

LICENSING ACT 2003 SUB-COMMITTEE (A) - MONDAY, 14 AUGUST 2017

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON MONDAY, 14 AUGUST 2017 AT 14:30

Present

Councillor DRW Lewis – Chairperson

DK Edwards DG Owen

Apologies for Absence

Officers:

Katie Brook Senior Licensing Technical Officer
Katia Daw Lawyer
Mark Galvin Senior Democratic Services Officer - Committees

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

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

The Senior Licensing Officer (Technical) presented a report, which asked the Sub-Committee to consider an Objection Notice submitted by the South Wales Police in respect of a Temporary Event Notice (TEN) served on the licensing authority.

The report provided some background information, following which it advised that on 2 August 2017 the licensing authority received a TEN from Mr Z. Rasul (the premises user) in respect of 35, Market Street, Bridgend.

Paragraph 4.2 of the report advised that the premises had the benefit of a Premises Licence (Tom's Bar), which allowed it to open during the hours confirmed in this section of the report.

The Senior Licensing Officer (Technical) added that the premises user had served a copy of the TEN upon the South Wales Police and the Council's Public Protection Department, and that the Police had submitted an Objection Notice to the application to the licensing authority, attached at Appendix A to the report.

At the time of the meeting Agenda and accompanying papers being served on Members and interested parties, there had been no discussion between both the relevant parties with a view to resolving the application, and both the SWP and the applicant confirmed that this remained the case.

Paragraph 4.6 of the report then outlined the powers available to the Sub-Committee in the consideration and subsequent determination of the application.

The Senior Licensing Officer (Technical) finally advised, that with the consent of the Chairperson of the Sub-Committee and both representative parties, an amended Objection Notice from South Wales Police had been tabled together with Mandatory Conditions of Licence (affecting the premises).

The Chairperson therefore asked the Police representatives to present their submission.

PC Rees advised that on Friday 4 August 2017 South Wales Police (SWP) responded with an objection notice to a Notification for a Temporary Event.

The Notification was for 35 Market Street Bridgend Eden Live Lounge & Club on Monday 28th August 2017, with the applicant and Zahid Rasul being the designated Premises Supervisor of the premises.

By way of background, PC Rees explained that this notification was served on the SWP by hand at Bridgend Police station on Wednesday 2nd August 2017.

It related to extending the sale of alcohol at a premises formally known as Tom's bar, which is currently licenced by BCBC as LP 211. 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 this part of Bridgend town centre. However, this licence was carried over from the old 1964 Act, well before the Saturation policy existed he added.

The current premises licence BCBCLP 211 has restrictions to trade on a Sunday. The normal hours on a Sunday under the current licence Issue 7 05/05/2015 states:-

Times the licence authorises the carrying out of licensable activities:

Supply of alcohol:
Sunday & Easter Sunday: 1200 - 0030 hours

However, the licence notes that trade on a Bank holiday Sunday may differ and so the premises is already allowed extra hours to trade and states:-

Times the licence authorises the carrying out of licensable activities:

Supply of alcohol:
Sundays which precede Bank Holiday Mondays: 1200 - 0200 hours

Therefore normal Sunday trading hours would be until 0030 hours taking with this really being 0100 hours with a 30 minute wind down.

With the already extended trading hours of Sundays which precede a public holiday until 0200hrs, this would take the closure time to 0230 hours with a 30 minute wind down period.

PC Rees explained that currently the applicant has an extra 2 hours of trading on this date, although he didn't appear satisfied with this.

SWP believed these hours and conditions are adequate, as crime and disorder is already being reported and is only likely to increase.

The applicant requested an extension of hours for the Bank Holiday Monday 28th August 2017 from 0200 hours until 0430 hours, for the sale by retail of alcohol on the premises only, and the provision of regulated entertainment for 400 persons taking it to close at 0500 hours.

With regard to the history of TENS at the premises, PC Rees advised Members that the current applicant took over control for premises BCBCLP 211 on the 4th April 2017. This was the fourth TEN applied for since this time, the first being a late TEN application which was subsequently refused.

The second event (for 30th April and 1st May 2017) SWP offered no objections to, however, an incident was recorded in the early hours of the morning, stating a male had been ejected from the premises for fighting. Incident 145 at 02.55 hours on the 1st May 2017 and Raven occurrence 170015500 refers. The time of the TENS commencing was 0230 hours and was in operation on the Early May Bank holiday when the calls were received.

The third TEN, (for the 28th and 29th May 2017) SWP gave a counter notice and presented their findings at a hearing of the Licensing Act 2003 Sub-Committee on the 23rd May 2017. The Sub-Committee granted the TEN adding several conditions in respect of the TEN from the existing Premises Licence. This was evidenced in the determination from the hearing dated 23rd May 2017. This TEN had experienced crime and disorder during the duration of the TEN and these incidents would be referenced as part of Police's case for objecting to this current TEN.

To help prevent further problems of crime and disorder the premises licence states the following conditions:

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.

The no admission / re admission condition was put in place so in effect no persons could enter the premises from 0020hrs and it remained in place for the duration of the TEN(S). The Sub-Committee noted in their determination that adhering to this Condition would reduce concerns of public nuisance and the potential for queues outside in the street.

It was discussed whether this condition would affect the TEN. Because the condition was specific to 02:00am on a Sunday morning, it would have no effect to the current TEN being considered. The only such condition which would affect the TEN being considered was a similar clause being no re-admittance after 02.00am on Monday morning. There was no such condition on the licence which would be able to be transferred onto the TEN and no new conditions for the TEN can be imposed.

“The committee have considered this and noted that other premises would be open and therefore queues are unlikely to form as upon being advised entry is not possible the person would disperse to other locations.”

In respect of a quote from a previous determination in respect of a TEN for Eden Wine bar, the Sub-Committee on the 23rd May 2017 were assured by the applicant that this Condition and all other Conditions would be adhered to, however, confirmed PC Rees, the fact remained that this Condition was not adhered to, and persons were allowed access to and from the premises. This was evidenced in CCTV footage and therefore is a clear breach of the

Licensing Conditions and remains as a Section 136 breach of the Licensing Act 'unauthorised licensable activity.'

PC Rees asked the Chairperson if he would consent to the Sub-Committee seeing CCTV footage which came to light upon the daily review of incidents 1700204864 and 1700204866. The footage related to when the last TEN was granted at the premises on 29 May 2017. There had been no reported incidents from the management during this event which, failed to support the Licensing objectives, however, the footage was a real concern as it showed disorder occurring at the premises, with the management not supporting the Licensing objectives due to their failure to report the incident and manage this appropriately. SWP believed that the Sub-Committee should be shown the footage as it shows violent incidents before and during the operation of the last TEN.

The Chairperson agreed that the CCTV footage could be played upon which the SWP could comment, with the applicant then being given an opportunity to respond to these incidents.

PC Rees begun playing the CCTV footage and explained as follows:-

The CCTV reflected a number of incidents at the premises and staff not being effective or professional, which resulted in:

At 0100 hours

1. Fighting, with customers of Eden being viewed outside the premises in a verbal altercation. Staff appear to do nothing to initially calm down the persons involved, which then leads to an escalation of the incident, with no steps being taking to try and remove persons already in the smoking area in order to comply with health and safety regulations and avoid any potential trouble. Some assaults witnessed, but it also noted that no persons were detained by staff, and in fact they were even allowed to go back into the premises after the altercations had taken place.

At 0108 hours

2. Male restrained and removed from the premises by door staff. The male is being restrained on the floor, with the use of force adopted by the door staff being questioned and difficult to defend. The footage showed a lack of professionalism, with the person in question who had also been involved in the previous incident being allowed back into the premises. Through this action, staff were actually encouraging and promoting Crime and Disorder to take place. A male and female involved in the earlier fighting were seen at this time exiting the premises.

At 0238 hours

3. Male ejected from the premises with again the level of force being questionable. A large male who is not displaying any security identification appears to place him in a neck/choke hold until the male loses consciousness for a moment. Door staff take initial control and then the male appears to engage in some sort of jovial play fighting with door staff which appears very unprofessional considering the level of force used against him. This continues for some time before it gets serious and later he is allowed back into the premises. Customers are placed in danger due to these actions, with once more the prevention of Crime and Disorder not being promoted. Other staff done very little to assist in this incident.

At 0302 hours

4. A male is ejected from Premises and engages in verbal altercation with staff. This person who is not a Door Control person, appears to be dealing with the incident which is placing the public safety at risk. Mr Rasul's son is seen in a working capacity at club. Mr Rasul's son is then seen running from the premises with a bottle in his hand towards

a male person, in an aggressive manner and appears to be threatening violence with the bottle.

5. Appears to be a member of the public at the entrance to the premises. This male seems to be involved in resolving a number of incidents throughout the evening. PC Rees questioned if he was trained as he was not dressed very professionally in terms of his appearance.

At 0345 hours

6. Mr Rasul's son is arguing with a male on the entrance to the Club and needs to be ushered away others. A person who is not a member of staff is trying to calm the situation down. This act did not promote the prevention of crime & disorder objective at the premises.

PC Rees then continued with the submission of the Police.

He confirmed that there was a lack of understanding in how to prevent crime and disorder taking place at this Premises, allowing entrance to persons who have clearly taken part in fighting outside the premises was unacceptable. This places the public at risk and increases the chances of further crime and disorder. PC Rees added, that persons were also allowed in the premises between 0030 - 0200 hours which was a further breach of the Licensing Act.

The CCTV also showed staff acting unprofessionally in the use of force, using methods of force which may be more designed to cause injury rather than restraining. Such acts were failing to promote the prevention of crime and disorder at or in the immediate vicinity of the premises.

PC Rees confirmed that Section 7.3 of the 182 Home Office Guidance Requires the TEN form to describe the aspects of the proposed event and the licensed activities at the proposed event.

In this case however, there was no event proposed and therefore the application was simply just an extension of licensing hours on a Sunday prior to a Bank Holiday Monday..

SWP were concerned about the scale of the event, as in the application for the TEN the number stated at the premises at any one time was 300. However, by virtue of a Condition of the License, in the period before the TEN commences 400 persons would be allowed into the premises. How this would be managed given the location of the venue in a busy area remained to be seen.

As well as this, there would also be an increase the footfall in the area on a busy bank holiday weekend, so the Police were concerned regarding the timing of the event and potential public nuisance in relation to alcohol related crime and disorder. This was evident in the type of incidents that occurred on the date of the last TEN on 29th May 2017 just evidenced he added. The number of violent incidents during the early hours at the premises, raised potential concern and if these transpired as a result of the TEN being granted, then this would undermine the licensing objectives.

During the time of the authorisation of the last TEN, persons had been viewed on CCTV exiting the premises and engaging in aggressive behaviour leading to fighting out onto the street. The persons responsible were then allowed to re-enter the premises reiterated PC Rees, after the fighting had stopped. They also later engaged in further violent incidents. This again was not supporting the objectives of the prevention of crime and disorder.

A number of these incidents had taken place during the actual previous TEN's operating hours, which demonstrated an increase in crime and disorder due to the event taking place.

The Police had not received any formal reports of violence even though representatives of SWP attended the premises and immediate surrounding area on a number of occasions during the evening. No victims had identified themselves to Police Officers, however a number of assaults had occurred during this evening as the CCTV had revealed.

SWP therefore felt strongly that the applicant would do nothing different from the last TEN so granted at the premises, and due to this the SWP felt that the granting of the TEN proposed for the Summer Bank Holiday period would similarly not support the Licensing Objectives, for example as follows:-

1. Prevention of Crime & Disorder
2. Ensuring Public Safety
3. Prevention of Public Nuisance

Apart from summarising their case, PC Rees advised that the above formed the representations and objections of the SWP.

The Chairperson at this stage of proceedings, asked Mr. Rasul (and his Solicitor, Mr. Moorecroft), Members and Officers if they had any questions on the presentation of SWP.

Mr. Moorecroft advised that the SWP had implied as part of its submission that Mr. Rasul had on previous occasions traded illegally at the premises, though this had not been substantiated in the evidence provided.

He also wished the Sub-Committee to be aware of the fact that Eden was at a disadvantage compared to certain other late night premises in Bridgend town centre, in that by virtue of their Premises Licences, other establishments nearby his clients premises were allowed to open later over the busiest periods such as weekends and Bank Holidays, for example the Roof, Sax and Hobo's. His client was therefore not competing in business terms with these other establishments, and therefore not competing also on a level playing field. He added that if the TEN today was granted, 35, Market Street would only hold a capacity of 300 patrons at any one time, whilst Sax were able to cater for between 600 – 800 patrons with 400 being the capacity for Hobo's.

PC Egan questioned the relevance of this point in relation to the application before Members today.

He responded by confirming that there was some relevance to his point, in that the Police had brought up on a number of occasions in their presentation, the issue regarding crime and disorder affecting the late night economy in Bridgend particularly in the saturation area where there existed premises that opened later than his client on bank holidays, and Friday and Saturday evenings (into the early hours of the morning).

Mr. Moorecroft proceeded, by asking the SWP representatives how many incidents had occurred at other late night establishments in the saturation area of Bridgend over the last bank holiday period, when compared to 35, Market Street.

PC Egan once more questioned the relevance of this question, given that the Panel today had been convened specifically to consider the application made by Mr. Rasul for a TEN over the coming bank holiday period, as opposed to anything else.

The Legal Officer noted that the capacity of the premises was 400 persons (at any one time), and she sought confirmation that this number would be restricted to 300 persons during the hours of the TEN applied for, if this was granted.

Mr. Rasul confirmed that this would be the case.

The Legal Officer also sought clarification as to Mr Rasul's understanding as to the time when the admittance/re-admittance for patrons Condition was effective from. Mr Rasul confirmed he understood that it meant no re-admittance from 02.00on Sunday. There was no re-admittance condition on Monday.

PC Egan referred her to Annex 1 – Mandatory Conditions paper tabled at the start of the meeting and Condition 8, which confirmed that there should be no admission/re-admission to the premises to be permitted after 0020 hours on a Sunday.

The Legal Officer noted that this Condition was effective Saturday night into Sunday morning, however, she asked if there was a similar Condition which also applied on a Sunday night preceding into Monday morning the day before Bank Holiday Monday.

Mr. Rasul stated that as far as he was aware from his Premises Licence, no such Condition applied, or at least if it did, it was not specified on his Licence as this only bore reference to 0020 hours **on a Sunday**.

The Police agreed.

The Chairperson asked if there were problems regarding acts of anti-social behaviour and crime and disorder in other late night establishments in the heart of the town centre over bank holiday periods. Although this did not strictly relate to the application before Members today, he did think there was some relevance in making a comparison with 35, Market Street in this regard.

PC Egan advised that she could not be specific regarding any trouble occurring in other late night establishments over bank holiday periods, though she did make the point that there was increased trading generally during the late night economy periods over bank holidays, and particularly on Bank Holiday Sunday leading into Monday, which often resulted in increased disorder. There were also more problems in premises situate within the saturation area of town than in other areas of Bridgend, and likewise, on average, there was scope for this to increase over busier trading periods. PC Egan added that until Mr. Rasul had taken over 35, Market Street, the premises had formerly been known as Tom's bar, but had been closed for some time prior to him including this premises as an extension of Eden.

The Chairperson noted from the incidents shown on the CCTV footage, that the problems had started at the premises on 29 May 2017 at 0100 hours, and that the SWP had been notified of this at 0111 hours. From the CCTV however, he had not noticed any Police Officers in attendance during the time the incidents had been recorded on the footage, yet the last incident had occurred at 0345 hours.

PC Rees advised the Sub-Committee, that the CCTV footage was edited just to concentrate on the time when the incidents had taken place. Representatives from the SWP had in fact twice visited the premises during the above period and had spoken to Mr. Rasul regarding the incidents that had taken place.

A Member noted the saturation policy and the “hot spot” areas of the town centre, and he realised what these stood for. He asked however, if there was any evidence to suggest, that the later Clubs and Pubs stayed open the later patrons came out to visit these establishments.

PC Egan advised that this was a difficult question to accurately respond to. The premises before Members today was situate in Market Street which was part of the saturation area, and the evidence that Members had seen today from the SWP in terms of incidents that had taken place at or immediately outside the premises, had taken place between the hours of 0100 and 0345, part of which was covered by the TEN.

Mr. Moorecroft wished to point out to Members, that Mr. Rasul had been present as Premises Licence holder, during all the incidents shown as part of the CCTV footage, which confirmed that he had been actively attempting to resolve the disputes that had taken place during the above period. There was no audio on the footage, but if there were, he could be heard trying to calm down the situation in terms of each of the incidents.

He added that the Cumulative Impact Policy that the SWP had referred to in their submission and the effect this sometimes has in respect of instances of anti-social behaviour and acts of crime and disorder, at premises in areas such as the saturation area, whilst applying to the Premises Licence Operating Schedule, did not in fact extend to the consideration of TEN's.

The Sunday on a Bank Holiday was treated as a Saturday in cases such as the above, so therefore, the purpose of his client applying for a TEN for the up and coming bank holiday, was purely customer driven and in order to have an opportunity for some increased business and the much needed income this generated.

Mr. Moorecroft further added that should his client's application be granted, then the premises would be limited to 300 patrons during the course of the hours of the TEN, and this was the reason he had pointed out earlier in proceedings, that other nearby late night establishments opened later than his clients premises, and had the capacity to cater for patrons over and above 300 in total.

He appreciated the evidence shared by the SWP at today's meeting, however, this did not offer any comparison with other late night premises who had opened into the early hours over the May Spring Bank holiday period, who may have also suffered acts of anti-social behaviour etc, that weekend and into Bank Holiday Monday.

Mr. Moorecroft reminded Members that Eden and 35, Market Street were premises that traded late as they were late night establishments that catered for the late night economy within Bridgend. He wished to add, that his client's premises was usually trouble free, or if trouble occurred it was more than adequately controlled, as there was a total of up to 8 Door Control staff employed over busy periods such as bank holidays. That was a high ratio he considered, when compared to other similar establishments and the number of patrons that usually visited there during the course of a weekend. Whilst he appreciated that the TEN so applied for if granted, would mean his clients premises having an extended opening time on 28 August 2017 from 0200 to 0430 hours, there would still be other Clubs in Bridgend opening later than this.

The Chairperson then asked for the CCTV footage to be replayed in order that Mr. Rasul and his legal representative could comment on this.

In respect of the street fight at 0100 hours, Mr. Rasul advised that one of the troublemakers in a camouflage shirt had been refused entry to the Club as the footage revealed. There were a few persons that had gathered outside the premises and they were worse for wear. These people had come from the direction of The Roof or Railway he added. He asked Members to note, that outside the premises there was a barrier that separated off the entrance to the Club, in order that door staff could see what state would-be patrons were in while looking to enter the Club. The few men who had gathered outside the premises were all friends, however, they were starting to argue which was causing a bit of a fracas. Though his staff moved these people on (as could be seen from the CCTV footage) whilst they initially did, they came back in the direction of 35, Market Street. His Head Door Control person then advised them that they would not be able to enter the Club as they were intoxicated, hence he was complying with the law. Mr. Rasul advised that he had 7 door staff on duty this evening, 3 of which were now at or near the entrance to the premises, whilst 4 others were inside. The altercation had actually initially taken place round the corner from his premises, but then these people who had initially proceeded to another premises, came back and continued the altercation outside his premises.

As the fighting started to escalate, his staff then came out of the premises to try and break this up. Mr. Rasul advised that he could be seen on a walkie talkie contacting the Police and CCTV in Bryncethin, so that they could zoom in on the activities that were taking place. He advised that this is apparent in the footage. His staff had merely acted responsibly by trying to defuse the situation, which he felt was the correct thing to do. He added that the CCTV footage showed that other members of the public were on their mobile phones seen trying to contact the Police. Mr. Rasul advised that at no time did he see any presence from the Police, not from the start up to the end of the footage that was shown. Mr. Rasul conceded that a person in a black t-shirt did go back into the Club, but as he had been involved, when staff realised this, he was ejected from the premises. Mr. Rasul wished Members to note that he, as a responsible Premises Licence holder was present outside at all times when disturbances had taken place outside the premises that evening.

With regard to the incident at 0108, Mr. Rasul this had involved a male who had become involved in an altercation within the premises and subsequently being ejected. Both this incident and the above were not during the hours covered by the TEN he pointed out. The Head Doorman had phoned the Police to report this, as though the patron was removed, he was reluctant to leave. This resulted in his Head Doorman using some force to calm him down and restrain him outside the curtilage of the premises Mr. Rasul explained. Mr Rasul then advised that he had a chat with the patron just to explain that anyone who became involved in trouble whilst at his premises, regardless if it was their fault or not, would be ejected. Mr. Rasul appreciated that it had taken some force to restrain him and this had involved him being wrestled to the ground, however, as soon as he calmed down he was allowed to get back up and go on his way. Mr. Rasul added that he also had called the Police regarding this, however, no one from SWP turned up to investigate the matter. He added that he had since been to speak to the Chief Inspector of Operations regarding troublemakers coming from other late night premises to his own, and often arriving in a drunken state and causing trouble outside his premises as it was en route from certain other nearby establishments.

In respect of the incident that took place at 0238, Mr. Rasul advised that this involved a Door Control person having a disagreement with his girlfriend. Again CCTV evidence showed that his Door staff were seen trying to calm the situation. This person had previously worked at his premises and was a best friend of one of his own door staff, and both of these were cage fighters he added. They can then be seen on the footage grappling with each other, though he advised that they often done this and that it was just 'play fighting'. This is why the person was allowed back into the Club, together with the fact that he and his girlfriend had then made-up. His girlfriend is seen subsequently

as being calm outside. There was a further person who was wearing green/khaki top and shorts, and Mr. Rasul confirmed that this person had been banned for life from Eden and 35, Market Street last December for racial abuse. Mr. Rasul then advised that his son is seen outside the premises having some fresh air and drinking bottled water. The person who had received a life ban, then started racially abusing his son, by shouting 'Paki go home' and his son reacted negatively to this and is seen remonstrating to this person.

The incident at 0345 again involved the same male as above who was still racially abusing Mr. Rasul's son, to which he had replied "I'm british." Mr. Rasul stated that the footage at this point shows him waving his arms when he said 'It's a free country.' He was reluctant to report this incident to the SWP as they would register it as a crime against his premises if he had. This person had been using extremely offensive language added Mr. Rasul, and the footage showed that Mr. Rasul was asking the person to go away from the premises. This person had also threatened at this time to burn down his house.

A Member asked Mr. Rasul why he left the door of his premises open into the early hours of the morning. This he felt may encourage people to attempt to re-enter the premises after they had been asked to leave there, as well as compromising the general entry/re-entry rule that applied to late night establishments.

Mr. Rasul replied that he felt there was no problem with this arrangement, in that patrons can easily leave and obtain access to the premises, coupled with the fact that the door was always patrolled by two Door Control staff. The barriers at the entrance also separated any queuing to go into the premises, from the paving area/adjoining highway. With such a separator in place, Mr. Rasul further added that his staff could more easily see if any person looking to gain access to the premises were worse for wear, as a result of an excess of alcohol consumption. The barriers were in place until 03:30 hours, as there was no entry/re-entry to the premises after this time. The play fighting of the two patrons referred to above, were play fighting he reiterated, even though one of them received a bloody nose as a result of this. Not at any time during this had the matter escalated nor involved fighting inside the premises itself. He reiterated that he had logs on his phone that showed the Police had been called at certain times when things had got a little out of hand during the course of this evening, when the CCTV footage was shown, and for good practise. As a way of more easily identifying the individuals that had caused any trouble during the course of the evening, he had also been in touch with the CCTV Section in Bryncethin to zoom in on people who were instigating the problems. The TENS that he applied for, were also restricted in terms of the capacity of patrons at the premises during the time there were in effect to 300 patrons, partly due to the fact that he never had a capacity of 400 patrons in the premises at any one time, and hadn't since he had opened.

A Member noted from the papers before those present, that this was the fourth application made by Mr. Rasul for a TEN this year. The first one had been refused, with the second being allowed and the third also being allowed, subject to Conditions. He also noted that the SWP had advised that Mr. Rasul had previously breached the Conditions of his Licence affecting the TEN, which Mr. Rasul had defended. The Member was surprised however, that on the occasion of the last Bank holiday evening, Mr. Rasul was in attendance at the premises together with 8 Door Control staff, and despite this, a person with a life ban had somehow got access into the premises, and there was also a fight that had taken place immediately outside the premises on the street.

Mr. Rasul replied that this must have happened when the Door Control staff were rotating their positions at the premises, and when he had been monitoring activity

outside. He added that with the best will in the world, there were the odd occasions when patrons did sneak in the premises, though when this happened, and soon as staff realised they were on 'Pubwatch' or had been banned from the premises, there were then ejected from the premises.

The Chairperson referring to one of the incidents on the CCTV footage, asked Mr. Rasul what happened to the female patron that was seen kicking a male patron in the head immediately outside the premises.

Mr. Rasul advised that this person after the incident had taken place, had not been allowed into the Club and had been banned from there also.

The Chairperson was also surprised to note, that a member of the Door staff in one of the incidents had restrained a patron by putting his arm round his neck with such force, that he had temporarily lost consciousness.

Mr. Rasul advised that that member of staff was relief working that evening at his premises, but he usually worked regularly at nearby 'Hobo's. He confirmed that the patron so restrained had not lost consciousness during this incident. He further added however, that as this member of staff had been overly aggressive in dealing with this patron he had advised him at the end of the evening that he would not work for him again.

The Chairperson asked Mr. Rasul how many patrons he had banned from the premises subject of the TEN, to which he replied the two persons referred to in the evidence that had been shared with Members/Officers today.

The Legal Officer asked Mr. Rasul if when any patron had been banned from the premises, how this was conveyed to all staff who worked there, so that they would know also not to allow this person into the Club.

Mr. Rasul advised that the Head Door Control person was always aware who had been banned, and he was normally on the door at the entrance to the premises. He always advised the other member of staff working on the door on any given evening, who was banned from the premises or on 'Pubwatch', etc. He had to be careful what he shared with SWP he added, as his wife was assaulted at the Eden premises last year, and she was spat on. He reported this to SWP, only for this to be logged as an incident at the premises that went against him, so as referred to earlier, he was sometimes reluctant to report things to them.

The Legal Officer noted that the no admission/re-admission rule applied to the premises in terms of it's Licence on a Sunday night into Monday morning, in that there was no admission/re-admission after 12:20 on this night. She asked Mr. Rasul if this also applied on a Sunday preceding Bank Holiday Monday, to which he replied that this apply to the terms of his Licence.

The Legal Officer noted that the capacity at the premises was 400 persons, though this was restricted to 300 when a TEN was in operation. She asked the Premises Licence Holder how he monitored this number.

Mr. Rasul advised the Sub-Committee that he was lucky if 200-220 patrons visited on a Bank Holiday Sunday evening going into the Bank Holiday Monday, so he was sure that the 300 capacity for a TEN would not be breached. If further patrons did visit the premises, then there was a double clicker operation in place, whereby one member of staff clicked patrons entering the premises and another clicked patrons leaving. On top of this, a gross error check of numbers in the premises was carried out every half hour.

He assured Members that if up to 300 patrons at any one time visited the premises on a Bank Holiday Sunday evening, then no further people would be allowed in over and above this total.

The Chairperson at this stage of the meeting then asked both parties to sum-up their submissions, commencing with the SWP.

PC Rees advised Members that SWP wished to support any new business in Bridgend, however, it needed to be operated correctly, safely and within the remits of the Licensing Act 2003, and not have a detrimental effect to the general population who attend the Bridgend Town Centre. In terms of 35, Market Street, he felt that by objecting to the TEN, SWP felt was a fair and proportionate way to help manage the cumulative impact area effectively.

There was a capacity of 300 persons at the venue on Bank Holiday Sunday and these people needed to be kept safe, particularly as such patrons in attendance may be vulnerable due to alcohol consumption, and due to this require a professional service provided by the management, in order to ensure that they remained as such, and this required a high level of responsibility and due diligence.

He had explained to Members the concerns of the SWP, and these had been confirmed through the CCTV footage that had been shown.

There was a lack of support by the management at the premises to promote the Licensing objectives at this venue, which put the public in danger, and to ask for any increase in its operating hours whilst clearly struggling to manage the premises safely, was a clear indication that the management are prepared to risk public safety, and this did not promote the Licensing objectives he added.

To culminate his submission, PC Rees advised that the Sub-Committee had a number of options in terms of the TEN, as follows:-

1. To allow the event to take place.
2. To Impose conditions on the event although this had not assisted the previous TENS.
3. It can decide the event will undermine the Licensing objectives and should not take place and in this case the Authority must then issue a counter notice.

Mr. Moorecroft on behalf of Mr. Rasul, asked the Sub-Committee to consider the application on its merits and on the evidence shared at today's meeting. He was aware that the Sub-Committee could impose certain Conditions in respect of the TEN, but only those presently attached to the Premises Licence, which the Licensee complied with in any event.

The admission/re-admission clause would affect the TEN as it did the current Premises Licence, and his client would abide by this as he always did. The TEN if granted, would operate over the Bank Holiday period, and this was at a time when people will visit the town and visit perhaps a number of different late night establishments in Bridgend, where some of these premises were open for later hours than his clients.

In respect of the first incident shown on the CCTV footage, he advised that Mr. Rasul had complied with the law on this occasion as he had refused entry to someone who was causing trouble in accordance with the law. This patron was worse for wear through having consumed excessive amounts of alcohol elsewhere as opposed to at his client's

premises. He accepted that there were minor slips with people who were banned or had been ejected from the premises sneaking back in, but when staff realised this, they corrected this mistake. These people got back in the premises, basically when staff were trying to resolve the scuffle that was occurring outside the premises. Mr. Moorecroft added that the application before Members was a minor one, in that it was for a TEN, as opposed to a permanent variation of hours of Licence, and the premises were fully equipped from a staffing perspective to deal with such a temporary extension of hours. Aside of the evidence shared today, he added that the premises had been totally trouble free since last April, and he was of the opinion that this would remain the case if the TEN was granted, particularly as the Conditions of his Premises Licence would apply also to the TEN.

As this concluded debate on the evidence presented by both parties, the Chairperson advised that the Sub-Committee would now adjourn for a period in order to make a decision.

Upon the meeting reconvening, Members

RESOLVED: The Sub-Committee noted that this TEN is in effect a 2.5 hour extension to the current licence for the August Bank Holiday trading of Sunday 27 to Monday 28 August 2017.

Members considered the points raised in the objection notice and in particular considered the licensing objections of:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance

The main events used as evidence by the Police as matters which could undermine the licensing conditions were the instances of fighting and public disorder which occurred in the street between 0100 and 0353 hours on 29 May 2017, being the May Bank Holiday earlier in the year when a TEN did go ahead for a similar time period.

During the early hours of 29 May 6 instances had been shown to the Sub-Committee by way of CCTV outside the premises.

Members considered each incident carefully and given due weight to the Premises User's mitigation and explanation of the events. It also noted that none of these incidents had resulted in criminal charges.

Members were pleased the Premises User explained how intoxicated people were refused entry. They were also pleased that he confirmed people who caused trouble were then refused entry to the premises.

However, the Sub-Committee were concerned that during the 6 incidents in total only about 10 minutes of CCTV, two people who were banned still managed to gain entry. It was accepted that they were quickly removed, but Members did not know what happened inside the premises and it was a concern that as many as two people in only a 10 minute CCTV period taken over 3 hours, had somehow gained entry to the premises.

Relating to the 6 incidents:

It was noted that the first 2 incidents were before the TEN hours kicked in, however, 4 occurred during the TEN hours themselves. The Sub-Committee considered the behaviour of the door staff during these incidents. It noted the duration of each incident and the identities of those involved, including the premises user and his son. Members were concerned about the “temporary” door staff and the one of his head lock type hold of a person. Members were further concerned regarding the play fighting which had occurred.

In considering the application, the Sub-Committee were concerned that the Premises User would be reducing numbers at the premises from 400 to 300, and how this would be achieved. The Sub-Committee were reassured by Mr. Rasul’s commitment to only allow 300 people in at any time prior to the TEN taking effect, but noted that a Condition could not be imposed requiring this.

Further, on this note, Members accepted there is a Condition on a normal Saturday/Sunday preventing re-admission from 0020 hours. However, there is no such Condition on a Sunday/Monday.

By his own admittance, Mr. Rasul followed this, so on a Sunday morning entry/re-entry was prevented at the premises only after 0020 hours.

If the TEN is granted, the Sub-Committee cannot impose conditions preventing entry/re-entry and on the Monday morning there would be entry/re-entry for later than on a normal Sunday morning.

Taking into account the evidence shown of incidents which the Sub-Committee felt undermined the licensing objectives, and given it did not not feel there are any Conditions on the existing licence which could be deemed as appropriate to minimise its concerns, a counter notice was given, as it did not feel the TEN should take place.

The meeting closed at 16:52