

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB-COMMITTEE

23 SEPTEMBER 2015

**REPORT OF ASSISTANT CHIEF EXECUTIVE, LEGAL AND
REGULATORY SERVICES**

LICENSING ACT 2003: SECTION 105

TEMPORARY EVENT NOTICES

RAILWAY TAVERN, DERWEN ROAD, BRIDGEND

SEA SALT FISH & CHIPS, 55 NEW ROAD, PORTHCAWL

THE GENERAL PICTON, 57 NEW ROAD, PORTHCAWL

THE GENERAL PICTON (CAR PARK AREA), 57 NEW ROAD, PORTHCAWL

1. Purpose of Report

- 1.1 To ask the Sub-Committee to consider Objection Notices submitted by the South Wales Police in respect of Temporary Event Notices served on the Licensing Authority.

2. Connection to Corporate Improvement Plan/Other Corporate Priority

- 1.2 None.

3. Background

- 3.1 Upon receipt of a 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 Notices, unless the premises user, the Relevant Persons who gave the Objection Notices and the Authority agree that a hearing is unnecessary; and, having regard to the Objection Notices, 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 a Temporary Event Notice.

4. Current Situation/Proposal

4.1 Railway Tavern, Derwen Road, Bridgend:-

- 4.1.1. On 9 September 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Spencer Cayford Morgan ("the premises user").
- 4.1.2 The premises has the benefit of a Premises Licence for the supply of alcohol and regulated entertainment from 1030 hours until 0200 hours Monday to Sunday.
- 4.1.3 The Temporary Event Notice relates to an extension of hours for the sale by retail of alcohol and the provision of regulated entertainment from 0200 hours until 0300

hours on 26 September and 27 September 2015. The premises will close at 0330 hours. The maximum number of people at any one time to be present during the duration of the TEN is 170 persons.

4.2 Sea Salt Fish & Chips, 55 New Road, Porthcawl:-

4.2.1 On 9 September 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Eduart Arapi ("the premises user").

4.2.2 The premises does not have the benefit of a Premises Licence.

4.2.3 The Temporary Event Notice relates to the provision of late night refreshment from 2300 hours until 0200 hours between 25 September and 27 September 2015. The maximum number of people at any one time to be present during the duration of the TEN is 50 persons.

4.3 The General Picton, 57 New Road, Porthcawl:-

4.3.1 On 10 September 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Gregg Courtney ("the premises user").

4.3.2. The premises has the benefit of a Premises Licence for the sale by retail of alcohol from 1100 hours until 2300 Sunday to Thursday and from 1100 hours until 0000 hours Friday and Saturday. Live music from 1100 hours until 2300 hours Monday to Sunday. Recorded music from 1100 hours until 2300 hours Sunday to Thursday and from 1100 hours until 0000 hours Friday and Saturday. Indoor sporting events from 1100 hours until 2330 hours Sunday to Thursday and from 1100 hours until 0030 hours Friday and Saturday. Provision of late night refreshment from 2300 until 2330 hours Sunday to Thursday and 2300 hours until 0030 hours Friday and Saturday.

4.3.3 The Temporary Event Notice relates to an extension of hours for the sale by retail of alcohol from 0900 hours until 0030 hours on 25 September and 26 September 2015 and from 0900 hours until 2330 hours on 27 September 2015. Live and recorded music from 1200 hours until 0000 hours on 25 September and 26 September 2015 and from 1200 hours until 2330 hours on 27 September 2015. There will be a 30 minutes winding down period each day. The maximum number of people at any one time to be present during the duration of the TEN is 150 persons.

4.4 The General Picton (Car Park), 57 New Road, Porthcawl:-

4.4.1 On 10 September 2015, the Licensing Authority received a Temporary Event Notice ("TEN") from Gregg Courtney ("the premises user").

4.4.2 The car park is not included in the Premises Licence.

4.4.3 The Temporary Event Notice relates to the sale by retail of alcohol from 1030 hours until 2300 hours on 25 September and 26 September 2015 and from 1100 hours until 2300 hours on 27 September 2015. Recorded music from 1100 hours until 2300 hours between 25 September and 27 September 2015. The maximum number of people at any one time to be present during the duration of the TEN is 150 persons.

- 4.5 The premises users have served copies of the Temporary Event Notices upon the South Wales Police and the Council's Public Protection Department and the South Wales Police have submitted Objection Notices to the Licensing Authority. Copies of the Objection Notice has been served on each premises user and are attached at Appendix A,B and C.
- 4.6 The Licensing Authority is aware that it is possible for a premises user and the 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 a Temporary Event Notice with the agreement of all parties. Members are advised that the timescales governing Temporary Event Notices are relatively short and that, at the time this report was dispatched, the Licensing Authority had not been notified that any of the parties had reached agreement.
- 4.7 The Objection Notices are to be treated as not having been withdrawn. A copy of the Premises Licence conditions, if applicable, will be available at the hearing.
- 4.8 This hearing must therefore consider the points raised in the Objection Notices and make a determination on each Temporary Event Notice. Having considered the Objection Notices, the Sub-Committee has the following options:
- a) Allow the licensable activities to go ahead as stated in the Temporary Event Notice (TEN);
 - b) As the TEN is in connection with a licensed premises, the licensing authority may allow the licensable activities to go ahead but 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.

5. **Effect upon Policy Framework & Procedure Rules**

5.1 None.

6. **Equality Impact Assessment**

6.1 There are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief or sexual orientation.

7. **Financial Implications**

7.1 None.

8. **Recommendation**

8.1 The Sub-Committee is required to consider the Objection Notices having regard to the information contained within this report, the Council's Statement of Licensing Policy and the guidance issued to licensing authorities under Section 182 of the Licensing Act 2003 and make a determination on each Temporary Event Notice.

P A Jolley - Assistant Chief Executive, Legal and Regulatory Services

Date: 17 September 2015

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Background documents:

Temporary Event Notices

South Wales Police Objection Notices

Premises Licences

Bridgend County Borough Council Statement of Licensing Policy: www.bridgend.gov.uk

Statutory Guidance issued under Section 182 of the Licensing Act 2003 issued March 2015: www.homeoffice.gov.uk