

# 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 (A)**

Cynhelir Cyfarfod Is-Bwyllgor Deddf Trwyddedu 2003 (A) O bell Trwy Timau Microsoft ar **Dydd Mercher, 3 Ionawr 2024** am **10:00**.

#### **AGENDA**

1. Ymddiheuriadau am absenoldeb  
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant  
Derbyn datganiadau o fuddiant personol a rhagfarnus (os oes rhai) gan aelodau/swyddogion yn unol â darpariaethau Côt Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008.
3. Deddf Trwyddedu 2003: Hysbysiad Digwyddiad Dros Dro Adran 104 3 - 16  
Gwrthwynebiad i Rybudd gan Heddlu De Cymru ar gyfer Bar 35

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](mailto:cabinet_committee@bridgend.gov.uk) neu ffoniwch 01656 643694 / 643148.

Yn ddiffuant

**K Watson**

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

#### **Dosbarthiad:**

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MJ Kearn

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Gwefan/Website: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

Cyfnwidi 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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# Agenda Item 3

<b>Meeting of:</b>	<b>LICENSING ACT 2003 SUB-COMMITTEE (A)</b>
<b>Date of Meeting:</b>	<b>3 JANUARY 2024</b>
<b>Report Title:</b>	<b>LICENSING ACT 2003: SECTION 104 TEMPORARY EVENT NOTICE OBJECTION TO NOTICE BY SOUTH WALES POLICE FOR BAR 35</b>
<b>Report Owner / Corporate Director:</b>	<b>CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY</b>
<b>Responsible Officer:</b>	<b>KIRSTY EVANS TEAM MANAGER LICENSING</b>
<b>Policy Framework and Procedure Rules:</b>	<b>The report content has no direct effect upon the policy framework and procedure rules.</b>
<b>Executive Summary:</b>	<b>For the Licensing Sub-Committee to consider and determine objection notices submitted by South Wales Police to 3 Temporary Event Notices given for Bar 35, 35 Market Street, Bridgend CF31 1LJ</b>

## 1. Purpose of Report

- 1.1 The purpose of this report is to ask Members to consider and determine Objection Notices submitted by South Wales Police in response to 3 Temporary Event Notices served on the Licensing Authority.
- 1.2 Section 4 of the Licensing Act 2003 states that a licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives. The licensing objectives are:
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.

## 2. Background

- 2.1 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, 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.

### **3. Current situation / proposal**

#### **3.1 TEMPORARY EVENT NOTICE ONE – 14 JANUARY 2024 TO 15 JANUARY 2024**

On 15 December 2023, the Licensing Authority received a Temporary Event Notice (TEN) from Zahid Rasul (the premises user) in respect of Bar 35, 35 Market Street, Bridgend CF31 1LJ. The notice covers the whole premises.

The premises is described by the premises user as “Bar and Nightclub”.

The event is described as: “This is a TEN to allow the premises to trade late on Friday 13<sup>th</sup> January 2024 & Saturday 14<sup>th</sup> January 2024 by opening until 04:30am in the morning of the next days and carrying out the specified licensable activities until 04:00am in the morning of the next days.

#### **3.2 The TEN seeks authorisation for the following:**

The Sale of Alcohol for consumption on the premises:  
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Regulated Entertainment:  
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Late-Night Refreshment:  
Saturday and Sunday: 03:00 – 04:00 hours

Opening Hours:  
Saturday and Sunday: 03:30 – 04:30 hours

#### **3.3 TEMPORARY EVENT NOTICE TWO – 19 JANUARY 2024 TO 20 JANUARY 2024**

On 15 December 2023, the Licensing Authority received a Temporary Event Notice (TEN) from Zahid Rasul (the premises user) in respect of Bar 35, 35 Market Street, Bridgend CF31 1LJ. The notice covers the whole premises.

The premises is described by the premises user as “Bar and Nightclub”.

The event is described as: “This is a TEN to allow the premises to trade late on Friday 19<sup>th</sup> January 2024 & Saturday 20<sup>th</sup> January 2024 by opening until 04:30am in the morning of the next days and carrying out the specified licensable activities until 04:00am in the morning of the next days.

#### **3.4 The TEN seeks authorisation for the following:**

The Sale of Alcohol for consumption on the premises:

Saturday and Sunday: 03:00 – 04:00 hours

Provision of Regulated Entertainment:  
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Late-Night Refreshment:  
Saturday and Sunday: 03:00 – 04:00 hours

Opening Hours:  
Saturday and Sunday: 03:30 – 04:30 hours

### 3.5 TEMPORARY EVENT NOTICE THREE – 27 JANUARY 2024 TO 28 JANUARY 2024

On 15 December 2023, the Licensing Authority received a Temporary Event Notice (TEN) from Zahid Rasul (the premises user) in respect of Bar 35, 35 Market Street, Bridgend CF31 1LJ. The notice covers the whole premises.

The premises is described by the premises user as “Bar and Nightclub”.

The event is described as: “This is a TEN to allow the premises to trade late on Friday 26<sup>th</sup> January 2024 & Saturday 27<sup>th</sup> January 2024 by opening until 04:30am in the morning of the next days and carrying out the specified licensable activities until 04:00am in the morning of the next days.

### 3.6 The TEN seeks authorisation for the following:

The Sale of Alcohol for consumption on the premises:  
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Regulated Entertainment:  
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Late-Night Refreshment:  
Saturday and Sunday: 03:00 – 04:00 hours

Opening Hours:  
Saturday and Sunday: 03:30 – 04:30 hours

### 3.7 The premises has the benefit of a Premises Licence BCBCLP211 which authorises the following:

Sale of Alcohol for consumption on and off the premises:

Monday to Thursday:	10:00 – 02:00 hours
Friday & Saturday:	10:00 – 03:00 hours
Sunday & Easter Sunday:	12:00 – 00:30 hours
Sundays which precede Bank Holiday Mondays:	12:00 – 02:00 hours
Christmas Day:	12:00 – 15:00 and 19:00 – 22:30 hours
Good Friday:	12:00 – 00:00 hours
New Year's Eve:	As per The Regulatory Reform (Special Occasions Licensing) Order 2002

Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description:

Monday to Thursday:	17:00 – 02:00 hours
Friday & Saturday:	17:00 – 03:00 hours
Good Friday:	12:00 – 00:00 hours
Sunday & Easter Sunday: Sundays which precede Bank Holiday Mondays:	12:00 – 00:30 hours
Christmas Day:	Premises shall not be open for regulated entertainment unless approved by the Licensing Authority
New Year's Eve:	As per The Regulatory Reform (Special Occasions Licensing) Order 2002

Provision of Late-Night Refreshment:

Monday to Thursday:	23:00 – 02:00 hours
Friday & Saturday:	23:00 – 03:00 hours
Good Friday:	23:00 – 00:00 hours
Sunday & Easter Sunday: Sundays which precede Bank Holiday Mondays:	23:00 – 00:30 hours
New Year's Eve:	As per The Regulatory Reform (Special Occasions Licensing) Order 2002

Opening Hours:

Monday to Thursday:	10:00 – 02:30 hours
Friday & Saturday:	10:00 – 03:30 hours
Sunday: Easter Sunday: Sundays which precede Bank Holiday Mondays:	12:00 – 01:00 hours
Christmas Day:	12:00 – 01:00 hours
	12:00 – 15:30 and 19:00 – 23:00 hours Premises shall not be open for regulated entertainment unless approved by the Licensing Authority on Christmas Day
Good Friday:	12:00 – 00:30 hours
New Year's Eve:	As per The Regulatory Reform (Special Occasions Licensing) Order 2002

3.8 The conditions attached to the Premises Licence can be found in **Appendix A**.

3.9 Copies of the 3 Temporary Event Notices were served upon South Wales Police and the Council's Environmental Health team within Shared Regulatory Services. On 18 December 2023, South Wales Police submitted 3 Objection Notices to the Licensing Authority, 1 in relation to each of the TENs submitted for Bar 35.

A copy of the Objection Notices has been served on the premises user and are detailed in **Appendix B**.

3.10 This hearing must therefore consider the points raised in the Objection Notices and make a determination on each of the TENS. Having considered the Objection Notice, the Sub-Committee has available to it the following options:

- a) Allow the licensable activities to go ahead as stated in the TENS;
- b) If the TENS are in connection with a licensed premises, the licensing authority, may also impose one or more of the existing licence conditions on the TENS (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 events would undermine the licensing objectives and should not take place, give a counter notice to one or to both events.

#### **4. Equality implications (including Socio-economic Duty and Welsh Language)**

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

#### **5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives**

5.1 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.

#### **6. Climate Change Implications**

6.1 There are no climate change implications arising from this report.

#### **7. Safeguarding and Corporate Parent Implications**

7.1 There are no safeguarding and corporate parent implications arising from this report.

#### **8. Financial Implications**

8.1 There are no financial implications arising from the report.

#### **9. Recommendations**

9.1 The Sub-Committee is required to consider and determine the Objection Notices submitted by South Wales Police in respect of Temporary Event Notice One, Temporary Event Notice Two and Temporary Event Notice Three, in line with paragraph 3.10 above.

**Background documents**

None.



**Premises Licence Conditions – Bar 35**

Annex 2 - Conditions Consistent with the Operating Schedule

- 1) Alcohol shall not be sold or supplied except during permitted hours.
- 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:-

1. No disorderly conduct shall be permitted therein or any exhibition, recitation, acting, singing or dancing which is of an obscene character or offensive.
2. Explosives, inflammable liquids or highly inflammable articles shall not be permitted on the premises without the consent of the Licensing Authority.
3. No structural alterations or alteration to the layout of the premises including ceiling and wall linings shall be carried out without the consent of the Licensing Authority.
4. No exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act 1952) shall be given by any person at the place licensed except with the express written consent of the Licensing Authority and in accordance with any conditions attached to such consent.
5. An application for consent under Condition 15 (a) shall be in writing and signed by the Licence holder or his agent and shall be made not less than 28 days in advance of the exhibition, demonstration or performance concerned. A copy of the application shall at the same time be forwarded to the Superintendent of Police and the South Wales Fire Service.
6. The parts of the premises licensed for public entertainment and the maximum number of persons permitted to resort to those parts are as follows:-

Ground Floor Bar : 400 persons

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.

Conditions of Licence relating to the Provision of Lap Dancing, Table Side Dancing and any other Entertainment involving Striptease and/or Nudity:-

1. Total nudity (the exposing of genitals) shall only be permitted on stage and at no other place in the premises.

2. No sex act shall take place.
3. The area proposed for striptease (involving complete nudity) shall:-
  - a) be in a position where the performer cannot be seen from the street.
  - b) be in a designated area of the premises with segregation from the audience.
  - c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.
4. The area proposed for lap dancing, table side dancing (involving partial nudity) shall be in a position where the performance cannot be seen from the street.
5. There shall be no physical contact between persons appearing on stage and the audience. The entertainment shall be given only by performers/entertainers and the audience shall be permitted to participate.
6. Persons appearing on stage should have direct access to the dressing room without passing through or in close proximity to the audience.
7. Lap dancers/table side dancers must immediately dress at the conclusion of each performance.
8. The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (except as permitted by condition 10 below).
9. Entertainment provided by topless dancers to customers seated at tables may only take part in those parts of the premises approved by the Council. No audience participation shall be permitted.
10. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance. Whilst the dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.
11. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/his manager/supervisor.
12. There shall be no physical contact between dancers whilst performing.
13. The topless dancers shall at all times wear a G-string or similar piece of clothing that covers the appropriate part of the body.

14. The licensee will immediately deal with any report of contact, misconduct or provocation by a customer or dancer.
15. No telephone number, address or information leading to any further meeting may be passed from the customer to dancer or vice versa.
16. No dancer may perform if they are intoxicated.
17. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
18. All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
19. Members of the public should not be permitted to congregate in the bar area.
20. Signs must be displayed at the entrance to the dance area stating:-
  - a) "Any customer attempting to make physical contact with a dancer will be asked to leave". Signs must be sufficient in size, legible and positioned so as to be read by all customers entering the dance area.
21. No dancer shall perform any sexually explicit or lewd act.
22. Whilst dancing takes place not less than (insert agreed number) of SIA door supervisors shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Council in writing.
23. No person under the age of eighteen shall be permitted on the premises, unless authorised in writing by the Council.

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](http://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.

## **Temporary Event Notice One – Objection Notice**

**From:** LICENSINGBRIDGEND <[LICENSINGBRIDGEND@south-wales.police.uk](mailto:LICENSINGBRIDGEND@south-wales.police.uk)>

**Sent:** 18 December 2023 14:07

**To:** licensing <[licensing@bridgend.gov.uk](mailto:licensing@bridgend.gov.uk)>

**Cc:** Parry, Daniel swp5435

**Subject:** RE: Licensing Act - TENS - Bar 35

Good Afternoon

South Wales Police (SWP) object to the TEN application for the extension of hours at Eden on 13<sup>th</sup> to 14<sup>th</sup> January 2024.

Over the last weekend there were three incidents linked to Eden and Bar 35, Market Street Bridgend, all three incidents occurred after 02:00 hours. CCTV have also reported unprofessional behaviour from Mr Rasul.

Eden, which is also run by Mr Rasul has recently had its' licence brought in for review, Mr Rasul has appealed the Licensing Sub-Committee decision, with the matter being heard at Cardiff Magistrates Court in February 2024. Where SWP appreciate that the licence for Bar 35 has not been subject to review, Eden and Bar 35 are run as one premises and its impossible to differentiate between the two premises as is evidenced in CCTV footage.

South Wales Police have no confidence that the PLH and DPS are upholding the Licensing Objectives.

Kind Regards

## **Temporary Event Notice Two – Objection Notice**

**From:** LICENSINGBRIDGEND <[LICENSINGBRIDGEND@south-wales.police.uk](mailto:LICENSINGBRIDGEND@south-wales.police.uk)>

**Sent:** 18 December 2023 14:09

**To:** licensing <[licensing@bridgend.gov.uk](mailto:licensing@bridgend.gov.uk)>

**Cc:** Parry, Daniel swp5435

**Subject:** RE: Licensing Act 2003 - TENS - Bar 35 for 20th and 21st January

Good Afternoon

South Wales Police (SWP) object to the TEN application for the extension of hours at Eden on 20<sup>th</sup> to 21<sup>st</sup> January 2024.

Over the last weekend there were three incidents linked to Eden and Bar 35, Market Street Bridgend, all three incidents occurred after 02:00 hours. CCTV have also reported unprofessional behaviour from Mr Rasul.

Eden, which is also run by Mr Rasul has recently had its' licence brought in for review, Mr Rasul has appealed the Licensing Sub-Committee decision, with the matter being heard at Cardiff Magistrates Court in February 2024. Where SWP appreciate that the licence for Bar 35 has not been subject to review, Eden and Bar 35 are run as one premises and its impossible to differentiate between the two premises as is evidenced in CCTV footage.

South Wales Police have no confidence that the PLH and DPS are upholding the Licensing Objectives.

Kind Regards

## **Temporary Event Notice Three – Objection Notice**

**From:** LICENSINGBRIDGEND <[LICENSINGBRIDGEND@south-wales.police.uk](mailto:LICENSINGBRIDGEND@south-wales.police.uk)>

**Sent:** 18 December 2023 14:08

**To:** licensing <[licensing@bridgend.gov.uk](mailto:licensing@bridgend.gov.uk)>

**Cc:** Parry, Daniel swp5435

**Subject:** RE: Licensing Act 2003 - TENS-Bar 35

Good Afternoon

South Wales Police (SWP) object to the TEN application for the extension of hours at Eden on 27<sup>th</sup> to 28<sup>th</sup> January 2024.

Over the last weekend there were three incidents linked to Eden and Bar 35, Market Street Bridgend, all three incidents occurred after 02:00 hours. CCTV have also reported unprofessional behaviour from Mr Rasul.

Eden, which is also run by Mr Rasul has recently had its' licence brought in for review, Mr Rasul has appealed the Licensing Sub-Committee decision, with the matter being heard at Cardiff Magistrates Court in February 2024. Where SWP appreciate that the licence for Bar 35 has not been subject to review, Eden and Bar 35 are run as one premises and its impossible to differentiate between the two premises as is evidenced in CCTV footage.

South Wales Police have no confidence that the PLH and DPS are upholding the Licensing Objectives.

Kind Regards

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