

Meeting of:	LICENSING ACT 2003 SUB-COMMITTEE (A)
Date of Meeting:	3 JANUARY 2024
Report Title:	LICENSING ACT 2003: SECTION 104 TEMPORARY EVENT NOTICE OBJECTION TO NOTICE BY SOUTH WALES POLICE FOR BAR 35
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	KIRSTY EVANS TEAM MANAGER LICENSING
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	For the Licensing Sub-Committee to consider and determine objection notices submitted by South Wales Police to 3 Temporary Event Notices given for Bar 35, 35 Market Street, Bridgend CF31 1LJ

1. Purpose of Report

- 1.1 The purpose of this report is to ask Members to consider and determine Objection Notices submitted by South Wales Police in response to 3 Temporary Event Notices served on the Licensing Authority.
- 1.2 Section 4 of the Licensing Act 2003 states that a licensing authority must carry out its functions under this Act (“licensing functions”) 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; and
 - (d) the protection of children from harm.

2. Background

- 2.1 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, 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.

3. Current situation / proposal

3.1 TEMPORARY EVENT NOTICE ONE – 14 JANUARY 2024 TO 15 JANUARY 2024

On 15 December 2023, the Licensing Authority received a Temporary Event Notice (TEN) from Zahid Rasul (the premises user) in respect of Bar 35, 35 Market Street, Bridgend CF31 1LJ. The notice covers the whole premises.

The premises is described by the premises user as “Bar and Nightclub”.

The event is described as: “This is a TEN to allow the premises to trade late on Friday 13th January 2024 & Saturday 14th January 2024 by opening until 04:30am in the morning of the next days and carrying out the specified licensable activities until 04:00am in the morning of the next days.

3.2 The TEN seeks authorisation for the following:

The Sale of Alcohol for consumption on the premises:
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Regulated Entertainment:
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Late-Night Refreshment:
Saturday and Sunday: 03:00 – 04:00 hours

Opening Hours:
Saturday and Sunday: 03:30 – 04:30 hours

3.3 TEMPORARY EVENT NOTICE TWO – 19 JANUARY 2024 TO 20 JANUARY 2024

On 15 December 2023, the Licensing Authority received a Temporary Event Notice (TEN) from Zahid Rasul (the premises user) in respect of Bar 35, 35 Market Street, Bridgend CF31 1LJ. The notice covers the whole premises.

The premises is described by the premises user as “Bar and Nightclub”.

The event is described as: “This is a TEN to allow the premises to trade late on Friday 19th January 2024 & Saturday 20th January 2024 by opening until 04:30am in the morning of the next days and carrying out the specified licensable activities until 04:00am in the morning of the next days.

3.4 The TEN seeks authorisation for the following:

The Sale of Alcohol for consumption on the premises:

Saturday and Sunday: 03:00 – 04:00 hours

Provision of Regulated Entertainment:
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Late-Night Refreshment:
Saturday and Sunday: 03:00 – 04:00 hours

Opening Hours:
Saturday and Sunday: 03:30 – 04:30 hours

3.5 TEMPORARY EVENT NOTICE THREE – 27 JANUARY 2024 TO 28 JANUARY 2024

On 15 December 2023, the Licensing Authority received a Temporary Event Notice (TEN) from Zahid Rasul (the premises user) in respect of Bar 35, 35 Market Street, Bridgend CF31 1LJ. The notice covers the whole premises.

The premises is described by the premises user as “Bar and Nightclub”.

The event is described as: “This is a TEN to allow the premises to trade late on Friday 26th January 2024 & Saturday 27th January 2024 by opening until 04:30am in the morning of the next days and carrying out the specified licensable activities until 04:00am in the morning of the next days.

3.6 The TEN seeks authorisation for the following:

The Sale of Alcohol for consumption on the premises:
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Regulated Entertainment:
Saturday and Sunday: 03:00 – 04:00 hours

Provision of Late-Night Refreshment:
Saturday and Sunday: 03:00 – 04:00 hours

Opening Hours:
Saturday and Sunday: 03:30 – 04:30 hours

3.7 The premises has the benefit of a Premises Licence BCBCLP211 which authorises the following:

Sale of Alcohol for consumption on and off the premises:

Monday to Thursday:	10:00 – 02:00 hours
Friday & Saturday:	10:00 – 03:00 hours
Sunday & Easter Sunday:	12:00 – 00:30 hours
Sundays which precede Bank Holiday Mondays:	12:00 – 02:00 hours
Christmas Day:	12:00 – 15:00 and 19:00 – 22:30 hours
Good Friday:	12:00 – 00:00 hours
New Year's Eve:	As per The Regulatory Reform (Special Occasions Licensing) Order 2002

Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description:

Monday to Thursday:	17:00 – 02:00 hours
Friday & Saturday:	17:00 – 03:00 hours
Good Friday:	12:00 – 00:00 hours
Sunday & Easter Sunday: Sundays which precede Bank Holiday Mondays:	12:00 – 00:30 hours
Christmas Day:	Premises shall not be open for regulated entertainment unless approved by the Licensing Authority
New Year's Eve:	As per The Regulatory Reform (Special Occasions Licensing) Order 2002

Provision of Late-Night Refreshment:

Monday to Thursday:	23:00 – 02:00 hours
Friday & Saturday:	23:00 – 03:00 hours
Good Friday:	23:00 – 00:00 hours
Sunday & Easter Sunday: Sundays which precede Bank Holiday Mondays:	23:00 – 00:30 hours
New Year's Eve:	As per The Regulatory Reform (Special Occasions Licensing) Order 2002

Opening Hours:

Monday to Thursday:	10:00 – 02:30 hours
Friday & Saturday:	10:00 – 03:30 hours
Sunday: Easter Sunday: Sundays which precede Bank Holiday Mondays:	12:00 – 01:00 hours
Christmas Day:	12:00 – 01:00 hours
	12:00 – 15:30 and 19:00 – 23:00 hours Premises shall not be open for regulated entertainment unless approved by the Licensing Authority on Christmas Day
Good Friday:	12:00 – 00:30 hours
New Year's Eve:	As per The Regulatory Reform (Special Occasions Licensing) Order 2002

3.8 The conditions attached to the Premises Licence can be found in **Appendix A**.

3.9 Copies of the 3 Temporary Event Notices were served upon South Wales Police and the Council's Environmental Health team within Shared Regulatory Services. On 18 December 2023, South Wales Police submitted 3 Objection Notices to the Licensing Authority, 1 in relation to each of the TENs submitted for Bar 35.

A copy of the Objection Notices has been served on the premises user and are detailed in **Appendix B**.

3.10 This hearing must therefore consider the points raised in the Objection Notices and make a determination on each of the TENS. Having considered the Objection Notice, the Sub-Committee has available to it the following options:

- a) Allow the licensable activities to go ahead as stated in the TENS;
- b) If the TENS are in connection with a licensed premises, the licensing authority, may also impose one or more of the existing licence conditions on the TENS (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 events would undermine the licensing objectives and should not take place, give a counter notice to one or to both events.

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

4.1 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.

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. Recommendations

9.1 The Sub-Committee is required to consider and determine the Objection Notices submitted by South Wales Police in respect of Temporary Event Notice One, Temporary Event Notice Two and Temporary Event Notice Three, in line with paragraph 3.10 above.

Background documents

None.