

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO SPECIAL LICENSING SUB-COMMITTEE

4 APRIL 2023

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

**LICENSING ACT 2003:SECTION 103
TEMPORARY EVENT NOTICE
OBJECTION TO NOTICE BY A RELEVANT PERSON
35 MARKET STREET BRIDGEND**

1. Purpose of report

- 1.1 The purpose of this report is to ask the Sub-Committee to determine an objection notice received from South Wales Police in response to 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 the Council's regulatory functions. There is no direct link to the corporate well-being objectives or other corporate priorities.

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 21 March 2023, the licensing authority received a Temporary Event Notice ("TEN") from Zahid Rasul ("the premises user") in respect of the premises known as 35 Market Street Bridgend. The premises is described as a late bar and nightclub and the TEN is to cover inside of the premises and beer garden. The event is described as "Good Friday" and is dated from 8 April 2023 through to 10 April 2023 inclusive.
- 4.2 The TEN seeks authorisation for the sale of alcohol and the provision of regulated entertainment for each of the days as follows:
- 4.3 0300 to 0430 hours*
0300 to 0430 hours

0030 to 0430 hours

On each of the above dates.

- 4.4 The premises has the benefit of a Premises Licence BCBCLP211 which authorises the sale of alcohol as follows:

Good Friday 1200 – 0000 hours*

Saturday: 1000 - 0300 hours

Easter Sunday : 1200 - 0030 hours

*The TEN served does not cover licensable activities to take place between 0000 and 0300 hours.

- 4.5 A copy of the TEN was served upon South Wales Police and the Council's Environmental Health team within Shared Regulatory Services. On 27 March 2023, South Wales Police submitted an Objection Notice to the licensing authority in relation to the TEN. A copy of the Objection Notice has been served on the premises user and is attached at Appendix A.
- 4.6 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 the parties had reached agreement.
- 4.7 The Objection Notice is therefore to be treated as not having been withdrawn. Sections 2 and 7 of the Home Office Guidance apply to this Notice.
- 4.8 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.
- 4.9 An extract of the relevant conditions attached to the Premises Licence is attached as Appendix B.

5. Effect upon policy framework and procedure rules

- 5.1 This report 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. 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

- 9.1 The Sub-Committee is required to determine the objection notice in line with paragraph 4.8 above.

Kelly Watson

CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

Contact Officer: Yvonne Witchell
Team Manager Licensing Bridgend and Vale

Telephone: (01656) 643643

E-mail: Yvonne.Witchell@bridgend.gov.uk

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

Background documents:

Temporary Event Notice