

Licensing Enforcement representations in support of an application for review of a premises licence

Licensing Enforcement of Bridgend County Borough Council supports the application made by South Wales Police to review the premises licence of the Golden Lion & Aberkenfig Kebab & Pizza House (Mudo's), 103 Bridgend Road, Aberkenfig and make the following representation.

1. Introduction

Licensing Enforcement Officers are responsible for the enforcement of conditions set on Premises Licences under the Licensing Act 2003. The team is also responsible for investigating licensing related complaints received by the Council.

2. Concerns over management of the premises under the Licensing Act 2003

The service notes the evidence of South Wales Police and shares the concern that the Golden Lion & Aberkenfig Kebab & Pizza House (Mudo's) is failing to promote the licensing objectives.

Summary

On 28 February 2014 a complaint was received from a member of the public alleging that children were purchasing alcohol from the premises and on the 28 April 2014 a complaint was received alleging the premises was trading and serving hot food up until 01:30 hours, the premises has no licence for late night refreshment, therefore, must cease serving hot food and drink between the hours of 23:00 and 05:00.

Mr Dost assumed responsibility for the premises in December 2013. In January 2014 information was received that the DPS was no longer at the premises and the person named as DPS on the Premises Licence did not have day to day control of the alcohol. On 08 January 2014 Licensing Enforcement Officers visited the premises and advised Mr Dost to cease the sale of alcohol with immediate effect, until a time when a Variation of DPS application had been submitted to the Licensing Authority, subsequently on the same day (08 January 2014) an application was submitted.

During the visit on 08 January 2014 Mr Dost was also advised that he had no Notification under the Gambling Act 2005 in place, even though Gaming

Machines were switched on and available for use in the bar area. Mr Dost was advised to turn the machines off until a Notification had been granted. To date no application has been received, yet Mr Dost still has Gaming machines on the premises which are available for use.

Mr Dost obtained his Personal Licence on 11 February 2014 and subsequently became DPS as well as PLH

The premises has substantially been altered since Mr Dost became PLH.

Premises Licence for the premises states in Paragraph 6 of Annex 2 – Conditions Consistent with the Operating Schedule States:

“No structural alterations or alteration to the layout of the premises including ceiling and wall linings shall be carried out without the consent of the Licensing Authority”.

This condition appears to have been contravened as during a recent visit by Licensing Enforcement it was seen that the lounge of the premises had been substantially altered from a lounge bar to a fully functioning kebab sit down and takeaway shop

The Premises Licence also refers to the area where the Kebab shop is sited as a “Lounge”.

Mr Dost has failed to inform the Licensing Authority of any changes to the premises.

A further issue to consider is that the Kebab Shop is operating within a licensed area, therefore, allowing children to enter a licensed premises without being accompanied by an adult, in addition gaming machines could also be sited, under the on licence exemption and accessed by children.

3. Conclusion

In light of the above, Licensing Enforcement has no confidence that the management of the Golden Lion & Aberkenfig Kebab & Pizza House (Mudo’s) is effectively promoting the Licensing Objectives under the Licensing Act 2003.

This review is welcomed as a means of identifying the most appropriate way to ensure that these concerns are addressed.

Fiona Colwill
Licensing Enforcement Officer

Rachel Morris

From: Fiona Colwill
Sent: 07 April 2015 12:07
To: licensing
Cc: Rachel Morris; Yvonne Witchell; LICENSINGBRIDGEND@south-wales.pnn.police.uk; 'Kevin.Ellis@south-wales.pnn.police.uk' (Kevin.Ellis@south-wales.pnn.police.uk)
Subject: FW: Golden Lion / Mudos
Attachments: Mudo's Grill 19 08 14.docx

Good Afternoon

Please find below additional information which is relevant to the Review for Mudo's/Golden Lion

Regards

Fiona Colwill
Licensing Enforcement Officer
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Public Protection
Civic Offices
Angel Street
Bridgend
CF31 4WB

Tel: 01656 643180

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From: Paddy Horan
Sent: 07 April 2015 12:05
To: Fiona Colwill
Subject: Golden Lion / Mudos

Dear Fiona

The new business owner has failed to complete the registration for provided by Diane Thomas the inspecting officer.

However her inspection letter dated 19th August 2014 details the change in the business under para 1 confidence in management.

1. At the time of the inspection you advised that Mr Onder Akin has recently taken over the business. You advised that the business is leased from Mr Dost however he has nothing to do with the running of the business. As discussed on site as you are a new food business operator you must register your business with this department. This should be done prior to trading. A registration form was left on site however this has not been completed and returned. Please can you complete the registration form and return to this department.

Regulation (EC) No 852/2004 Article 6(2)

The business is called Aberkenfig Kebab House on APP

Paddy

Patrick Horan M.Sc.
Food Safety Technical Officer
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STATEMENT OF WITNESS
(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Diane Thomas

Age of witness (if over 18 enter "Over 18"): Over 18

Occupation of witness: Environmental Health Officer

This statement, consisting of 2 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 9th day of April 2015

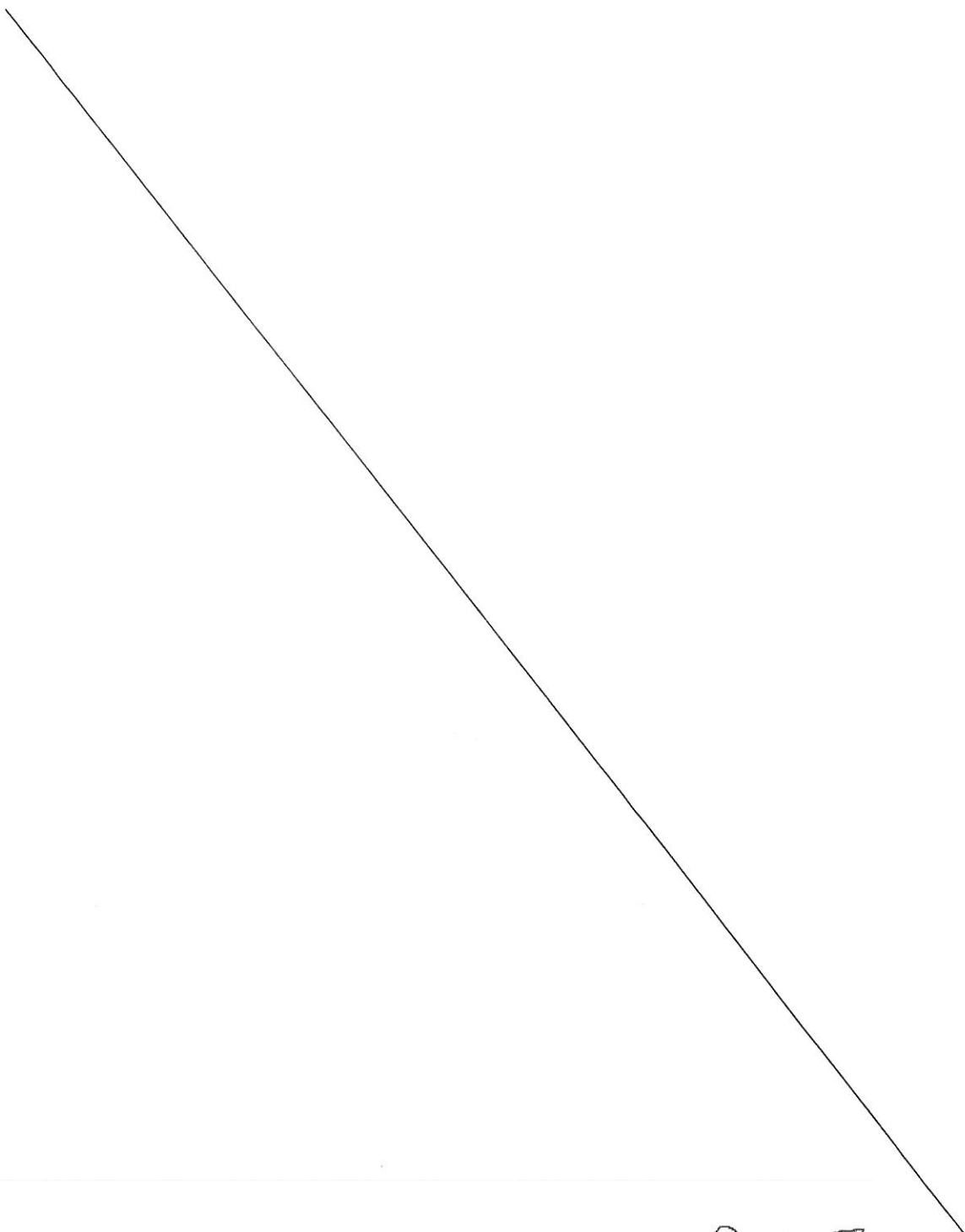
(Signed) *D. L. Thomas*

I Diane Louise Thomas am employed by Bridgend County Borough Council as an Environmental Health Officer in the food safety team. On the 14th August 2014 at approximately 5:20pm, myself and colleague Environmental Health Officer Miss Bethan Jones visited Mudo's, 103 Bridgend Road, Aberkenfig to carry out a routine food hygiene inspection.

When I arrived on site I met staff member Mr Mustafa Aygan. Mr Mustafa Aygan advised me that he and his partner had only opened the business the week previous. I asked Mr Aygan who the food business operator was and he informed me that his partner Mr Onder Akin was the food business operator. The food business operator had not registered the food business, this was discussed and a food business registration form was left on site. Mr Aygan informed me that the business name was now Aberkenfig Kebab House. At the time of the inspection Mr Mustafa Dost's food hygiene training certificate was on the wall. I asked Mr Aygan if Mr Dost works at the

(Signed) *D. L. Thomas*

business or if he has anything to do with the business and Mr Aygan informed me that Mr Dost has nothing to do with the business. Mr Aygan advised that the business is leased from Mr Dost however he has nothing to do with the business. I was informed that Mr Dost still runs the pub but has no involvement with the food business.



(Signed) *Diane Thomas*
