

# Public Document Pack

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr Tony Sharps (Chairman)

CS/NG

Councillors: Glyn Banks and Ian Dunbar

22 November 2013

Maureen Potter/ 01352 702322

Dear Sir / Madam

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **THURSDAY, 28TH NOVEMBER, 2013** at **10.00 AM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **APPLICATION FOR VARIATION OF A PREMISES LICENCE** (Pages 1 - 14)  
Report of Director of Environment enclosed.

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County Hall, Mold. CH7 6NA  
Tel. 01352 702400 DX 708591 Mold 4  
[www.flintshire.gov.uk](http://www.flintshire.gov.uk)  
Neuadd y Sir, Yr Wyddgrug. CH7 6NR  
Ffôn 01352 702400 DX 708591 Mold 4  
[www.siryfflint.gov.uk](http://www.siryfflint.gov.uk)

The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **LICENSING SUB-COMMITTEE**  
**DATE:**               **THURSDAY, 28 NOVEMBER 2013**  
**REPORT BY:**       **DIRECTOR OF ENVIRONMENT**  
**SUBJECT:**           **APPLICATION FOR VARIATION OF A PREMISES LICENCE**

### **1.00 PURPOSE OF REPORT**

**1.01** To request that Members determine an application to vary a Premises Licence.

### **2.00 BACKGROUND**

**2.01** The premises concerned is Mold Kebab House 30/32 Wrexham Street, Mold. Its location can be seen in Appendix 1.

**2.02** The applicant is Mr Ramazan Karagandere.

**2.03** The application was advertised in the correct manner.

### **3.00 CONSIDERATIONS**

**3.01** The application is to extend the terminal hour for the sale of Late Night Refreshment

**3.02** The current hours for all licensable activities under Premises Licence number PN0086 are:-

Monday to Sunday	11.00am - Midnight
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**3.03** The proposed hours are:-

Sunday to Thursday	11.00am - Midnight
Friday & Saturday	11.00am - 01.00am
Christmas Eve & New Year's Eve	1:00 am – 02:00

**3.04** The additional steps needed to promote the licensing objectives can

be seen in Appendix 2.

- 3.05** 3.08 Representations were received from members of the public and Cllr Chris Bithell. These can be seen in Appendix 3,4 and 5 respectively.

**4.00 RECOMMENDATIONS**

- 4.01** That Members determine the application to vary Premises Licence number PN0086 Mold Kebab House, 30-32 Wrexham Street, Mold.

**5.00 FINANCIAL IMPLICATIONS**

- 5.01** None in respect of this report.

**6.00 ANTI POVERTY IMPACT**

- 6.02** None

**7.00 ENVIRONMENTAL IMPACT**

- 7.01** The prevention of crime and disorder and the prevention of public nuisance are two of the statutory licensing objectives.

**8.00 EQUALITIES IMPACT**

- 8.01** None.

**9.00 PERSONNEL IMPLICATIONS**

- 9.01** None.

**10.00 CONSULTATION REQUIRED**

- 10.01** None.

**11.00 CONSULTATION UNDERTAKEN**

- 11.01** None.

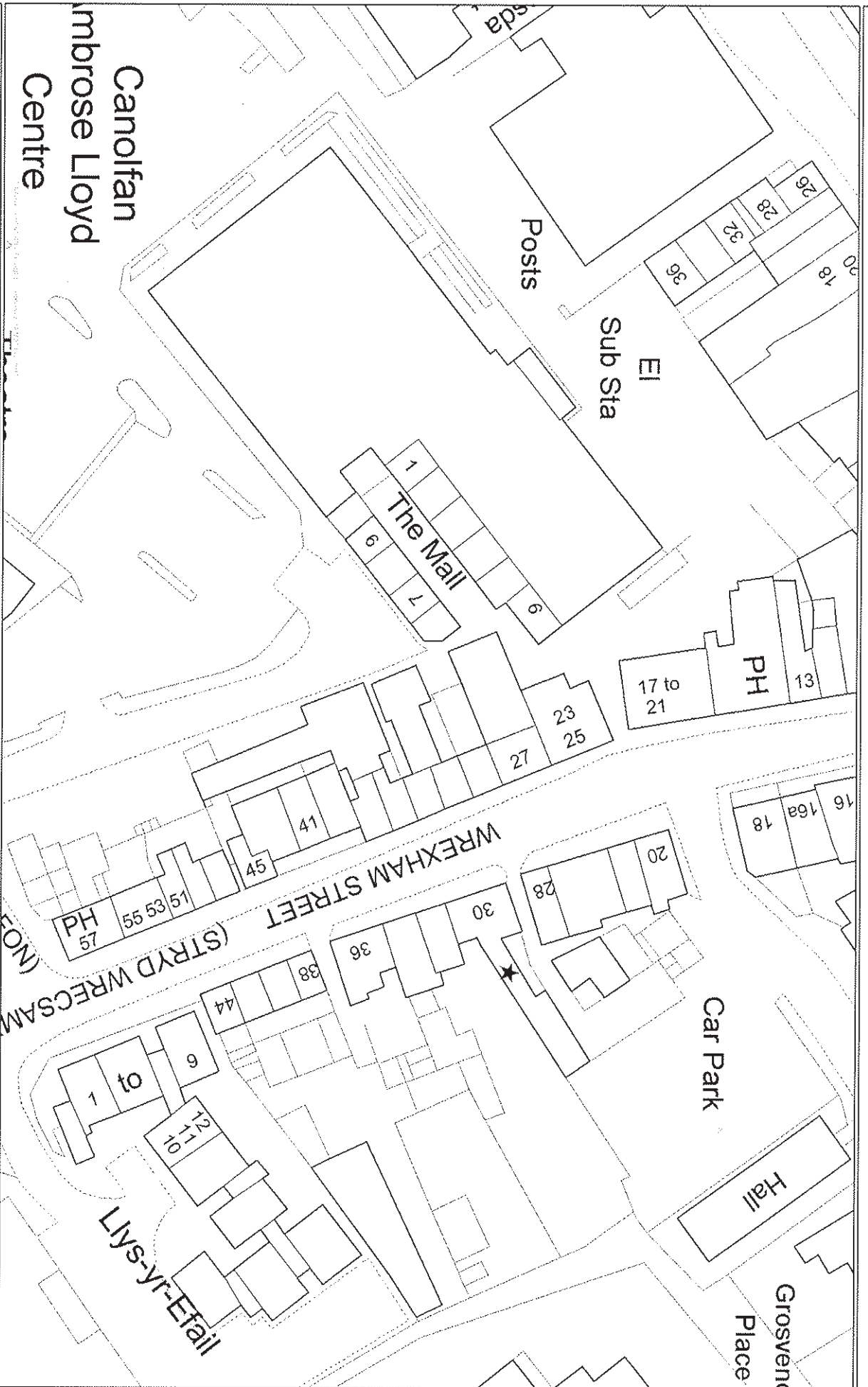
**12.00 APPENDICES**

**12.01** See Attached

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**  
**BACKGROUND DOCUMENTS**

**Contact Officer: James Lowe**  
**Telephone: 01352 703376**  
**Email: [james.lowe@flintshire.gov.uk](mailto:james.lowe@flintshire.gov.uk)**

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Scale 1:6250  
 Centre = 323792 E 363779 N  
 Date 18/11/2013  
 Name



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16

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

Provided CCTV in the premises

**c) Public safety**

Keep all public places clear of any hazards such as course fall or trip

**d) The prevention of public nuisance**

I will make sure front of the shop has been cleared after Friday / Saturday nights so I won't look bad in the morning for public

**e) The protection of children from harm**

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12 1557

3 - NOV 2013

4<sup>th</sup> November 2013

To: Interim Public Protection Officer  
Flintshire County Council  
County Hall  
Mold  
CH7 6NF

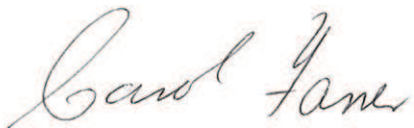
Dear Sirs

Mold Kebab House, 30-32 Wrexham Street Mold - variation of opening hours

We note with concern that the above business is seeking to extend their opening hours to be open after 12.00 midnight on Fridays and Saturdays.

Although we are not immediate neighbours of these premises, we remember the amount of noise and disorder when Harun's Kebab House (which is very close to our house) was open after midnight. We had frequently observed groups of people gathering outside the shop and making a lot of noise, something which seldom happens before midnight. From our observation, the outside gathering was at least in part so people could smoke. When Harun's applied to extend their opening hours officially, we objected and the extension was refused.

Although there is some noise occasionally from the Ex-Servicemen's club (immediately opposite our house) this is not a regular occurrence. We very much fear that if the Mold Kebab House is allowed to extend its opening hours, other similar fast food establishments will follow suit and the disturbance we experienced in the past will be renewed and occur most weekends. There are a number of residential properties nearer to the Mold Kebab House than we are.



Carol E Farrer  
Mary Brotherston

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Interim Public Protection Officer  
Flintshire County Council  
County Hall  
Mold  
Flintshire  
CH7 6NF

4 - NOV 201

121540

Ref: Mold Kebab House, 30/32 Wrexham Street, Mold. Application to vary hours for late night refreshment, Friday to Saturday 16:00 to 01:00

Dear Sir/Madam,

My wife and I are residents on Wrexham Street, approximately 80 metres from the above establishment. We have been resident at our address for over ten years and our house has been owned by my family for over fifty years.

We already suffer from noise and litter associated with the over population of take away premises on Wrexham Street, which at present are all *supposed* to close no later than midnight. In fact several of these establishments exceed their current licensed hours, particularly on Friday and Saturday nights.

My specific objections to this variation in hours for late night refreshment are as follows.

- No other take away food establishments in Mold are currently able to operate beyond midnight, in fact I believe no others in the vicinity of Mold can operate beyond midnight. If this establishment is granted an extension to 01:00 it will inevitably lead to further disturbance caused by people staying on Wrexham Street later into the early hours of the morning. At present there is nothing to encourage people to linger when leaving licensed premises.
- Later opening hours will encourage vehicle traffic from outside Mold to the one establishment that is open beyond midnight. We already suffer with vehicle noise associated with take away premises, especially slamming doors, revving engines and people then racing down Wrexham Street.
- Later opening hours will encourage people who have had up to another hour in public houses to linger. They will be further intoxicated by this time and noise nuisance, street urination and even added violence is inevitable.
- If this licence is granted it is inevitable that other will follow. I am specifically concerned with Haruns Takeaway which is immediately opposite my property and causes my wife and I regular distress through noise from drunken and argumentative customers and vehicle noise. They also continue to operate beyond midnight on a regular basis.

I implore the Licensing authority to decline this application to vary hours for late night refreshment and any others in Mold which would result in opening times after midnight.

Yours sincerely



Mr RG Davison

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**Application to extend the hours of opening at the Kebab premises  
Wrexham St. Mold**

robert.c.bithell to: [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk)  
Please respond to robert.c.bithell

06/11/2013 19:20

Dear Mr James Lowe,

As the local councillor for Mold East Ward, I am opposing the application to extend the opening hours for the Kebab premises in Wrexham Street, Mold to 1 a.m. on Fridays and Saturdays.

Wrexham Street is a mixed area comprising of businesses and residences. There are a number of fast food premises in the street which attract a large number of clients who, unfortunately often causes disturbances for the residents such as shouting, arguing loudly, fighting, banging car doors, starting car engines, beeping horns etc. late at night as clients converge on this area often fueled by too much alcohol than they can manage which adds to the potential for such disturbances. Whilst it is readily acknowledged that business owners need to be able to make a living, it must also be recognised that local residents have a right to be able to sleep soundly in their beds at night particularly after midnight.

There is another fast food premises, Turkish Delight, also applying for an extension of hours, which I am also opposing for the same reasons, and it is highly likely that if these two premises are granted such an extension then the other fast food premises will also apply for similar extensions which will further exacerbate the problems encountered in this location.

Given the fact that there are a number of flats above shops and also apartment blocks in Wrexham Street many of which are occupied by elderly residents, many will have their peace and sleep disturbed if this application goes ahead. I have already had a number of calls from local residents expressing their fears and concerns which are real given the kind of experiences they have on a regular basis.

This is not the first time that there have been such applications and fortunately good sense has prevailed and they have been turned down by the Licensing Committee following local opposition from the same residents and also from the local police who know full well that this is a recipe for stimulating local disturbances of the peace and crime at times when their numbers are stretched and they are facing similar calls for help from other towns and villages arising from similar incidents. We often hear that we need that we need to be able to deal not only with crime but the causes of crime. To allow such premises to operate at such unsocial hours will inevitably attract clients from a wide area, many of them, having vacated pubs and clubs, are inebriated and more likely to cause trouble or be drawn into incidents which will disturb the peace and good order.

I hope that the Licensing Committee will heed these genuine concerns as it always has in the past.

I trust that you will let me know when this application is due to go before the Licensing Committee so that I can be present and, if the local residents wish, to speak on their behalf against this application.

Yours sincerely,

Cllr Chris Bithell

Flintshire County Councillor and Mold Town Councillor

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