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Bridgend County Borough Council



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**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 20 April 2022

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held remotely - via Microsoft Teams on
Tuesday, 26 April 2022 at 10:00.

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 1 September 2008.
3. Approval of Minutes 3 - 18
To receive for approval the Minutes of the Licensing Sub Committee B meeting on 17 08 21 and the Licensing Act 2003 Sub Committee B meeting on 14 12 21
4. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.
5. Exclusion of the Public
The minutes and reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007.

If following the application of the public interest test the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.

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6.	<u>Approval of Exempt Minutes</u> To receive for approval the exempt Minutes of the 17 08 21	19 - 30
7.	<u>Disciplinary Hearing - Hackney Carriage And Private Hire Vehicle Driver</u>	31 - 40
8.	<u>Application For Grant Of Licences</u>	41 - 46
9.	<u>Application For Renewal Of Licences</u>	47 - 50

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

PA Davies
A Hussain
RM James

Councillors

B Jones
JE Lewis
JR McCarthy

Councillors

KJ Watts

LICENSING SUB-COMMITTEE B - TUESDAY, 17 AUGUST 2021

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD REMOTELY - VIA MICROSOFT TEAMS ON TUESDAY, 17 AUGUST 2021 AT 10:00

Present

Councillor PA Davies – Chairperson

A Hussain
JR McCarthy

RM James
KJ Watts

B Jones

JE Lewis

Officers:

Ilaria Agostini-Green	Senior Licensing Enforcement Officer
Will Lane	Operational Manager Shared Regulatory Services
Andrea Lee	Senior Lawyer
Michael Pitman	Democratic Services Officer - Committees
Andrew Rees	Democratic Services Officer - Committees
Katie Wintle	Lawyer

242. DECLARATIONS OF INTEREST

None.

243. URGENT ITEMS

There were no urgent items.

244. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as it contained exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above, to consider the following item in private, with the public excluded from the meeting, as it was considered that in all circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the driver so mentioned.

245. DISCIPLINARY HEARING - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER

The meeting closed at 14:59

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MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD REMOTELY - VIA MICROSOFT TEAMS ON TUESDAY, 14 DECEMBER 2021 AT 10:00

Present

Councillor – Chairperson

PA Davies RM James JE Lewis

Officers:

Mark Galvin Interim Democratic Services Manager
Sharon Jones Licensing Assistant
Michael Pitman Democratic Services Officer - Committees
Yvonne Witchell Team Manager Licensing

61. DECLARATIONS OF INTEREST

None.

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

The Team Manager – Licensing presented a report, the purpose of which, was to consider an objection notice submitted by South Wales Police in respect of Temporary Event Notices served on the licensing authority.

The report gave some background information, following which, it advised Members that on 30 November 2021, the Premises User Saima Rasul served Temporary Event Notices (A and B) on the Council as licensing authority in respect of the premises known as 33 Market Street, Bridgend CF31 3LU (Eden). Further details regarding these which were primarily for an extension of hours on certain dates over the festive period in order to sell alcohol and provide regulated entertainment, were outlined in paragraphs 4 of the report.

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 11:30 to 02:00 hours
Friday and Saturday 11:30 to 04:00 hours

The Team Manager – Licensing confirmed that 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 (TENS). A copy of the Objection Notice has been served on the premises user and was attached at Appendix A (to the report).

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. Both parties present confirmed this to be the case.

The Objection Notices are to be treated as not having been withdrawn therefore.

A copy of the Premises Licence conditions were attached at Appendix B of the report.

Further evidence in support of the South Wales Police objections to the TENS had been submitted to all parties after the circulation of the agenda and accompanying papers. All those present in the meeting confirmed that they had received this supporting evidence.

The Team Manager – Licensing therefore confirmed that 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.

The Chairperson then began the meeting by asking the South Wales Police Licensing Officer F. Colwill, to outline the basis of the Police objections to the TENS applications.

She confirmed that the Police were objecting to the Temporary Event Notices submitted by Mrs. Rasul for Eden, 33 Market Street, Bridgend for the Extension of hours on 18 and 19 December 2021 from 04.00 until 04.30 hours, 20th December 2021 02:00 to 04:30 hours and 24th 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.

The police had an obligation, a duty, to prevent crime and disorder and to keep the peace. The number one priority for South Wales Police, was to reduce and prevent crime and disorder and antisocial behaviour to keep people safe in their homes and communities.

The whole ethos of the Licensing Act she advised, was built around the four licensing objectives and the promotion of these licensing objectives should be a paramount consideration at all times. This includes protecting people from harm, keeping them safe and preventing crime and disorder and public nuisance.

South Wales Police have concerns regarding the number of crime and disorder, public safety and public nuisance calls within Bridgend Town Centre, which are linked to the late-night economy. Eden, 33 Market Street was located within the heart of Bridgend and its nightlife.

Since 1 May 2021 there had been 48 reported incidents linked to the premises.

Since 1 September last, there have been the following 17 reported incidents linked to the premises:

04/12/2021 – 23:38 – Disturbance reported by CCTV

28/11/2021 – 01:30 - Male reporting he had been assaulted by 20 youths on the dance floor of the club, an allegation was made that the youths were underage. Male was highly intoxicated

28/11/2021 – 01:06 - Report from CCTV of ongoing fight

27/11/2021 – 03:51 - Intoxicated male reported threats to kill from an unknown male

27/11/2021 – 01:37 - Female arrested for Drunk and Disorderly after being ejected from the club

07/11/2021 – 00:30 – Male assaulted – Attended Princess of Wales Hospital (POW), Doctor referred male to the Heath Hospital to see an eye specialist – Required 5 stitches – No sight in one eye – CCTV viewed by officers at the premises was of poor quality but male can be seen to carry out an assault – On Sunday 12th December 2021 the incident was published on Wales Online, with the headline ‘Disabled Man punched into unconsciousness in a gruesome bar attack in Bridgend’ thus giving a negative image of the late night economy in Bridgend Town Centre.

01/11/2021 – 22:48 – Covid Breach

16/10/2021 – 03:48 – Assault – Male highly intoxicated – Conveyed to POW by Officers

09/10/2021 – 04:02 – Male arrested for Drunk and Disorderly

09/10/2021 – 03:42 – Assault/Aggressive male – Male sustained eye injury

09/10/2021 – 00:00 – Assault by door staff – Under Investigation

02/10/2021 – 03:34 – Aggressive male

26/09/2021 – 03:10 – Concern for male – Male unresponsive on floor outside premises

25/09/2021 – 03:37 – Assault

12/09/2021 – 05:33 – Assault and Theft – 2 males arrested

04/09/2021 – 03:17 – Assault – Dealt with by Community Resolution – Parties conveyed home by officers

04/09/2021 – 22:19 – Request for police from CCTV

Nine of these incidents stated the representative from South Wales Police, have been reported after 03:00 hours when intoxication levels are high. All nine calls involved an assault, aggressive behaviour or intoxication.

As well as the above reported incidents, over the last weekend on Sunday 12 December at 02:00 hours a further incident was reported. Report received from CCTV that there were two people outside Eden nightclub unconscious and several people were crowded around there.

The incident was as follows:

Male had been causing a nuisance inside the club and had to be ejected by door staff. He was agitated and resisting against door staff and as a result had to be walked out whilst being held. CCTV has been viewed covering the front of the club which shows that as they get outside the front door the male has continued to be aggressive and has tried to headbutt the head doorman. All door staff have taken the male to the floor. Several other people have then got involved and were trying to get the door staff off the male. The male has then tried getting back up but has again been taken to the floor by door staff. The male has continued to kick out whilst on the floor and continued being aggressive. Whilst carrying the male out some of his friends and other persons throw punches towards the door staff. The male was ejected onto the lay by area outside the club. During the incident a female was also knocked over.

According to members of the public the male was knocked unconscious. CCTV reported that the male was on the floor and was not moving. Upon officers attendance the male was conscious and was trying to get up. Officers have advised him to stay on the floor and wait for an ambulance. The male was going through periods of agitation and trying to hit out at persons helping him. Paramedics arrived on the scene and treated the male and female who had been knocked over. The male was taken into the ambulance and later conveyed to POW Hospital.

The Licensing Officer, South Wales Police, advised that the Police cannot support a premises further extending their sale of alcohol hours with the current level of disorder and violence within Bridgend town centre. To add to the disorder we now have further challenges with the Omicron variant of Coronavirus spreading quickly throughout our communities, even though as Licensing Officers, we fully appreciate the difficult times that anyone who operates or who is employed within the night time economy has experienced since March 2020.

This concluded the South Wales Police representations.

A Member noted from one of the above incidents that the recipient had been hospitalised and was in a coma. She asked where the incident relating to this had taken place.

The Licensing Officer, South Wales Police confirmed that she could not name the premises as the investigation was still ongoing, however, she could advise that it had taken place in a licensed premises in Bridgend a couple of 100 yards away from Eden.

Mr. Rasul advised the Sub-Committee that he had previously had regular meetings with a Police Licensing Officer that was currently absent from work due to sickness absence.

They would always meet up on a Monday or a Tuesday after the weekend, in order to discuss any problems that had taken place in or around the premises that previous weekend, including inspecting footage of CCTV etc. He stressed that not all the problems that took place were directly related to Eden. There was a taxi office near by and the Bridgend Bus Station and a lot of anti-social behaviour that took place on a Friday or Saturday evening, was as a result of incidents in these areas and not his premises. There were also incidents that took place in the opposite direction outside The Roof. However, as his premises was situated between these locations, a lot of this trouble was wrongly attributed to having taken place outside Eden.

Mr. Rasul added that since the above Licensing Officer had been off work unwell, he had not been visited after the weekend's activities by F. Colwill, to go through any incidents that may have occurred in relation to Eden on the preceding Friday or Saturday. He felt if this had taken place, he would have been able to explain that, ie

through CCTV footage etc, that any such incidents were not directly related to his premises, but more to other nearby late night establishments in the town centre.

He also kept a log-book at the premises in order to document any incidents that took place there. None of the incidents referred to by the Police representative, had been logged as having taken place in or outside Eden to his knowledge, he added.

The Licensing Officer of the Police challenged this statement, as she claimed that the majority if not all of these incidents, were reported as a result of shared CCTV footage and a subsequent call to the Police to investigate them. This included the incident on 12 December 2021, also referred to above.

Mr. Rasul advised that Eden was situate next to The Roof premises and that his premises was often targeted for incidents that happened outside The Roof, or at the other side of his premises where there was a taxi rank and further on Bridgend Bus Station. He added, that some incidents of anti-social behaviour late at night occurred at these locations, as opposed having taken place at or outside Eden. He added that no incident had taken place at the premises on 12 December, as had been alleged by the Police.

The Police Licensing Officer advised that all the above evidence she had presented, had been generated from CCTV footage reported to the Police call centre (or Police Officers) by the local authority in Bridgend.

The Legal Officer sought clarification as to the type of incident that had taken place on 12 December last.

The Police Licensing Officer confirmed that this was an altercation, possibly a fight, the CCTV footage would reveal what exactly had taken place. What was even more concerning, was that 18 occurrences of disturbance of some kind or another, had taken place in or outside the premises since last September. An issue however, was that when these incidents were reported to the Police, by the time they visited the premises the incident that had taken place had often ended with the people involved in this having dispersed from the location where it had taken place.

Mr. Rasul referred to the incident on the 4 December 2021 at 23:38 above and advised Members that this had not taken place outside the Eden premises, therefore, it was a false allegation. If it had occurred then either himself or a member of his staff, would have informed the Police. This incident may have taken place outside the empty property where Coral's bookmakers was formerly located or possibly outside The Roof. Whilst the Door Control staff at Eden could deal with disturbances that took place inside or immediately outside Eden, they could not sort out problems further down the street either way, as they were not insured to do so.

The Legal Officer advised that she was led to believe from the Police evidence, that this incident took place on the dance floor in Eden itself ?

Mr. Rasul contested this, but did acknowledge that a member of his staff had escorted a patron out of the premises during which he had left peacefully and taken a taxi elsewhere. He added that the Police had not requested CCTV footage of this alleged incident (ie from the dance floor), basically because, the incident had not taken place.

The Chairperson asked Mr. Rasul, how long he kept his CCTV footage for, confirmed that this was kept for 30 days during which time it was reviewed together with the log of any incidents that may have taken place at the premises within the same time period.

The Police Licensing Officer advised that Police Officers had attended the location at 01:30 and established that the person who had reported the incident was intoxicated and had been set upon on the dance floor area of Eden by 20 youths. He spoke to Officers the following day and confirmed that under-age patrons had been present at the premises the night before. Officers once more tried to get hold of the patron subsequent to the meeting, but they could not get hold of him. Therefore, the CCTV was not investigated as the complaint was not followed-up due to the complainant not responding to Police calls.

The Chairperson asked if the Police looked into the allegation that there had been under-age patrons at the Club the night the complaint was made.

The Police Licensing Officer advised that CCTV was examined for that purpose, however, it was very difficult to establish from this what age the patrons were. It was the job of Door Control staff to check the ID of patrons upon entrance to the Club, to see what age they were.

Mr. Rasul stated that if the complainant had been injured at Eden that evening, then how was it that he managed to walk up the street to talk to the Police (ie with injuries). If he had said that there were under-age customers in Eden that night, then the Police should have one way or another, have followed that up he added, but obviously they hadn't.

The Police Licensing Officer advised that it may have been due to the fact that the Police Officers at the scene could not really establish the extent of what he was saying, given that he was so intoxicated at the time.

A Member of the Panel asked Mr. Rasul if he had checked the CCTV to look at this alleged attack, due to the allegation having been made.

Mr. Rasul replied that he would have been made fully aware of this on the night from his staff if such an incident had taken place, though he had checked the CCTV and found nothing that indicated the incident had taken place. He added, that only one incident had been logged as having taken place at the premises, in the last 4 weeks.

Mr. Rasul then referred to the incident that had taken place on 27 November 2021 at 03:51. He advised that a male had come to the entrance of Eden from the direction of The Roof premises. Door staff advised him that the premises would soon be closing, following which he made threats to staff due to him being refused entry. This was something that often occurred at late night establishments when patrons were refused entry. He had obviously become intoxicated through consuming alcohol elsewhere and had got agitated as a result of this, when he could not gain entry to Eden.

The Police Licensing Officer contested this version of events, adding that when Officers had arrived at the scene, the security staff at the premises had called them as the patron in question was having a verbal altercation with another male patron in the premises. Officers then took the patron in question to a friend's house. This person claimed that the other male inside the premises had threatened to kill him. He did not know who this male was.

Mr. Rasul confirmed that his Door staff would not have taken such a threat lightly and the complainant had not in fact advised any staff in Eden that he had been threatened. Therefore, he was not aware of it and if he had been it would have been both dealt with and logged in the Incident Book.

He added that people who are intoxicated often say things through the drink, that they would not otherwise say, it's a type of 'cheap talk.' He assured the Sub-Committee that

he had only looked into one incident that had taken place at the premises within the last 4 weeks. He reiterated that the Police representative he had dealt with previously, used to contact him on a weekly basis, to establish if any incidents had taken place in or outside Eden the preceding week, with a view to looking into and resolving these together with his wife and himself as proprietors at the premises. He added that Ms. Colwill had unfortunately not continued this trend.

The Police Licensing Officer advised that South Wales Police did not have the resources to meet with Premises Licence Holders on a weekly basis, as Officers covered all of the County Borough and not just the Bridgend town centre. Levels of intoxication and violence in the Bridgend town centre was very high, therefore in order to try and reduce this, the Police could not support premises being open after 02.30am, even in the form of TENS, until this problem started to show signs of improving.

Mr. Rasul whilst appreciating this, stated that the TENS he was applying for were just for an extra two hours of trading, in order that Eden could have parity with nearby Late-Night premises, such as Sax, The Phoenix and The Roof, who had these extended hours as part of their Premises Licence.

Mr. Rasul then referred to the incident on 27 November 2021 at 01.37am, female arrested for being drunk and disorderly after being ejected from Eden.

He confirmed that she had been seen by staff going through another person's handbag, following which she was asked to leave the premises, which she did without any trouble. It was then caught on CCTV outside the Club that she had hit him in the face and had said 'Paki go home.' This was reported by the Council's CCTV to the Police and not by himself, even though this person had assaulted him.

Mr. Rasul added that the Police had asked him if he wanted to press charges and she then went on to visit another late-night premises, where she was arrested. She had not been arrested at Eden, as staff had ejected her in the company of Police Officers.

The Police Licensing Officer confirmed that the person had been evicted from Eden, as she had been causing a disturbance there, but she had resisted this. Police Officers then arrived at the premises and Door staff had confirmed to them, that she was intoxicated and had been involved in an altercation in Eden with her partner. Upon being monitored by CCTV, she subsequently went to another establishment, but then returned to Eden. So though she had been arrested, she had been in Eden, was ejected from there but then returned to this premises.

Mr. Rasul advised that she had been ejected for stealing and not being drunk and disorderly and when she was taken out, that's when she had punched him. When she returned to Eden, that was when she was drunk and disorderly and not when she had been in the Club previously that evening. CCTV called it in he claimed, however, she had been arrested outside another premises and not Eden.

In terms of the Covid breach at the premises on 1 November 2021 at 22:48, Mr. Rasul advised that any potential breaches here, were dealt with between himself and the local authority. The majority of incidents that had been raised by the Police, related to males being drunk and disorderly at the premises, though this is what took place at most late-night establishments.

He then referred to the incident on 12 September 2021, assault and theft and two males arrested at 05.33am. The premises was closed with the lights there having been put on, when two males snook into Eden and stole some bottles of alcohol. A customer had seen this and alerted staff to it, who then accosted the males and took the alcohol off

them. One of the men then punched Mr. Rasul in the face, following which he called the Police. The male then denied he had punched him. Mr. Rasul then showed the Police CCTV footage and both males were then arrested. The Police had not seemed to follow-up on the assault on him though, he added.

The Police Licensing Officer advised that the Police had viewed the CCTV footage and that they had followed up and arrested the males over the theft, however, Mr. Rasul had advised the Police at the time, that he did not wish them to follow-up on the assault.

Mr. Rasul then referred to the incident on 16 October 2021 at 03.48am, which was an alleged assault – Male highly intoxicated – Conveyed to POW Hospital by Officers. He could again not find anything in the premises log- book that related to this, just as he couldn't with other incidents outlined by the Police representative.

The Police Licensing Officer advised that this had been reported by the aggrieved person, who had fallen over at the premises heavily intoxicated. Staff at the premises had confirmed to the Police that he was intoxicated at the time. There was assault but the patron had fallen over drunk. At the above time he was taken to the POW hospital by Police Officers.

Mr. Rasul advised that the Police had picked this person up outside of Eden and that he had consumed alcohol elsewhere, but not at Eden. Again he felt his premises were getting blamed, as they were situate other late night establishments and near both the taxi rank and bus station where people would look to get transport home of an evening.

The Police Licensing Officer confirmed that the person had called for an Ambulance when he had been outside the Eden premises.

Mr. Rasul then referred to the incident 9 October 2021 04:02am, Male arrested for being drunk and disorderly. Once more, he had no record of this in his log-book.

The Police Licensing Officer advised that at 04:54am Officers had dealt with a separate call from Eden, that a male who was being escorted out of the premises by staff, had become aggressive and refused to leave. The male was intoxicated and started spitting and swearing at Police Officers. He was then arrested for being drunk and disorderly after he had been taken out of the premises by Door staff.

Mr. Rasul recalled that a male had walked out of Eden on this occasion and whilst he was outside there, he started becoming argumentative. It was not in the log-book he was sure, however, he advised that he would double check this just in case.

9 October 2021 03.42am Assault/aggressive male – Male sustained eye injury, Mr. Rasul confirmed that on this occurrence he had given the patron first aid at the premises following him receiving a blow from another patron. The Police came to Eden and suggested that the male press charges against the person who had hit him. The other male who had inflicted the injury had left Eden however, to go to The Phoenix. The Police stated that they would take him to hospital, but the injured man refused to go.

The Chairperson still advised however, that the incident happened in Eden.

Mr. Rasul advised that it had occurred due to a mix-up over drinks, however, neither party had been over intoxicated at the time. The male who was assaulted pushed the other male, who then punched him. CCTV was available for the Police to inspect. The incident was over in just a few seconds, he added and it was not 'drunk and disorderly,' in its nature.

The incident alleged by the Police to have taken place on 2 October 2021 at 3:34am – aggressive male, Mr. Rasul advised he was not aware of.

The Police Licensing Officer confirmed that this was an incident whereby an irate male had thrown a glass bottle behind the barriers outside the Club directed at Door staff. He was hit by a female and had been in the smoking shelter at the premises when another male patron had asked him for a fight. The female patron had pushed the male then hit him. Another male then became involved. The male who was assaulted then phoned the Police to make a complaint regarding this.

Mr. Rasul asked the Police representative if his Door staff had been made aware of this and had they ejected the male offender.

The Police Licensing Officer confirmed that the Door staff had been made aware of this, as Police Officers had spoken to them about it. They had then separated them in the premises smoking area.

Mr. Rasul added that this was just a domestic/relationship type incident that could have happened virtually anywhere and anytime.

The Police Licensing Officer confirmed that the Police had no evidence of this being a domestic incident.

Mr. Rasul then referred to the incident that had reputedly taken place on 4 September 2021 at 03:17am – Assault – Dealt with by Community Resolution – Parties conveyed home by officers and asked the Police representative what this was regarding.

The Police Licensing Officer advised that Door staff at Eden had contacted the Police regarding a male being assaulted inside the premises and that the incident was 'kicking off.' The altercation was concerning a man who had punched another patron at the Club a number of times, following which, he then attempted to strangle him. The victim had fallen to the floor and cut his head. The victim's injuries were tended to at Eden and he shook hands with the perpetrator and did not wish to press any charges as a result of the assault. The incident had taken place inside Eden however, she added.

Mr. Rasul stressed that he staff done the right thing then, ie by contacting the Police, only then to have a further 'black mark' registered against the premises.

The Police Licensing Officer reiterated that there was no problem against the Door staff for reporting this incident, it was more a case of the Police not wishing to extend licensing hours at premises beyond 02:30am by any further extension of hours, to allow for further consumption of alcohol to take place, as when this took place ie in the later hours of a night into the early hours next morning, is when incidents mostly took place, due to patrons at late night establishments drinking excessively, then causing trouble.

What does go against a Premises Licence Holder she added, was if someone was assaulted in their premises, particularly if incidents such as this and like, took place on a regular occurrence.

A Member of the Sub-Committee asked Mr. Rasul if this incident had been registered in the Premises log-book, to which he replied that it had.

Mr. Rasul asked the Police representative, how many incidents had been called in by staff at Eden, in order to have assistance from the Police, in relation to any incidents.

The Police Licensing Officer confirmed this to be only one from Eden, plus four through CCTV incidents from BCBC. She added that it was custom and practice for the Police to have to raise everything that had been logged in Hearings such as today's. The majority of calls to the Police, had come from aggrieved persons (involved in the incidents). It was the role of the Police she reminded those present, to both raise and look into incidents reported, as they had a duty of care to the public in terms of protecting them.

Mr. Rasul then asked for an update on 9 October 2021 incident at 00:00am – Assault by door staff – Under Investigation.

The Police Licensing Officer advised that this matter was still under investigation and that a third party had reported this to the Police. It was regarding the manner by which a patron at the Club had been treated by Door staff. As a result of this, he had to attend hospital. A representative of the Police had spoken to Mr. Rasul on 12 October about this incident and he had informed them that he would provide CCTV footage of any alleged incident, but to date, this had not been forthcoming. The victim had sent photographic evidence of injuries he received following the incident and that Mr. Rasul had been interviewed regarding it. The issue was still ongoing she stated, so she could not provide any further comment on this.

Mr. Rasul confirmed that no statements had been taken from him or any of his Door staff by the Police, regarding the above.

The Chairperson advised Mr. Rasul to take this matter up further with the Police, outside of the meeting.

Mr. Rasul advised that a lot of the allegations made against the Club and its staff including himself, were made by intoxicated people and individuals under the influence of alcohol often gave misguided facts of incidents that take place in and within the vicinity of his premises.

As this concluded debate on the report, the Chairperson asked both parties to sum-up.

Mr. Rasul felt that Eden was often picked upon as a late-night establishment that attracted trouble, when in fact this was not actually the case. The Police he added, were a big part of this. Neither he nor his staff however, had any qualms or conflict with South Wales Police.

He wished Members to take on board that, he had not applied for any TENS for some considerable time, nor had he been summoned before the Council's Licensing Members, for any significant problems that had taken place at Eden.

He had similar premises in Neath Port Talbot, Carmarthen and Newport and didn't have nearly as much issues in these premises, that seemingly he had with the premises in Bridgend.

He felt that the Police needed to come together with the Management of each of the late-night establishments in Bridgend to reach a common goal, whereby these premises were operated as effectively as possible through the staff that work there, together with support from the Police when required ie in relation to anti-social behaviour incidents, that always occurred from time to time, in situations where people congregated together under the influence of alcohol. It was a partnership approach, with one goal in mind, to adhere to the Licensing Objectives.

He noted that some of the incidents referred to today as having had taken place at Eden, had done so between the hours of 04:30 to 06:00am. He felt that more Police

Officers should be on hand in the town centre than there were, in these hourly hours of a weekend. Though he felt there was less trouble now in Bridgend town centre on Friday and Saturday evenings, than there had been in the 1980's and 1990's.

He wished Members to acknowledge that his premises was situate between a taxi rank/office and another late-night establishment, so therefore, patrons late at night often passed by his premises in an intoxicated state and trouble often then occurred for this reason.

Though he acknowledged the safety element associated with extra CCTV coverage in the town centre and that this was very much required to keep people safe and to identify incidents taking place, often this magnified an issue whereby certain premises such as his, were being shown to be problem establishments, when in fact they were not.

Late-night establishments were suffering financially due to Covid-19 and the lockdowns that had taken place. Therefore, it was good for proprietors such as himself to gain extra income by opening longer hours on the odd occasion such as over Christmas and good for patrons too, ie to enjoy themselves of an evening.

A lot of the evidence shared by the Police today, were based on allegations not on actual facts and that's why he had challenged some of these. Others that had taken place, he felt both he and his staff had dealt with as best as they possibly could in accordance with protocols and procedures that required to be followed. Incidents could happen at any pub or club at any time in a split second, Mr. Rasul added.

His applications had been made he concluded over the Xmas period, in order that he could compete in terms of trade, with other late-night establishments who had longer licensing hours than was the case at Eden.

The Police representative then gave a summing-up of the case on behalf of the South Wales Police, as follows.

She advised that today's hearing was not about winning the day, but about keeping our communities safe, the prevention of crime and disorder, public safety and public nuisance.

South Wales Police operated a fair playing field and they couldn't control the operating hours granted to other premises, as this was about the application to extend the sale of alcohol hours to 04:30 hours at Eden. Any extension of hours from any premises to that time would be objected to by the Police, due to the levels of crime and disorder within Bridgend Town Centre in the early hours, over the weekend period.

The Sub-Committee needed to be mindful that the Police do not want Bridgend to have bad press as Wales Online reported over last weekend, with a headline, 'Disabled man punched into unconsciousness in gruesome bar attack in Bridgend,' as this was unfair to the community of Bridgend.

The levels of intoxication were high in late-night establishments on a Friday and Saturday into the following days. The Police did not want incidents like this where someone is fighting for their life due to intoxication and trouble that brings about.

Whilst she could not determine what is reported to South Wales Police, the fact is there has been 48 reported incidents linked to 33 Market Street (Eden) since 1 May 2021. These are incidents linked to just one licensed premises within Bridgend Town Centre, whilst there were approximately 9 other such licensed premises.

The Sub-Committee then retired to consider the matter further, whereupon on their return, it was

RESOLVED:

The Licensing Sub-Committee held an on-line hearing to consider the application submitted by Mrs Rasul for two temporary event notices in respect of premises at 33 Mark Street, Bridgend. The hearing was attended by Fiona Colwill of South Wales Police and Mr and Mrs Rasul the Applicants.

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

The application is to extend the hours on the following days, 18 to 20th December - 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 23rd December- 2am till 4.30am early morning of 24 December

Material before the Sub-Committee

The Sub-Committee had before it the report from the Licensing Officer which contained representations from the Police and a log of incidents which are registered against the premises. Mrs Rasul the Applicant produced a register of security staff on duty at the premises.

The Police Case

The Police went through a log of incidents that were logged against the premises on their systems. The applicant questioned the Police extensively about each of the incidents and disagreed with the facts given by the Police. The Applicants gave their own version of each incident which contradicted the evidence given by the Police. The Applicant denied several of the events had actually taken place. When going through the Police records Ms. Colwill on several occasions stated that a number of the victims were highly intoxicated at the premises.

Mr Rasul advised the Sub-Committee that he had checked his CCTV in relation to these incidents but never produced any evidence to the Committee to contradict the evidence given by the Police. Mr Rasul also on a number of occasions referred to a log he kept at the premises but did not produce the log to the Sub-Committee.

Findings of the Sub- Committee

The Sub-Committee found on the balance of probabilities that there were issues on some of the dates in question and that a number of the incidents were as a result of individuals being highly intoxicated at the premises so there were clearly issues at the premises on some of the dates given by the Police. The Sub-Committee also found that the incidents that they were satisfied did take place were of a serious nature. Namely the assaults which took place at the premises.

The Sub-Committee have considered each incident in turn and noted both the account recorded by the Police and the Applicant's recollection of the facts.

Determination

The Sub-Committee must in its decision-making promote the statutory licensing objectives and in particular, the prevention of crime and disorder and public safety.

The Sub-Committee when considering the incidents at the premises found that some serious incidents did take place at the premises and as such undermines the crime and disorder objective of the Licensing Act. In order to promote the Licensing objectives, the Sub-Committee have determined to issue a counter notice.

The meeting closed at 13:30

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