

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 28 JULY 2015 AT 10.00 AM

Present

Councillor – Chairperson

GW Davies MBE      DG Owen

Officers:

Katia Daw                      Lawyer  
Rachel Morris                Senior Licensing Assistant  
Andrew Rees                 Senior Democratic Services Officer - Committees

4.      APOLOGIES FOR ABSENCE

None.

5.      DECLARATIONS OF INTEREST

None.

6.      LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE 33 MARKET STREET, BRIDGEND

The Senior Licensing Assistant reported that a Temporary Event Notice (TEN) had been received from Mrs Saima Rasul (the premises user) in respect of 33 Market Street, Bridgend.

She stated that the premises has the benefit of a Premises Licence for the supply of alcohol and recorded music from 1130 until 2330 hours Sunday to Wednesday and from 1130 until 0200 hours Thursday to Saturday. Live music on the first floor from 1130 until 2330 hours Sunday to Wednesday and from 1130 until 0200 hours Thursday to Saturday. Live music on the ground floor from 1130 until 2300 hours Sunday to Thursday and from 1130 until 0000 hours Thursday to Saturday. The Premises Licence has conditions prohibiting the premises from opening until the conditions have been complied with.

The Senior Licensing Assistant informed the Sub-Committee that the TEN related to an extension of hours for the sale by retail of alcohol and the provision of regulated entertainment from 0200 hours until 0400 hours on 2 August 2015, with the premises closing at 0430 hours. She stated that it was intended that the maximum number of people at any one time to be present during the duration of the TEN is 200 persons.

The Senior Licensing Assistant reported that the premises user had served a copy of the TEN on South Wales Police and the Public Protection Department and both had submitted Objection Notices in relation to the TEN to the Licensing Authority. She stated that it was possible for the premises user, South Wales Police and the Public Protection Department to enter into a period of discussion regarding the objections raised which enables the modification of the TEN with the agreement of all parties. The Senior Licensing Assistant informed the Sub-Committee that the timescales governing TENs are relatively short and no agreement had been reached and the Objection Notices were to be treated as not having been withdrawn.

The premises users were invited to present their case for the TEN.

The Sub-Committee was addressed by Mr Zahid Rasul, Premises Licence Holder who informed the Sub-Committee that he had submitted the TEN as he wished to extend his opening hours from 0200 hours until 0400 hours on 2 August 2015 for the opening weekend of his premises. He believed that it was his right to be able to have 12 TENs per year as he had done in Swansea and Neath Port Talbot where he is also the Premises Licence Holder of establishments. He informed the Sub-Committee that the objections to the TEN could only relate to noise pollution but noise would be inevitable with a large number of people attending his premises.

The Premises Licence Holder informed the Sub-Committee that he wanted to have the opportunity to make a success of his venture and had purchased the freehold of the property and spent £300k on renovating the premises. He stated that Bridgend used to have a vibrant night life and he had purchased the premises to regenerate the town centre and that everybody should have the chance to operate on a level playing field. He informed the Sub-Committee that he had organised a coach to carry people he had invited from Port Talbot to his opening night. He was aware that he would require planning consent should he require longer opening hours on a continuous basis. He also informed the Sub-Committee that he had been unable to enter into discussions with the police and the Public Protection Department as he had recently been in hospital. He had at the request of the Public Protection Department made alterations to the premises by extending the corridor and installed a new CCTV system.

The Premises Licence Holder stated that the area in which his premises is situated is very derelict with 9 properties for sale and that he knew of other businesses seeking to commence business in the town centre and who would also operate in the night time economy as well as during the daytime. He estimated that if he was allowed to operate until 0400 hours his business would turnover an additional £250k per annum. He stated there was a need to keep people in Bridgend and not having to go to similar venues in Cardiff and Swansea and also a need for more clubs and wine bars to open in Bridgend. He stated that he has invited owners of licensed establishments in Swansea to his opening night to showcase Bridgend with the aim of encouraging them to invest in Bridgend. He informed the Sub-Committee that he had requested to stay open for an additional 2 hours as another venue in the town centre is able to stay open until 0430 hours; however he would not be in competition with the other venue as he was aiming to attract an older clientele to his venue which also had a VIP area where patrons paid a fee for the privilege. He stated that in order for his business to survive he needed to operate on a level playing field with other venues which was the reason for the submission of the TEN, but had not applied for these hours on a permanent basis. He believed that he was able to have 12 TENs in a year.

The Premises Licence Holder informed the Sub-Committee that a Risk Assessment had been carried out at the premises yesterday as he had been in hospital during the previous week. He stated that if less than 5 persons were employed at the venue he was able to train staff. All staff are trained to avoid complaints being received from customers. He stated that there were already a number of venues in Bridgend which attracted younger people and he aimed to attract older people to his venue who would be more appreciative of the surroundings which he had spent a lot of money on refurbishing. He also informed the Sub-Committee that he was holding events at the venue for Doctors and the Indian community.

The Legal Officer advised the Sub-Committee that the planning regime is separate to licensing. There is no requirement for the hours agreed by licensing to match those set by the planning permission. In fact the statutory guidance expressly allows for this

situation to happen. The Committee could allow the TEN and if the hours covered by the TEN were outside of the planning requirements then, although granted by Licensing, trading in those hours would be in contravention of the planning consent for the premises for which there would be separate enforcement by Planning. Alternatively, the Premises Licence Holder could contact the Planning Department to request a change to the hours stated in the planning permission. This would be a matter outside of the jurisdiction of the Committee and not one the Committee can become embroiled in. The Committee today are simply looking at the Licensing objectives and not any constraints imposed by the Planning Permission. The Premises Licence Holder informed the Sub-Committee that he had been advised by his planning advisors who had been informed that if the Planning Department was on his side the police would also be on his side. The Legal Officer advised that, as it currently stood, the Premises Licence Holder would be in contravention of the planning consent if the TENs was granted and he traded for the extra hours. The Premises Licence Holder stated that he would not breach the law and that he had architectural and legal advice as part of his team. If the TENs was granted he would speak to his advisors.

The Sub-Committee questioned the arrangements for the VIP area. The Premises Licence Holder informed the Sub-Committee that there was a cost of £150 per table in the VIP area which had now sold out for the opening night. He stated that he had invited people that he knows to the opening night which he had restricted to 200 people when he was allowed up to 500 people on his licence. The Sub-Committee questioned the Premises Licence Holder how he would prevent people entering his premises who had not been invited. The Premises Licence Holder stated that the majority attending the opening night are people that he knows and would be arriving at approximately 2300 hours.

PC Rowlatt questioned the Premises Licence Holder on the hours which he proposed to operate. The Premises Licence Holder informed the Sub-Committee that he was allowed to open until 0230 in accordance with the premises licence and the planning consent and was aware that if he exceeded these hours over 21 days he would require further planning consent. He stated that if the TEN was granted he would approach the Planning Department.

PC Rowlatt questioned the Premises Licence Holder as to how did he propose to meet the licensing objectives. The Premises Licence Holder informed the Sub-Committee that the Licensing Act allowed 12 TENs to be held each year and that he would operate in accordance with the licensing objectives and the law.

PC Rowlatt informed the Sub-Committee that South Wales Police is supportive of the Premises Licence Holder's venture, however a long time had elapsed since the grant of the premises licence and the venue opening and she questioned the reasons for this. The Premises Licence Holder stated that he had bought the property on a handshake approximately 18 months ago, but since then had suffered a stroke resulting in him having ongoing medical issues which he would need surgery for. He informed the Sub-Committee that he had applied to be open until 0400 hours in order to bring back some vibrancy to Bridgend town centre. He stated that he has a great deal of respect for the police and he was aware that they were not objecting to the TEN on the basis that it was a new business, but believed that he needed to operate on a level playing field with other businesses. He also informed the Sub-Committee that he was inviting the owners of licensed premises in Swansea to the opening night in order to encourage investment as Bridgend town centre had a number of empty properties.

PC Rowlatt asked why the TEN was not submitted until 15 July 2015. The Premises Licence Holder stated that he did not think the premises would be ready in time for 1 August 2015 and that the bank had put pressure on him to open in order that they have

a return on their investment. He stated that Environmental Health and the Fire Service were due to inspect the premises this week to monitor sound and test noise levels. He informed the Sub-Committee that the venue would be ready to open on 1 August 2015. He stated that he would apply for TENs much earlier in future but stated that he had given the required period of Notice for the serving of this TEN. He added that there remained 2 possible dates for TENs left this year, namely the August Bank Holiday and on "black" Friday, although he may apply for a TEN for the Diwali celebration planned for Indian Doctors, which would be a family event.

PC Rowlatt questioned the numbers the Premises Licence Holder had in mind attending the opening night. The Premises Licence Holder stated that the premises would be open to the public until 0230 hours and that invited guests would be permitted to stay at the premises until later. He stated that the VIP tables were for friends and people who had worked on the project or for him previously and that they were decent and respectful people. PC Rowlatt questioned how many people would be allowed in to the premises and also the number of staff deployed on the door. The Premises Licence Holder informed the Sub-Committee that he proposed to deploy 9 of 10 persons on the door who would have clicker devices to control access to and egress from the premises. He had placed a limit of 150 people upstairs and 350 people downstairs at the venue. PC Rowlatt informed the Sub-Committee that potentially 500 people could be attending on the opening night and questioned the Premises Licence Holder as to how he proposed to control the numbers staying at the premises for the hours the subject of the TEN. The Premises Licence Holder stated that he knew the people attending the TEN personally. PC Rowlatt requested an explanation as to the invitation of 1,400 people to the opening night on Facebook. The Premises Licence Holder stated that 77 people had so far confirmed they would be attending, but was expecting a couple of hundred people to turn up. PC Rowlatt referred to the coach of 72 people arriving from Port Talbot at 2300 hours and questioned how the licensing objectives would be promoted. The Premises Licence Holder informed the Sub-Committee that the people arriving by coach would be wearing wrist bands as would people in the VIP area.

The Sub-Committee questioned how the Premises Licence Holder would ask people not invited to stay until 0400 hours to leave. The Premises Licence Holder stated that the staff would clear the premises at 0230 hours. The Legal Officer asked what would be the latest time for the serving of alcohol to those not invited to the TENs and the means by which people required to leave at 0230 hours would be enforced. The Premises Licence Holder informed the Sub-Committee that the music would be switched off and the lights put on to clear the venue. He stated that he had decided to limit numbers as he did not believe many people would not attend the opening night.

PC Rowlatt stated that the TEN needed to be administered correctly and that the Premises Licence Holder would be in breach of the TEN if he went above the numbers specified in the TEN. The Premises Licence Holder informed the Sub-Committee that he would limit the number in future TENs to 500 people.

PC Rowlatt referred to the application for the TEN and questioned the reason why the Premises Licence Holder had applied for the sale of alcohol off the premises as well as on the premises and whether he had taken account of the DPPO in place in the town centre. The Premises Licence Holder informed the Sub-Committee that he wanted people attending the TEN to have the opportunity to take a bottle of wine or champagne home with them which would be placed in bags which he had specially ordered. He did not intend serving cans for consumption away from the premises. PC Rowlatt asked how this would promote the licensing objective of promoting public safety. The Premises Licence Holder informed the Sub-Committee that the off sales would relate to the purchase of expensive drinks and he did not intend selling cans or bottles of beer to be taken out.

PC Rowlatt questioned why the Responsible Authorities had not been provided with the Risk Assessments. The Premises Licence Holder informed the Sub-Committee that the Risk Assessments had been undertaken yesterday as some of the work had not been completed previously and he was now able to provide copies to the Responsible Authorities.

The Principal Environmental Health Officer questioned the Premises Licence Holder on the Health & Safety Policy and Risk Assessments. The Premises Licence Holder stated that he now had both in place and if there were any documents that he lacked he would take steps to put them in place prior to opening. In response to questions from the Principal Environmental Health Officer, the Premises Licence Holder confirmed that he now had electrical and gas safety certificates and a management of asbestos plan. The Principal Environmental Health Officer expressed concern that the Premises Licence Holder proposed to employ 5 people to serve 200 customers, and that he had contradicted himself by stating that he proposed to employ 9 door staff. The Premises Licence Holder informed the Sub-Committee that the door staff would be employed by a door security company which he engaged. There would be 5 bar staff which included a glass collector employed at the venue. The Principal Environmental Health Officer informed the Premises Licence Holder that he would require a written record of the risk assessment if there were more than 5 employees. The Premises Licence Holder informed the Sub-Committee that if there were 500 persons at the venue he would employ 15 staff. In addition to bar staff he would employ a chef and a manager, he was interviewing for the position of glass collector today and that he would have staff for every position and everything would be documented.

The Environmental Health Officer further questioned the Premises Licence Holder in relation to the numbers of staff he proposed to employ on the opening night. The Premises Licence Holder informed the Sub-Committee that in addition to the 5 staff, members of his family would also be working at the venue on the night.

The Principal Environmental Health Officer questioned the Premises Licence Holder as to whether he had written the Health & Safety Policy and Risk Assessments. The Premises Licence Holder informed the Sub-Committee that he would not open the premises until all boxes had been ticked and the Responsible Authorities are satisfied that he had complied with their requirements. The Principal Environmental Health Officer referred to the visit to the premises which took place with the Police, Licensing and Pollution Control staff on 20 November 2014 and stated that the Responsible Authorities had yet to have sight of the documentation requested at that meeting, despite two written reminders sent to the Premises Licence Holder, one of which had been hand delivered by Emma Aston, Environmental Health Officer on 2 December 2014. The Responsible Authorities had not had a response or telephone message from the Premises Licence Holder in relation to the Risk Assessments and would not have sufficient time to evaluate the documentation prior to the TEN. The Premises Licence Holder informed the Sub-Committee that it had been a rush to open the premises and he intended to provide the Responsible Authorities with all the documentation required of him. He stated that the sound system was not yet in place and would be installed tomorrow and which would be inspected by Environmental Health and Pollution Control. The Fire Service would also be inspecting the premises regarding fire safety tomorrow. The Principal Environmental Health Officer informed the Premises Licence Holder that the documentation was needed in order that he satisfy the licence conditions and would have to be assessed by the end of tomorrow at the earliest to enable the premises to open on the following night.

In response to a question from the Sub-Committee as to where the event had been advertised, the Premises Licence Holder stated that he had advertised the event on

Bridge FM. The Sub-Committee asked whether the Premises Licence Holder intended selling drinks at discounted prices. The Premises Licence Holder stated that offering drinks promotions attracted the wrong clientele and it would send out the wrong message as to the type of venue he wished to have. He stated that a pint of beer / lager would cost upwards of £3.25 and that the purchase of alcohol for the business was done by his wife. The Premises Licence Holder informed the Sub-Committee that he was in possession of the relevant documentation to give to the Responsible Authorities and that he wished to work in co-operation with the police.

The Principal Environmental Health Officer asked the Premises Licence Holder how he proposed to comply with the Risk Assessment which he had just complied. The Premises Licence Holder stated that he would only employ experienced staff at the venue. He proposed to train staff for 6 hours this week in advance of the opening night and everything would be in place on Thursday. Members of his family would have a presence on the opening night in order to manage the event. The Principal Environmental Health Officer stressed the importance of all staff being fully aware of their roles and expressed concern that the premises did not have a manager. The Premises Licence Holder informed that he would be the manager until such time as he had appointed a manager. His son is the Assistant Manager and his wife would also be present on the night.

In response to a question from the Sub-Committee, the Premises Licence Holder stated that he had undertaken a survey of the property when he purchased it.

In response to a further question from the Sub-Committee, the Premises Licence Holder confirmed that the dress code in place at the venue would be smart and no working clothes to be worn. He did not want boisterous people frequenting the premises and he would admit over 21s only. He stated that he would ensure that the food and the events at the venue are good and did not wish to cater for youngsters as there were already a number of venues in the town centre catering for their needs. He had refurbished the premises to a high standard to deter unruly people from attending the premises. Door supervision at the premises would be run by Black Knight Door Security who he had used for the past 7 years at his other premises.

PC Ellis referred to the remarks made by the Premises Licence Holder in that he did not break the law and questioned him in relation to his premises licence being revoked in Port Talbot. The Premises Licence Holder stated that he had one of the best venues licensed by Neath Port Talbot Council; however he had placed a manager in charge of this venue which resulted in his licence being suspended for a period of 3 months. After that the family now managed the premises themselves and that his son would be on board to assist in managing the premises. PC Ellis stated that the Premises Licence Holder had broken the law as he had a premises licence reviewed. The Premises Licence Holder stated that he would ensure that there would always be a presence from his family at the premises until such time as he had appointed a manager. He stated that he needed to be given a fair chance to establish his business in Bridgend.

In response to a question from the Sub-Committee, the Premises Licence Holder clarified the content of the advertisement for the opening night on Facebook which stated that the event would be open to over 18s but that door staff would only admit over 21s to the premises.

The Sub-Committee adjourned at 11.40am and reconvened at 11.50am.

South Wales Police were invited to present their case.

PC Rowlatt informed the Sub-Committee that the club proposed to open on Sunday 2<sup>nd</sup> August 2015 from 'opening hours' until 04.30 hours, with the supply of alcohol and entertainment both on and off the premises until 04.00 hours. She stated that the TEN had been signed and served on the 15<sup>th</sup> July 2015 but different copies had been provided to the authorities. South Wales Police had been served as above, with no indication of the numbers attending or any indication of what the opening hours are, or for how long this event will go on. The Environmental Health Department had also been served the same.

PC Rowlatt stated that this case had given concern about the scale, location, timing of the event and concerns about public nuisance. The police believe that allowing the premises to be used in accordance with this TEN will undermine the licensing objective, which has resulted in the objection notice served by South Wales Police.

PC Rowlatt stated that the Sub-Committee had three options.

1. Grant the TEN as it stands; this could not be allowed as this would be allowing offences to take place which did not enforce the prevention of crime and disorder.
2. Grant it with conditions transposed over from the existing premises licence. Conditions are already being breached, if the Sub-Committee did this, it would still be allowing the licensing objectives to be undermined and further licensing offences to take place.
3. Or issue a counter notice. The South Wales Police recommend this is the correct and necessary response that will support the licensing objectives and prevent crime and disorder and not add to the existing problems of Bridgend late night economy.

PC Rowlatt stated that the premises is situated in the "saturation area" which is subject of Bridgend County Borough Council's "Statement of Licensing Policy" and the saturation policy was specifically created due to the unacceptably high levels of crime, anti-social behaviour and alcohol related public disorder within Bridgend town centre.

"Cumulative impact" was also included within the policy and applicants are supposed to consider the licensing objectives when making applications and show to the committee how the event will not add negatively.

PC Rowlatt referred to Section 182 of Home Office guidelines under the Licensing Act 2003 Sub-section 13.24 in that "The licensing authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information, which may inform consideration of these issues, includes:

- Trends in licence applications, particularly trends in application by type of premises and terminal hours;
- Changes in terminal hours of premises;
- Premises capacities at different times of night"

PC Rowlatt referred to the document which was attached to the BCBC statement of licensing policy in regard to the cumulative impact area and recommend the Sub-Committee pay particular attention to the material times that show an increase in crime and disorder along with an increase in hours of licensable activity.

PC Rowlatt referred to the most recent crime pattern analysis report carried out for the Bridgend Town centre dated the 30<sup>th</sup> Dec 2014, which showed a total of 210 occurrences for a 3 month period between the hours of 18.00 and 06.00 hours.

1. It shows the occurrence type most reported was PS10 concern for safety (52)
2. 70 reported crimes of which the highest recorded offence was drunk and disorderly (13)
3. Over 70 % of incidents were reported mostly on a weekend, Friday, Saturday and Sunday
4. Street record was the location type recorded most frequently
5. The specific premises that showed the highest number of incident recorded against it 27 was the only other Nightclub currently in town.

PC Rowlatt stated that these statistics are relevant to this hearing as they show the crime pattern in relation to the TEN in this area

- 1) that the specific area where this TEN is located is already a hot spot location
- 2) That the day it wishes to take place is already where 70% of all incidents are already recorded
- 3) In comparison the only other late night venue to have these hours are already subject to the highest numbers of recorded incidents.
- 4) The highest number of crime incidents recorded at these times is in relation to drunk and disorderly customers or public safety issues of concern for persons, intoxicated through drink.

PC Rowlatt also stated that Bridgend town centre is already the late night economy hotspot within the whole borough of Bridgend. Allowing sales of alcohol to take place up to 4am with people leaving at 04.30 in the morning will only lead to an increase in this existing crime and disorder and allow even more persons to be highly intoxicated which will exacerbate the existing problem within this area. This TEN will therefore not support the prevention of crime and disorder.

PC Rowlatt informed the Sub-Committee that the Premises Licence Holder had not said how it will get the customers out of town; why they are offering sales off the premises and there were no other premises open to relieve the strain from taxis.

PC Rowlatt also highlighted that 5 other premises within the saturation area submitted applications to extend their opening hours to either vary the same hours or indeed beyond. With the exception of premises A, South Wales Police feel that the proposals would not promote the objectives and made relevant representations. However; each application was approved and subsequently each licence was reviewed by South Wales Police as the opening timings lead to a significant increase in crime and disorder. Reviews that did not lead to revocation resulted in a reduction of the operating hours and this included premises A where South Wales Police had attempted to show some faith in management's ability to operate until 04.30am; however; this confidence was entirely misplaced. Additionally it was the intention of South Wales Police to again review licences within the cumulative impact area. Later hours had led to much more severe crimes taking place as persons suffer more from the effects of being able to drink more alcohol.

Premises A. Sale of alcohol until 4.00 was reduced to sale of alcohol until 02.30AM  
Premises B. Sale of alcohol until 4.00 was reduced to sale of alcohol until 02.00AM  
Premises C. Sale of alcohol until 5.00. Licence was surrendered prior to review  
Premises D. Opening until 03.30. Licence was revoked  
Premises E. Opening until 4.30. Licence suspended and subsequently surrendered.

PC Rowlatt informed the Sub-Committee that there was clearly a causal link between later hours and violent crime. She stated that Under the Crime and Disorder Act 1998 section 17 it created a statutory partnership between local authorities, the police and

other key partners to work together in reducing crime and disorder in all aspects of their work. She informed the Sub-Committee that Section 17 of the Act states:

“It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder.”

PC Rowlatt informed the Sub-Committee that South Wales Police have provided details proving how this area is already of concern, and another premises to be able to open till this time would be anti any preventative measures. She stated that Section 5.13 needs to be considered from the BCBC statement of licensing policy:

“When determining applications for longer licensing hours consideration should be given to the individual merits of the case.”

PC Rowlatt questioned the merits of this case. She stated that a TEN has been issued because the applicant wants to open late for its first weekend of trade for its nightclub. She questioned whether this was fair and genuine in which to operate and referred to the Facebook pages which had been opened and invited to 1,400 people, charging an admission of £6.00 per person. The Facebook page states that 77 are already going and another 300+ from a rugby organisation. She stated that this is a massive test for the Sub-Committee and not what the spirit of the TEN was created for. PC Rowlatt informed the Sub-Committee this was not the first time that this applicant has tried for this lateness of hour. Original applications for the premises licences have been served on South Wales Police previously and each time the applicant had been told he has planning restrictions that disallow it. Therefore the licence was granted with hours that it can operate to. She stated that the TEN application is just a circumvention of what has already been rejected.

PC Rowlatt referred point 7.7 of the Guidance which states that a TEN does not relieve the premises user from any requirements under planning legislation and therefore the premises could not open. PC Rowlatt questioned the motive for the application as it would want to operate to hours that it does not have on its first opening weekend and advertise the fact. The premises have already been specifically informed on several occasions that it cannot operate until these times without committing offences. Customers will think the premises is always open late causing either confusion in future, or will set a precedent for a number of other TENs to be served to continue these hours in future. She stated that the decision made by the Sub-Committee will be the catalyst and will set a precedent for the future. If a soft touch is chosen and the application for the TEN is granted it would add to this confusion, if the Sub-Committee did not grant the application it will allow the premises to operate as it should, as all responsible authorities expect it to and with much less potential for crime and disorder than otherwise.

PC Rowlatt informed the Sub-Committee that the TEN served on the police / Environmental Health asks for Opening hours on a Sunday morning, and questioned of it meant that no premises licence will operate at all from the opening of the premise at 11.30 am on Sat 1<sup>st</sup> August 2015. It had to be assumed that the copy served on the Licensing authority is correct. However this is still ambiguous. Will the applicant be operating from Closing on Sunday 2<sup>nd</sup> Aug 02.30 hours or from 02.00 hours for the sale of alcohol hours. The report to the Sub-Committee will amend that the application will be from 02.00 hours, however, the circulation and service of the notices are unclear. The copies circulated to other responsible authorities also do not state what number of persons present the TEN applies to while the local authority state that 200 has been applied for. PC Rowlatt questioned whether these errors or admissions fall outside the provision of service under section 100; is it incorrectly served, which you can then serve

a counter notice for. She stated that the TEN was given to the police served by hand, on 15<sup>th</sup> July 2015 12 working days prior to the event taking place. The fact that a different copy has been served on this responsible authority is an important note to make. Is it a breach of note 16 on the service of a TEN which states a "copy must be served". PC Rowlatt informed the Sub-Committee that it should be assured that the statement of licensing policy says those small errors or amendments can be rectified. However, electronic service from licensing authority still adds to confusion on the timings of when this event will start and clarity has not been given until the officer's report was completed on the 21<sup>st</sup> July. PC Rowlatt questioned what copy does the applicant have and is it different again, and will it be looking for different times or capacities to the ones already served. Allowing these errors serve no other purpose than to create confusion and SWP state that this is an unfair and incorrect way to go about service of any event let alone the opening night of a major new night club in town.

PC Rowlatt informed the Sub-Committee that the Temporary Event Notice proposes to extend the hours of licensable activity to the same hours the premises user attempted to operate by way of a grant application. However; after intervention by the Planning Authority he amended the application accordingly to comply with the planning restrictions. The user is fully aware of the planning restrictions as a planning application was submitted in 2013 to significantly extend those hours until 04.00am on Sat and 05.00am on Sun, this proposal was refused. PC stated that these hours cannot be complied with by the premises licence as they are superseded by planning regulations that prevent the premises from operating until this time. The relevancy of this factor is by allowing the TEN to go ahead, it will allow the applicant to commit offences under planning law and also by allowing the TEN to go ahead it will allow the applicant to apply up to 12 times for more TEN to go ahead, thereby allowing more offences to take place. A breach of planning notices can lead to the Magistrates Court and therefore are criminal offences. PC Rowlatt stated that this does not support the licensing objective of prevention of crime and disorder. The applicant is well aware of these facts, so the application itself does nothing either to prevent crime and disorder when they clearly know they will be breaching planning regulations. South Wales Police believe this to be highly relevant in relation to the first and foremost licensing objective of the prevention of crime and disorder. The aim of the Licensing objectives as stated by section 182 guidance are vitally important and should be the principal aim for everyone involved. Sub section 1.5 gives the police the powers they need to effectively manage and police the last night economy. The needs of the community need to be reflected and the community do not need another nightclub open until this hour and police do not need an increase on an already disorderly town centre. The Licensing authorities should look to the police as the main source of advice on crime and disorder and it has provided this information based on existing evidence within the late night economy.

PC Rowlatt stated that it was assumed and the numbers of entry will be 200; however none have been filled in on the police copy, and therefore there would be a night club that can only take in 200 customers all night from Saturday to Sunday, when it can hold thousands on two floors. PC Rowlatt questioned how the applicant will manage the event and how will only 180 persons be effectively managed and turned away, without creating problems. The opening of a brand new nightclub with adverts and flyers have already gone out but there would be a limit of 200 people, which would give rise to fights in the queues or a load of unhappy customers who get kicked out. Again this will lead to disorderly behaviour where police assistance will be required.

PC Rowlatt referred to the promotion of the licensing objective of crime and disorder and despite police objections a premises licence was issued to the Eden Club dated 21st May 2015 and on it are stipulated many conditions for the premises licence to be compliant. She stated that South Wales Police has chased several times and can

evidence several email trails and conversations requesting sight of a copy of the risk assessment. This is for the police to be able to react to the potential capacity numbers allowed at the premises. However until this date no risk assessment has been provided and it was far too late for it to be proved now.

PC Rowlatt informed the Sub-Committee that the police did not have the resources to deal with issues when there are already existing stop conditions in respect of the existing premises licence conditions.

PC Rowlatt referred to condition D entry of the existing premises licence, which relates to re-entry, in that the capacity numbers will be written into the risk assessment which will be supplied to South Wales Police prior to the opening of the club. Annex 3 conditions granted by the Sub-Committee states - The premises shall not open to the public until the following written policies have been submitted to, and approved by, the South Wales Police of which condition D entry and re-entry policy is a part of. PC Rowlatt also referred to condition 8 under a door staff control policy 8. ... SIA registered Security Company, contact details will be supplied to SWP Licensing department. She noted that the Premises Licence Holder has informed the Sub-Committee at the hearing that he proposed to use Black Knight for the provision of door security.

PC Rowlatt also referred to condition 5 under C the use of glass policy which states that no drinks at all or glass bottles or glasses will be allowed outside. Yet the applicant has asked for both on and off sales of alcohol in the TEN and taking alcohol away after attending the nightclub. South Wales Police submit that this does not promote the licensing objectives of prevention of crime and disorder, or in fact public safety. To allow this to go ahead, it would allow up to 200 persons to leave a night club with potential weapons in their hands that they could fall over on in fact use, unless plastic bottles have been specifically brought in. However alcohol in the street is still not a good thing at this time in the morning and can lead to noise nuisance for residents in the area, hence the Designated Public Place Order in this area of Bridgend Town Centre. The Designated Public Place Order gives the police the power to confiscate sealed cans and bottles in found in possession. Allowing the TEN to go ahead therefore does not support the existing legislation. The area is historically known for anti-social behaviour and disorder irrespective of the type of businessmen operating in this area.

PC Rowlatt stated that by granting the TEN application it will allow partying until 04.30 am in the morning and leaving a nightclub with bottles and cans and questioned how will this promote the crime and disorder objective and bottles and cans and disorderly behaviour erupting onto Market Street and the rest of Bridgend town centre.

PC Rowlatt informed the Sub-Committee that the premises is currently not compliant with the existing premises licence conditions yet is still planning to open without the police having enough time to actually authorise these policies. However, further evidence uncovered showing that it is not just the police, but other responsible authority's namely the Public Protection Department are waiting on the applicant for further information.

PC Rowlatt referred to the conditions relating to A Door Control Staff policy 10. The Head door person will monitor the 'nite net' radios and communicate with other users of the system in Bridgend town Centre. She stated that the company that supply these radios have been contacted and also waiting on the applicant before they can supply the radios. These conditions will not currently be met in time for this opening night.

PC Rowlatt also referred to condition D relating to entry / re-entry, no admission or re-admission to the premises shall be granted after 01:30 hours. The smoking area to be treated as part of the premises for this condition and shall be closed at 01.30 hours. She stated that this was in contrast to the advertisement on the webpage stating that £6 entry after 1.00am and entry till late. If the Sub-Committee modified the TEN to apply this condition then persons will not be able to smoke at the premises from 01.30 till 04.30 when they leave. If this was not applied, then persons will be free to come and go all throughout the night and create a bottle neck from all other venues that close and customers will gravitate to the premises.

PC Rowlatt stated that as it currently stands the premises will open on Friday and will be breaching these existing conditions, which leads to a section 136 unauthorised licensing activity. Allowing the TEN to go ahead even if it was modified to include conditions it will still allow licensing breaches to take place. This therefore does not support the licensing objectives that prevent crime taking place.

She stated that the Sub-Committee need to have regard to statement of licensing policy that states: - Nothing in this policy should be taken as indicating that any requirement of licensing law or any other law may be overridden by the terms of this policy. In relation to a breach of planning notice, the Council itself will also have regard to wider considerations including community safety, crime and disorder, litter, noise and the ability of the police and the street and public transport infrastructure to cope with an influx of customers into a particular area for entertainment. Any increase in licensable activity has serious potential to increase crime at the premises.

The venue is in the heart of the saturation area subject of the special policy area and the Licensing Authority must be mindful of their own policy to limit late licences within this area. She further reminded that the premises have planning restrictions which are relevant as stated in the statement of licensing policy. A TEN does not relieve the premises user from any requirement under planning law for appropriate planning permission where it is required. The premises do not have permission and has been regularly reminded about that fact yet it persists.

PC Rowlatt concluded that allowing the TEN would have a negative impact and requested the Sub-Committee issue a Counter Notice.

The Premises Licence Holder informed the Sub-Committee that he would only be using plastic glasses at his premises and there would be no glasses to be taken outside the premises. He proposed on his opening night to allow expensive bottles to be purchased at the venue which would be placed in a bag for customers to take home with them. He stated that the admission charge would be £5.00 per person and there would be no re-entry to the premises after 0230 hours. He informed the Sub-Committee there would be no confusion as to the opening hours as he proposed to have the extended hours for the opening night only. He also stated that his venue is brand new and he should have the opportunity to operate on a level playing field. There is a taxi rank outside the premises and Radio Cabs who operate in the vicinity have 150 cars and would be able to cope with conveying customers home.

The Senior Licensing Assistant informed the Sub-Committee that the permitted numbers had been omitted from the TEN, however she had added the relevant numbers which was for 200 persons initialling the changes she had made to the original application received from the Premises Licence Holder. She stated that the Premises Licence Holder would not be able to open the premises until he had Nite Net installed.

In response to a question from the Sub-Committee, PC Rowlatt stated that there a number of domestic properties in the vicinity of the premises on Wyndham Street.

In response to a question from the Sub-Committee, PC Ellis informed the Sub-Committee that the other late night venue is situated in the area covered by the saturation in Derwen Road and would be subject to enforcement. PC Ellis also informed the Sub-Committee that in relation to the kebab shop in the vicinity its hours of opening had been reduced as there was no dispersal of customers and which had led to crime and disorder in the town centre. The Police believed that allowing the TEN coupled with the kebab shop remaining open it would give rise to crime and disorder.

The Sub-Committee questioned whether food would be served at the premises. The Premises Licence Holder informed the Sub-Committee that he proposed to operate as a steak house when the kitchen at the premises was up and running. PC Rowlatt stated that the Premises Licence Holder could serve food until 2259 hours and was not subject to the TEN.

The Sub-Committee questioned the percentage of trouble inside and outside premises in the town centre. PC Rowlatt informed the Sub-Committee that crime and disorder in the town centre had decreased as a number of premises had closed down. There had been 210 recorded incidents with 52 incidents taking place in town centre streets.

The Sub-Committee questioned the entry fee the Premises Licence Holder proposed to charge which seemed to vary between £5.00 and £6.00 and whether he proposed to open both the wine bar and the night club on the same night. The Premises Licence Holder stated that he proposed to open the wine bar on Friday night and to open the club on the following night. He also proposed to have an official opening of the venue on 7 August 2015 which he proposed to invite MPs, AMs and the Mayor.

PC Ellis informed the Sub-Committee that the TEN would give rise to public nuisance as a result of sound emanating from the premises, crime and disorder and would give rise to public safety.

The Principal Environmental Health Officer informed the Sub-Committee that the Public Protection Department objected to the TEN as the application fails to meet the licensing objective relating to public safety. She stated that it was a condition of the premises licence that prior to opening, the Premises Licence Holder provide a Health & Safety Policy; Risk Assessments; Procedures for Serious or Imminent Danger; Gas and Electrical Safety and Management of Asbestos plan. To date, the Premises Licence Holder had not provided these and as such had failed to demonstrate how the premises would not impact on public safety.

The Principal Environmental Health Officer also informed the Sub-Committee that as the Premises Licence Holder proposed to open this Friday it gave the Department very little time in which to evaluate the requirements and documentation expected from the Premises Licence Holder. She stated the Premises Licence Holder would be in breach of the conditions of the premises licence if the TEN was granted. The Public Protection Department had further concerns regarding the training of staff.

The Chairperson invited all parties to make closing statements.

The Premises Licence Holder informed the Sub-Committee that the statistics produced by South Wales Police in relation to crime and disorder in the town centre did not relate to his premises as he had yet to open and could not be treated as relevant. He stated that more people coming to the town centre would however give rise to more issues. He stated that clubs in the town centre had closed for a reason and that as his place is a new venue the crime statistics could not relate to him. He stated that the other club which was allowed to open late was 500 yards from his premises. He informed the Sub-

Committee that if the TEN was granted his legal team would speak to the Planning Department in relation to the hours of opening. He stated that he was behind on the submission of the relevant documentation but confirmed that it would be ready otherwise the venue would not open. He stated that the sound system was not yet installed.

The Premises Licence Holder informed the Sub-Committee that he would only employ experienced staff at the premises and that he would address the concerns raised by the Public Protection Department prior to opening. He stated that the crime figures raised by South Wales Police did not relate to his premises; however issues would be created as new venues open and would be addressed and he would provide evidence of any trouble at his venue to the police. His application for a TEN sought a one off event for the opening night only and he was only required to give 15 days' notice in accordance with the legislation.

PC Rowlatt informed the Sub-Committee that South Wales Police is not against the business operating in accordance with the hours granted in the premises licence. She stated there had been no agreement or modifications been discussed between the applicant and South Wales Police and no reassurance given on how this application will not have a negative impact on the town centre by increasing customers at the critical time of 04.30 am. She also stated that there is already pressure on the taxis firms at this time and there are no alternative late night food venues to subdue the crowds at this time. There are residential properties in the vicinity and there are no buses or other forms of transport available. Applying conditions to the TEN will not uphold the licensing objectives as these objectives are already currently being breached.

PC Rowlatt informed the Sub-Committee that the premises should not open until all documentation has been approved by the police. South Wales Police have 3 days to approve documents which have not been served, which was unacceptable when the applicant has had plenty of time to get specific information and documents prior to this launch.

PC Rowlatt stated that the police wish to prevent this event taking place so as to prevent an increase in crime and disorder and to promote public safety. The premises have not even opened yet and it is already not compliant with licensing conditions. She stated that the premises Licence Holder has said that things will get done but they have not been since February and the police have been continually told that it will happen next Monday.

The police have concerns over the public safety of the premises as no risk assessment has been viewed and the applicant has given the police no time in which to agree these documents.

The police have concerns over the licensing objectives not being met by the failure to comply with the exiting conditions. There are also concerns over the off sales of alcohol and the concerns towards public nuisance and the commercial advantage to allow this event to take place.

South Wales Police therefore urged the Sub-Committee to issue a Counter Notice in this instance.

The Principal Environmental Health Officer informed the Sub-Committee that the Public Protection Department could not withdraw its objection to the TEN as it had not had sight of the documentation it had requested in relation to a Health & Safety Policy; Risk Assessments; Procedures for Serious or Imminent Danger; Gas and Electrical Safety and Management of Asbestos plan. It would also have very little time in which to

evaluate the documentation when it was received in order to satisfy it would not impact on public safety.

The Sub-Committee adjourned at 1.15pm and reconvened at 3.10pm, when it was:

RESOLVED: That the Licensing Sub-Committee has considered the application for a TEN for 33 Market Street, Bridgend. The Sub-Committee has taken into account the applicant's representations as well as the objections by the Police and Public Protection.

Dealing with three administrative points firstly:

Initially, the Sub-Committee is happy that good service took place and the Licensing Officer informed all relevant bodies at an early stage.

Secondly, the Sub-Committee have noted paragraphs 13.57 and 13.58 of the Home Office Guidance. The Sub-Committee note that it is not bound by any decision of the Planning Committee.

Finally, the Sub-Committee noted paragraph 13.30 of the Home Office Guidance and note that the Cumulative Impact Policy applies to granting or a variation of a Premises Licence. The Sub-Committee has however, noted that this premises is located within an area covered by the Cumulative Impact Policy.

Dealing with the TEN, the Sub-Committee has considered the objections being that the extra two hours covered by the TEN in addition to the already licensed hours will affect the following licensing objections:

1. prevention of crime and disorder
2. public nuisance and
3. public safety.

Dealing with the prevention of crime and disorder, the Sub-Committee is concerned by the figures shown by the Police regarding the increased reports of crime associated with longer hours of drinking. The Sub-Committee accept the applicant states these figures were not specific to his premises, however, the premises has not been open or traded as yet and so cannot produce any evidence to show how he is countering this trend and reducing the crime.

Dealing with public nuisance and public safety, the Sub-Committee note the concern that nowhere else will be open at 0430 hours when people leave and no there will be areas to disperse the crowds or to allow persons to calm down or sober up. This has effects on queuing for taxis, on noise and disruption and is made more worrying by the potential for individuals to have glass bottles which they will have taken from the premises.

In addition, the Sub-Committee has concerns over the decrease from 500 to 200 persons at 0200 hours. The Sub-Committee accept that the applicant stated he would turn off

the music, stop serving alcohol, turn the lights on and ask all customers without bands to leave the premises. However, the Sub-Committee is concerned about the practicalities of this. In addition, the Sub-Committee fear this will not promote the licensing objectives of the prevention of crime and disorder, public nuisance and public safety, as we are concerned about issues both inside and outside the premises at 0200 hours.

The Sub-Committee feel the event would undermine the licensing objectives for the above reasons, and resolve to give a counter notice.

The Senior Licensing Assistant advised that there would be no right of appeal due to the proximity of the opening night and to the hearing.

The meeting closed at 3.15 pm