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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 (A)

Cynhelir Cyfarfod Is-Bwyllgor Deddf Trwyddedu 2003 (A) O bell Trwy Timau Microsoft ar **Dydd Mawrth, 4 Ebrill 2023 am 14:00.**

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddidordeb 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 2014.
3. Deddf Trwyddedu 2003: Adran 103 - Hysbysiad Digwyddiad Dros Dro 3 - 10
Gwrthwynebiad i Rybudd Gan Berson Perthnasol 35 Stryd y Farchnad Pen-y-bont ar Ogwr

Nodyn: Bydd hwn o bell Trwy Timau Microsoft. Bydd y cyfarfod cael ei recordio i'w drosglwyddo drwy wefan y Cyngor. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â 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:

Cynghorwyr
A R Berrow

Cynghorwyr
M Lewis

Cynghorwyr
J E Pratt

Ffôn/Tel: 01656 643643

Negeseuon SMS/ SMS Messaging: 07581 157014

Facs/Fax: 01656 668126

Twitter@bridgendCBC

Ebost/Email: talktous@bridgend.gov.uk

Gwefan/Website: www.bridgend.gov.uk

Cyfnwyd 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

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING SUB-COMMITTEE

4 APRIL 2023

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

LICENSING ACT 2003:SECTION 103 TEMPORARY EVENT NOTICE OBJECTION TO NOTICE BY A RELEVANT PERSON 35 MARKET STREET BRIDGEND

1. Purpose of report

- 1.1 The purpose of this report is to ask the Sub-Committee to determine an objection notice received from South Wales Police in response to a Temporary Event Notice served on the licensing authority.

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

- 2.1 This report relates to the Council's regulatory functions. There is no direct link to the corporate well-being objectives or other corporate priorities.

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 21 March 2023, the licensing authority received a Temporary Event Notice ("TEN") from Zahid Rasul ("the premises user") in respect of the premises known as 35 Market Street Bridgend. The premises is described as a late bar and nightclub and the TEN is to cover inside of the premises and beer garden. The event is described as "Good Friday" and is dated from 8 April 2023 through to 10 April 2023 inclusive.
- 4.2 The TEN seeks authorisation for the sale of alcohol and the provision of regulated entertainment for each of the days as follows:
- 4.3 0300 to 0430 hours*
0300 to 0430 hours

0030 to 0430 hours

On each of the above dates.

- 4.4 The premises has the benefit of a Premises Licence BCBCLP211 which authorises the sale of alcohol as follows:

Good Friday 1200 – 0000 hours*

Saturday: 1000 - 0300 hours

Easter Sunday : 1200 - 0030 hours

*The TEN served does not cover licensable activities to take place between 0000 and 0300 hours.

- 4.5 A copy of the TEN was served upon South Wales Police and the Council's Environmental Health team within Shared Regulatory Services. On 27 March 2023, South Wales Police submitted an Objection Notice to the licensing authority in relation to the TEN. A copy of the Objection Notice has been served on the premises user and is attached at Appendix A.

- 4.6 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 the parties had reached agreement.

- 4.7 The Objection Notice is therefore to be treated as not having been withdrawn. Sections 2 and 7 of the Home Office Guidance apply to this Notice.

- 4.8 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.

- 4.9 An extract of the relevant conditions attached to the Premises Licence is attached as Appendix B.

5. Effect upon policy framework and procedure rules

- 5.1 This report 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. 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

- 9.1 The Sub-Committee is required to determine the objection notice in line with paragraph 4.8 above.

Kelly Watson

CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

Contact Officer: Yvonne Witchell
Team Manager Licensing Bridgend and Vale

Telephone: (01656) 643643

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

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

Background documents:

Temporary Event Notice

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From: LICENSINGBRIDGEND <LICENSINGBRIDGEND@south-wales.police.uk>
Sent: 27 March 2023 15:52
To: licensing <licensing@bridgend.gov.uk>
Cc:
Subject: RE: Licensing Act 2003 - TENs - 35 Market Street

Good Afternoon

In the month 19th February to 18 March 2023, six incidents were logged against 33/35 Market Street, Bridgend, all these incident occurred after 02:00 hours, therefore, South Wales Police object to the below TEN being granted.

Kind Regards



Fiona Colwill

Swyddog Trwyddedu (57463) | Licensing Officer (57463)

Partneriaeth Diogelwch Cymunedol | Community Safety Partnership

Gorsaf Pen-Y-Bont | Bridgend Police Station

☎: | Ext: | Mobile / Symudol:



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BCBCLP211

Extract of premises licence conditions:

General

7. The Premises Licence Holder shall at all times maintain a register of security personnel employed on the premises, such personnel to hold current registration as a door supervisor with the Security Industry Authority.

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

The prevention of crime and disorder:-

1. The licensee shall retain and maintain the installation of CCTV at the premises to the satisfaction of the South Wales Police Crime Reduction Officer.

2. The licensee shall ensure that all aspects of the CCTV system comply with the Data Protection Act 1998. The Office of the Data Protection Supervisor has produced guidance in relation to how the Act should be interpreted, including advice on the required signage. For further information please contact: www.dataprotection.gov.uk

3. The licensee shall install CCTV at or near to the entrance(s) and exit(s) to the premises and record ingress and egress of customers. CCTV will also be located in all other areas to which the public has access (excluding the toilet areas).

4. The licensee will arrange for signs to be placed in a prominent position visible to customers, stating that CCTV is in operation at the premises. The sign must show the controllers contact details.

5. There will be a storage facility of CCTV images of up to thirty-one days covering the maximum number of days in a calendar month.

6. The licensee must make recordings of images available on request to any officer of the South Wales Police in the course of their duties as soon, as is reasonably practicable. Therefore adequate training will have to be provided to duty staff in order to comply with this condition

7. The licensee will be responsible for ensuring that the operating equipment is regularly checked and that it operates at all times during the opening hours.

8. The licensee shall provide and maintain a register to detail any CCTV recordings handed to the South Wales Police in a format to be approved by the Police. The details of both the person handing over the recordings and the Police Officer receiving them should also be documented.

9. The licensee shall provide a secure room to house the CCTV consul and recording equipment and shall restrict access to the room to designated persons, such persons to be notified in writing to the South Wales Police.

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