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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 643148 /
643147

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Tuesday, 8 August 2017

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (A)

A meeting of the Licensing Act 2003 Sub-Committee (A) will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Monday, 14 August 2017 at 2.30 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 - 12

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

DK Edwards

Councillors

DRW Lewis

Councillors

DG Owen

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING ACT 2003 SUB-COMMITTEE

14 AUGUST 2017

REPORT OF CORPORATE DIRECTOR, OPERATIONAL & PARTNERSHIP SERVICES

LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE 35 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 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 2 August 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 TEN relates to the sale by retail of alcohol and provision of regulated entertainment on 28 August 2017 from 0200 to 0430 hours.

The maximum number of people at any one time to be present is 300.

- 4.3 The premises user served a copy of the TEN 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 TEN 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 TEN with the agreement of all parties. Members are advised that the timescales governing TENs 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. Sections 2 and 7 of the Home Office Guidance apply to this Notice. Section 13 of the Council's Statement of Licensing Policy applies to this Notice.

4.6 This hearing must therefore consider the points raised in the Objection Notice and make a determination on the TEN. Having considered the Objection Notice, the Sub-Committee has the following options:

a) Allow the licensable activities to go ahead as stated in the 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 TEN.

P A Jolley – Corporate Director, Operational & Partnership Services
Date: 8 August 2017

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 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.bridgend.gov.uk

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KEEPING SOUTH WALES SAFE • CADW DE CYMRU'N DDIOGEL



PC David Rees-Community Safety Partnership
Licensing Department
Central West Division
Police Station
Brackla Street
Bridgend
CF31 1BZ

Ref: DLR /B.3-272

Friday, 4th August 2017

OBJECTION NOTICE

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

Zahid Rasul



Objection Notification under section 100 of the Licensing Act 2003 for Temporary Event Notice
Eden Live lounge & Club 35 Market Street, Bridgend. CF31 1LJ.

Extension of hours for the Bank Holiday Monday 28th August 2017 from 02.00am until 04.30am.

For the sale by retail of alcohol, on the premises only and the provision of regulated entertainment for 300 persons.

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

An objection notice is made on behalf of the Chief Officer of Police against this temporary event notice (TEN) as it is believed that the event would undermine the licensing objectives. Police have evidence of the prevention of crime and disorder objective and the promotion of public safety objective being undermined when the last notification was issued. There are also reports of unauthorised Licensable activity taking place under section 136, as set out in the

Chief Constable **Peter Vaughan, BSc (Hons), DipAppCrim** Prif Gwnstabl

Act 2003. This took place on the late May Bank holiday weekend when Tens 3 had been applied for.

Incidents 1700204864 and 1700204866 of the 29th May 2017 were both reported to police at 01.11 hours.

Both these calls relate to people fighting in the street. Text from one of the calls states

FIGHTING IN THE STREET
20 PEOPLE IN THE STREET, NO WEAPONS - FIGHTING WITH DOOR STAFF - I'VE CALLED ON THE RADIO BUT THEY DIDNT TURN UP.

On further examination the persons involved can be clearly linked to the premises 35 Market Street.

A separate call was also received by police on the 29th May 2017 at 00.38 hours. Incident 1700204938 is a report of criminal damage, however the text when the call was taken states

ASSAULT - TWO GIRLS FIGHTING AND I TRIED TO SPLIT THEM UP - BOUNCER PUNCHED ME ON THE NOSE - HE IS SAYING HE DIDN'T DO IT - NOW THEY HAVE CHUCKED ME OUT - I WANT TO MAKE A FORMAL COMPLAINT RIGHT NOW IT'S DISGUSTING. THEY WONT LET ME BACK IN.

South Wales Police (SWP) accept that both these incidents were received in the early hours of the Bank holiday Monday when the premises remained open under its premises licence. Therefore drunken related incidents were already occurring before the Tens even came into play. These type of incidents are violent in nature and therefore do not support the licensing objectives and do not prevent crime and disorder.

Therefore, it is highly likely that further crime and disorder will occur at this premises, on the date that the TENS wishes to be authorised for. Especially as Bridgend town centre is far busier than normal due to it being a Bank holiday weekend.

Further evidence of this can be provided by police to amplify these findings at hearing if required.

Background

This notification was served on SWP by hand at Bridgend Police station on Wednesday 2nd August 2017.

It relates to extending the sale of alcohol at a premises 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 Bridgend town centre. However, this licence was carried over from the old 1964 Act, well before the Saturation policy existed.

The 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

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

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.

General – All four licensing objectives:-

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

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

Temporary Event Notification History

The current applicant took over control for premises BCBCLP 211 on the 4th April 2017. This is the fourth Temporary Event Notification since this time, the first being a Late TEN application which was 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 held at the council chamber on the 23rd May 2017. The Committee granted the TENS adding several conditions from the Licence. This is evidenced in the determination from the hearing dated 5th May 2017.

Section 7.28 of the 182 Home Office Guidance refers

The Licensing Committee may decide to allow the licensing activities to go ahead, the licensing committee may impose one or more conditions on the TEN.

Premises License BCBCLP211

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 TENS. The

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.

“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 in not possible the person would disperse to other locations.”

(Quote from determination Eden Wine bar Application for a Ten)

The committee on the 5th May 2017 were assured by the applicant that this condition and all other conditions would be adhered to, however the fact remains that this condition was not adhered to and persons were allowed access to and from the premises. This is evidenced in CCTV footage and therefore is clearly in breach of the Licensing Conditions and remains as a section 136 breach of the Licensing Act 'unauthorised licensable activity'.

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 there is no event proposed, there appears to be no pre planned event and this application is simply an extension of licensing hours on a Sunday prior to a Bank Holiday Monday. If the applicant could not extend his hours, it is likely that the crime and disorder will not increase as customers will be attracted to other venues with later opening times.

SWP are concerned about the scale, location, timing of the event and concerns about public nuisance in relation to alcohol related crime and disorder. This is evident in the type of incidents that occurred on the date of the last TEN, 29th May 2017. The number of violent incidents during the early hours raises concern and does not promote the licensing objectives.

During the time of the authorisation of the last TEN persons have been viewed on CCTV exiting the premises and engaging in aggressive behaviour which leads to fighting on the street. The persons responsible are then allowed to re-enter the premises after the fighting has stopped. They also later engage in further violent incidents later on. This is not supporting the objectives of the prevention of crime and disorder.

It appears that a female who has exited the premises can be seen in the street kicking a male person who is on the floor and she kicks him to his head, door staff have to intervene, yet this female is later allowed back into the Premises.

Door staff are seen with a problematic customer on the main entrance and this then leads to a physical altercation which ends with the male customer and door staff on the floor in a struggle. Again it appears that this male customer later gains further access to the premises. Public safety and crime and disorder objectives are not being promoted or prevented.

A member of staff who appears to be on duty at the event is also witnessed running up the street in an aggressive manner wielding what appears to be a bottle in his hand. It appears he is acting in an aggressive manner towards a male person in the street. Other staff intervene removing the bottle and act as a restraint to prevent further harm. This clearly does not support the prevention of crime and disorder objective.

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

only option they can advise is to issue a counter notice and allow the premises to trade with its existing hours until 02.00.

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

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Angela Bennett', which has been heavily scribbled over with dark ink.

PS Angela Bennett

