

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING ACT 2003 SUB-COMMITTEE

14 DECEMBER 2021

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

LICENSING ACT 2003: CONSIDERATION OF OBJECTION NOTICES RECEIVED IN RESPECT OF TEMPORARY EVENT NOTICES

1. Purpose of report

- 1.1 The purpose of this report is to consider an objection notice submitted by South Wales Police in respect of Temporary Event Notices served on the licensing authority.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This objection notice is a regulatory function which is required to effectively discharge the functions of the authority under the Licensing Act 2003 and as such has no link to the corporate well-being objectives.

3. Background

- 3.1 Upon receipt of a 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 30 November 2021 the Premises User Saima Rasul served Temporary Event Notices on the Council as licensing authority in respect of the premises known as 33 Market Street, Bridgend CF31 3LU. The details are as follows:

Temporary Event Notice A

- 4.2 Description of Event: Festive Season
- 4.3 Licensable activities: Sale by retail of alcohol and provision of regulated entertainment
- 4.4 Event Start date: 18 December 2021
- 4.5 Event end date: 20 December 2021

4.6 Timings: Friday towards Saturday 4am to 4.30am early morning
Saturday towards Sunday 4am to 4.30am early morning
Sunday towards Monday 2am to 4.30am early morning

4.7 Number of persons: 499

4.8 Sale by retail of alcohol: For consumption on and off the premises

Temporary Event Notice B

4.9 Description of Event: Festive Season

4.10 Licensable activities: Sale by retail of alcohol and provision of regulated entertainment

4.11 Event Start date: 25 December 2021

4.12 Event end date: 25 December 2021

4.13 Timings: 2am till 4.30am early morning of 25 December

4.14 Number of persons: 499

4.15 Sale by retail of alcohol: For consumption on and off the premises

4.16 The premises has the benefit of Premises Licence BCBCLP740 which authorises the sale by retail by alcohol and the provision of regulated entertainment as follows:

Sunday to Thursday 1130 to 0200 hours
Friday and Saturday 1130 to 0400 hours

4.17 The premises user served copies of the Temporary Event Notices upon South Wales Police and Shared Regulatory Services. South Wales Police has submitted an Objection Notice to cover both Temporary Event Notices. A copy of the Objection Notice has been served on the premises user and is attached at Appendix A.

4.18 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.

4.19 The Objection Notices are to be treated as not having been withdrawn. A copy of the Premises Licence conditions are attached as Appendix B.

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

- a) Allow the licensable activities to go ahead as stated in both Temporary Event Notices (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 one or both of the Temporary Event Notices (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 counter notices in respect of one or both Temporary Event Notices.

5. Effect upon policy framework and procedure rules

- 5.1 The report content has no direct effect upon the Policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

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

- 7.1 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.

8. Financial implications

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

9. Recommendation(s)

- 9.1 Having regard to the licensing objectives, the statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the objection notices and any representations received by parties, the Sub-Committee is required to consider and make a determination on:
 - 9.2 The Objection Notice in relation to Temporary Event Notice A above and,
 - 9.3 The Objection Notice in relation to Temporary Event Notice B above.

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Background documents: None