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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
let us know if your language choice is Welsh.*



**Gwasanaethau Gweithredol a Phartneriaethol /
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /: 01656 643147
Gofynnwch am / Ask for: Andrew Rees

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

Dyddiad/Date: 17 May 2017

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (A)

A meeting of the Licensing Act 2003 Sub-Committee (A) will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 23 May 2017 at 1.00 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 35 Market Street, Bridgend 3 - 10

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

SE Baldwin
RJ Collins
PA Davies
DK Edwards
T Giffard

Councillors

RM James
B Jones
M Kearns
DRW Lewis
JE Lewis

Councillors

DG Owen
A Pucella
G Thomas
JE Williams

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING ACT 2003 SUB-COMMITTEE

23 MAY 2017

REPORT OF CORPORATE DIRECTOR, OPERATIONAL & PARTNERSHIP SERVICES

LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE 35 MARKET STREET, BRIDGEND

1. Purpose of Report

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

None

3 Background

Upon receipt of the 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 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. The authority also has the power to apply existing premises licence conditions to the Temporary Event Notice.

4. Current Situation/Proposal

4.1 On 5 May 2017, the licensing authority received a Temporary Event Notice ("TEN") from Zahid Rasul ("the premises user") in respect of 35 Market Street, Bridgend.

4.2 The premises has the benefit of a Premises Licence, Tom's Bar, from 1000 until 0200 hours Monday to Thursday, from 1000 until 0300 hours on Friday and Saturday, 1200 until 0030 hours on Sunday and Easter Sunday, 1200 until 0200 hours on Sundays which precede Bank Holiday Mondays. The Temporary Event Notice relates to the sale by retail of alcohol and provision of regulated entertainment in the early hours of Sunday 28 May 2017 from 0300 to 0500 hours and Monday 29 May 2017 from 0200 until 0400 hours.

The maximum number of people at any one time to be present is 400.

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 South Wales Police have 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 and is attached at Appendix A.

- 4.4 The licensing authority is aware that it is possible for the premises user and 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. A copy of the Premises Licence conditions will be available at the hearing.
- 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

None

6. Equality Impact Assessment

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

None

8. Recommendation

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 on the Temporary Event Notice.

P A Jolley – Corporate Director, Operational & Partnership Services
Date: 17 May 2017

Contact Officer: Yvonne Witchell, Team Manager - Licensing

Telephone: 01656 643105

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

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

Background documents: Temporary Event Notice
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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PC David Rees-Community Safety Partnership
Licensing Department
Central West Division
Police Station
Brackla Street
Bridgend
CF31 1BZ

Ref: DLR /B.3-121

Thursday, 11th May 2017

OBJECTION NOTICE

Legal Services Department
Operation and Partnership Services
Bridgend County Borough Council
Angel Street
BRIDGEND
CF31 4WB

Zahid Rasul



Notification under section 100 of the Licensing Act 2003 for Temporary Event Notice 35 Market Street, Bridgend. CF31 1LJ.

Extension of hours for the Bank Holiday weekend from 0300am on Sunday 28th May 2017 until 0500am on Sunday 28th May 2017 and 0200am on Monday 29th May 2017 until 0400am on Monday 29th May 2017.

For the sale by retail of alcohol and the provision of regulated entertainment. To supply alcohol 'on the premises only', with a 30 minute wind down period of alcohol sales included for 400 persons.

I refer to the above application receipt is acknowledged and I would inform you that there are police objections in respect of this matter.

Application is made on behalf of the Chief Officer of Police, to object to this temporary event notice (TEN) as it is believed that the event would undermine the licensing objectives relating to the prevention of crime and disorder, public nuisance and public safety as set out in the Act. The amended TEN was served on SWP on 9th May 2017 altering the original application that was signed as the 5th May 2017.

The premise 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.

This is the third Temporary Event Notification from the applicant, the first being a Late TEN which was refused, the second TEN having been granted for Bank Holiday weekend covering the 29th April 2017 and this application being the third.

The second event which SWP offered no objections to went ahead however, unfortunately a violent incident was recorded in the early hours of the morning. This incident reports a male having been ejected from the premises who was then located by Police as he made allegations of criminality at the premise. He also alleged that he had been assaulted inside the premises (occurrence 1700155002 date 01.5.2017 time 0300hrs) refers.

Under the licensing objective of Prevention of Crime and Disorder no call was made by the premises to SWP therefore the allegation of assault has now proved difficult to establish.

This male was then left on Market Street at about 0300hrs in the morning in an area which contains residential properties against the Licensing Objectives to Prevent Public Nuisance as staff showed no duty of care to this man, it was the timely arrival of Police who located him

This premises is next door to the Eden Club which is run and owned by the same family and it appears that persons locally are also referring to the new premises as Eden and it is often difficult to differentiate which premise is being referred to as the signage upon this premise also reads Eden. We therefore have two separate premises which are next to each other both owned and run by the same family and both premises are called Eden.

On the same night to this second TENS, a Domestic Violence assault was reported whereby the female victim was thrown to the ground by a male aggressor (occurrence 1700164300) refers.

Victims have stated that they had just left Eden Club prior to the assault taking place.

Having assaulted his partner the male then turned his aggression and assaulted his partners female friend by grabbing her around the throat and forcing her against a wall (occurrence 1700164480) refers.

Both of these assaults took place near to the premises location and again no call or staff intervention was made which may assisted in helping to Prevent this Crime & Disorder taking place.

It is still unclear which premises is being referred to, this incident resulted in the arrest of the Male person who was clearly drunk, aggressive and disorderly, he was restrained by Police Officers upon his arrest and interviewed a number of hours later due to the level of his intoxication.

The new premises is now operating under the existing Premises License and there are two conditions on the Operating Schedule which cause concern.

Annex 2 - Conditions Consistent with the Operating Schedule

General – All four licensing objectives:-

8. No admission/re-admission to be permitted after 0020 hours on Sundays.

So in effect no persons could enter the premises from 0020hrs until 0300hrs on Sunday 28th May & 0020hrs until 0200hrs on Monday 29th May and this would certainly have a negative impact on Preventing Crime and Disorder due to the high volume of customers queueing to access the premises.

Annex 2 - Conditions Consistent with the Operating Schedule

2) The licensed premises are structurally adapted and are bona fide used or intended to be used for the purpose of providing music and dancing and substantial refreshment to which the sale of intoxicating liquor **is ancillary**.

It is believed that the sale of alcohol is not ancillary to substantial refreshments, music and dancing at this premise.

Allowing the event to go ahead will increase the calls to the emergency services, due to alcohol consumption during a Bank Holiday period that will already be stretching police resources far and wide. That the operation of such a premises with such additional hours, will only increase the level of crimes in the area.

Therefore SWP cannot support this notification and believe that a hearing is necessary and proportionate.

Yours faithfully,



3643

PC 3643 David Rees

