



Licensing Officer 5102 Rowlatt
Community Safety Partnership
Licensing Department
Police Station
Brackla Street
Bridgend
CF31 1BZ

B.3-423/16

Thursday, 1st December 2016

Legal Services Department
Corporate Services
Bridgend County Borough Council
Angel Street
Bridgend
CF31 4WB

Mrs Saima RASUL
Designated Premises Supervisor & Premises Licence Holder
Eden Wine Bar
33 Market Street
BRIDGEND
CF31 1LJ

Sir/Madam,

RE: OBJECTION TO TEMPORARY EVENT NOTICE UNDER SECTION 100 OF THE LICENSING ACT 2003

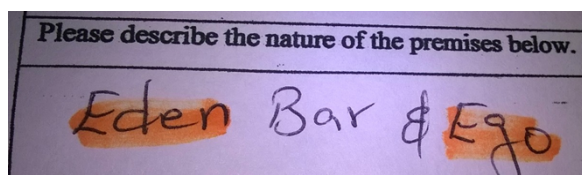
EDEN and EGO, 33 MARKET STREET BRIDGEND – HEARING 2nd December 2016
Further Evidence

Application is made on behalf of the Chief Officer of Police, to object to these two temporary event notices (TEN's) as it is believed that the events would undermine the licensing objectives relating to the prevention of crime and disorder as set out in the Act.

THE PREMISES

The venue is subject of a premises licence, BCBC LP 655 dated **8th January 2016, Issue 1** and is authorised to supply alcohol and provide regulated entertainment (including boxing), dancing and late night refreshment.

The premises is referred to in these notifications as 'Eden bar & Ego' with the former being situated on the ground floor and the latter on the first floor.



Food, hot food, in particular is not available and has never been made available. The premises licence LP 655 therefore which gives the permission for a late bar and grill, has actually never operated as a grill. The kitchen equipment have never been installed. This is being highlighted here as allowances were given on the current licence for less regulation in regards to a restaurant where alcohol is considered ancillary.

Hot food is also known to help revellers sober up to get them home, so it is important to note that the times these authorisations required are after all other hot food vendors in Bridgend are closed, the terminal hour for these premises being 04.00 am.

The current licence regulates two floors and two types of businesses, however, currently only downstairs is open on weekends. There appears to be no demand for 'Ego'. However, Eden, downstairs effectively run's as a night club as it has a dance floor and can facilitate all elements that make up a night club.

The current opening hours on the premises licence that is pertinent to these TENS are:-

Friday: 11.30 – 03.30 hours
Saturday: 11.30 – 04.30 hours

The current licensable activities are:-

Sale of alcohol ; Recorded Music, Performance of Dance and Anything of a similar nature to Live Music, Recorded Music and Performance of Dance and Boxing or Wrestling:

Friday: 1200 - 0300 hours
Saturday: 1200 - 0400 hours

The premises license is regulated with many conditions, but in relation to conditions that come into effect after 02.30 am, the key times on these notifications, there appears to be only two:-

The prevention of crime and disorder:-

5) When the nightclub/function room is trading there shall be a minimum number of 6 SIA security staff on duty - 3 of whom will be located at ground floor until 0230 hours and the other 3 will be at first floor to be joined by 3 additional SIA security staff from the ground floor from 0230 hours until closure of the first floor facility.

22) There shall be no entry /re-entry to the premises after 0230 hours. The smoking area shall close 30 minutes prior to closing.

THE (TEMPORARY EVENT) NOTIFICATIONS

It is important that the committee is made aware that these two tens are not just requiring extra hours to trade. There is an overlap of licensable activity times that are already catered for on the current licence.

All four dates on these TENS wish to operate from 02.30 am onwards. The TENS are for licensable activity to start whilst the existing premises licence is already in place.

So the existing overlap of what is already licensed is by 30 mins on the Saturday and 1 hour 30 mins on a Sunday. This could be for one or two reasons.

(1)

The first reason, could be, to ignore the existing conditions that have effect from 2.30 onwards.

The 'last entry – no re-entry' condition, was put on the licence to deal with potential 'ASB – anti-social behaviour' issues within the town centre to prevent migration from other venues. The condition allows customers to leave other venues and go home instead of continuing their drinking at this establishment. Hence reducing the demand for service industries and police later on, by instigating a steady gradual dispersal. As each venue closes at different times demanding taxis and kebabs for example at different times. Conditions, such as these prevent such flash points occurring at taxi ranks, etc., as the need and demand is naturally reduced.

The door staff condition, changing door staff from 3 controllers to 6 is contained within the licence to promote public safety and to regulate the operation of the venue. For example, the building comprises of 3 floors and three stairwells. Therefore safety, in relation to fire exits and escapes are paramount and enough staff have to be present in case of such emergencies.

The current license also has 16 specific conditions placed upon it, in relation to door staff. Therefore to run with less door staff would be detrimental.

The prevention of crime and disorder:-

2) The Premises Licence Holder will ensure that door staff are responsible for checking customer's ID and age verification at the point of entry to the premises.

3) The Premises Licence Holder will ensure that door staff record all incidents occurring at the premises or in the outside queuing area or in the smoking area and that these are recorded in the incident book to be maintained at the premises.

6) Door staff will manage entry and re-entry into the premises during the opening hours of the nightclub/function room.

7) Door staff will manage the queue for the nightclub which is to be clearly defined and separated from the smoking area.

8) Door staff will monitor customers and eject any persons who are heavily intoxicated in the manner approved by SIA training.

11) The head door person will monitor the night net radios and communicate with other users of the night net radio system in Bridgend town centre.

14) Persons who have committed criminal offences will be detained until the arrival of the police.

17) The premises shall operate a random search policy for the purposes of searching persons on entry and also persons inside the venue.

20) Customers from the ground floor bar and grill who wish to go upstairs to the nightclub area will have their drinks decanted into polycarbonate vessels at the bottom of the stairs leading to the first floor nightclub area. Door staff will be in a position at these points to ensure drinks are decanted into the polycarbonate vessels. One door staff will be positioned at the bottom of the stairs and at the internal entrances to the nightclub.

24) To prevent overcrowding a clicker system will be employed at each entrance to the premises to allow door staff to monitor numbers of customers at both ground floor and first floor. The maximum capacity of persons allowed into both the ground floor and the first floor will be written into the fire safety risk assessment.

25) Door staff will conduct a perimeter search of the premises including toilets on commencement of duty and prior to the nightclub opening.

26) Door staff will monitor customer's levels of intoxication and customers who appear drunk will be required to leave the premises. When a customer is required to leave the premises because he or she appears to be drunk this will be notified and recorded on night net.

27) There shall be no drinking permitted in any outside area at any time.

28) One member of door staff will be located by the back stairs entrance of the nightclub to monitor customer's access to and from toilets. Another SIA door staff will be permanently located at the bottom of the main staircase in order to apply wrist bands, to decant glasses, and to check levels of intoxication of customers at ground floor.

The prevention of public nuisance:-

9) That for the purpose of preventing public nuisance door staff are present at the front entrance to the premises every Friday and Saturday from 2200 hours until closing time.

11) That at least one member of door staff at the entrance to the premises shall be responsible for controlling the noise from patrons outside in order to prevent noise nuisance to residents.

Door staff have to be positioned at set locations, as dictated by the licence. However, they also needed to carry out random checks like drugs checks and the monitoring of customers, so extra door staff are needed to be able for some to flow freely.

It is therefore recommended, that if the committee wishes to grant these tens, then the existing licence conditions must be maintained. South Wales Police can evidence that this has not been the case with previous notifications.

1600454096 25/11/2016 – 27/11/2016 OPERATION RAVEN

Investigation action by SWP 5784 CARRA

[INVESTIGATION UPDATE](#)

Licensing check conducted at EDEN Nightclub, Market Street, Bridgend at 02:30
Four doorstaff on duty:

1600420953 04/11/2016 – 06/11/2016 OPERATION RAVEN

04/11/2016 23.42

Investigation action by SWP 3590 HARRIS

Eden -11 patrons 3 doorstaff.

06/11/2016 06.08

Investigation action by SWP 5879 ATTEWELL

[INVESTIGATION UPDATE](#)

4 x door staff at Eden

2)

The second reason why these TENS wish to operate from 02.30 onwards, could possibly be in relation to planning restrictions that the premises has. Planning restrictions come into effect from 02.30 on a weekend stating that the premises must be closed. This issue will be dealt with later on in these representations.

3)

The third reason, is it could be an error, or oversight, yet this is doubtful as previous notifications have stated the same timings.

EDEN and EGO

It is important that the committee note that all the TENS have stated that the extra hours required, are to trade in both venues, Eden late bar and Ego night club.

The capacity limits as described in a previous risk assessment curtails the number of persons that can frequent the premises safely as:

“350 on the ground floor at any one time

And 150 which can occupy the first floor. An overriding capacity of 500 being acceptable on both.”

Any TENS can only allow 499 persons, including staff to be present at any one time under an event so for these type of numbers to be admitted the building has to be open on both floors.

This risk assessment does state:-

“It is imperative that door staff control numbers externally upon entrance and also internally between floors ...”

It is imperative that door staff control numbers externally upon entrance and also internally between floors, this will be reflected in the fire risk assessment, bearing in mind the divide is 350 for the ground floor and 150 for the 1st floor.

Section 182 guidance: point 7.20

TENS may be given in respect of premises which already have a premises licence to cover licensable activities NOT PERMITTED BY THE EXISTING AUTHORISATION.

The description of the nature of these events, on the TENS have been described as a ‘Christmas celebration early party’ and a ‘Christmas party’. Therefore an event where drinking, dancing, music, etc. will be played across the 2 floors. We are told the event wishes to trade over the two floors as both names are included within the notification document.

There are no extra licensable activities that these tens are having.

Therefore one must question why have they been given? It is believed that the notification system is being used incorrectly, to ignore existing regulations and to stay open later than any other venue, hoping to attract some extra custom but with no measures being put in place.

THE HOURS

The extra hours that the TENS are applying for are as follows:-

Tens for Saturday 3rd December 2016 and Sunday the 4th Dec 2016

Licensable activity hours on the early hours of Sat from 03.00 until 04.00 - an extra hour.

Licensable activity hours on the early hours of Sun from 04.00 until 04.30 – an extra 30 minutes.

The Committee must be made aware that technically the notice has stated that the sale of alcohol hours are until 04.30 and 05.00 respectively, but are accompanied with a hand written note to the side that states that the ‘sale of alcohol hours stopped ½ hour before’, the existing report to the Licensing subcommittee does not include this information and has included the later time. Therefore which statement is believed to be true?

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
3rd & 4th Dec 16	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
2:30 until 4:30 Friday Saturday	Sale of Alcohol stopped 1/2 hour before
2:30 until 5:00 Saturday	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
499	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both please tick as appropriate). (Please read note 11)	On the premises only
	<input checked="" type="checkbox"/>

The second TENS for the Saturday 10th December and Sunday 11th Dec 2016 has not included this hand written note so one must assume that what has been applied for is Licensable hours and therefore materially different to the first TEN.

TENS for the Saturday 10th December 2016 and Sunday 11th December 2016

Licensable activity hours on the early hours of Sat from 03.00 until 04.30 am – an extra hour and a half.

Licensable activity hours on the early hours of Sun from 04.00 until 05.00 am – an extra hour.

It is important for the committee to be reminded that TENS do not cover any closing times, they just authorise licensable activity, as they are intended to be used for places that do not have a licence.

However, a premises asking for extra licensable activity via a TEN does not include a closing time as effectively they can close whatever time they chose. However the closing times are important factors for service industries like taxis and the police to be able to cater for potentially 500 persons, out in the town centre, all at one time. Therefore it makes sense for applicants to include them within their notifications and in fact it is something that the police do ask for.

The information on closing times are also important for the committee to be aware of, when making an informed decision regarding the effects that granting such a TENS can have on the licensing objectives. Not only on the flow of patrons leaving a premises at a specific time, but also the effect this can have on street disorder and limited transport links to service these customers, on one off events.

If the events were 'private parties' for example a set group of people from a certain locality, the likelihood of private buses shuttling revellers 'back and forth', is highly likely, therefore potentially having less of an effect on Bridgend late night economy.

However, if the notices have been given just to run the premises with later hours then the likely effect on Bridgend town centre will be higher. What time will the premises be closing and what measures will be put in place as the grant of these TENS will make the premises the latest in the borough.

Running with later hours will have an effect on the town centres 'saturation policy' known as 'the cumulative impact' of other venues that are in close proximity and the times they all close. If they all close at the same time then there is a higher probability of disorder linked to these events, as there is a possibility that all revellers will need taxis ALL at the same time, causing a potential problem.

Not knowing the time that the premises wishes to close is detrimental to the panel making an informed decision about the likely effect it is likely to have on the autonomy of the town centre.

BACKGROUND TO THE LOCATION OF THE VENUE IN THE "SATURATION AREA"

The premises being a late bar and night club is situated in Market Street which is one of only 4 streets which form the "saturation area" which is subject of Bridgend County Borough Councils "Statement of licensing policy".

Although this is not a GRANT or VARIATION application, it is notification of extra hours.

The Bridgend statement of licensing policy states:

6.4 “Whilst each case will be determined on its merit the term variation is taken to mean an INCREASE IN HOURS during which licensable activities may take place, ... insofar as these are likely to add to the negative cumulative impact.”

BACKGROUND TO OBJECTIONS

Section 182 of the Licensing Act 2003 7.35

“Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance.”

Police have objected to this notice under the crime and disorder objective.

Police have evidence that crime has been reported under notices with the same timings that were not previously objected to.

Tens 9 & 10 for the weekend of the 20th November, two incidents were recorded. One called in by the applicant of an allegation of a stolen mobile phone.

1600448751 20/11/2016 02.01 CR41 Theft & handling

“Two female caught stealing. We have detained two females for stealing a bag. The girls are kicking off. They are aggressive and ready to punch out at door staff.”

This occurrence has been crimed as a theft but police could not prove that a theft of a mobile phone had taken place. The door staff had not detained two females. Only 1 subject was nearby and searched which proved negative. The victim was highly intoxicated and did not see her mobile get taken, her cash was still in her bag, and she still had her bag. Officers were informed it was caught on CCTV.

When officers viewed the CCTV this was not the case. No persons were seen to remove a mobile phone and the females believed to be looking into the bag on CCTV is believed to be the aggrieved.

However, whilst officers were on scene they were diverted to another call, one of assault, Occurrence 1600448806 at 02.50 hours in reported.

1600448806 20/11/2016 02.50 “ASSAULT”

CR37 Violence against the person. Crimed as 8/1 ‘Assault with injury no intent’

Modus operandi:

“Alcohol related. The victim has been approached by the suspect who has punched him once to the face in an unprovoked attack, suspect detained by witness and police contacted. “

CCTV does not show the assault.

Victim went to hospital and updated officers with his injuries “his jaw is quite bruised and swollen”

In interview the suspect stated

“...he was at the Eden bar with a friend and had drunk 10 pints. That on a scale of intoxication he was 7/10. He doesn't remember full details of the incident”

A further incident was recorded.

1600435412 Operation Raven 12/11/2016

Swp4986 SULLIVAN 05.42 hours

Supervisors review

Eden: Call from CCTV at 04.01 hours stating there was a disturbance in Market Street. Units attended and called for further assistance as a large crowd was present. A couple of minor altercations, no offences alleged.

Therefore crime occurrences are now being recorded against the premises whilst previous notification were given, at times when the previous notifications have been in place and with a likelihood, over the festive period that these crimes will increase.

BACKGROUND TO PLANNING

7.7 Section 182 of the Licensing Act 2003 which states: -

“A TEN DOES NOT RELIEVE THE PREMISES USER FROM ANY REQUIREMENTS UNDER PLANNING LAW FOR APPROPRIATE PLANNING PERMISSION WHERE IT IS REQUIRED.”

SWP fully understand that planning and licensing are different regimes however; the council's *“Statement of licensing policy”* in respect of the Licensing Act highlights that the earlier closing times must be observed and this panel needs to be aware that there are recent developments in relation to failure to comply with planning restrictions and observing the later times. SWP can prove that crimes have taken place after the restricted times.

South Wales Police can supply witness statements in relation to failing to adhere to the planning hours. South Wales Police are also aware that a potential prosecution case is running as statements have been provided after a breach of condition notice was served.

To make an informed decision the panel need to be made aware of such matters.

The panel therefore have to be satisfy that the applicants are fully aware that a TENS does not override any planning notice. Why else have the notifications been asked to start at the specific time of 02.30 on both Friday and Saturdays when the planning constraints are a clear constraint.

CONCLUSION

South Wales Police submit that to approve this event will increase crime and disorder and public nuisance both at the premises and within the area where it is situated. The event will not promote the crime prevention objective due to the timing of it and the scale and location for extra hours.

You have three options OPEN TO YOU.

1. Grant the TEN as it stands HOWEVER; it is felt that this would impact on the objectives.
2. Grant it with conditions transposed from the existing premises licence HOWEVER; SWP state this will not reduce further offences as the offence against planning will still be reported.
3. Or issue a **COUNTER NOTICE**.

A **COUNTER NOTICE** will promote the licensing objectives and not add to the existing problems

PC 5102 Rowlatt
Divisional Licensing Officer