

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO SPECIAL LICENSING ACT 2003 SUB-COMMITTEE

24 AUGUST 2016

### REPORT OF CORPORATE DIRECTOR, OPERATIONAL & PARTNERSHIP SERVICES

#### LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE EDEN 33 MARKET STEET BRIDGEND

#### 1. Purpose of Report

To ask the Sub-Committee to consider an Objection Notice submitted by the South Wales Police in respect of a Temporary Event Notice served on the licensing authority.

#### 2 Connection to Corporate Improvement Plan/Other Corporate Priority

None.

#### 3 Background

Upon receipt of the Temporary Event Notice the Relevant Persons may 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, the 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.

#### 4. Current Situation/Proposal

4.1 On 12 August 2016, the licensing authority received a Temporary Event Notice ("TEN") from Zahid Rasul ("the premises user") in respect of a un-named event to be held at Eden, 33 Market Street Bridgend on August Bank Holiday, effectively the early hours 0000 hours to 0400 hours on Monday 29<sup>th</sup> August 2016 (sale by retail of alcohol) with opening hours of 0030 to 0430 hours. The notice also seeks authorisation for the provision of regulated entertainment (no times specified), all licensable activities to take place on the premises only. The maximum number of people at any one time to be present is **499**.

4.2 The premises has the benefit of a Premises Licence.

4.3 The premises user served a copy of the Temporary Event Notice upon the South Wales Police and the Council's Public Protection Department and the South Wales Police has submitted an Objection Notice in relation to the Temporary Event Notice to the licensing authority. A copy of the Objection Notice has been served on the premises user dated the 16 August 2016. Details of the objection are set out in the Objection Notice at Appendix A.

- 4.4 The licensing authority is aware that it is possible for the 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 the 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 party had reached agreement.
- 4.5 The Objection Notice is to be treated as not having been withdrawn. There are no policies relating to Temporary Event Notices within the Council's Statement of Licensing Policy. The Sub-Committee must have regard to the statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Section 7 relates to Temporary Event Notices.
- 4.6 This hearing must therefore consider the points raised in the Objection Notice and make a determination on the Temporary Event Notice. Having considered the Objection Notice, the Sub-Committee has the following options:
- a) Allow the licensable activities to go ahead as stated in the Temporary Event Notice (TEN);
  - b) If the TEN is in connection with a licensed premises, the licensing authority, may 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**

None

**6. Equality Impact Assessment**

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**

None

**8. Recommendation**

The Sub-Committee is required to consider the Objection Notice 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.

**P A Jolley – Corporate Director, Operational & Partnership Services**  
**Date: 18 August 2016**

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**Background documents:**

- Temporary Event Notice**
- Objection Notice**
- Bridgend County Borough Council**
- Statement of Licensing Policy:**
- [www.bridgend.gov.uk](http://www.bridgend.gov.uk)**
- Statutory Guidance issued under Section**
- 182 of the Licensing Act 2003 issued**
- March 2015: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)**