

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO LICENSING ACT 2003 SUB-COMMITTEE

14 AUGUST 2017

### REPORT OF CORPORATE DIRECTOR, OPERATIONAL & PARTNERSHIP SERVICES

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

#### 1. Purpose of Report

- 1.1 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

- 2.1 None

#### 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 2 August 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 TEN relates to the sale by retail of alcohol and provision of regulated entertainment on 28 August 2017 from 0200 to 0430 hours.

The maximum number of people at any one time to be present is 300.

- 4.3 The premises user served a copy of the TEN 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 TEN 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 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 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. Sections 2 and 7 of the Home Office Guidance apply to this Notice. Section 13 of the Council's Statement of Licensing Policy applies to this Notice.
- 4.6 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.

**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 TEN.

**P A Jolley – Corporate Director, Operational & Partnership Services**  
**Date: 8 August 2017**

**Contact Officer: Yvonne Witchell, Team Manager - Licensing**

**Telephone: 01656 643643**

**E mail: [Yvonne.Witchell@bridgend.gov.uk](mailto:Yvonne.Witchell@bridgend.gov.uk)**

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

**Background documents:**

- Temporary Event Notice**
- Objection Notice**
- Bridgend County Borough Council**
- Statement of Licensing Policy:**
- [www.bridgend.gov.uk](http://www.bridgend.gov.uk)**
- Statutory Guidance issued under Section**
- 182 of the Licensing Act 2003 issued**
- March 2015: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)**