



Appendix D

Licensing Department
Community Safety Partnership
Police Station
Brackla Street
Bridgend
CF31 1BZ
B.3-548/14

4th February 2015

Zahid Rasul & Saima Rasul
14 Beverley Street
Port Talbot
SA13 1EA

Legal Services Department
Corporate Services
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Sir/Madam,

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER SECTION 17 OF THE
LICENSING ACT 2003**

**UNNAMED PREMISE AT 33 MARKET STREET, BRIDGEND CF31 1LJ – APPLICANTS: ZAHID RASUL &
SAIMA RASUL**

Representations of South Wales Police

South Wales Police make representations to the Bridgend County Borough Licensing Authority that they are of the view that the likely effect of the grant of this application on the licensing objectives would be to increase crime and disorder and public nuisance at or in the vicinity of the premise.

The proposals will also impact on the protection of children from harm objective.

The representations are strengthened having regard to the steps intended to be taken in the Operating Schedule to promote the licensing objectives.

Information and evidence is set out below for the Licensing Sub-Committee's consideration.

The Premise

The building was originally the first Tesco's to open in Bridgend and is a massive venue spread over four storeys and the ground and first floors are intended to be licensed.

The business was previously a Chinese restaurant primarily concerned with the provision of hot food however; it closed a short time after opening due to a lack of sustainable trade and the licence lapsed in January 2013.

The proposed premise is unnamed on the application but is described as a, “*wine bar, café, nightclub*”.

In fact it will be known as the *EDEN CLUB* with the nightclub known as *PURE EGO*.

The Application

The current intention is to open for 9 of the 10 licensable activities available under the Act i.e. those listed at A to H and J of the application.

The proposal to provide late night refreshment, I, is from 11.30 to 23.00 hours and must be disregarded as authorisation for hot food is required if one is providing same between 23.00 and 05.00 hours only.

The proposed opening hours under standard timings are: -

Sunday to Wednesday from 11.30hrs to 00.00hrs.

Thursday to Saturday from 11.30hrs to 02.30hrs (i.e. into the early hours of Friday, Saturday, Sunday and Monday morning).

Under non-standard timings i.e. seasonal variations *cultural events* is written but there are no specific timings, dates or events stipulated? This “proposal” must also be ignored.

Representations from the South Wales Fire & Rescue Service detail “*available floor space close to 700 people*” albeit the authority highlight that there are inadequate fire escapes to cope with such numbers and calculate a figure of 280.

This statement impacts on the public safety objective and the Licensing Sub-Committee should note the architectural plans.

THE “Special Policy”

The premise has potential for a massive capacity which can facilitate scores of revellers and substantially increase the foot fall within Market Street.

It is important to note that this street, along with Derwen Road, Wyndham Street and part of Nolton Street, is situated within the “*hot-spot*” area designated within the local authorities “***Statement of Licensing Policy***” as being part of the special “***saturation area***” of Bridgend town centre agreed between the local authority and South Wales Police.

The area is particularly problematic.

Sub-section 6.4 of the “Special Policy”

“The effect of adopting a Special Policy of this kind is to create a rebuttable presumption that applications for new Premises Licenses or material variations of licenses will normally be refused, if relevant representations to that effect are received, unless applicants can demonstrate that the operation of the premise involved will not add to the negative cumulative impact already being experienced in this area”.

Sub-section 6.5

“Applicants will need to address the special policy issues in their operating schedules in order to rebut the presumption, i.e. that the operation of the premises would not add to the negative cumulative impact experienced”.

Therefore it is for an applicant to prove that the venue will not add to the negative cumulative impact historically and currently being experienced in this locale and not for responsible authorities or interested parties to prove that it will.

Part of the policy relevant to the “***saturation area***” as well as the pertinent parts of Home Office guidance should be perused and digested.

The "Saturation Area"

The area contains the highest concentration of public houses, nightclubs, restaurants, late night refreshment houses and takeaways anywhere in the borough and therefore experiences the highest volume of pedestrian and vehicular traffic and consequently the highest number of reported incidents.

There are continuous problems of crime and public disorder, anti-social behaviour, litter, noise and public nuisance within the town centre, particularly during the hours sought from Thursday to Sunday.

During particular outbreaks of serious and prolonged public disorder premises operating under the hours proposed have had to be shut down by South Wales Police to hasten the dispersal of drunken, violent persons remaining in the vicinity of these premises.

Such incidents can be attributed to intoxicated individuals availing themselves of alcohol at venues which were operating until the very early hours.

Indeed numerous alcohol related incidents are regularly recorded including violent crime.

Premises within this area have been subject of various and prolonged enforcement over the years due to the failure to promote the objectives.

Infact the situation deteriorated to such an extent that South Wales Police have been forced to make application under Section 51 of the Act to review the licence of every problematic venue within this area.

In some cases the expedited review process was adopted under Section 53(A) of the Violent Crime Reduction Act 2006 in order to close premises immediately pending review.

The vast majority of these venues were not only granted increased opening hours despite strong opposition from South Wales Police but some premises again had additional hours approved despite police objections and the policy being in place.

Reviews did not solely relate to premises licensed to sell alcohol but also late night refreshment houses.

Dwellings Nearby

There are several flats situated opposite the property whilst another licensed venue actually abuts the building and has a flat above.

The occupant has complained of noise nuisance by music and speech, anti-social behaviour, urinating etc. as a consequence of the current licensed venue and these problems will increase.

The regulated entertainment timings proposed are 11.30 to 23.30 hours Sunday to Wednesday and 11.30 until 02.00 hours Thursday to Saturday and will include plays, films, indoor sporting events, boxing and wrestling, live music, dance, bands, live singers, parties, weddings, DJ's, recorded music and anything of a similar nature.

The proposal to play live music until 23.30 and 02.00 hours is totally at odds with the proposal within the attachment under *LIVE MUSIC 19. Live bands will only play up until 23.00 hours?*

These timings exclude a 30 minute wind down period and both timings will severely impact on the quality of life of those residents and will not promote the prevention of public nuisance.

The Operating Schedule

Within Section M of the Operating Schedule at boxes A to E the Act requires the applicant to describe any additional steps intended to be taken in order to promote all 4 licensing objectives namely: -

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

The steps detailed are translated into conditions of the Premises Licence and arguably attempt to negate responsible authorities from making representations in respect of the application.

Several meetings have taken place between South Wales Police and the Licensing Authority where the applicants and their representative have been advised of the **“Special Policy”** and the need to address it in the application.

Each licensing objective needs be addressed individually however; having made an assessment of the summary attached to the application they are not referred to.

Some of the proposed “conditions” relate to the opening times for example or are bland, contradictory, duplicated, some are not conditions as they are lawful requirements, and some proposals are merely statements, whilst others are unenforceable.

Such proposals are contrary to **Sub-section 8.41 of Home Office guidance:**

“It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives”.

South Wales Police are of the opinion therefore that the licensing objectives have not been adequately addressed and this establishment will therefore add to the negative cumulative impact already prevalent in this **“hot spot”** area.

Yours faithfully,

Licensing Sergeant 623 Williams