

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB COMMITTEE

21 APRIL 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003 : SECTION 51

APPLICATION FOR REVIEW OF PREMISES LICENCE

MUDO'S CURRENTLY KNOWN AS GOLDEN LION & ABERKENFIG KEBAB & PIZZA HOUSE, 103 BRIDGEND ROAD, ABERKENFIG, BRIDGEND

1. Purpose of Report.

- 1.1 On 20 February 2015, an application for a Review of the Premises Licence was submitted by the Chief Officer of Police in relation to the above premises.
- 1.2 The Premises Licence Holder is Mustafa Dost. The Premises Licence authorises the Supply of alcohol and recorded music between the following times:- Monday to Thursday between 1000 and 0000 hours, Friday and Saturday between 1000 and 0100 hours, Sunday between 1100 and 0000 hours, All Bank Holidays including the Friday before August Bank Holiday and St Patricks night 17th March from 1000 to 0100 hours the following day. Christmas Eve from 1000 to 0100 hours the following day and New Years Eve from 1000 to 0200 hours the following day. Live music is authorised between the following times:- Thursday between 2030 and 0000 hours, Saturday between 2100 and 0000 hours, Sunday between 1600 and 1800 hours and 2000 and 2300 hours, St. Patricks Night 17th March between 2100 and 0000 hours, Christmas Eve between 2030 and 0000 hours and New Year's Eve between 2100 and 0030 hours.

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

- 2.1 None.

3. Background.

- 3.1 A copy of the application form and background documents submitted by the Chief Officer of Police, together with a location plan is attached at Appendix A.

4. Current situation / proposal.

- 4.1 The application has been advertised in accordance with the regulations. Representations were received from Trading Standards and the Licensing Authority, copies of which are attached at Appendix B and C.
- 4.2 The South Wales Fire and Rescue Service did not wish to submit representations, however, the following observation was received:-

"During 2014, South Wales Fire and Rescue Service inspected the premises 103 Bridgend Road, Aberkenfig and issued a non compliance schedule of work notice to the recorded premises responsible person Mr Mustafa Dost.

As we have already implemented measures to inform the premises responsible person of the non-compliance measures identified under the Regulatory Reform Fire Safety Order 2005, No review of premises licence representation will be made by South Wales Fire and Rescue Service Reference: NJD / 01N-022-545/ LA01 letter to be issued separately to this e-mail .

Having ascertained police licensing interest recorded within the review of premises licence application. As I am unable to confirm the works have been carried out, I have attached a copy of the notice issued”.

4.3 A copy of the notice referred to above is enclosed within application for review of Premises Licence at Appendix A of this report.

4.4 At the time of preparing this report the Licensing Section were not aware of any discussions between parties and the Premises Licence Holder and an update will be provided to the Committee at the start of the hearing.

5. Effect upon Policy Framework & Procedure Rules.

5.1 None.

6. Equality Impact Assessment.

6.1 A full Equality Impact Assessment has not been undertaken in relation to this service, however due regard has been given to the implications on persons protected by equality legislation and human rights. Adverse impact of this Legislation on the equality protected groups is very unlikely. Consideration has been given to the guidance issued to accompany the Licensing Act 2003 relating to need to eliminate duplication and conflict with existing disability legislation and to reference and highlight the Council's Race Equality Scheme, policies and codes of conduct to applicants. We do not consider, on the basis of the above, that a detailed Equality Impact Assessment is required for this service. In line with our Inclusive Equalities Scheme we will monitor for any adverse impacts that may develop.

7. Financial Implications.

7.1 None.

8. Recommendation.

8.1 The Licensing Sub-Committee must consider:-

- having regard to the application and any relevant representations, steps it considers necessary for the promotion of the licensing objectives.

8.2 The steps the Licensing Authority can take are:-

- no action;
- modify the conditions of the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;

- suspend the licence for a period not exceeding three months;
- revoke the licence;

8.3 Members must also have regard to the following:- Section 11 of the Home Office Guidance issued under Section 182 of the Licensing Act 2003 and Section 12 of the Council's Statement of Licensing Policy which relates to review of licences. Section 10 of the Home Office Guidance which relates to imposing condition on premises licences.

8.4 Information on Home Office Employer's guide to right to work checks, penalties for employing illegal workers and guidance on how to check if someone can work in the UK will be available to members at the meeting.

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services
Date : 15 April 2015

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Background documents

Application for Review of Premises Licence.

Correspondence from Trading Standards

Correspondence from the Licensing Authority

Correspondence from South Wales Fire & Rescue Service

Home Office Guidance – An employer's guide to right to work checks, penalties for employing illegal works and how to check if someone can work in the UK : www.gov.uk

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

Amended Guidance issued under Section 182 of the Licensing Act 2003 – March 2015 available at www.homeoffice.gov.uk