

LICENSING SUB-COMMITTEE
28 NOVEMBER 2013

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Thursday, 28 November 2013

PRESENT: Councillor Tony Sharps (Chairman)
Councillors Glyn Banks and Ian Dunbar

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:
Licensing Officer (James Lowe), Solicitor (Tim Dillon) and Committee Officer

INTERESTED PERSONS: Councillor R.C. Bithell, Miss. C.E. Farrer and Miss I.M. Brotherston

APPLICANT: Mr. R. Karagandere

1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

2. HEARING AND DETERMINATION OF THE APPLICATION

The Chairman explained the procedure for hearing and determining the application and detailed the order in which speakers would be able to address the Sub-Committee.

3. APPLICATION FOR VARIATION OF A PREMISES LICENCE

The Sub-Committee considered the report of the Director of Environment which was presented by the Licensing Officer for determination of an application for variation of a premises licence. He advised that the time requested in the variation application was to extend the terminal hour for the sale of Late Night Refreshment as follows:

Friday and Saturday – 11.00 am to 01.00 am
Christmas Eve and New Year's Eve – 11.00 am to 2.00 am

The Licensing Officer confirmed that the application had been advertised in the correct manner and drew attention to the additional steps to be taken by the applicant to promote the licensing objectives. Representations had been received from Councillor Chris Bithell, Member for Mold East Ward, and members of the public.

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The Licensing Officer advised that a number of concerns had been raised against the application by residents from the area and were appended to the report.

4.1 Representations by Responsible Authorities

There were no representations by Responsible Authorities.

The Licensing Officer reported that North Wales Police had not objected to the application but had requested that CCTV cameras be kept in operation on the premises and this had been agreed by the applicant.

4.2 Representations by the Applicant

Mr. R. Karagandere outlined his reasons for submitting the application. He referred to the current economic downturn and the impact on commercial trade in Mold town centre. He commented on the need for his business to adapt accordingly and on the competition from similar fast food outlets in the area. He explained that in response to meeting the needs of his customers he wished to extend his opening hours on a Friday and Saturday evening and on Christmas and New Year's Eve.

Mr. Karagandere advised that his business had been established for 24 years in the area and enjoyed a good reputation with local businesses, residents, and the Police. He said he was an experienced and responsible proprietor and already had systems in place to ensure lawful operation of the premises. He stated that there had been no objection to the application from his immediate neighbours, both businesses and residents, or from the Police.

In summary Mr. Karagandere cited other fast food outlets in Flintshire which had been granted a licence for the sale of late night refreshments beyond midnight. He acknowledged the concerns raised by local residents and Councillor Chris Bithell, however, there was no evidence of a link between his premises and incidents of anti-social behaviour in the area.

4.3 Representations by Interested Parties

Councillor R.C. Bithell advised that he was opposed to the application to extend the opening hours for the premises. He explained that the premises was located in an area which comprised businesses and residences and in his opinion an extension to the premises licence would attract customers leaving public houses who could be responsible for drink related incidents of anti social behaviour after midnight. He said he had been contacted by a number of local residents who had experienced such problems previously and had expressed their concerns around crime, disorder, and the disturbance of peace. Councillor Bithell also commented on the pressures on local Police resources and said it may not be possible for the police to provide an immediate response to incidents in the area.

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Councillor Bithell commented on the need to attract and retain residents to Mold town centre to regenerate the economy and the need for individuals to enjoy undisturbed sleep during the night. He cited other fast food premises in the area and expressed the view that they may also seek a similar extension to their premises licence which would exacerbate the problems.

Miss. Carol Farrer advised that she had been elected as spokesperson for those local residents who opposed the application. She explained that there was a concern amongst residents, based on previous experience, that if the application to extend the premises licence was granted then incidents of anti social behaviour in the area would reoccur. She referred to drink related noise, disturbance, litter, and health hazards due to vomit and urine. She emphasised that residents feared that other similar fast food outlets in the area would pursue applications to vary their premises licence which would exasperate the issues alluded to and cause further distress to local residents.

4.4 Summing Up

The Chairman allowed all parties present the opportunity to ask questions and sum up.

Councillor Chris Bithell said that the current regulations which were in place ensured the prevention of crime and disorder and the prevention of public nuisance and safeguarded local residents and businesses.

Mr. Karagandere reiterated his comments regarding the current economic climate and said in general people were inclined to wait until the weekend to enjoy social activities. He said his application was in response to customer demand for service at the weekend. He emphasised that there was no direct link between his premises and anti-social behaviour in the area and that the Police had not objected to the application.

Mr. T. Dillon referred to the Licensing Act 2003 and asked the applicant to confirm that he understood the licensing objectives under the Act. Mr. Karagandere confirmed that he understood the objectives and said that he had been requested by the Police to install a CCTV system in his premises. He explained that he already had such a system in place but was installing a new system. In response to a further question from Mr. Dillon regarding dealing with difficult or drunken customers Mr. Karagandere explained that he was an experienced proprietor and could resolve matters speedily and peacefully. He said he was on site six days a week and said such incidents of disturbance were rare. In answer to the further questions raised by Mr. Dillon, Mr. Karagandere explained that he employed a number of local people and family members in his business.

Councillor Ian Dunbar asked if the applicant was aware that there had been previous issues concerning anti social behaviour in the area and in submitting the application, had given appropriate consideration to the local residents and to the protection of the public. He referred to people congregating in the area after midnight following the consumption of alcohol in public houses

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which could fuel inappropriate behaviour. Mr. Karagandere responded that he was a responsible operator who complied with legislation and that there was no history of crime, disorder, or anti social behaviour directly connected to his business. He reiterated his good reputation with the local Police.

4.5 Determination of the Application and Decision

All those present, with the exception of the Chairman, Committee Members, Solicitor and Committee Officer, left the room.

In discussing the application the Panel considered the representations made by all parties including the written representations. The Panel noted the concerns of the Interested Parties in respect of criminal, anti-social behaviour, and drunkenness in the area.

The Licensing Sub Committee considered the Application and all the representations made, both oral and written, in respect of all the parties concerned as well as their interests.

The Sub Committee considered the Licensing Objectives contained within the Licensing Act 2003 and in particular the prevention of crime and disorder, and the prevention of public nuisance. In considering the Licensing Objectives, the Sub Committee was committed to protecting and promoting the Licensing Objectives.

The Sub Committee were of the view that the application to extend the terminal hour for the sale of Late Night Refreshment would not be granted as this would impact and undermine the Licensing Objectives mentioned above. The Sub Committee agreed that the current hours for all licensable activities under the Premises Licence granted to the applicant remained unchanged.

The Chairman thanked the applicant and the interested parties for their attendance.

RESOLVED

That the Variation of a Premises Licence would not be granted to the applicant as this would impact and undermine the Licensing Objectives.

4. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press and no additional members of the public in attendance.

(The meeting started at 10.00 am and ended at 12.10 pm)

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