

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO SPECIAL LICENSING ACT 2003 SUB COMMITTEE**

**7 NOVEMBER 2014**

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES**

**LICENSING ACT 2003 : SECTION 51**

**APPLICATION FOR REVIEW OF PREMISES LICENCE**

**MOMTAJ INDIAN RESTAURANT, 118 COMMERCIAL STREET, MAESTEG, BRIDGEND**

**1. Purpose of Report.**

- 1.1 On 15 September 2014, an application for a Review of the Premises Licence was submitted by the Chief Officer of Police in relation to the premises known as Momtaj Indian Restaurant, 118 Commercial Street, Maesteg, Bridgend
- 1.2 At the time the application for the Review of the Premises Licence was received, Samsoo Miah was the Premises Licence Holder. However, on 7 October 2014, an application to transfer the Premises Licence to NK (Wales) Ltd was received and the application took immediate effect.
- 1.3 The Premises Licence authorises the sale by retail of alcohol and Recorded Music between 1000 - 2300 hours Monday to Saturday, 1200 - 2230 hours Sunday, Christmas Day 1200 - 1500 hours and 1900 - 2230 hours, Good Friday 1200 – 2230 hours and New Year's Eve as per the Regulatory Reform (Special Occasions Licensing) Order 2002.

**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 and no representations have been received.
- 4.3 At the time of preparing this report the Licensing Section were not aware of any discussions between the Chief Officer of Police 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.

**Andrew Jolley**  
**Assistant Chief Executive Legal and Regulatory Services**  
**Date 3 November 2014**

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## **Background documents**

Application for Review of Premises Licence and supporting documentation  
Bridgend County Borough Council Statement of Licensing Policy: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)  
Amended Guidance issued under Section 182 of the Licensing Act 2003 – October 2014  
available at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)