

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1b, County Hall, Ruthin on Thursday, 21 November 2019 at 10.00 am.

PRESENT

Councillors Hugh Irving, Melvyn Mile and Arwel Roberts

ALSO PRESENT

Solicitor (AL), Licensing Officer (NJ) and Committee Administrator (KEJ)

1 APPOINTMENT OF CHAIR

Councillor Hugh Irving was appointed Chair for the meeting.

The Chair welcomed all parties to the meeting and all present were introduced. The hearing procedures had been circulated previously to all parties and copies of the Statement of Licensing Policy were made available at the meeting.

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 LICENSING ACT 2003: APPLICATION FOR VARIATION OF A PREMISES LICENCE - BODRUM KEBAB HOUSE, 10 WATER STREET, RHYL

A report by the Head of Planning and Public Protection was submitted (previously circulated) upon –

- (i) an application having been received from Mr. R. Topac to vary an existing Premises Licence and extend the operating hours in respect of Bodrum Kebab House, 10 Water Street, Rhyl (Appendix A to the report);
- (ii) the premises currently operating the following hours as a fast food takeaway –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIMES
Provision of Late Night Refreshment – Outdoors	Monday – Thursday Friday – Sunday	23.00 – 01:00 23.00 – 04.00
Hours premises are open to the public	Monday – Thursday Friday – Sunday	16.00 – 01:00 16.00 – 04.00

- (iii) the applicant having requested authorisation to extend the hours as follows –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIMES
Provision of Late Night Refreshment – Outdoors	Monday – Sunday	23.00 – 04:00

Hours premises are open to the public	Monday – Sunday	16.00 – 04:00
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- (iv) the provision of Late Night Refreshment only became a licensable activity between the hours of 23.00 and 05.00;
- (v) one written representation (Appendix B to the report) having been received from an Interested Party in response to the public notice relating to possible disturbance from noise and an increase in rubbish, etc. as a result of the longer opening hours;
- (vi) having received details of the representation officers offered to facilitate mediation between the parties and in response the Applicant had indicated he would be willing to continue with his current operating hours but with the flexibility to remain open from 16.00 until 04.00 on the following days –

Bank Holiday Mondays

Christmas Eve (when it fell on Monday – Thursday)

Christmas Day (when it fell on Monday – Thursday)

Boxing Day (when it fell on Monday – Thursday)

New Year's Eve (when it fell on Monday – Thursday)

- (vii) having heard the Applicant's suggested amendments to the operating hours the Interested Party had indicated that they preferred the application be brought before members for determination;
- (viii) the proposed Operating Schedule having been included as part of the application detailing a number of additional conditions;
- (ix) the need to consider the application taking due account of the Council's Statement of Licensing Policy; Guidance issued by the Secretary of State; other relevant legislation and relevant representations received, and
- (x) the options available to the committee when determining the application.

The Licensing Officer introduced the report and detailed the facts of the case.

APPLICANT'S SUBMISSION

Mr. R. Topac was in attendance in support of his application and provided details of his usual trading hours from 4.00 p.m. to approximately 3.45 a.m. Friday and Saturday and up to 1.00 a.m. during the rest of the week. He clarified that, whilst he had applied to vary the licensing hours to 4.00 a.m. daily, this was to provide the flexibility to cater for later trading hours on special occasions such as Christmas Eve, Christmas Day, Boxing Day and New Year's Eve when they fell during the week Monday to Thursday, and for bank holiday Mondays. There was no intention to operate up to 4.00 a.m. Monday to Thursday outside of those occasions.

In response to members' questions Mr. Topac –

- confirmed the security arrangements he employed at the premises during the later opening hours up to 4.00 a.m.
- clarified that the premises was solely a takeaway premises and members noted there was no requirement to provide customer toilets
- the Interested Party had a shop nearby which opened 10.00 a.m. – 3.00 p.m. and was not usually present outside of those times and did not reside there
- indicated he had no control over those littering and the problems raised by the Interested Party could not necessarily be attributed to his premises, particularly given there were other licensed premises in the vicinity open to 4.00 a.m.
- there were approximately three flats above the kebab shop and one was unoccupied and no complaints had been received from residents
- referred to parking problems in the area advising that delivery drivers tended to park in an available space as close to the premises as possible.

INTERESTED PARTY SUBMISSION

One written representation had been received (Appendix B to the report) from an Interested Party with a retail business in the vicinity objecting to the application on the grounds of public nuisance and anti-social behaviour. In the absence of the Interested Party their written representations were taken as read.

No representations had been received from Responsible Authorities.

APPLICANT'S FINAL STATEMENT

In making a final statement Mr. Topac advised that he had spoken directly to the Interested Party and having explained the situation he believed them to be satisfied with his response.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (10.10 a.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that the variation of the Premises Licence be granted as applied for, as follows –

LICENSABLE ACTIVITY	DAYS APPLICABLE	TIMES
Provision of Late Night Refreshment – Outdoors	Monday – Sunday	23.00 – 04:00
Hours premises are open to the public	Monday – Sunday	16.00 – 04:00

The Chair conveyed the Sub Committee's decision to the Applicant and the Solicitor reported upon the reasons for the decision as follows –

Members had carefully considered the application and representations submitted in this case and found there to be sufficient conditions in place to deal with any issues of public nuisance and were satisfied that the premises was operating in accordance with the licensing objectives. In terms of the issues raised by the Interested Party members found that the particular incidents referred to in respect of public nuisance could not be directly linked to the premises, particularly given the number of other licensed premises in the vicinity, and it was also accepted that the Applicant had no control over the behaviour of people outside of his premises. In making their decision members had also taken into account that there had been no other objections to the application from residents in the vicinity and no representations had been made by Responsible Authorities. Consequently the Sub Committee was content to grant the application as applied for, whilst noting the Applicant's intentions to only utilise the later opening hours as business needs determined.

The meeting concluded at 10.20 a.m.