

WYRE FOREST DISTRICT COUNCIL

Report to	LICENSING SUB-COMMITTEE
Date of Meeting	21 <sup>st</sup> September 2006
Report of	Head of Planning, Health and Environment
Contact Officer	John Bulmer - Ext 2595 :John.bulmer@wyreforestdc.gov.uk
Proposal	To vary a Premises Licence for the Milan Pizza, 15, Comberton Hill, Kidderminster, Worcestershire, DY10 1QG.

**Application to Vary a Premises Licence for Milan Pizza, 15 Comberton Hill, Kidderminster, Worcestershire, DY10 1QG, made by Mr Mashaallah Ghattan, under the provisions of Section 35(3)(a) of the Licensing Act 2003**

**1. APPLICATION**

- 1.1 An application was received on Friday, 21<sup>st</sup> July, 2006 from Mr. Mashaallah Ghattan, The Poplar, Jenning Wood Lane, Heightington, Bewdley in respect of Milan Pizza, 15 Comberton Hill, Kidderminster.

**2. RECOMMENDATION**

The Sub-Committee is asked to **DECIDE**

- 2.1 **Whether or not to Vary the Premises Licence in respect of Milan Pizza, 15 Comberton Hill, Kidderminster, Worcestershire, DY10 1QG.**

**3. PROPOSED VARIATION**

- 3.1 The applicant, Mr. Mashaalla Ghattan, is not legally represented with regard to this application.
- 3.2 The following Licensable activities within the Operating Schedule would be subject to change if this application to vary is successful.

**Provision of late night refreshment**

**Supply of alcohol**

- 3.3 The variation if approved would extend the scope of the licensable activities as identified on the application.

### **Late Night Refreshment**

#### Current

Monday to Thursday 23:00 – 00:00 hours

Friday and Saturday 23:00 – 03:00 hours

Sunday 23:00 – 00:00 hours

#### Proposed

*Monday to Thursday 23:00 – 04:00 hours*

*Friday and Saturday 23:00 – 04:00 hours*

*Sunday 23:00 – 04:00 hours*

### **Supply of alcohol**

#### Current

None authorised

#### Proposed

*Monday to Sunday 12:00 – 04:00 hours*

*On and Off the premises*

### **Hours premises are open to the public**

#### Current

Monday to Thursday 17:00 – 00:00 hours

Friday and Saturday 17:00 – 03:00 hours

Sunday 17:00 – 00:00 hours

#### Proposed

*Monday to Sunday 12:00 – 04:00 hours*

## **4. BACKGROUND INFORMATION**

4.1 Mashaallah Ghattan and Deghan Mongabadi Hossin are the holders of Premise Licence WF020051773 in respect of Milan Pizza, 15 Comberton Hill, Kidderminster, Worcestershire, DY10 1QG.

4.2 An application has been received from Mr. Mashaalla Ghattan to Vary the Premises Licence.

- a) Proposed variation to Licensable Activities thereon (*copy attached*)
- b) Existing Premises Licence, WF020051773, granted by Wyre Forest District Council on 22<sup>nd</sup> September 2005. Current licensable activities thereon (*copy attached*)
- c) Premises Licence WF020051773.

Annex 1 - Mandatory Conditions : **None.**

Annex 2 – Conditions consistent with the Operating Schedule : **None.**

Annex 3 – Conditions attached after a Hearing by the Licensing Authority : **None**

Annex 4 – Plans (*copy attached*)

- d) *State whether access to the premises by children is restricted or prohibited*  
: **Not restricted.**

## 5. PLANS

- 5.1 A plan of the premises is attached.
- 5.2 A map of the area showing the proximity of commercial and residential properties is *attached*.

## 6. PUBLIC NOTICE

- 6.1 Public Notice was given by the applicant commencing on Thursday, 27th July, 2006, for a period of 28 days terminating on Thursday 24<sup>th</sup> August, 2006.
- 6.2 The Licensing Act requires the fixing of a notice to the premises adjacent to the highway and by insertion of a Public Notice in a local newspaper circulating within the district of Wyre Forest (*copy of Kidderminster Chronicle, dated 27<sup>th</sup> July 2006 attached*).

## 7. CONSULTATION

- 7.1 Consultation has been made with all statutory Responsible Authorities.
- 7.2 No representations have been submitted by the:-

County Officer, WCC, Protection of Children from harm  
Environmental Health – Pollution  
Environmental Health – Health and Safety  
Hereford and Worcester Fire and Rescue Authority

## 8. OBJECTION BY RESPONSIBLE AUTHORITY

- 8.1 PC 1071 Rich Drewett, District Support/Licensing Officer, North Worcestershire Division, Police Station, Habberley Road, Kidderminster, Worcestershire, has lodged a representation on the grounds of Crime and Disorder/anti social behaviour and will be submitting a report in support of the representation (*copy of notification of representation attached*).
- 8.2 PC 1071 Rich Drewett offers his apologies for his absence as he is required to attend Kidderminster Magistrates Court on the day of this hearing. PC 2336 Pauline Montague, Beat Officer, will be in attendance to offer oral evidence in support of the representation.

## 9. OBJECTION BY INTERESTED PARTIES

- 9.1 A number of representations have been received concerning the application to which this hearing relates:-

Mr Robert Arthur Davies  
Robert Arthur Davies Ltd  
Independent Insurance Advisors  
Bank Building  
34/35 Comberton Hill  
Kidderminster  
Worcestershire  
DY10 2JX

Mr William W Campbell  
The Railway Bell  
42a Comberton Hill  
Kidderminster  
Worcestershire  
DY10 1QN

- a) **Robert Arthur Davies Ltd.**, representing **Comberton Hill Traders** incorporating  
One Stop  
William Hill Bookmakers  
Captain Cod Fish and Chip shop  
S. Langer - Surplus Unlimited  
A Ulyatt - Baby Jacks  
D Farnaby - Vantage Chemist  
A Poole – Comberton Pine  
Mrs N Timmis, Natures Way.
- b) **Mr William W Campbell**, representing **Kidderminster Licensees Association/LVA**.

*(Letters and photographs of representation attached)*

## 10. POLICY CONSIDERATIONS

- 10.1 The following paragraphs of the Wyre Forest Statement of Licensing Policy apply to this application:

The Council's licensing function and the licensing objectives

Paragraph 3.2            Page 3 of 23

*"The Council will consider the impact of extended hours on its public services and will take steps to ensure that they are appropriately managed to meet additional demands in respect of street lighting, the opening of public conveniences and the emptying of litter bins"*

### **Licensing Hours**

Paragraph 6.1            Page 5 of 23

*"When dealing with licensing hours each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol is important to ensure that the concentrations of customers leaving premises simultaneously are avoided"*

### **The Prevention of Crime and Disorder**

Paragraph 10.1            Page 7 of 23

*"Licensed Premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes, if not properly managed, become a source of crime and disorder problems"*

Paragraph 10.2            Page 7 of 23

*"The Licensing Authority will expect licensees of premises to develop Operating Schedules that satisfactorily address these issues from the lay out of the premises through to the daily operation of the business"*

Paragraph 10.3            Page 7 of 23

*"In developing such Operating Schedules, applicants should take notice of this policy, and where appropriate are recommended to seek advice from either the Licensing Authority's Officers or the West Mercia Police Licensing Officer".*

## **The Prevention of Public Nuisance**

Paragraph 12.1 Page 10 of 23

*"Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on communities and people living, working or sleeping in the vicinity of the premises, e.g. noise and odour".*

## **Nuisance / anti – social behaviour**

Paragraph 14.1 Page 10 of 23

*"In each individual case that arises, following relevant representation, the Licensing Authority will take an objective view as to the potential for nuisance and anti social behaviour, and will attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. These may include conditions drawn from the guidance notes and the pool of model conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there".*

## **11. ASSOCIATED PAPERS**

- 11.1 Application to vary a premises licence under the Licensing Act 2003.
  - Plan of premises
  - Copy of Public Notice published in Kidderminster Chronicle, dated 27<sup>th</sup> July 2006
  - Receipt No., 20464, dated 24<sup>th</sup> July /2006, regarding fee
  - Copy of Premises Licence, Premises Licence Number WF020051773
  - Copies of letters of representation
  - Photographs in support of letter of representation submitted by William W Campbell
  - Global map depicting proximity of commercial and residential properties
  - Copies of letters from Responsible Authorities

6<sup>th</sup> September 2006

