

Public Document Pack
Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



Civic Offices, Angel Street, Bridgend, CF31 4WB / Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB

Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol
Direct line / Deialu uniongyrchol: 01656 643148
Ask for / Gofynnwch am: Mark Anthony Galvin

Date / Dyddiad: 14 October 2015

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (B)

A meeting of the Licensing Act 2003 Sub-Committee (B) will be held in Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 20 October 2015 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from Members / Officers.
2. Declarations of Interest
To receive Declarations of personal and prejudicial interest (if any) from members/ officers in accordance with the provisions of the Members Code of Conduct adopted by Council from the 1st September 2008.
3. Licensing Act 2003: Section 17 Application For Premises Licence Maesteg Charcoal Grill, 25 Commercial Street Maesteg. 3 - 34

Yours faithfully

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:
P A Davies

Councillors
P N John

Councillors
D R W Lewis

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

20 OCTOBER 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

**LICENSING ACT 2003: SECTION 17
APPLICATION FOR PREMISES LICENCE
MAESTEG CHARCOAL GRILL, 25 COMMERCIAL STREET
MAESTEG**

1. Purpose of Report

- 1.1 This is an application made by Maesteg Charcoal Limited for a new Premises Licence for the above premises. The premises is described as a hot food takeaway. The application seeks to licence the ground floor of the building.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 None.

3. Background

- 3.1 A copy of the application form is attached at Appendix A together with a location plan. A full sized copy of the plan indicating the proposed licensed area will be available at the meeting.
- 3.2 The application is for a Premises Licence to authorize the provision of late night refreshment, from Monday to Sunday 2300 to 0045 hours.
- 3.3 The application has been advertised in accordance with Regulations.
- 3.4 The premises previously held a Premises Licence which was revoked by the Licensing Authority after an application for review was made.

4. Current situation / proposal.

- 4.1 Representations have been received from the South Wales Police. A copy of the representation is attached at Appendix B. A copy of the representation received has been forwarded to the applicant for consideration.
- 4.2 At the time this report was prepared the representations had not been withdrawn.
- 4.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy and the Home Office Guidance issued under Section 182 of the Licensing Act 2003. However, the Sub-Committee must consider each application on its own merits having regard to the application, the operating schedule submitted and the representations made.

4.4 Sections 2, 8, 9, and 10 of the Home Office Guidance apply to this application. There are no specific local licensing policies applicable to the Maesteg area.

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 Sub-Committee is asked to determine the application having regard to the Council's Statement of Licensing Policy and the Guidance issued by the Home Office.

8.2 The Sub-Committee is requested to confirm whether any additional conditions are to be imposed or only those which are consistent with and set out in the operating schedule. Sections 10.7 to 10.10 apply to the imposition of conditions. Mandatory conditions will apply to the licence, if granted, in respect of the specification of a Designated Premises Supervisor, authorisation by personal licence holders and age verification.

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services
Date: 14 October 2015

Contact Officer: Sharon Jones
Licensing Assistant

Telephone: (01656) 643294

E-mail: Sharon.Jones2@bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Application for Premises Licence

Representation letters from the South Wales Police

Council's Statement of Licensing Policy available at www.bridgend.gov.uk

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

This page is intentionally left blank

[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We MAESTEG CHARCOAL LTD
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>MAESTEG CHARCOAL GRILL</u> <u>25 COMMERCIAL STREET</u>			
Post town	<u>MAESTEG</u>	Postcode	<u>CF34 9DH</u>
Telephone number at premises (if any)		<u>01656 735 757</u>	
Non-domestic rateable value of premises		£	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	MAESTEG CHARCOAL LTD
Address	MAESTEG CHARCOAL GRILL 25 COMMERCIAL STREET MID-GLAMORGAN MAESTEG - CF34 9DH
Registered number (where applicable)	9456388
Description of applicant (for example, partnership, company, unincorporated association etc.)	MAESTEG CHARCOAL L.TD. (LIMITED COMPANY)
Telephone number (if any)	01656 735 757
E-mail address (optional)	MAESTEGCHARCOALGRILL@HOTMAIL.COM

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
15	07	2015

If you wish the licence to be valid only for a limited period, when do you want it to end?

N/A

DD	MM	YYYY
±	±	± ± ± ±

Please give a general description of the premises (please read guidance note 1)

HOT FOODS AND TAKEAWAY
 MAESTEG CHARCOAL GRILL
 25 COMMERCIAL STREET
 MAESTEG
 CF34 9DH

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

N/A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

N/A

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

C

N/A

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

N/A

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

N/A

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon						
Tue			Please give further details here (please read guidance note 3)			
Wed						
Thur			State any seasonal variations for the performance of live music (please read guidance note 4)			
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

F

N/A

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

N/A

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

H

N/A

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) HOT FOODS AND TAKEAWAY		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) HOT FOODS AND TAKEAWAY			
Mon	23:00	00:45				
Tue	23:00	00:45				
Wed	23:00	00:45	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur	23:00	00:45				
Fri	23:00	00:45				
Sat	23:00	00:45	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Sun	23:00	00:45				

J

N/A

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri								
Sat								
Sun								

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

N/A

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09:00	01:00	A.M.
Tue	09:00	01:00	
Wed	09:00	01:00	
Thur	09:00	01:00	
Fri	09:00	01:00	
Sat	09:00	01:00	
Sun	09:00	01:00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

NEW C.C.T.V. SYSTEM HAS BEEN INSTALLED AT THE PREMISES COVERING ALL ENTRANCE/EXIT AND ALL OVER THE PREMISES. THE SYSTEM RECORDS AND HOLDS ON THE SYSTEM FOR A MINIMUM OF THIRTY ONE DAYS.

b) The prevention of crime and disorder

A.C.C.T.V. SYSTEM HAS BEEN INSTALLED AT THE PREMISES COVERING ENTRANCE/EXIT AND ALL OVER THE PREMISES. THE SYSTEM RECORDS AND HOLD ON THE SYSTEM FOR A MINIMUM OF THIRTY ONE DAYS. IT WILL BE RECORD 24 HOURS A DAY, 265 (266) DAYS A YEAR. AN AUTHORISED PERSON WILL BE AVAILABLE AT ALL TIMES ON THE PREMISES TO SHOW C.C.T.V. IMAGES IMMEDIATELY. C.C.T.V. IMAGES WILL BE CLEAR AND COMPREHENSIBLE.

c) Public safety

- FIRE FIGHTING EQUIPMENT HAS BEEN PROVIDED THROUGH THE PREMISES AT SUITABLE LOCATION THE FIRE EXTINGUISHER IS HUNG ON A WALL BRACKET WITH THE HANDLER. THE STAFFS HAVE BEEN INSTRUCTED AND TRAINED TO ENSURE THAT THEY UNDERSTAND THE FIRE PRECAUTION MEASURES IN THE BUILDING.
- DISABLED PERSONS CAN ACCESS TO THE PREMISES SAFELY AND THEY CAN EVACUATED SAFELY. THE PREMISES IS ON THE GROUND FLOOR.
- PREMISES LIGHTING SHALL BE PROVIDED OUTSIDE THE PREMISES DURING THE HOURS OF DARKNESS WHEN ANY LICENSABLE ACTIVITY TAKES PLACE ON THE PREMISES.
- NOTES

d) The prevention of public nuisance

- THE LEVEL OF NOISE FROM THE PREMISES WHILE BEING USED FOR PUBLIC SERVE SHALL NOT BE CAUSE NUISANCE.
- THERE IS NO EMISSION FROM THE PREMISES OF ANY OFFENSIVE SMELLS, WHICH ARE NOT LIKELY TO CAUSE A NUISANCE. SO, THE PREMISES WILL NOT CREATED ANY OFFENSIVE SMELL. THE VENTED IS PREVENT CAUSE OF A NUISANCE.
- THE PREMISES HAS GOT A CONTAINER FOR THE STORAGE AND DISPOSAL OF WASTE FOODS AND OTHER REFUSE FROM THE PREMISES. THE PREMISES HOLDER WILL BE RESPONSIBLE FOR PREVENTION AND DISPOSAL OF WASTE ON THE FRONTAGE OF THE PREMISES AND PROVIDED A EMPTY BIN IN THE VICINITY OF THE PREMISES

e) The protection of children from harm

NO PERSON UNDER THE AGE OF 12 YEARS, UNLESS THEY ARE ACCOMPANIED BY A PERSON OVER 18 YEARS, SHALL BE PERMITTED ON THE PREMISES AT ANY TIME BETWEEN 23:00 AND 01:00 A.M. WHEN THE PREMISES ARE BEING USED FOR THE PURPOSES OF A LICENSABLE ACTIVITY -

Checklist:

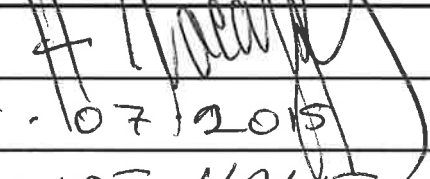
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	15.07.2015
Capacity	NIHAT HALIT HASAN

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Community Safety Partnership
Licensing Department
Police Station
Brackla Street
Bridgend
CF31 1BZ
B.3-260/15

13th August 2015

Maesteg Charcoal Grill Ltd.
Maesteg Charcoal Grill
25 Commercial Street
Maesteg
CF34 9DH

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**

APPLICANT: MAESTEG CHARCOAL LTD. ON BEHALF OF MAESTEG CHARCOAL GRILL

Representations

South Wales Police make representations to the Bridgend County Borough Licensing Authority that they are of the view that if approved the application would impact on the licensing objectives.

The representations are strengthened having regard to the steps intended to be taken in the Operating Schedule to promote the objectives as well as other information and evidence which is set out below for the Licensing Sub-Committee's consideration.

The Premise

This is a kebab/pizza takeaway which was previously licensed to provide late night refreshment with restricted hours of licensable activity until the early hours on weekends.

The original planning permission for a change of use was granted on condition that the opening hours were also limited.

Management not only chose to continually contravene the hours authorised under the Licensing and Town & Country Planning Acts but also failed to adhere to other conditions of the Premises Licence.

Offences were also committed under the Gambling Act 2005.

Additionally the UK Borders Agency executed a warrant at the takeaway on **13th June 2014** and

arrested a Turkish migrant who not been granted leave to remain in the UK contrary to the Immigration, Asylum & Nationality Act 2006.

Incidents of crime and disorder were also recorded at the premise.

Infact offending was so prevalent that between **2011** and **2014** the Planning Authority and South Wales Police served **6** warning letters and what is significant about these warnings is that they were given to three previous licence holders.

The Planning Authority was subsequently required to serve a Planning Contravention Notice in **2013**.

However; various enforcement failed to promote the objectives and on **22nd January 2015** South Wales Police were ultimately compelled to review the licence yet staff continued to trade outside the permitted planning hours thereafter.

At a hearing before the Licensing Sub-Committee on **13th March 2015** the authorisation was revoked and no appeal was made against this determination.

Subsequently management also engaged in licensable activity after the licence was revoked and had to be served with a robust warning letter on **8th May 2015**.

On **19th May 2015** the Licensing Authority also served a warning letter.

South Wales Police believe the premises has a number of persons involved in its management and whoever holds the licence will either be controlled by those persons or be part of that group and there will be a continued failure to promote the objectives.

The Applicant

In *Part 4* of the application it is noted that a limited company is named as the applicant and although the application is signed one may assume that Nihat Halit Hasan is signing on the applicant's behalf as written (erroneously) in the box detailed "*capacity*" is that name.

However; what is required to be entered is the following, "*If signing on behalf of the applicant please state in what capacity*".

There are grave concerns about Mr Hasan as he was responsible for committing offences post review.

Mr Hasan is also author of the letter which accompanied the application and its content also gives rise for alarm as do discussions with others who have contacted South Wales Police in respect of the application and who clearly have a vested interest in the business being licensed.

Therefore if the application is approved effectively nothing will have changed which would seriously impact on the objectives.

The Operating Schedule

Within the Operating Schedule (**M** - boxes **a** to **e**) the Act requires an applicant to describe any additional steps intended to be taken in order to promote all four 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 adopted as conditions of the Premises Licence and arguably attempt to negate responsible authorities from making representations in respect of the application.

Having made an assessment of the schedule some of the conditions proposed are either not relevant, are catered for under other legislation, appear in duplicate or are clearly unenforceable.

South Wales Police are of the opinion therefore that the licensing objectives have not been adequately addressed.

Home Office guidelines issued under Section 182 of the Licensing Act 2003 and Bridgend County Borough Councils "*Statement of Licensing Policy*" allows representations to be amplified at hearings therefore matters will be expanded upon at any subsequent hearing in respect of this application.

Yours faithfully,

Sergeant 4298 Bennett
On behalf of the Chief Officer of Police

Pen-y-bont ar Ogwr
Mwy Diogel



Safer Bridgend

www.saferbridgend.org.uk

MAESTEG CHARCOAL GRILL
25 COMMERCIAL ST.

MAESTEG, CF34 9DH

Date: 15.07.2015

Tel:

PC KEVIN ELLIS

The Chief Constable
South Wales Police
Bridgend Police Station
'F' Bridgend Division
Brackla Street
Bridgend, CF31 1B2

Dear Kevin Ellis,

I am writing regarding with a new application of the premises licence, Maesteg Charcoal Grill. I was spoken with you on the phone couple weeks ago regarding with this new premises licence application, and some issue arising between police and us.

According to our telephone conversation, you recommend me to write you about this matters and explained this issue.

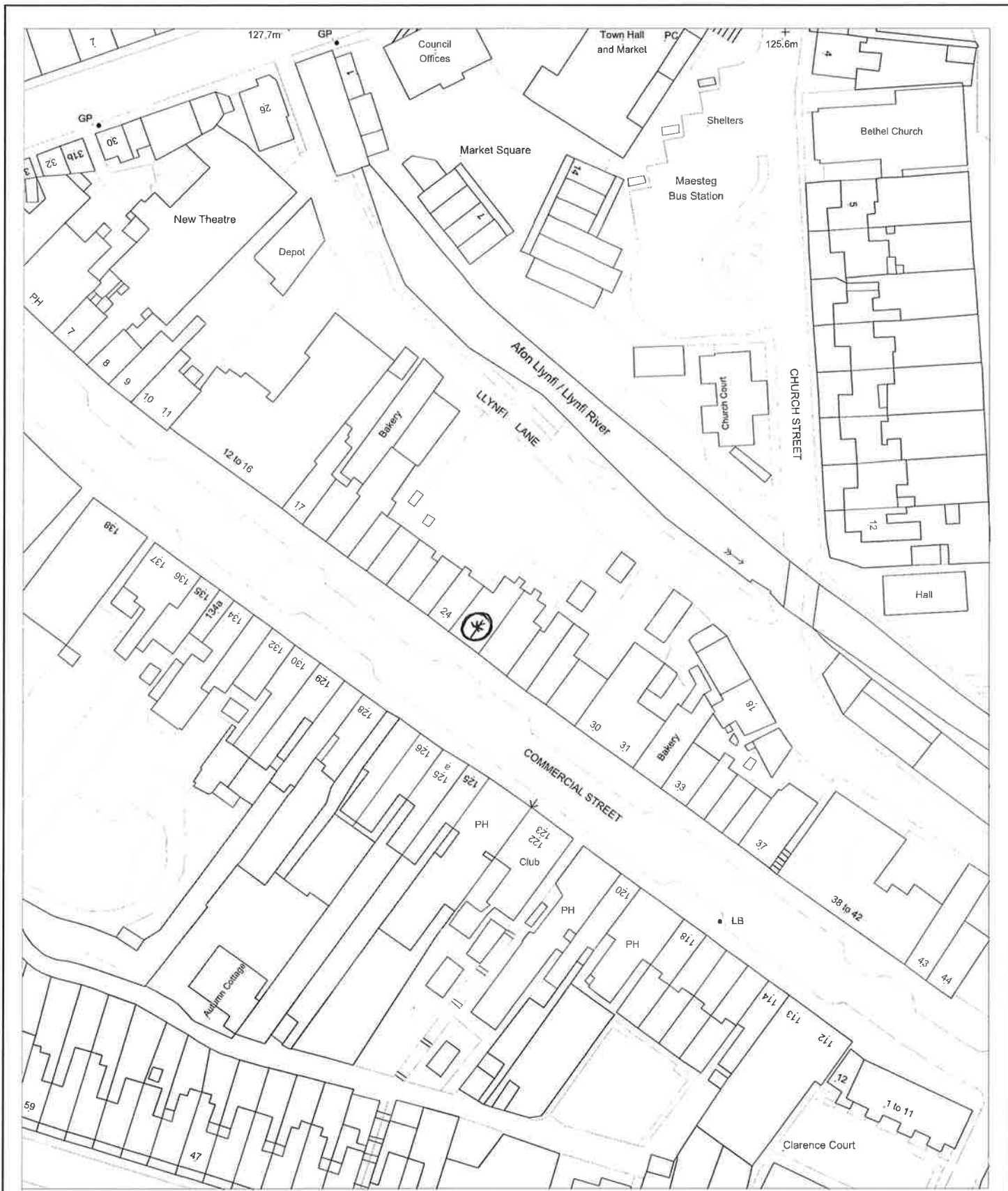
Thus, I will try to explain this issues on this letter again. As, I told you on the phone, I had some serious health and family problems for a long time. So, I could not dealt on the premises problem. Therefore, I was appointed some one else as a manager on behalf me to manage everything.

Another crucial issue that we had a licence from Bridgend Council, it shows that they given permission to open premises till 00:02 a.m. on Fridays and Saturdays. The manager did follow this licence, according to the council staff's told him can open the shop untill 00:02 a.m. on Fridays and Saturdays. The manager told that he called to the council many times to get correct and official information. He did not know that the planning has given different times; the shop can open till 01:00 am. on Fridays and Saturdays. As you guess that we are not professional people, so we did not know which one we need to follow it. This confusion make us to follow wrong one, untill police told us it's wrong.

However, as I promise you all these matter are over. I take all responsibility of the premises. I will do my best and I promise you there will be no problems occurred in the future relating with the licence matter. I need this licence as soon as possible, because my business is running not well. I lose profit after losing the licence. I am scare about I will be shutting down the shop and everyone lose to the jobs. We need your help to have the licence as soon as possible.

Your Sincerely
H. Hasan

NIHAT HASAN



Cyngor Bwrdeistref Sirol



Darren Mepham
Chief Executive

© Crown Copyright and database right 2015, Ordnance Survey 100023405.

Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011.

Countryside Council for Wales, © Crown Copyright and database right 2015, Ordnance Survey 100018833.

Forestry Commission, © Crown Copyright and database right 2015, Ordnance Survey 100025498.

SUB COMMITTEE

1:1000

Time of Plot:
16:59

Date of Plot:
26/08/2015

Plot generated by:

YW

Department :

LARS

This page is intentionally left blank