

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB-COMMITTEE

25 AUGUST 2021

REPORT OF HEAD OF LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003: SECTION 105

TEMPORARY EVENT NOTICE

**REAR CAR PARK OF K2 GYM, MAIN AVENUE, BRACKLA INDUSTRIAL
ESTATE, BRIDGEND**

1. Purpose of report

- 1.1 To ask the Sub-Committee to consider an Objection Notice submitted by the Environmental Health Department of the Council in respect of 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 a regulatory function and as such has no link to the corporate well-being objectives.

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 13 August 2021, the licensing authority received a Temporary Event Notice ("TEN") from Mark Holmes ("the premises user") in respect of the Rear Car Park of K2 Gymnasium, Main Avenue, Brackla Industrial Estate, Bridgend. A copy of the TEN is detailed in **Appendix A**.
- 4.2 The premises does not have the benefit of a Premises Licence. The event is for Roots Shack to take place on 28 August 2021 between 1200 to 2300 hours.

The maximum number of people at any one time to be present is 250.

4.3 The nature of the event has been described as:

“The event is called Roots Shack. The event comprises of a stage, bar and street food. We will adhere to current Government Covid guidelines.”

4.4 A copy of the TEN was served upon South Wales Police and the Council’s Environmental Health Department. The Environmental Health Department 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 B**.

4.5 The licensing authority is aware that it is possible for the premises user and Environmental Health Department 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.

4.6 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.

4.7 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 and procedure rules

There are no implications arising from this report.

6. Equality Act 2010 implications

- 6.1 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.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 This is a regulatory function. The application process supports the principle of collaboration via consultation and public notice prior to determination of the application.

8. Financial implications

- 8.1 There are no financial implications arising from the report.

9. Recommendation

The Sub-Committee is required to determine if a counter notice, which would prevent licensable activities from being authorised, should be issued.

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Background documents:

Statement of Licensing Policy:

www.bridgend.gov.uk

Statutory Guidance issued under Section 182 of the Licensing Act 2003 issued

March 2018: www.gov.uk