

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING ACT 2003 SUB-COMMITTEE

23 MAY 2017

REPORT OF CORPORATE DIRECTOR, OPERATIONAL & PARTNERSHIP SERVICES

LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE 35 MARKET STREET, BRIDGEND

1. Purpose of Report

To ask the Sub-Committee to consider an Objection Notice submitted by the South Wales Police in respect of a Temporary Event Notice served on the licensing authority.

2 Connection to Corporate Improvement Plan/Other Corporate Priority

None

3 Background

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 5 May 2017, the licensing authority received a Temporary Event Notice ("TEN") from Zahid Rasul ("the premises user") in respect of 35 Market Street, Bridgend.

4.2 The premises has the benefit of a Premises Licence, Tom's Bar, from 1000 until 0200 hours Monday to Thursday, from 1000 until 0300 hours on Friday and Saturday, 1200 until 0030 hours on Sunday and Easter Sunday, 1200 until 0200 hours on Sundays which precede Bank Holiday Mondays. The Temporary Event Notice relates to the sale by retail of alcohol and provision of regulated entertainment in the early hours of Sunday 28 May 2017 from 0300 to 0500 hours and Monday 29 May 2017 from 0200 until 0400 hours.

The maximum number of people at any one time to be present is 400.

4.3 The premises user served a copy of the Temporary Event Notice upon the South Wales Police and the Council's Public Protection Department and South Wales Police have submitted an Objection Notice in relation to the Temporary Event

Notice to the licensing authority. A copy of the Objection Notice has been served on the premises user and is attached at Appendix A.

4.4 The licensing authority is aware that it is possible for the premises user and South Wales Police to enter into a period of discussion regarding the objections raised and that Section 106 of the Act enables the modification of the Temporary Event Notice with the agreement of all parties. Members are advised that the timescales governing Temporary Event Notices are relatively short and that, at the time this report was dispatched, the licensing authority had not been notified that any party had reached agreement.

4.5 The Objection Notice is to be treated as not having been withdrawn. A copy of the Premises Licence conditions will be available at the hearing.

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

a) Allow the licensable activities to go ahead as stated in the Temporary Event Notice (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.

5. **Effect upon Policy Framework & Procedure Rules**

None

6. **Equality Impact Assessment**

There are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief or sexual orientation.

7. **Financial Implications**

None

8. **Recommendation**

The Sub-Committee is required to consider the Objection Notice having regard to the information contained within this report, the Council's Statement of Licensing Policy and the guidance issued to licensing authorities under Section 182 of the Licensing Act 2003 and make a determination on the Temporary Event Notice.

P A Jolley – Corporate Director, Operational & Partnership Services
Date: 17 May 2017

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Background documents: Temporary Event Notice
Objection Notice
Bridgend County Borough Council
Statement of Licensing Policy:
www.bridgend.gov.uk
Statutory Guidance issued under Section
182 of the Licensing Act 2003 issued
March 2015: www.gov.uk