

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO LICENSING ACT 2003 SUB-COMMITTEE
7 MARCH 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003
SECTION 17
APPLICATION FOR A VARIATION OF PREMISES LICENCE
MARMARIS KEBAB AND PIZZA, 33 WYNDHAM STREET, BRIDGEND

1. Purpose of report

- 1.1 This is an application made by Fatih Yildiztekin, premises licence holder, to vary a premises licence in force at the above-mentioned premises.
- 1.2 This application must be determined by a sub-committee as relevant representations have been received from the South Wales Police.
- 1.3 At the time this report was prepared, the licensing authority had not received confirmation from all parties that a hearing of this application would not be necessary.
- 1.4 The legislation provides for the promotion of the four statutory licensing objectives which must be addressed by the authority when licensing functions are undertaken:
- The prevention of crime and disorder
Public safety
The prevention of public nuisance
The protection of children from harm.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority.

3. Background

- 3.1 A copy of the application form is attached at Appendix A.
- 3.2 The applicant seeks to remove conditions 14-19, under Annex 3 of the Premises Licence, which authorises the provision of late night refreshment from the premises.
- 3.3 The conditions all relate to the removal of the requirement of SIA registered doorstaff at the premises.
- 3.4 A copy of the current premises licence is attached at Appendix B.
- 3.5 The application has been advertised in accordance with Regulations.

4. Current situation/proposal

- 4.1 Representations have been received from the South Wales Police and are attached at Appendix C.
- 4.2 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.
- 4.3 Sections 2 (The Licensing Objectives), 8.74 (Full Variation process), 9 (Determining applications) and 10 (Conditions attached to premises licences) of the Home Office Guidance apply to this application.
- 4.4 When determining this application, the Sub-Committee must undertake its functions in accordance with the four statutory licensing objectives:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

5. Effect upon policy framework and 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. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

- 8.1 None

9. Recommendation

- 9.1 The Sub-Committee is asked to determine the application having regard to the licensing objectives, operating schedule, the representations received, together with the Council's Statement of Licensing Policy and the Guidance issued by the Home Office.

Kelly Watson
Head of Legal and Regulatory Services

1 March 2019

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Background documents: Application for a Variation of Premises Licence
Representations
Council's Statement of Licensing Policy available at www.bridgend.gov.uk
Amended Guidance issued under Section 182 of the Licensing available at www.homeoffice.gov.uk