

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:
Sharon Thomas 01352 702324
sharon.b.thomas@flintshire.gov.uk

At: Cyng Rosetta Dolphin (Cadeirydd)

Y Cyngorwyr: Rob Davies a David Richardson

22 Mehefin 2022

Annwyl Gynghorydd,

RHYBUDD O GYFARFOD ANGHYSBELL
IS-BWYLLGOR TRWYDDEDU
DYDD MERCHER, 29AIN MEHEFIN, 2022 10.00 AM

Yn gywir

Steven Goodrum
Rheolwr Gwasanaethau Democraidd

Sylwch: Gofynnwyd i siaradwyr cyhoeddus a hoffent gyfarch y Pwyllgor yn Gymraeg neu Saesneg.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

R H A G L E N

1 YMDDIHEURIADAU

Pwrpas: I derbyn unrhyw ymddiheuriadau.

2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

Pwrpas: I derbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau yn unol a hynny.

3 CAIS AM AMRYWIAD I DRWYDDED EIDDO (Tudalennau 5 - 38)

Pwrpas: I aelodau ystyried a phenderfynu ynglŷn â chais am amrywiad i drwydded eiddo.

Sylwch, efallai y bydd egwyl o 10 munud os yw'r cyfarfod yn para'n hirach na dwy awr.

Nodyn Gweithdrefnol ar redeg cyfarfodydd

Bydd y Cadeirydd yn agor y cyfarfodydd ac yn cyflwyno eu hunain.

Bydd nifer o Gynghorwyr yn mynychu cyfarfodydd. Bydd swyddogion hefyd yn mynychu cyfarfodydd i gyflwyno adroddiadau, gyda swyddogion Gwasanaethau Democrataidd yn trefnu a chynnal y cyfarfodydd. Bydd Cyfreithiwr y Cyngor hefyd yn bresennol.

Gofynnir i bawb sy'n mynychu i sicrhau bod eu ffonau symudol wedi diffodd a bod unrhyw sain gefndirol yn cael ei gadw mor dawel â phosib.

Dylai'r holl feicroffonau gael eu rhoi "ar miwt" yn ystod y cyfarfod a dim ond pan fyddwch yn cael eich gwahodd i siarad gan y Cadeirydd y dylid eu rhoi ymlaen. Pan fydd gwahoddedigion wedi gorffen siarad dylen nhw roi eu hunain yn ôl "ar miwt".

Bydd y Cadeirydd yn galw ar y siaradwyr, gan gyfeirio at aelod etholedig fel 'Cynghorydd' a swyddogion yn ôl eu teitl swydd h.y. Prif Weithredwr neu enw. O bryd i'w gilydd mae'r swyddog sy'n cynghori'r Cadeirydd yn egluro pwyntiau gweithdrefnol neu'n awgrymu geiriad arall ar gyfer cynigion er mwyn cynorthwyo'r Pwyllgor.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 3



LICENSING SUB COMMITTEE

Date of Meeting	Wednesday, 29 th June 2022 @ 10.00am
Report Subject	Licensing Act 2003 - Application for variation of a Premises Licence
Report Author	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

1.00	EXPLAINING THE APPLICATION
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 & 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 & 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 & outdoors)</p> <p>Monday to Thursday 23.00 – 23.45</p> <p>Friday, Saturday & 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>Friday, Saturday and Sunday for pre-booked functions only</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 th 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 st 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.

2.00	RESOURCE IMPLICATIONS
2.01	None in respect of this report.

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

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

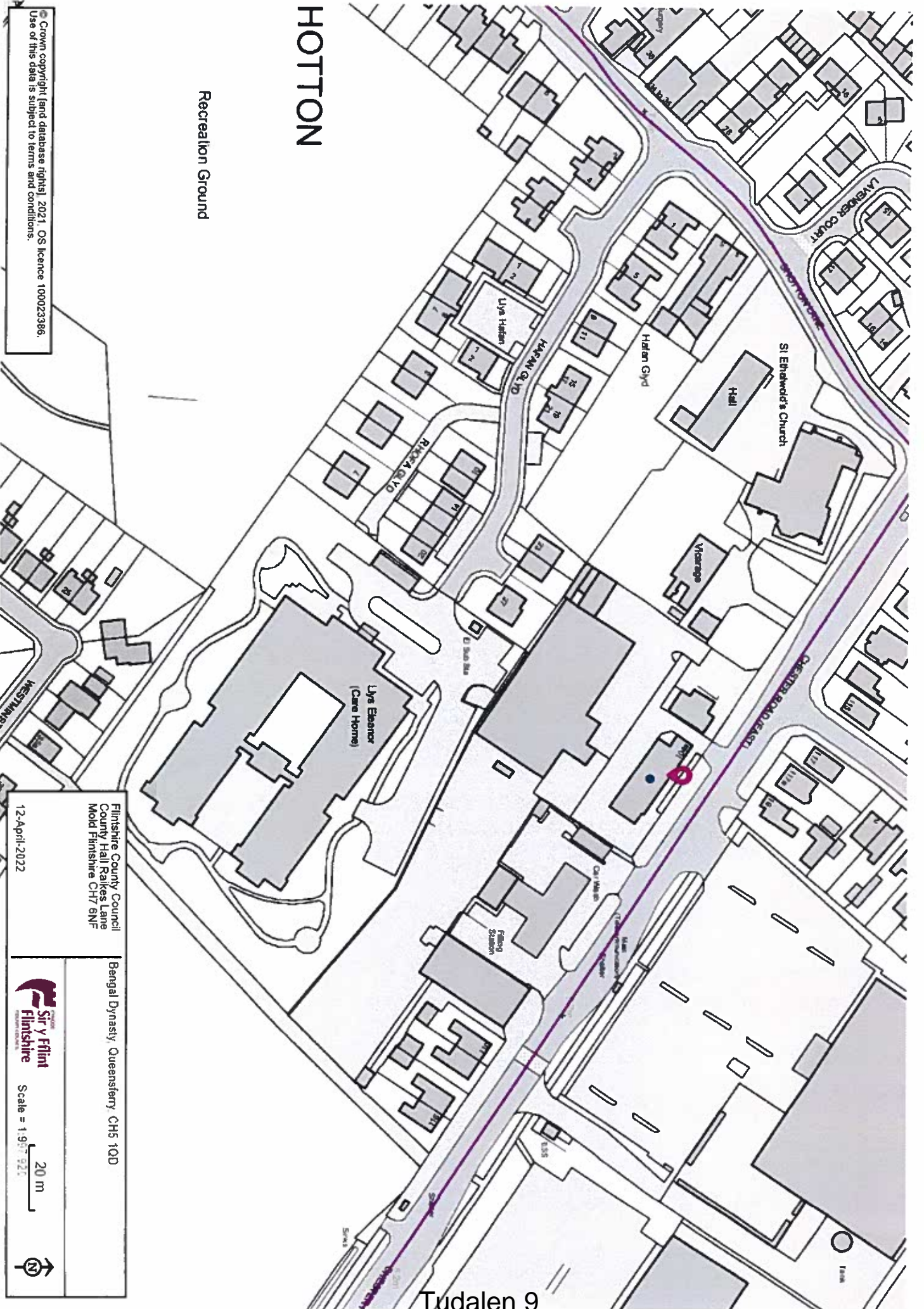
5.00	APPENDICES
5.01	Appendix A: Location plan Appendix B: Existing Licensed Plan Appendix C: Letter from Fire and Rescue Service Appendix D: Email from North Wales Police Appendix E: Email from Pollution Control Appendix F: Letters of representations from residents Appendix G: Operating Schedule Appendix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

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

7.00	GLOSSARY OF TERMS
7.01	<p>Licensing Act 2003 – referred to as the Act.</p> <p>Premises Licence – 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>Licensable activities – 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>Regulated entertainment - 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>Late night refreshment – 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>Supply of alcohol – 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>Licensing Objectives - 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>Live Music Act – Live and recorded music allowed at certain venues without the benefit of a licence. Restrictions apply.</p> <p>Deregulation of Regulated Entertainment – 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>

HOTTON

Recreation Ground



Tudalen 9

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Flintshire County Council
County Hall Raikes Lane
Mold Flintshire CH7 8NF

12-April-2022

Bengal Dynasty Queensferry CH5 10D

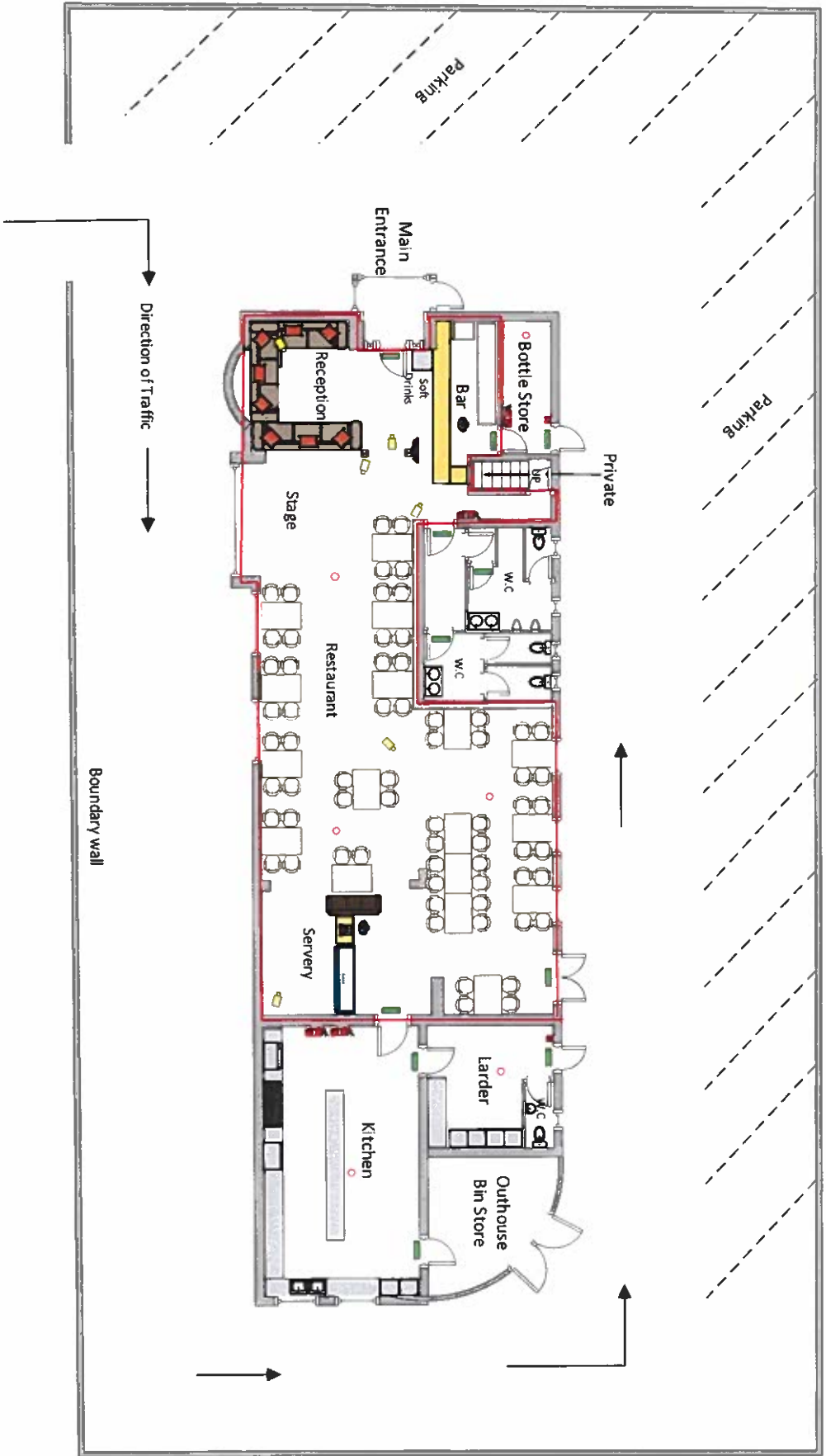


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Mae'r dudalen hon yn wag yn bwrpasol

LEGEND	
Smoke Detector	
Fire Bell	
Fire Exit	
Camera	
Fire Ext. Water	
Monitor	
Licensable Area	



Drawing Purpose
PREMISES LICENCE APPLICATION

Drawing Details
 The purpose of this drawing is for the submission of a Premises Licence Application.
 All Measurements have been drawn in millimetres.
 This drawing is not to be used for the intention of any building, shop fitting or construction purposes.

Name of Premises
Bengal Dynasty

Premises Address
 104 Chester Road East,
 Shotton,
 Deeside
 CH5 1QD

SCALE
 1-200

Mae'r dudalen hon yn wag yn bwrpasol



licensing@flintshire.gov.uk

Eich Cyf/Your Ref:
Ein Cyf/Our Ref: NU/HR/50/078614
Dyddiad/Date: 17th March 2022
Gofynner am/Ask for: Neil Upton
Rhif Union/Direct Dial:

Dear Sir/Madam

LICENSING ACT 2003

PREMISES: Bengal Dynasty Restaurant, 104 Chester Road East, Shotton, CH5 1QD

I refer to your Licence Application (Variation to existing) dated 11th March 2022 and received on 12th March 2022 for the premises named above. I write to advise you that the Fire Authority will not be making any representations to the Licensing Authority regarding your application.

Yours faithfully

FIRE SAFETY COMPLIANCE MANAGER

Mae'r dudalen hon yn wag yn bwrpasol

Lorraine Baxendale

From: Charlotte Carr (93682) Local Policing <Charlotte.Carr@northwales.police.uk>
Sent: 29 March 2022 10:54
To: Lorraine Baxendale
Subject: FW: Bengal Dynasty

Hello Lorraine,

Please see the below email train between myself and Florin with regards to his new application at the Bengal Dynasty in Shotton.

I am happy given the below. If we can make sure that CCTV is included on the licence too.

Thanks,
Charlotte

From: florin budescu <fbudescu@yahoo.com>
Sent: 24 March 2022 16:20
To: Charlotte Carr (93682) Local Policing <Charlotte.Carr@northwales.police.uk>
Subject: Re: Bengal Dynasty

Hi Charlotte,

Thank you for your early reply.

I am happy that I did answer all your questions.

Because you ask about the CCTV and if I have it on my premises and also the supporting posters and literature for example Challenge 25, Refusals log etc, please find below a copy of my Operating Schedule where it identifies all the conditions that I believe does fully support the licensing objectives.

Thank you for your advice on the supporting posters and literature but I already have a set of full Compliance log books and notices, for example Challenge 25, Refusals and proxy signs prominently displayed on the premises.

What I have

Refusals log,
Incident log,
CCTV log
Staff Induction and alcohol training book
Noise assessment log
Challenge 25 posters
Refusals policy
Proxy signs
Resident 'Quiet' notices.

Here is a copy of the conditions of my licence that I have now

1. CCTV

- 1.1 *The premises shall install and maintain a digital CCTV system*
- 1.2 *The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 28 days.*
- 1.3 *The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at each exit and entrance point.*

1.5 A CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.

1.6 Only nominated staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.

1.7 CCTV shall be continually recording during licensable hours

1.8 In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

2: ALCOHOL

2.1 Alcohol will only be sold with food orders for consumption on and off the premises and for home deliveries.

2.2 All home delivery orders for alcohol will be taken over the phone or on the Internet and full payment made prior to delivery.

2.3 All alcohol will be stored on the premises in the fridge behind the counter and the store room.

2.4 No alcohol will be served to anyone under the age of 18, for consumption on the premises.

3. INCIDENT LOG

3.1 An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;

(a) All crimes reported to the premises (where relevant to the licensing objectives)

(c) Any other incidents of disorder witnessed during deliveries

3: REFUSALS

3.1 Refusals Book

The refusals book will be retained by the premises and will be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

(i) Time, day & date of refusal

(ii) Item refused

(iii) Name & address of customer (if given)

(iv) Description of customer

(v) Details of i.d. offered (if shown)

3.2 The refusals book must be made available for inspection by responsible authorities on request.

4. When the DPS is not on duty a contact telephone number will be available at all times

5. The Driver will always carry with him/her the following Compliance log books:

a) Incident log

b) ID Signature delivery log

c) *Customer Refusal Log.*

6: NOISE /NUISANCE CONTROL

6.1 *No refuse shall be disposed of or collected from the premises between the hours of 1900 and 07.00 on any day*

6.2 *The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away and checked periodically throughout the opening times and at the end of each night.*

6.3 *The Manager and staff will carry out with regard to their own personal safety, their best endeavours to disperse any persons that appear to be loitering outside the immediate area of the restaurant.*

6.4 *Notices will be displayed in a prominent position to remind customers to leave the area quickly and quietly and to respect local residents.*

5: TRAINING

5.1 *A "Challenge 25" policy shall be operated at the premises at all times including home deliveries.*

5.2 *Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location at the point of sale and behind any counter advertising the scheme operated.*

5.3 *The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo I.D. that is approved for acceptance by the Police or other Authorised Officers.*

5.4 *A documented training programme shall be introduced for all staff upon first appointment in a position to sell, serve alcohol. This training will include information on preventing the sale of alcohol to persons who appear to be drunk or underage or purchasing on behalf of another who appears to be drunk or underage at the point of sale.*

5.5 *Relevant staff shall be given appropriate accredited training on the law*

relating to alcohol and those diners under 18 years of age, even though they are not allowed to serve.

5.6 *The DPS or PLH shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews.*

5.7 *The training programme shall be made available for inspection at the request of Trading Standards, Licensing Authority Officers and Police. A written record shall be kept of the content of training*

5.8 *All customers when ordering food with alcohol will be informed of the following at the time of the sale:*

When placing an order customers will be informed that

a: *The business operates Challenge 25*

b: *it is unlawful to purchase alcohol for persons under the age of 18 years.*

c: *At the time of delivery the driver must be instructed that should they believe that any alcohol ordered will be consumed by a person under the age of 18 years, delivery will be refused.*

d: *All customers will be informed at the point of sale that all delivery drivers are unable to deliver any alcoholic items if they believe a customer is drunk or appears to be drunk or the alcohol could be intended for persons who appear to be underage and a full refund for the items will be made.*

6. *The log of all the individuals who are authorised to sell alcohol will be maintained in the staff training manual.*

Plus:

All children under the age of 18 to be accompanied by a responsible adult at all times.

So as you can see that I already have lots of conditions on my licence that fully support my application.

I hope that this will satisfy the concerns of the Sgt.

Please get in touch with me if you have any more questions.

Thank you

Florin

On Thursday, March 24, 2022, 01:35:56 PM GMT, Charlotte Carr (93682) Local Policing <charlotte.carr@northwales.police.uk> wrote:

Hi Florin,

Thank you for getting back to me and answering the questions. The normal process for myself is I receive the application and then I forward onto a local inspector or sergeant to have a look as they know the area more so than I. They then pose any questions or concerns they may have which is when I look for an answer from yourselves.

I should have been more precise when I mentioned "location", my apologies. I mean within the premise how many people can you have in comfortably. You did say 130 which is good to know.

Just for confirmation, do you have CCTV within the premises? This usually is a great help with the preventing crime and disorder licensing objective which is what I, as part of the application process, look at.

If you need any posters or literature regarding drugs, the recent ask angela initiative, challenge 25 etc, please get in touch with myself and I will help best I can.

Kind Regards,



Charlotte Carr

LPS LICENSING OFFICER – EASTERN (LLAY)

Heddlu Gogledd Cymru | North Wales Police

• - Symudol | Mobile: 07989170373

✉ - E-bost | E-mail: charlotte.carr@northwales.police.uk

Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg – byddwn yn ymateb yn gyfartal i'r ddau ac yn ateb yn eich dewis iaith heb oedi.

We welcome correspondence in Welsh and English – we will respond equally to both and will reply in your language of choice without delay.

From: florin budescu <fbudescu@yahoo.com>
Sent: 24 March 2022 13:17
To: Charlotte Carr (93682) Local Policing <Charlotte.Carr@northwales.police.uk>
Subject: Re: Bengal Dynasty

- Good afternoon Charlotte,

Please accept my apologies for not responding to your email. I am always on the move and I don't go to my computer very often. normally my wife picks up all emails but she has been away for a while.

To answer your questions:

1. What is your aim for the premises?

The premises is supposed to be an Indian restaurant. I bought the business just before covid broke out and I've not been confident enough to open full during the pandemic. So I decided to open for functions only mainly at weekends. We cater for weddings, birthday, christening, baby baths, anniversaries and any other type of function. We have been able to pay the bill this way.

Most of the time, customers have brought their own alcohol as we have never stocked up the bar properly due to random bookings as products will go out of date.

Now that businesses seem to be opening again, we have made the decision to open the restaurant properly and are busy organising this, but we don't yet have a date for opening as I need to organise chefs etc.

2. What are you marketing yourself as? Only that you are a currently a restaurant which serves food, so the local Sgt is wondering why you will play live music and recorded music till 2.15am?

As I have explained above, we are an Indian Restaurant but even when we open we would still like to continue to hold functions for our customers as they have been

very popular. On our application we have only requested music until 2.15 for pre-booked functions only.

3. What do you mean by a pre booked function?

A pre-booked function is a function what is pre-booked...So customers do not just turn up....for instance a wedding, christening, birthday.

A customer pre-books the room and we organise what entertainment they would like and for that day or night, the restaurant will be closed to any other customers. So its a private party in reality. At the moment we are doing one or two per month, we have another function booked THIS week then nothing until May, so they are random.

The live music we have is normally just 2 people, one with an instrument ie guitar and one singer. The music is amplified. Sometimes the customers want a disco or both.

I only understand that we only need a licence after 11pm at night. This is the reason why we are applying for entertainment and my customers ask can we open a little later for their parties.

When it is just a normal restaurant (hopefully soon), there will not be any live music or entertainment, just food and background music.

4. Are people paying on the door to enter?

5. Are people booking a table for the evening?

No...all people who attend the functions will be guests of the organiser. They will be private parties.

6. What is the capacity for the location? Is that with or without tables?

I am sorry but I do not understand your question.. I do not understand what you mean by location.

With regards to capacity, the parties I usually cater for are from 30 to 120 persons and the restaurant will be closed at the time to normal customers. The parties are mainly in the day and at weekends.

I would like this extension to my licence to help with the parties and I have said in the application, the extra hours and music will only be for my pre-booked functions only...if we do not have a function at the moment the restaurant is closed all week. When the restaurant opens properly, we will be closing at around 11pm seven days per week.

I hope this has answered your questions and concerns. It may be easier to call me on my phone or come to see the restaurant if you prefer. I am always very active and don't go my computer very often.

Thank you

Florin

On Monday, March 21, 2022, 07:24:34 PM GMT, Charlotte Carr (93682) Local Policing <charlotte.carr@northwales.police.uk> wrote:

Hello again Mr Budescu,

Did you receive my below email? If you could answer ASAP.

Kind Regards,



Charlotte Carr

LPS LICENSING OFFICER – EASTERN (LLAY)

Heddlu Gogledd Cymru | North Wales Police

• - Symudol | Mobile: 07989170373

✉ E-bost | E-mail: charlotte.carr@northwales.police.uk

Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg – byddwn yn ymateb yn gyfartal i'r ddau ac yn ateb yn eich dewis iaith heb oedi.

We welcome correspondence in Welsh and English – we will respond equally to both and will reply in your language of choice without delay.

From: Charlotte Carr (93682) Local Policing
Sent: 18 March 2022 11:46
To: 'fbudescu@yahoo.com' <fbudescu@yahoo.com>
Subject: Bengal Dynasty

Good morning Mr Budescu,

I have received your application for a licence for BENGAL DYNASTY on Chester Road East in Shotton.

I have some questions from a local Sgt regarding your plans with the premises. Could you please answer the below for me?

1. What is your aim for the premises?
2. What are you marketing yourself as? Only that you are a currently a restaurant which serves food, so the local Sgt is wondering why you will play live music and recorded music till 2.15am?
3. What do you mean by a pre booked function?
4. Are people paying on the door to enter?
5. Are people booking a table for the evening?
6. What is the capacity for the location? Is that with or without tables?

If you can answer the above, I can let Flintshire County Council know that we either confirm or object to your application.

Kind Regards,



Charlotte Carr

LPS LICENSING OFFICER – EASTERN (LLAY)

Heddlu Gogledd Cymru | North Wales Police

▪ - Symudol | Mobile: 07989170373

✉ - E-bost | E-mail: charlotte.carr@northwales.police.uk

Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg – byddwn yn ymateb yn gyfartal i'r ddau ac yn ateb yn eich dewis iaith heb oedi.

We welcome correspondence in Welsh and English – we will respond equally to both and will reply in your language of choice without delay.

Lorraine Baxendale

From: Neil Shellard
Sent: 21 March 2022 08:33
To: Lorraine Baxendale
Subject: Variation Application - Bengal Dynasty
Attachments: flintshire-1191551-Bengal Dynasty plans.pdf; flintshire-1191551-PA0816 Prem Licence.pdf; flintshire-1191551-Variation Bengal Dynasty.pdf

Dear Lorraine,

**Re: Variation Application- Bengal Dynasty
Licensing Act 2003**

Thank you for the opportunity to comment on this variation application from an Environmental Health perspective (noise), in relation to the Licensing objective termed 'prevention of public nuisance'.

I have No objection to the variation to increase the hours for live and recorded music to the night time hours as requested.

Kind regards,

Neil

Neil T. Shellard MCIEH

Pollution Control Officer | Swyddog Rheoli Llygredd
Public Protection | Diogelu'r Cyhoedd
Environment | Amgylchedd
Flintshire County Council | Cyngor Sir y Fflint

Work Tel | Ffôn Gwaith | 01352 703378 Work Mob| 07788 184370
Pollution Control Tel | Ffôn Rheoli Llygredd | 01352 703330
Email | Ebost | neil.shellard@flintshire.gov.uk

<http://www.flintshire.gov.uk> | <http://www.siryfflint.gov.uk>
<http://www.twitter.com/flintshirecc> | <http://www.twitter.com/csyfflint>



The Housing (Wales) Act 2014
Do you rent out a property in Wales?
As of the 23rd November 2015 Landlords and agents are now required by law to be registered or licenced. A new law has been introduced in Wales which applies to all landlords and agents of private residential property. If you own, rent out, manage and/or live in a rented property then this law will impact on you. To find out more and to apply Visit www.rentsmart.gov.wales or call 03000 133344

Mae'r dudalen hon yn wag yn bwrpasol

Sent: 25 March 2022 08:31

To: Licensing <Licensing@flintshire.gov.uk>

Subject: Bengal dynasty

Good morning.

Last night it was brought to my attention that the former Indian restaurant in Shotton has applied to extend there opening hours until 2.15am. To allow more live music etc to the venue. Also to sell alcohol on and off the premises over the weekend etc.

I live opposite in Park Avenue.

We already have issues with noise pollution from the venue. I feel this would only heighten these noise levels as well as cause anti social behaviour in the area.

The premises are on a busy main road, limited parking facilities, and at the rear of the premises are older and more vulnerable people's houses.

In the Avenue we already have people using the Avenue to park which I am in consultation with local councillors to address.

Whilst we want development in the area, a music venue causing the above issues would be very concerning and unfair on the very local community.

Hence my request to strongly disagree and object to this application

Regards

Colin Lightfoot

Sent: 08 April 2022 12:07

To: Licensing <Licensing@flintshire.gov.uk>

Subject: Re: Objection to opening of late night venue

Can you please send confirmation that you received my email below?

I live at no. 7 Park Avenue.

Kind regards
Sarah Romdhane

On Fri, 25 Mar 2022, 10:55 Sarah Romdhane, <sarahromdhane66@gmail.com> wrote:

Dear sir/madam

Re : notice MFN0651255

I have been made aware of an application made for a late night venue serving alcohol and playing live music until 2.30am at the old Bengal Dynasty property which is opposite my residential avenue (Park Avenue CH5 1QN).

Park Avenue is a lovely, quiet street with families of young children and also elderly people too.

I would like my objection to the application to be noted. The selling of alcohol and live music till the early hours (2.30am) will be extremely disruptive to the families who live in Park Avenue and the surrounding neighbourhood including Hafan Glyd directly behind the building, where elderly pensioners live.

I strongly object to the proposal and hope that this will be taken into account.

Yours sincerely

Sarah Romdhane

Sent: 25 March 2022 10:02

To: Licensing <Licensing@flintshire.gov.uk>

Subject: Proposed licence for late night music at the former Bengal dynasty.

My name is clare Taylor and I am a resident of Hafan glyd ..shotton.ch5 1bp...I am emailing you to strongly object to the proposed licencing for a music/function venue for the formally known Bengal dynasty restaurant on Chester road west in shotton...In my community that is situated directly behind the property in question we have a lot of very vulnerable residents (which I myself am one) that would be adversely effected if these proposals were to go ahead..which in effect would have an effect on our mental health and the enjoyment of our homes.. Being located in such close proximity to the venue the noise from the music/traffic/ revellers to name just a few would be able to be clearly heard and I feel it would be totally irresponsible to allow this to go ahead..

Yours sincerely

Clare Taylor

Flat 21 Hafon Glyd

Sent: 25 March 2022 13:55

To: Licensing <Licensing@flintshire.gov.uk>

Subject: Bengal Dynasty

To whom it may concern

I would like to raise an objection to the application of extended licensing hours on the week end of this establishment.

I live at 5 Park Ave opposite this restaurant and am just 3 houses from the main road.

I am a single woman of 68 who sleeps at the front of my property.

I am very concerned about noise, parking and general damage.

This is a quiet Ave which is why I moved here from the centre of Shotton, it also has some elderly and ill residents living here.

The thought of people once they are under the influence of too much alcohol causing disturbances, urinating and fighting near to my home is very upsetting.

I have driven through Shotton on many occasions and seen the police in attendance outside Wetherspoon and the Clwyd when fights have broken out, the thought of this happening so close to my home is causing some real concerns and sleepless nights.

Yours sincerely

Pat Jones (her/she)

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As existing

We believe the existing conditions are robust enough to support the new timings

b) The prevention of crime and disorder

As existing

c) Public safety

As existing:

d) The prevention of public nuisance

As existing

e) The protection of children from harm

As existing

Plus:

All children under the age of 18 to be accompanied by a responsible adult at all times.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; **over the phone / via link**
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic application**
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A

Licensing Act 2003
Premises Licence

PA0816

ANNEXES continued ...

CCTV shall be continually recording during licensable hours.

In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

ALCOHOL

Alcohol will only be sold with food orders for consumption on and off the premises and for home deliveries.

All home delivery orders for alcohol will be taken over the phone or on the internet and full payment made prior to delivery.

All alcohol will be stored on the premises in the fridge behind the counter and the store room.

No alcohol will be served to anyone under the age of 18, for consumption on the premises

INCIDENT LOG

An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;

- (a) All crimes reported to the premises (where relevant to the licensing objectives)
- (b) Any other incidents of disorder witnessed during deliveries

REFUSALS

Refusals Book

The refusals book will be retained by the premises and will be used to record all refusals to sell alcohol for any reason.

Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded.

The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

When the DPS is not on duty a contact telephone number will be available at all times.

The Driver will always carry with him/her the following Compliance log books:

- a) Incident log



Licensing Act 2003
Premises Licence

PA0816

ANNEXES continued ...

- b) ID Signature delivery log
- c) Customer Refusal Log.

NOISE /NUISANCE CONTROL

No refuse shall be disposed of or collected from the premises between the hours of 1900 and 07.00 on any day.

The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away and checked periodically throughout the opening times and at the end of each night.

The Manager and staff will carry out with regard to their own personal safety, their best endeavours to disperse any persons that appear to be loitering outside the immediate area of the restaurant.

Notices will be displayed in a prominent position to remind customers to leave the area quickly and quietly and to respect local residents.

TRAINING

A "Challenge 25" policy shall be operated at the premises at all times including home deliveries. Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location at the point of sale and behind any counter advertising the scheme operated.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo I.D. that is approved for acceptance by the Police or other Authorised Officers.

A documented training programme shall be introduced for all staff upon first appointment in a position to sell, serve alcohol. This training will include information on preventing the sale of alcohol to persons who appear to be drunk or underage or purchasing on behalf of another who appears to be drunk or underage at the point of sale.

Relevant staff shall be given appropriate accredited training on the law

Licence issued on 26 January 2021



Mae'r dudalen hon yn wag yn bwrpasol

Lorraine Baxendale

From: Lorraine Baxendale
Sent: 11 May 2022 18:20
To: Lorraine Baxendale
Subject: FW: Bengal Dynasty

Good Evening,

Please see below the email I have received from the Consultancy firm acting for Florin.

Can I reiterate that they are more than happy to meet with you all and discuss any concerns you may have. I could arrange this if this is something you would like to do?.

Please can you have a look at the email and what they are offering as additional conditions(I have highlighted them in bold) and the soundproofing of the rear fire door which they believe is adding to noise escaping.

Please can you let me know if you would like to withdraw your objections in light of the conditions being offered or if you feel you may have any conditions that you would like me to put to the other side which will assist/alleviate any concerns can you please let me know.

I look forward to hearing from you.

Kind Regards

Lorraine

Lorraine Baxendale
Licensing Officer/Swyddog Trwyddedu
Community and Business | Gwarchod Cymuned a Busnes
EnvironTel/Ffôn: 01352 703375/07876576884
Fax/Facs: 01352 703441
Email /Epost :lorraine.baxendale@flintshire.gov.uk

Good morning Lorraine,

Re: Bengal Dynasty, Cheshire Road East - letters of objections

My client would like to address the local residents concerns and fears and we would be grateful if you would forward this email to all parties.

As you are aware the premises had a TEN's operating on Saturday and Sunday early morning for a private party.

I visited the premises arriving around midnight on Saturday and left around 2.30 after the event had finished and most of the people had gone home.

My intention was to observe the noise levels, any disturbance through parking, the customers leaving the premises and any possible antisocial behaviour etc.

Low muffled 'bass' noise from the music and microphone could be heard directly outside the premises, upon checking around the premises it appeared to be the rear fire door that was causing the noise to escape.

The applicant agreed for the rear fire door to be 'soundproofed' in the next week or so. This will help to reduce the escaping noise levels.

I believe any noise that was audible was the same noise that was escaping from the fire door, so when that is has been rectified I believe it will deal that issue adequately.

The main entrance already has a porch and even though I was standing outside next to the porch door, the noise was quite muffled and virtually inaudible at times.

I visited 'Park Avenue' twice during the evening, walking up and down the road and I also visited the rear of the premises Hafyn Glyd twice, observing the noise levels.

Standing at the large white house opposite the premises, I could hear a very low level 'bass' noise across the road directly opposite the premises, then as I walked 50 metres to the top of Park Avenue, it became a very low muffled sound.

As I began to walk down Park Avenue even before reaching the first house the noise had ceased.

Both Park Avenue and Hafyn Glyd are 'cul de sacs' and there is no reason for any person to walk or drive down these roads unless visiting one of the houses.

With regards to parking, none of the customers parked in Park Avenue.

There were many cars parked on drives and outside houses all down Park Avenue on both sides. There were several cars parked at the top of Park Avenue where it meets the main road, it appeared that these cars must of belonged to residents or their guests. The house on the corner was entertaining friends/family. As as I walked past I could hear people chatting and laughing in the garden and the conservatory at the rear of the house on the corner of Park Avenue and Cheshire Road East.

Park Avenue is a narrow road so it would be difficult for residents to park outside houses unless they mounted the pavement.

I drove into the main retail area and observed 2 pubs, the Central Hotel which closes at 01.30 and The Clwyd closed at 02.00.

Both of these pubs were reasonably busy with lots of people outside enjoying themselves. At closing time, I observed that about 12 people walked from the pubs down Cheshire Road East passed Park Avenue and the Bengal Dynasty.

Most of these people were quietly spoken as they walked along but there was one couple whose voices were very loud, the lady was stood at the top of Park Avenue shouting to another person further up the road.

I observed the people leaving the premises who all had transport either their own or a taxi. No-one walked as these people do not live in the immediate area.

After long discussions with he applicant, we would like to offer the following steps to help to alleviate the objectors concerns. If accepted I can 'reword' these steps to become conditions.

1: The applicant or a designated member of staff will control the taxi's arriving and leaving the premises and ensure that all persons who have ordered a taxi must remain inside the premises until their taxi arrives.

(this will ensure that no-one will be standing outside chatting, laughing etc whilst they wait for a taxi).

2. An agreement will be made with the nominated taxi company that they must not sound their horns and rev their engines whilst waiting for their customers.

3: All customers will be encouraged to leave the premises quickly and quietly.

4: Regular noise assessments will be carry out when amplified music is being played at the premises and logged in a log book.

5: The applicant is happy to give his contact number to all the local residents, should they have a problem any time with the noise from the premises or any of his customers.

It seems from the objectors letters that they believe the premises will be open to late night revellers nearly every night until 2.30.

This is not so, as the 2.30 time is only for pre-booked functions only. These pre-booked events will be running on average about 1 per month. any other functions will cease at

My client has not received any visits or letters from Environmental Health or from local residents regarding complaints about noise.

We trust this will ease the concerns of the local residents.

My client is more than happy to arrange a meeting at the premises with any residents who still have concerns and he can show them clips of videos of the type of private parties he holds for his customers.

Thank you for your time.

Kindest regards

June

Mae'r dudalen hon yn wag yn bwrpasol