

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### 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.*



Annwyl Cyngorydd,

#### **IS-BWYLLGOR DEDDF TRWYDDEDU 2003 (B)**

Cynhelir Cyfarfod Is-Bwyllgor Deddf Trwyddedu 2003 (B) o bell trwy Dimau Microsoft ar **Dydd Mawrth, 14 Rhagfyr 2021 am 10:00.**

#### **AGENDA**

1. Ymddiheuriadau am absenoldeb  
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant  
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008.
3. Deddf Trwyddedu 2003: Ystyried Hysbysiadau Amcan A Dderbyniwyd ar Hysbysiadau Digwyddiadau Dros Dro 3 - 14

Nodyn: Sylwch: Yn sgil yr angen i gadw pellter cymdeithasol, ni fydd y cyfarfod hwn yn cael ei gynnal yn ei leoliad arferol. Yn hytrach, bydd hwn yn gyfarfod rhithwir a bydd Aelodau a Swyddogion yn mynychu o bell. Bydd y cyfarfod yn cael ei recordio i'w ddarlledu ar wefan y Cyngor cyn gynted ag sy'n ymarferol ar ôl y cyfarfod. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

**K Watson**

Prif Swyddog, Gwasanaethau Cyfreithiol a Rheoleiddio, AD a Pholisi Corfforaethol

#### **Dosbarthiad:**

Cynghowrwy  
PA Davies

Cynghorwyr  
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Cyfnwid testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING ACT 2003 SUB-COMMITTEE

14 DECEMBER 2021

#### REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

#### LICENSING ACT 2003: CONSIDERATION OF OBJECTION NOTICES RECEIVED IN RESPECT OF TEMPORARY EVENT NOTICES

##### 1. Purpose of report

- 1.1 The purpose of this report is to consider an objection notice submitted by South Wales Police in respect of Temporary Event Notices served on the licensing authority.

##### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This objection notice is a regulatory function which is required to effectively discharge the functions of the authority under the Licensing Act 2003 and as such has no link to the corporate well-being objectives.

##### 3. Background

- 3.1 Upon receipt of a 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 30 November 2021 the Premises User Saima Rasul served Temporary Event Notices on the Council as licensing authority in respect of the premises known as 33 Market Street, Bridgend CF31 3LU. The details are as follows:

Temporary Event Notice A

- 4.2 Description of Event: Festive Season
- 4.3 Licensable activities: Sale by retail of alcohol and provision of regulated entertainment
- 4.4 Event Start date: 18 December 2021
- 4.5 Event end date: 20 December 2021

4.6 Timings: Friday towards Saturday 4am to 4.30am early morning  
Saturday towards Sunday 4am to 4.30am early morning  
Sunday towards Monday 2am to 4.30am early morning

4.7 Number of persons: 499

4.8 Sale by retail of alcohol: For consumption on and off the premises

#### Temporary Event Notice B

4.9 Description of Event: Festive Season

4.10 Licensable activities: Sale by retail of alcohol and provision of regulated entertainment

4.11 Event Start date: 25 December 2021

4.12 Event end date: 25 December 2021

4.13 Timings: 2am till 4.30am early morning of 25 December

4.14 Number of persons: 499

4.15 Sale by retail of alcohol: For consumption on and off the premises

4.16 The premises has the benefit of Premises Licence BCBCLP740 which authorises the sale by retail by alcohol and the provision of regulated entertainment as follows:

Sunday to Thursday 1130 to 0200 hours  
Friday and Saturday 1130 to 0400 hours

4.17 The premises user served copies of the Temporary Event Notices upon South Wales Police and Shared Regulatory Services. South Wales Police has submitted an Objection Notice to cover both Temporary Event Notices. A copy of the Objection Notice has been served on the premises user and is attached at Appendix A.

4.18 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.

4.19 The Objection Notices are to be treated as not having been withdrawn. A copy of the Premises Licence conditions are attached as Appendix B.

4.20 This hearing must therefore consider the points raised in the Objection Notice and make a determination on the two Temporary Event Notices. Having considered the Objection Notice, the Sub-Committee has the following options:

- a) Allow the licensable activities to go ahead as stated in both Temporary Event Notices (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 one or both of the Temporary Event Notices (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 counter notices in respect of one or both Temporary Event Notices.

## **5. Effect upon policy framework and procedure rules**

- 5.1 The report content has no direct effect upon the Policy framework and procedure rules.

## **6. Equality Act 2010 implications**

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

- 8.1 There are no financial implications arising from the report.

## **9. Recommendation(s)**

- 9.1 Having regard to the licensing objectives, the statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the objection notices and any representations received by parties, the Sub-Committee is required to consider and make a determination on:
  - 9.2 The Objection Notice in relation to Temporary Event Notice A above and,
  - 9.3 The Objection Notice in relation to Temporary Event Notice B above.

**Kelly Watson**  
**Chief Officer – Legal and Regulatory Services, HR and Corporate Policy**

**8 December 2021**

**Contact officer:** Yvonne Witchell  
Team Manager Licensing

**Telephone:** (01656) 643643

**Email:** [licensing@bridgend.gov.uk](mailto:licensing@bridgend.gov.uk)

**Postal address:** Civic Offices  
Angel Street  
Bridgend CF31 4WB

**Background documents:** None



## APPENDIX A

Community Safety Partnership  
Licensing Department  
Bridewell  
Queens Road  
Bridgend Inds Est  
Bridgend  
CF31 3UT

Tel: 01656 655555 / 07584 004649

Friday, 03 December 2021

Licensing Department  
Operational and Partnership Services  
Shared Regulatory Services  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

Saima Rasul

Dear Sir/Madam,

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

**Extension of hours for 18<sup>th</sup> and 19<sup>th</sup> December 2021 from 04.00am until 04.03am, 20<sup>th</sup> December 2021 02:00 to 04:30 hours, 24<sup>th</sup> December 02:00 to 04:30 hours..**

**For the sale by retail of alcohol, on and off the premises and the provision of regulated entertainment for 200 persons.**

I refer to the above notification of which receipt is acknowledged and wish to inform you that there are police objections in respect of this matter in relation to all four of the licensing objectives.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg.  
Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd  
gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.  
Any correspondence received in Welsh will be answered in Welsh and corresponding  
in Welsh will not lead to a delay in responding.

This objection notice is made on behalf of the Chief Officer of Police for this temporary event notice (TEN) as it is believed that the extension of hours, as it stands, would undermine the licensing objectives.

### **Background**

This notification was served on South Wales Police (SWP), via email, on Tuesday 30<sup>th</sup> November 2021.

It relates to extending the sale of alcohol at Eden, 33 Market Street, Bridgend, premises licence number BCBCLP740.

The premises licence at 33 Market Street, BCBCLP740 has current hours of operation as follows:-

***Times the licence authorises the carrying out of licensable activities:***

Sunday to Thursday 11:30 to 02:00

Friday & Saturday: 11:30 to 04:00 hours

The TENS is therefore to extend the sale of alcohol and regulated entertainment period to 04:30 hours. SWP are aware that the premises license is already conditioned and therefore state that the existing conditions should be contained upon this temporary event notice.

Revised Guidance issued under section 182 of the Licensing Act 2003 April 2017

### **Applying conditions to a TEN**

7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so: • if the police or the EHA have objected to the TEN; • if that objection has not been withdrawn; • if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given; • and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user's 48 | Revised Guidance issued under section 182 of the Licensing Act 2003 views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

Police believe this is a necessary and proportionate response to make in relation to this TENS, as they have evidence of four separate incidents linked to the premises over the weekend of 27<sup>th</sup> – 28<sup>th</sup> November 2021.

2100416349 – Report from CCTV of ongoing fight

2100416353 – Male reporting he had been assaulted by 20 youths on the dance floor of the club, allegation made that the youths were underage. Male was highly intoxicated

2100415380 - Female arrested for Drunk and Disorderly after being ejected from the club



2100415457 – Intoxicated male reported threats to kill from an unknown male

SWP therefore believe that if the current notification were allowed to go ahead as it stands there is likely to be an increase in crime and disorder.

Therefore SWP cannot support this notification and believe that a hearing is necessary and proportionate. Further evidence can be used and amplified at hearing if required.

Yours faithfully,  
Licensing Officer Fiona Colwill

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**BRIDGEND COUNTY BOROUGH COUNCIL**

**THE LICENSING ACT 2003 (PREMISES LICENCES) REGULATIONS 2005**

**PREMISES LICENCE**

**PART A**

**PREMISES LICENCE**

**Premises Licence Number :** BCBCLP740

**Premises Details:** Eden  
33 Market Street  
Bridgend  
CF31 1LJ

**Annex 2 - Conditions Consistent with the Operating Schedule**

The prevention of crime and disorder:-

The Premises Licence Holders will ensure that:

1) CCTV will be provided in the form of a recordable system capable of providing pictures of evidential quality in particular facial recognition. Cameras will encompass all access to and exits from the premises including fire exits and all areas, with the exception of toilets, to which the public have access. The equipment will be maintained in good working order. The system will continuously record whilst the premises is open for licensable activities and during all times when customers remain at the premises. Recordings will be timed and kept in date for a period of 28 days and will be handed to a police officer or local authority officer upon lawful demand. The designated premises supervisor will ensure at all times a member of staff is on duty and capable to download CCTV recordings in a recordable format either to USB or to disc, upon lawful demand by a police officer or local authority officer. The recording equipment will be kept in a secure environment under the control of the DPS or another responsible named individual. An operational daily log will be maintained indicating that the system has been checked and is compliant. In the event of any failings of the system actions taken to rectify such failings will be recorded. If there is any technical failure of the CCTV equipment the DPS will report such a failure to the police.

- 2) Aside from off sales in sealed containers no glassware or glass bottles will be taken outside the premises by patrons.
- 3) Door staff will be employed at a ratio of one door supervisor per 100 premises customers who are on the premises.
- 4) A minimum of 2 SIA licensed door supervisors will be on duty at all times when the premises is open for business.
- 5) A register of door supervisors will be maintained at all times at the premises. The register will include the name, registration number and contact details of the member of door staff along with a date and time for on and off duty. Full details of any agencies supplying door staff to the management of the premises will be endorsed on the register and the register will be available for inspection upon lawful request by a police officer or local authority officer.
- 6) Signs will be displayed at the entrance to the premises and within the toilet facilities and at key strategic points within the premises to which the public have access, stating that drug use is unacceptable and that the venue offers a drug search policy as a condition of entry and reserve the right to search customers under this provision.
- 7) The DPS is to ensure that the premises actively participates in regular initiatives provided by South Wales Police to target drug misuse at the premises.
- 8) A drug safe place will be present in the premises.
- 9) Either the DPS or manager appointed will attend the Bridgend Pub Watch scheme meetings.
- 10) The premises will participate in the Nite Net radio communication scheme. Participation is to specifically include a member of staff responsible for signing on the system, monitoring and responding to transmissions, making transmissions when incidents arise to alert at the premises using the system and signing off. Such participation is to take place at all times when the premises is open to customers and trading.
- 11) The premises will participate in all and any Bridgend Town centre exclusion order schemes.
- 12) An incident book is to be maintained at all times to record any incidents at the premises.

Public safety:-

The Premises Licence Holders will ensure that:

- 1) The premises will have an adequate system of counting patrons in and out of the premises to ensure that customer levels in all areas do not exceed 400.
- 2) The number of customers permitted into the premises at any one time will not exceed 400.
- 3) At least one suitably trained first aider will be on duty when the premises is open to the public.

The prevention of public nuisance:-

The Premises Licence Holders will ensure that:

- 1) Loudspeakers will not be located in the entrance lobby or outside the premises.
- 2) Notices will be displayed at all exits requiring patrons to respect the needs of local residents and to leave the area quietly.
- 3) Notices will be properly displayed at any area used for smoking requiring patrons to use the area quietly.
- 4) The DPS will ensure that any queue to enter the premises which forms outside the premises is orderly and regularly supervised by door staff so as to ensure that the public highway is not obstructed and there is no public nuisance caused by such persons queuing to enter the premises.

The protection of children from harm:-

The Premises Licence Holders will ensure that:

- 1) A Challenge 21 proof of age scheme will be operated at the premises where the only acceptable form of identification will be identification which bears the photograph and date of birth of the holder together with a holographic mark of authenticity of such identification document.
- 2) A refusal log will be kept at the premises. The log will include the date and time of the refusal and the name of the member of the staff who refused the sale. The log will be made available for inspection at the premises upon lawful request by a police officer or officer of the local authority at all times the premises is open for business.
- 3) The DPS will keep up to date records of staff training in respect of age related products and sales.
- 4) Other than for a specific youth event which has been agreed beforehand with the police licensing officer no person under the age of 18 is to be permitted entry to the premises.

5) Notices will be clearly displayed at the premises to emphasise to customers the prohibition of sales of alcohol to any person under the age of 18 years.

**Annex 3 - Conditions attached after a hearing by the licensing authority:**

N/A

**Annex 4 - Plans**