the licensing objectives relating to the prevention of crime and disorder and public safety as set out in the Act. As TEN's are limited by time constraints, further information will be amplified should this matter proceed to a hearing.

THE PREMISES

The notification is in relation to an existing venue that is already subject of a premises licence, BCBC LP 655 dated **8th January 2016, Issue 1**. It is already authorised to supply alcohol and provide regulated entertainment and late night refreshment. This notification is not asking for any extra licensable activities.

<u>The current supply of alcohol hours are:-</u>	Sunday to Wednesday: 12.00 – 00.00 hours
<u>The current opening hours are:-</u>	Sunday to Wednesday: 11.30 – 00.30 hours
	Thursday: 11.30 – 02.30 hours
	Friday: 11.30 – 03.30 hours
	Saturday: 11.30 – 04.30 hours

The current licensable activities are:-

Sale of alcohol ; Recorded Music, Performance of Dance and Anything of a similar nature to Live Music, Recorded Music and Performance of Dance and Boxing or Wrestling:

The committee therefore need to be made aware of what regulatory measures have already been authorised for this premises.

Section 182 guidance: point 7.20 TENS may be given in respect of premises which already have a premises licence to cover licensable activities NOT PERMITTED BY THE EXISTING AUTHORISATION.

The premises is referred to in this notification as a 'Wine Bar' with the bar being situated on the ground floor. Upstairs is referred to as 'Ego nightclub' and is situated on the first floor. The capacity limits as described in a premises risk assessment curtails the number of persons that can frequent the premises safely as:

"350 on the ground floor at any one time

And 150 which can occupy the first floor. An overriding capacity of 500 being acceptable on both."

Any TENS can only allow 499 persons, including staff to be present at any one time under an event so this notification has not be curtailed to the ground floor capacity limitations. Therefore, for this amount of people to be allowed entry to the building the premises would have to be open on both floors.

This risk assessment states:-

It is imperative that door staff control numbers externally upon entrance and also internally between floors, this will be reflected in the fire risk assessment, bearing in mind the divide is 350 for the ground floor and 150 for the 1st floor.

(Extract from 'Sustain Fire and rescue' fire risk assessment on Eden & Ego)

THE (TEMPORARY EVENT) NOTIFICATIONS

It is important that the committee is made aware of the likely effect the grant will have, if a decision is made to grant this TENS.

The notification wants to operate from midnight, we assume, however the notice does state '12.00 Until 04.30am.'

This does need to be clarified in relation to existing regulations and conditions however we will assume that the notification is for licensable activity to start from the terminal time on the existing premises licence 00.00 hours on a Tuesday and to extend this sale until 04.30 am.

THE HOURS

It is important for the committee to be reminded that TENS do not cover any closing times, they just authorise licensable activity, as they are intended to be used for places that do not have a licence. This notification wishes to extend the sale of alcohol for 4 and a half hours.

However, a premises asking for extra licensable activity via a TEN does not include a closing time as effectively they can close whatever time they chose. However the closing times are important factors for service industries like taxis and the police to be able to cater for potentially 500 persons, out in the town centre, all at one time. Therefore it makes sense for applicants to include them within their notifications and in fact it is something that the police do ask for.

The information on closing times are also important for the committee to be aware of, when making an informed decision regarding the effects that granting such a TENS can have on the licensing objectives. Not only on the flow of patrons leaving a premises at a specific time, but also the effect this can have on street disorder and limited transport links to service these customers, on one off events.

If the notice has been given to allow public access to the premises for a longer period, then there is a far greater risk that this will have a negative effect on the licensing objectives and Bridgend town centre. What time will the premises be closing and what measures will be put in place to support the crime and disorder and public safety element of the licensing objectives. The grant of this notice will make the premises clash with a competitor, one that has a far greater capacity for customers hence further potential problems over the existing transportation links that will be unable to supply such great quantities at once.

Running with later hours will also have an effect on the town centres 'saturation policy' known as 'the cumulative impact' of other venues that are in close proximity and the times they all close. If they all close at the same time then there is a higher probability of disorder linked to these events, as there is a possibility that all revellers will need taxis ALL at the same time, causing a potential problem. The other late night food venues in the town centre will already be closed prior to the terminal hour of this TENS, so there literally is nowhere else for the customers to go.

Not knowing the time that the premises wishes to close is detrimental to the panel making an informed decision about the likely effect it is likely to have on the autonomy of the town centre.

BACKGROUND TO OBJECTIONS

Section 182 of the Licensing Act 2003 7.35

"Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance."

Police have objected to this notice under the crime and disorder and public safety objective. Police have evidence that crime has been reported under notices with similar timings that were not previously objected to.

Tens 9 & 10 for the weekend of the 20th November 2016, two incidents were recorded. One called in by the applicant of an allegation of a stolen mobile phone.

1600448751 20/11/2016 02.01 CR41 Theft & handling

"Two female caught stealing. We have detained two females for stealing a bag. The girls are kicking off. They are aggressive and ready to punch out at door staff."

This occurrence has been crimed as a theft but police could not prove that a theft of a mobile phone had taken place. The door staff had not detained two females. Only 1 subject was nearby and searched which proved negative. The victim was highly intoxicated and did not see her mobile get taken, her cash was still in her bag, and she still had her bag. Officers were informed it was caught on CCTV.

When officers viewed the CCTV this was not the case. No persons were seen to remove a mobile phone and the females believed to be looking into the bag on CCTV is believed to be the victim and her friend.

However, whilst officers were on scene they were diverted to another call, one of assault, Occurrence 1600448806 at 02.50 hours in reported.

1600448806 20/11/2016 02.50 "ASSAULT"

CR37 Violence against the person. Crimed as 8/1 'Assault with injury no intent'

Modus operandi:

"Alcohol related. The victim has been approached by the suspect who has punched him once to the face in an unprovoked attack, suspect detained by witness and police contacted. "

CCTV does not show the assault.

Victim went to hospital and updated officers with his injuries "his jaw is quite bruised and swollen"

In interview the suspect stated:-

"...he was at the Eden bar with a friend and had drunk 10 pints. That on a scale of intoxication he was 7/10. He doesn't remember full details of the incident"

A further incident was also recorded.

1600435412 Operation Raven 12/11/2016

Swp4986 SULLIVAN
Supervisors review
Eden: Call from CCTV at 04.01 hours stating there was a disturbance in Market Street. Units attended and called for further assistance as a large crowd was present. A couple of minor altercations, no offences alleged.

The committee also need to be made aware that a reported incident was received by SWP last Boxing night.

1500475648 27/12/2015 01:54 Disturbance

PS10 Concern for Safety
ONGOING FIGHT
EDEN NIGHT CLUB BRIDGEND - 15 MALES TURNING CLUB UPSIDE DOWN. NO WEAPONS
OTHER THAN TABLES ETC.

This 999 call was received from a mobile phone where the details of the caller were taken and the original details of the call taken.

The incident was graded as an emergency response as the fight was ongoing and officers were dispatched.

On arrival the troublemakers had gone and security updated the police stating:-

"That a number of males were at the premises causing trouble but left before police attendance. No description of the group or individuals was available."

The officer did not check CCTV on the night and CCTV was not available once the incident was investigated further.

Therefore, crime occurrences are being recorded against the premises whilst previous notification were given, at times when the previous notifications were in place. Previous incidents have also been recorded on the date in question and therefore highly likely, over the festive period, that incidents will happen again.

BACKGROUND TO PLANNING

7.7 Section 182 of the Licensing Act 2003 which states: -

"A TEN DOES NOT RELIEVE THE PREMISES USER FROM ANY REQUIREMENTS UNDER PLANNING LAW FOR APPROPRIATE PLANNING PERMISSION WHERE IT IS REQUIRED."

SWP fully understand that planning and licensing are different regimes however; the council's "*Statement of licensing policy*" in respect of the Licensing Act highlights that the earlier closing times must be observed and this panel needs to be aware that there are recent developments in relation to failure to comply with planning restrictions and observing the later times. SWP can also prove that crimes have taken place after the restricted planning times.

SWP can supply witness statements in relation to failing to adhere to the planning hours as information has been received that a potential prosecution case is running. Statements have been provided after a breach of condition notice was served.

SWP also state that several statements have also witnessed further planning breaches after December 2nd 2016 when a counter notice was given by a previous panel.

PS 4986 Sullivan witnessed a breach at :- 03.25 hours on 3rd Dec 2016
PC 5497 Freeth witnessed a breach at :- 03.33 hours on 3rd Dec 2016
PC 5465 Thomas witnessed a breach at :- 02.40 hours on 4th Dec 2016
PC 5365 Richards witnessed a breach at :- 03.28 hours on 11th Dec 2016
PC 4347 Wheeler witnessed a breach at :- 03.45 hours on 11th Dec 2016

To make an informed decision the panel need to be made aware of such matters.
The panel therefore have to be satisfy that the applicants are fully aware that a TENS does not override any planning notice.

CONCLUSION

South Wales Police submit that to approve this event will increase crime and disorder and public safety both at the premises and within the area where the premises is situated. The event will not promote the crime prevention objective due to the timing of it and the scale at this time of year. There is further evidence that the effect is likely to be negative, based on past experiences.

1. Therefore granting the TEN's with conditions transposed from the existing premises licence will not reduce further offences from taking place.
2. Therefore SWP believe you should issue a COUNTER NOTICE.

A COUNTER NOTICE will promote the licensing objectives and not add to the existing problems



PS 4298 Angela Bennett
Community Safety Sergeant

