

<b>Meeting of:</b>	<b>LICENSING ACT 2003 SUB COMMITTEE (A)</b>
<b>Date of Meeting:</b>	<b>5 OCTOBER 2023</b>
<b>Report Title:</b>	<b>LICENSING ACT 2003 SECTION 51: APPLICATION TO REVIEW PREMISES LICENCE, EDEN, 33 MARKET STREET BRIDGEND, CF31 1LJ</b>
<b>Report Owner / Corporate Director:</b>	<b>CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY</b>
<b>Responsible Officer:</b>	<b>YVONNE WITCHELL TEAM MANAGER LICENSING</b>
<b>Policy Framework and Procedure Rules:</b>	<b>There is no effect upon the policy framework or procedure rules.</b>
<b>Executive Summary:</b>	<b>For the Sub-Committee to consider and determine an application submitted by South Wales Police to review the premises licence at Eden, 33 Market Street, Bridgend, CF31 1LJ under Section 51 of the Licensing Act 2003</b>

## **1. Purpose of Report**

- 1.1 The purpose of this report is to determine an application received from South Wales Police to review the premises licence in force for the premises known as Eden, 33 Market Street, Bridgend, CF31 1LJ.

## **2. Background**

- 2.1 The Licensing Authority has received an application to review the premises licence which is attached at **Appendix A and attachments A1 to 5**. South Wales Police are a responsible authority for the purposes of this application.
- 2.2 The premises licence BCBCLP740 is jointly held by Zahid and Saima Rasul and a copy is attached at **Appendix B** to this report. Saima Rasul is the Designated Premises Supervisor.

## **3. Current situation/proposal**

- 3.1 In accordance with the requirements of the Licensing Act 2003, the application was served on the premises licence holders and copies of the application were forwarded to the Responsible Authorities.
- 3.2 During the statutory 28-day consultation period the application has been advertised in accordance with the regulations and no representations were received.
- 3.3 Section 51 of the Licensing Act 2003 provides that where a premises licence has effect, a responsible authority or any other person may apply to the relevant licensing authority for a review of the licence. This must relate to a concern arising at the premises in connection with any of the four licensing objectives. The application

states that the application relates to the licensing objectives of the prevention of crime and disorder and public safety. The application summarises that the premises licence holders have failed to provide CCTV footage to South Wales Police as required by a condition of the premises licence.

- 3.4 Before determining the application, the authority must hold a hearing to consider it and any relevant representations received.
- 3.5 The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 3.6 The steps in subsection (4) of Section 51 are:
  - (a) to modify the conditions of the licence;
  - (b) to exclude a licensable activity from the scope of the licence;
  - (c) to remove the designated premises supervisor;
  - (d) to suspend the licence for a period not exceeding three months;
  - (e) to revoke the licence; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- 3.7 Equally, the licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives.
- 3.8 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:
  - a) The prevention of crime and disorder
  - b) Public safety
  - c) The prevention of public nuisance
  - d) Protection of children from harm

Each objective is of equal importance and should be of paramount consideration at all times.

- 3.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Statement of Licensing Policy, the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Licensing Act itself, in this case in particular to:
  - a) Paragraphs 5, 11 and 12 of the 2019-2024 Statement of licensing policy
  - b) Chapters 2, 11, 13 and 14 of the Statutory guidance, as revised August 2023
  - c) Sections 51 to 53, 182 and 183 of the Licensing Act 2003.
- 3.10 It is likely that the parties involved will be providing additional evidence as permitted under the Licensing Act 2003 (Hearings) Regulations 2005. Regulation 18 permits that in considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing

or, with the consent of all the other parties, at the hearing. This will be confirmed at the start of the meeting.

#### **4. Equality implications (including Socio-economic Duty and Welsh Language)**

4.1 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.

#### **5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives**

5.1 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.

#### **6. Climate Change Implications**

6.1 There are no Climate Change Implications arising from this report.

#### **7. Safeguarding and Corporate Parent Implications**

7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

#### **8. Financial implications**

8.1 There are no financial implications arising from the report.

#### **9. Recommendation**

9.1 The Sub-Committee is asked to determine the application having regard to the Council's Statement of Licensing Policy, the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the application, and any submissions. The options open to the Sub-Committee are to take no action or if it considers it appropriate for the promotion of the licensing objectives to determine:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence and for this purpose the conditions of the licence are modified if any of them is altered or omitted, or any new condition is added.

**Background documents:** None