

## LICENSING SUB COMMITTEE

<b>Date of Meeting</b>	Wednesday, 29 <sup>th</sup> June 2022 @ 10.00am
<b>Report Subject</b>	Licensing Act 2003 - Application for variation of a Premises Licence
<b>Report Author</b>	Chief Officer: Planning, Environment & Economy

### EXECUTIVE SUMMARY

For Members to consider and determine a variation application made under the Licensing Act 2003, in respect of Bengal Dynasty Restaurant, 104 Chester Road East, Shotton CH5 1QD.

### RECOMMENDATIONS

1	That Members consider and determine the application for variation of a premises licence at Bengal Dynasty Restaurant, 104 Chester Road East, Shotton CH5 1QD.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE APPLICATION</b>
1.01	The premises concerned is Bengal Dynasty Restaurant, 104 Chester Road East, Shotton CH5 1QD. Its location can be seen in Appendix A.
1.02	The applicant is Florin Budescu and his agent is JMC Licensing Consultants.

1.03	<p>The premises currently hold Premises Licence PA0816 which allows :-</p> <p>The supply of alcohol on and off the premises</p> <p>Monday to Thursday 10.00 – 23.00</p> <p>Friday, Saturday &amp; Sunday 10.00 – 23.30</p> <p>Plus one additional hour on Christmas Eve, Boxing Day, New Year's Day, good Friday and Easter Sunday.</p> <p>Recorded Music (indoors)</p> <p>Monday to Thursday 11.00am – 23.30</p> <p>Friday, Saturday &amp; Sunday 11 -Midnight</p> <p>Plus one additional hour on Christmas Eve, Boxing Day, New Year's Day, good Friday and Easter Sunday.</p> <p>and Late night Refreshment (indoors &amp; outdoors)</p> <p>Monday to Thursday 23.00 – 23.45</p> <p>Friday, Saturday &amp; Sunday 23.00 – 00.15</p> <p>Plus one additional hour on Christmas Eve, Boxing Day, New Year's Day, good Friday and Easter Sunday</p>
1.04	<p>The variation application is to increase the hours for the sale of alcohol from existing to the following:</p> <p><b>Friday, Saturday and Sunday for pre-booked functions only</b></p> <p>Alcohol sales from 10.00 until 2.00</p> <p>To increase the hours for Recorded music, Late Night Refreshment and the Closing times</p> <p>Recorded music from 23.00 until 2.15</p> <p>Late Night Refreshment from 23.00 until 2.15</p> <p>Closing times: 00.30 until 2.30</p> <p>To apply for Live Music from 23.00 until 2.15</p> <p>Plus one additional hour on Christmas Eve, Boxing Day, New Year's Day, Good Friday and Easter Sunday.</p>
1.05	<p>A plan of the existing licensed premises is shown in Appendix B.</p>
1.06	<p>North Wales Fire and Rescue Service responded on 17th March 2022 and have confirmed in writing that they will not be making any representations to the Licensing Authority regarding the application. Their letter can be seen in Appendix C.</p>

1.07	North Wales Police responded to the application on the 29 <sup>th</sup> March 2022. The email made no objection to the application as long as the CCTV condition was included on the licence. Please see Appendix D.
1.08	Pollution Control responded to the application on the 21 <sup>st</sup> March 2022 and have confirmed in writing that they will not be making any representations to the Licensing Authority regarding the application. Please see Appendix E.
1.09	Letters of objection were received from local residents and these can be seen in Appendix F.
1.10	The steps that the applicant intends to take to promote the four licensing objectives are set out in Appendix G.
1.11	Mediation has been attempted but unable to resolve or allay any concerns from the residents. Please see Appendix H which was a letter sent to all residents as requested by the agent.
1.12	The application was advertised in the correct manner.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None in respect of this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	A 28 day consultation period was carried out following receipt of the application, as required by the Licensing Act.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	All risks are addressed in the steps taken to promote the four licensing objectives shown in the Operating Schedule.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A: Location plan Appendix B: Existing Licensed Plan Appendix C: Letter from Fire and Rescue Service Appendix D: Email from North Wales Police Appendix E: Email from Pollution Control Appendix F: Letters of representations from residents Appendix G: Operating Schedule Appendix H : Letter to residents on behalf of Agent

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Licensing Act 2003 Section 182 Guidance for Licensing Authorities</p> <p><a href="https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003">https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</a></p> <p>Flintshire County Council's Statement of Licensing Policy</p> <p><b>Contact Officer:</b> Lorraine Baxendale, Licensing Officer  <b>Telephone:</b> 01352 703375  <b>E-mail:</b> <a href="mailto:lorraine.baxendale@flintshire.gov.uk">lorraine.baxendale@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Licensing Act 2003</b> – referred to as the Act.</p> <p><b>Premises Licence</b> – means a licence granted under the Act, in respect of any premises, which authorises the premises to be used for one or more licensable activities.</p> <p><b>Licensable activities</b> – these are the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club, the provision of regulated entertainment, and the provision of late night refreshment.</p> <p><b>Regulated entertainment</b> - is defined as a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment (both indoors and outdoors), a performance of live music, any playing of recorded music, or a performance of dance.</p> <p><b>Late night refreshment</b> – a person provides late night refreshment if at any time between the hours of 11.00pm and 5.00am., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises.</p> <p><b>Supply of alcohol</b> – means the sale by retail of alcohol, or the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.</p> <p><b>Licensing Objectives</b> - the Act sets out four licensing objectives. These are the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.</p> <p><b>Live Music Act</b> – Live and recorded music allowed at certain venues without the benefit of a licence. Restrictions apply.</p> <p><b>Deregulation of Regulated Entertainment</b> – Exemptions for some entertainments to be licensed under the Licensing Act 2003. Including, live music, recorded music, plays, indoor sporting events and performances of dance. Restrictions apply.</p>