

# AGENDA

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**Meeting:** Western Area Licensing Sub Committee  
**Place:** The Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 15 August 2017  
**Time:** 10.30 am  
**Matter:** Application for a Premises Licence, Four Seasons Coffee Shop, 3 Market Street, Trowbridge

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Please direct any enquiries on this Agenda to Lisa Pullin, Tel 01225 713015 or email [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk), of Democratic Services, County Hall, Bythesea Road, Trowbridge.

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## **Membership:**

Cllr Allison Bucknell  
Cllr Ernie Clark

Cllr George Jeans

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## **Substitutes:**

Cllr Gavin Grant

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## **Recording and Broadcasting Information**

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**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** (*Pages 5 - 12*)

The Chairman will explain the attached procedure for the members of the public present.

4 **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Licensing Application** (*Pages 13 - 20*)

To consider and determine an Application for a Premises Licence by Mr Kenan Olmez in respect of Four Seasons Coffee Shop, 3 Market Street, Trowbridge, Wiltshire, BA14 8EY. The report of the Licensing Officer is attached.

6a **Appendix 1 - Application for a Premises Licence** (*Pages 21 - 44*)

6b **Appendix 2 - Decision Notice - 24.03.15** (*Pages 45 - 46*)

6c **Appendix 3 - Warning Letters** (*Pages 47 - 50*)

6d **Appendix 4 - Relevant Representations** (*Pages 51 - 56*)

6e **Appendix 5 - Location Plan** (*Pages 57 - 58*)

- 6f **Appendix 6 - Supporting information from Wiltshire Council  
Licensing Authority** *(Pages 59 - 88)*
- 6g **Appendix 7 - Supporting information from Wiltshire Police  
Licensing Team**

## LICENSING COMMITTEE

### PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

#### 1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

#### 2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

**“Applicant”** means the person who has submitted an Application for consideration by the Committee.

**“Applicant’s Premises”** means premises subject to the Application.

**“Applicant’s Representative”** means a person attending a Hearing to assist or represent an Applicant including a lawyer.

**“Application”** means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

**“Chairperson”** means the Member who is the Chairperson of the Committee for the particular Hearing.

**“Committee”** means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

**“Committee Lawyer”** means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

**“Committee Manager”** means the Council’s Officer who is present at a Hearing to take minutes.

**“Committee Report”** means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible

Authority or their Representative or any person who has made a Relevant Representation or their Representative.

**“Hearing”** means a meeting of the Committee at which an Application is considered.

**“Licence”** means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

**“Licensing Officer”** means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

**“Licensing Authority”** the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

**“Member”** means a Member who is a Member of the Committee that is considering an Application.

**“Person making a Relevant Representation”** means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

**“Responsible Authority”** means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

### 3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
  - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
  - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
  - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;

- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

## **4 The Hearing**

- 4.1 The Hearing shall take place in public.
- 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
- 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
- A refuse to permit them to return;
  - B permit them to return only on such conditions as the Committee may specify;
  - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations .

## **5 Presentation of Submissions**

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
  - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
    - A the options available to it;
    - B the considerations that are relevant in reaching its decision.
  - 5.3.2 The Applicant (or the Applicant's Representative) will orally present its submission which may include:
    - A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
    - B confirming key information and answer pertinent questions; and
    - C calling witnesses in support of the Application (see paragraph 4.3).
  - 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
    - A the grounds of the representation to the Application; and
    - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

## **6 Questioning of Submissions**

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.



## **7 Documentation**

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation . If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

## **8 Intervention**

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

## **9 Failure of Parties to Attend Hearing**

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
- 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
- 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

## **10 Closing Submissions**

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

## **11 Decision**

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

## Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the members of the Sub Committee and invites all parties present (Applicant, Responsible Authority/Authorities, any person/s who have made a Relevant Representation and Council Officers) to introduce themselves.
4. The Chairperson outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
5. The Licensing Officer is asked to present their Committee Report.
6. The Applicant/their representative is invited to address the Sub Committee in support of their application.
7. Questions to the Applicant by Members of the Sub Committee.
8. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation which are to be directed through the Chairperson.
9. Any Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation are invited to address the Sub Committee in support of their representations.
10. Questions to the Responsible Authorities/those who have made a Relevant Representation by Members of the Sub Committee.
11. Questions to the Responsible Authorities/those who have made a Relevant Representation by the Applicant, which are to be directed through the Chairperson.
12. Closing submissions by those Parties who have made a Relevant Representation in reverse order.
13. Closing submissions by the Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits (5 working days).

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## WILTSHIRE COUNCIL

### WESTERN AREA LICENSING SUB COMMITTEE

15 AUGUST 2017

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**Application for a Premises Licence;**  
**Four Seasons Coffee Shop, 3 Market Street, Trowbridge, Wiltshire, BA14 8EY**

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Four Seasons Coffee Shop, 3 Market Street, Trowbridge, Wiltshire BA14 8EY made by Mr Kenan Olmez of 74 Longfield Road, Trowbridge, Wiltshire BA14 7AE.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Four Seasons Coffee Shop has been made by Mr Kenan Olmez for which three relevant representations have been received.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.

- 2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

- 2.4 Such steps are:

- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To reject the whole or part of the application.
- iv) To grant the application as applied for.

2.5 On 15 June 2017 an application for a new premises licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Provision of late night refreshment (Indoors and Outdoors)	23:00 hrs to 00:00 hrs	Sunday to Thursday
	23:00 hrs to 02:30 hrs	Friday & Saturday

The applicant has stated that CCTV has been installed inside and outside of the restaurant.

A copy of the application form is attached as **Appendix 1**.

2.7 The premises has previously benefited from a premises licence under the Licensing Act 2003 from November 2005 to September 2015. During this time the licence was held by Mr Kenan Olmez.

The original licence granted in 2005 allowed the following:-

<b>Licensable Activity</b>	<b>Hours</b>
Late Night Refreshment	Sunday to Thursday 23:00 hrs – 01:30 hrs (Next Day)
	Friday to Saturday 23:00 hrs – 04:30 hrs (Next Day)

2.8 The premises licence was subsequently varied in August 2009 to extend the hours for late night refreshment, as follows and to reword the existing condition regarding CCTV and apply this as a new condition on the licence.

<b>Licensable Activity</b>	<b>Hours</b>
Late Night Refreshment	Sunday to Thursday 23:00 hrs – 04:00 hrs (Next Day)
	Friday & Saturday 23:00 hrs – 05:00 hrs (Next Day)

Following a valid representation from Wiltshire Police, the application for variation was subject to a hearing, which was held on 25 August 2009. The Licensing Sub Committee resolved to grant the additional hours sought, subject to an amended condition relating to CCTV.

2.9 On 18 June 2011, the Licensing Department received an application for a review from Wiltshire Police on the grounds that the premises were conducted

in such a manner as to prejudice the licensing objectives of Prevention of Crime & Disorder and Public Safety.

A notice of the review application was posted and displayed as stated under the Licensing Act 2003. During this consultation for review no further representations were received.

On 18 July 2011 a hearing took place for the review application. Following this review the premises licence was amended to reduce the hours for late night refreshment as follows and an additional condition was imposed stating that the premises requires two SIA registered door staff to be employed on Thursday, Friday & Saturday nights.

<b>Licensable Activity</b>	<b>Hours</b>
Late Night Refreshment	Sunday to Wednesday 23:00 hrs – 04:00 hrs (Next Day)  Thursday to Saturday 23:00 hrs – 03:00 hrs (Next Day)

An appeal was lodged against the review decision by Mr Olmez and was heard at Chippenham Magistrates Court on 6 December 2011.

The Court resolved to vary the decision made on the 18 July 2011 and changed the hours for late night refreshment as follows.

<b>Licensable Activity</b>	<b>Hours</b>
Late Night Refreshment	Sunday to Wednesday 23:00 hrs – 04:00 hrs (Next Day)  Thursday to Saturday 23:00 hrs – 03:30 hrs (Next Day)

- 2.10 On 11 November 2013 an application for a variation of the existing premises licence was received and accepted as a valid application.

The variation was to extend the hours for late night refreshment from 03:30hrs to 05:00hrs on a Friday and Saturday night, along with applying to include Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and all Bank Holidays until 05:00hrs.

Following a valid representation from Wiltshire Police the application for variation was subject to a hearing, which was held on 7 January 2014. The application was granted as applied for, subject to the following additional and varied conditions:

- **All doors to the premises must be closed and locked by the end of the time permitted for licensable activities on the relevant day, at which point all customers shall have left the premises.**

- **On Friday & Saturday nights, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day and all Bank Holidays, the licence holder is required to employ two SIA registered staff from midnight until 30 minutes after the end of the time permitted for licensable activities, and to employ an additional SIA staff member from 03:30hrs until 30 minutes after the end of the time permitted for licensable activities.**

Following the grant of the variation detailed above a number of breaches were reported to the Licensing Authority as unauthorised licensable activities under s.136 Licensing Act 2003. Formal warning letters in relation to the breaches were issued from the Licensing Authority to the licence holder in June 2014, October 2014 and January 2015.

2.11 On 21 January 2015 an application for a review of the premises Licence was submitted by the Licensing Authority of Wiltshire Council under the grounds of:

- The Licence holders continued failure to comply with either the premise licence conditions and/or the Licensing Act 2003 objectives over a considerable period of time.
- Failure to promote the licensing objectives of Prevention of Crime and Disorder and Public Safety, and that standards of management at the premises were below that, which are expected of a premises operating in the late night economy.

2.12 On 23 January 2015, two days after the review application was submitted an application for a variation of the existing premises licence was received and accepted as a valid application.

The variation was to request that the condition regarding SIA qualified door staff be reduced to 5 hours for Saturday nights only.

Due to Mr Olmez's failure to advertise the application correctly it was rejected on 6<sup>th</sup> March 2015. 14 days was then given to re-submit the application with the fee waived.

On 19 March 2015 Mr Olmez re-submitted the variation and it was accepted as a valid application.

Two valid representations against the variation application were received from Wiltshire Council and Wiltshire Police.

2.13 On 24 March 2015 a hearing took place for the review submitted by the Licensing Authority of Wiltshire Council. Following this review the decision to revoke the premises licence was taken by the Western Licensing Sub Committee.

A copy of the decision notice is attached as **Appendix 2**.



An appeal was lodged against the review decision by Mr Olmez on 10 April 2015 and an appeal date was scheduled for 2 October 2015 at Swindon Magistrates Court.

During this time it was agreed, by the agent acting on behalf of Mr Olmez, to postpone the hearing for the variation until after the appeal had been heard and a decision had been made by the Magistrates.

On 29 September 2015 a signed consent to withdraw the appeal was received by Wiltshire Council. Subsequently, the decision made by the Licensing Subcommittee came into effect and the premises licence was revoked. The hearing for the variation application was cancelled.

- 2.14 Since the revocation of the premises licence, two warning letters have been sent to Mr Olmez from the Licensing Authority, concerning offences committed under s.136 Licensing Act 2003.

Copies of the letters are attached as **Appendix 3**.

### **3. Consultation and Representations**

- 3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

- 3.2 During the consultation period 3 relevant representations have been received from Responsible Authorities.

#### **3.3 Responsible Authorities**

- Wiltshire Council – Licensing Team Leader
- Wiltshire Police – Licensing Officer
- Wiltshire Council – Environmental Health Officer

- 3.4 A summary of the representations made is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
No confidence in applicant's ability to uphold the Licensing Objectives as a Licence Holder.	The Prevention of Crime and Disorder; Public Safety; The Prevention of Public Nuisance; The Protection of Children from Harm	YES	
No confidence in the applicant's ability to comply with conditions imposed on any Premises Licence.	The Prevention of Crime and Disorder; Public Safety	YES	
No confidence in applicant's ability to	Public Safety	YES	

uphold the Licensing Objectives as a Licence Holder.			
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3.6 The relevant representations are attached as **Appendix 4. Appendix 5** is a plan which shows the location of the premises.

3.7 Further supporting information has been provided by Wiltshire Council Licensing Authority (**Appendix 6**) and by Wiltshire Police Licensing Team (**Appendix 7**).

#### **4. Legal Implications**

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

#### **5. Officer Recommendations**

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

#### **6. Right of Appeal**

6.1 It should be noted that the Applicant and those persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author: Teresa Bray  
Teresa Bray, Public Protection Officer (Licensing)  
Date of report: 31/07/2017

### **Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

### **Appendices**

- 1 Application for a premises licence**
- 2 Decision notice**
- 3 Warning letters**
- 4 Relevant representations**
- 5 Location plan**
- 6 Supporting information from Wiltshire Council Licensing Authority**
- 7 Supporting information from Wiltshire Police Licensing Team**

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# Wiltshire Council

Where everybody matters

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Lenan Gomez  
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
<p style="font-size: 1.2em;">3. Market St</p> <p style="font-size: 1.2em;">Four Season coffee shop.</p>			
Post town	Trowbridge	Postcode	BA14 8EY

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ £ 8750 per Annum.

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>Olmez</b>			First names <b>Kenan</b>		
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes
Nationality <b>British</b>					
Current residential address if different from premises address		<b>74 Longfield Rd</b>			
Post town	<b>Trowbridge</b>		Postcode	<b>BA14 7AE</b>	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

ASAP  
 DD MM YYYY  
~~07 05 2017~~

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY  
 [ ][ ][ ][ ][ ][ ][ ][ ][ ]

Please give a general description of the premises (please read guidance note 1)

Breakfast - Burger bars

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

+ 600

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)



**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat								
Sun								

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)          <b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)          <b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat								
Sun								



# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	<del>23.00</del>	<del>00.00</del>			
Tue	<del>23.00</del>	<del>00.00</del>			
Wed	<del>23.00</del>	<del>00.00</del>	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	<del>23.00</del>	<del>00.00</del>			
Fri	<del>23.00</del>	<del>00.30</del>	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	<del>23.00</del>	<del>00.30</del>			
Sun	<del>23.00</del>	<del>00.00</del>			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> – <b>please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name	
<b>Date of birth</b>	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	00:00	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)</p>
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	00:00	

**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 10)**

we have installed CCTV both inside and outside the Restaurant with constant recording and monitoring. Fire Escapes both sides. Removal of drink cans immediately. Liaison with police if any known trouble maker. Closure of doors and lights off when any disturbance inside or out occurs. Ditch trouble maker to children - banned.

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

CCTV

**c) Public safety**

Fire Escapes both sides with direction posters shown. Closure of doors with lights off on any escalating disturbance both inside and outside premises.

**d) The prevention of public nuisance**

1) All known trouble makers are banned and recorded by CCTV.  
2) First slightest indication of disturbance they are warned immediately to STOP or they both face ban and police informed.  
3) If (2) directions are ignored then doors closed & lights off.

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

All known children molesters/bullies will be banned and warned if others involved or start that they will receive permanent ban and police informed backed up by CCTV recordings.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).


**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 FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK</li> </ul>
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	(and is not subject to conditions preventing him or her from doing work relating to a licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	07/06/17
Capacity	owner.

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and



- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information

with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## DECISION NOTICE

### Western Area Licensing Sub Committee

Decision made on 24 March 2015

#### **Application for a Review of Premises License in respect of Best Favourite Chicken, 3 Market Street, Trowbridge made by the Licensing Authority.**

##### **Decision:**

The Western Area Licensing Sub Committee resolved to revoke the premises license for Best Favourite Chicken, 3 Market Street, Trowbridge for the reasons detailed below:

##### **Reasons:**

The Sub Committee accepted the evidence presented by the Licensing Authority and Wiltshire Police that there had been numerous recorded incidents when the Licence holder had been found to be in breach of his premises licence conditions. In the main, these related to the provision of the required number of door supervisors. The Sub Committee also accepted the evidence of the police that many of the incidents of crime and disorder that had occurred and which were associated with the premises, may well have not taken place, or may have been defused at an early stage, had the required number of door staff been present at the relevant time. The Sub Committee therefore considered that the failure to comply with those conditions did undermine the licensing objectives of preventing crime and disorder and public safety.

The Sub Committee accepted that some of the incidents referred to by the police and the Licensing Authority in their evidence had occurred outside the premises. However, they were satisfied that many of these incidents were nevertheless connected with the licensable activities taking place on the premises.

In his submissions at the hearing, Mr. Olmez's representative referred to the fact that the incidents related to these premises were not included in the list of criminal activities set out in paragraph 11.27 of the S.182 Guidance, which were ones that should be taken seriously by licensing authorities and which could justify revocation of a premises licence, even in the first instance. However, the Sub Committee noted that this part of the Guidance primarily related to crime that was not directly connected with licensable activities, so was not directly relevant in this case. It also noted that Wiltshire Council's Statement of Licensing policy did identify that cases where the police were frequently called to incidents of crime and disorder; where there were repetitive breaches of conditions and/or where there was a failure to act on previous warnings were matters that could be considered as serious shortcomings.

The Sub Committee considered the suspension of the licence, as offered by the licence holder. However it concluded it would not be appropriate to do so, because, given the

history of these premises, it did not have confidence that there would be any improvement in the management of the premises or compliance with existing conditions.

The possible amendment of conditions was considered. However, it was agreed that the existing conditions were appropriate to meet the licensing objectives and the main issue was a failure to comply with those conditions. Therefore there would be no benefit in adding or amending conditions.

The Sub Committee therefore felt that revocation was the only appropriate option, given the persistent breaches of licence conditions and the clear failure by the licence holder to recognise and comply with his obligations under the licensing objectives.

In reaching its decision the Sub Committee took into account all of the written representations in addition to oral arguments presented at the hearing by all parties.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.

# Agenda Item 6c

22<sup>nd</sup> October 2015

Mr K Olmez  
Favourite Chicken & Ribs  
(Istanbul)  
3 Market Street  
Trowbridge  
BA14 8EY

Public Protection Services  
Licensing Team  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

DX 34208 CHIPPENHAM  
Our ref: LN/000012623

Dear Mr Olmez

**Re: Licensing Act 2003 – Section 136, Unauthorised Licensable Activities.**  
**Premises: Best Favourite Chicken, Favourite Chicken and Ribs, 3 Market Street, Trowbridge, Wiltshire, BA14 8EY**

Following withdrawal of your appeal against the Licensing Sub committee's decision on 25<sup>th</sup> March 2015 to revoke your premises licence, a letter was hand delivered to you on 2<sup>nd</sup> October 2015 by Linda Holland, Licensing Team Leader, informing you that with immediate effect your premises must now cease trading at 23:00 each evening.

It has been noted that leaflets are being distributed by yourself detailing the opening times of the premises as 17:00 hrs to 00:00 hrs daily. This is also reflected on the website for Istanbul.

The serving of hot food and drink between the hours of 23:00 and 05:00 falls under Late Night Refreshment and requires a premises licence in accordance with the Licensing Act 2003.

Serving within these hours without a premises licence is a breach of the Licensing Act under section 136 which bears a penalty of an unlimited fine and/or 6 months imprisonment.

Should trading beyond 23:00 hrs be witnessed by an authorised Officer from the Council or Wiltshire Police, prosecution proceedings will be taken against you.

Yours Sincerely

Teresa Bray  
**Public Protection Officer - Licensing**  
Tel. 01249 706413  
Email: [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

cc. Wiltshire Police

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13<sup>th</sup> April 2017

Mr K Olmez  
Four Seasons Coffee Shop  
3 Market Street  
Trowbridge  
BA14 8EY

Public Protection Services  
Licensing Team  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

DX 34208 CHIPPENHAM

Dear Mr Olmez

**Re: Licensing Act 2003 – Section 136, Unauthorised Licensable Activities.**  
**Premises: Four Seasons Coffee Shop, 3 Market Street, Trowbridge, Wiltshire, BA14 8EY**

As you are aware, the provision of Late Night Refreshment is a licensable activity under the Licensing Act 2003. It involves the supply of hot food or hot drink between the hours of 23.00 and 05.00 to the public for consumption on or off the premises.

As a Licensable activity, to legally trade past these hours a Premises Licence is required.

On 7<sup>th</sup> April 2017 a Police Officer witnessed you serving a customer from your premises at 23:10hrs. This is a breach of the Licensing Act under section 136 and bears a penalty of an unlimited fine and/or 6 months imprisonment.

Should you continue to supply hot food or hot drink between the hours of 23.00 and 05.00 prosecution proceedings will be taken against you.

Please accept this letter as a formal warning.

Yours Sincerely

Teresa Bray  
**Public Protection Officer - Licensing**  
Tel. 01249 706413  
Email: [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

cc. Wiltshire Police

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5<sup>th</sup> July 2017

Miss T Bray  
Public Protection Services  
Licensing Team  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

Public Protection Services  
Licensing Team  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

Our ref: LVH/4

Dear Miss Bray

**Re: Licensing Act 2003 – New Premises Licence Application**  
**Premises: Four Seasons Cafe, 3 Market Street, Trowbridge, Wiltshire, BA14 8EY**

The Licensing Authority is in receipt of the application for a new premises licence for the above location.

Having considered the application, previous management history associated to Mr Olmez at this premises, as the officer delegated to respond on behalf of the Licensing Authority, I consider the proposed application is not appropriate as the premises proposes to operate in the late night economy, and the Licensing Authority has no confidence that the premises will be managed in promotion of the four licensing objectives. Or any conditions placed on a premises licence if granted by the hearing or offered by Mr Olmez will be complied with.

A Licensing review hearing was called by the Licensing Authority in March 2015 where, the Licensing sub-committee accepted the evidence presented by the Licensing Authority that there had been numerous incidents when the licence holder Mr Olmez had been found to breach his premises licence regarding the condition relating to door stewards. The committee agreed that the existing conditions on the premises licence were appropriate to meet the licensing objectives and the main issue was the licence holder (Mr Olmez) failure to comply with those conditions.

The Sub Committee therefore decided that revocation was the only appropriate option, given the persistent breaches of licence conditions and the clear failure by the licence holder to recognise and comply with his obligations under the licensing objectives

Given Mr Olmez's total disregard towards promoting the licensing objectives of public safety and crime and disorder by his previous continual failure to comply with condition relating to door stewards on his previous licence, leaves the Licensing Authority with no confidence that Mr Olmez would comply with any conditions on his licence if granted.

It was noted by the licensing authority that following the hearing which took place on 24<sup>th</sup> March 2015. The standards of management at the premises were considered to be well below that,

which are expected of a premises operating in the late night economy, with the premises on occasion been noted to trade after its permitted hours of 23:00.

The Licensing Authority as a responsible authority, wish formally to object to, the application for a new premises licence.

If you have any queries regarding the content of this letter please contact me.

Yours Sincerely



Linda Holland  
**Licensing Manager**  
**Public Protection**

Tel. 01249 706410

Email: [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

12 JUL 2017

**WILTSHIRE POLICE**



Miss Teresa Bray  
Public Protection Officer (Licensing)  
County Hall  
Trowbridge  
Wiltshire  
BA14

Date 6<sup>th</sup> July 2017

Reply contact name: Martin O'Neill

Dear Miss Bray,

**Ref: New Premises Licence – The Four Seasons, 3 Market St Trowbridge, BA14 8EY**

The Police are in receipt of a new application for a Premises Licence to be granted under the provision of the Licensing Act 2003 for the above premises. ✓

Wiltshire Police, as a Responsible Authority, have considered the Application, the Operating Schedule and the previous licensing history of the Premises, and the applicant.

The premises have, historically, been the subject of numerous incidents of crime and disorder, both within the premises and in the vicinity which culminated in a hearing in March 2015 where evidence was presented to the committee and as a result the licence was revoked.

The applicant Mr Olmez, has consistently failed to adhere to any conditions on his licence or those imposed at hearing by the licensing authority and there is further evidence that he has continued to trade beyond 23.00hrs despite his licence being revoked.

Wiltshire Police find that there are still relevant concerns surrounding the management of the premises and the applicant's ability to comply with any conditions imposed on a licence in the event of it being granted.

---

Wiltshire Police Licensing object to this application for Premises Licence on the grounds that the current application as proposed would undermine the Licensing Objectives of the Prevention of crime and Disorder, and Public Safety.

Regards

Martin O'Neill  
Police Licensing Officer  
Trowbridge Police Station  
Polebarn Rd  
Trowbridge  
BA14 7EP

11<sup>th</sup> July 2017

Teresa Bray  
Public Protection Officer  
Licensing  
Wiltshire Council

Public Protection Services  
Food and Safety Team  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

DX 116892 Trowbridge 3

Our ref: WK/201713291

Dear Teresa

**Re: New Premises Licence Application - Four Seasons Coffee Shop, 3 Market Street, Trowbridge, BA14 8EY**

The Food and Safety Team, Wiltshire Council are in receipt of a new application for a Premises Licence to be granted under the provision of the Licensing Act 2003 for the above premises.

With respect to the Public Safety licensing objective the Food and Safety Team, as a Responsible Authority, must object to this application.

There has been a long history of non-compliance demonstrated by the owner of the business, Mr Kenan Olmez, both in terms of food hygiene legislation and for the purpose of this representation health and safety legislation. Mr Olmez has repeatedly shown complete contempt towards officers and has demonstrated obstructive behaviour on a number of occasions. Furthermore, Mr Olmez having repeatedly been found to be in breach of legislation has been, and is currently, subject to formal enforcement action.

In light of the above the Food and Safety Team has no confidence in the ability of Mr Olmez to effectively uphold the Public Safety licensing objective and must object to this application.

Yours sincerely

**Guy Sharp**  
**Senior Environmental Health Officer**  
Tel. 01225 716682  
Email. [guy.sharp@wiltshire.gov.uk](mailto:guy.sharp@wiltshire.gov.uk)

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Menu



Home in BA14 Trowbridge Istanbul Kebab House

Help Categories

- Popular
- Special Offers
- Pizzas
- Special Kebabs
- Burgers
- Kebabs
- Omelettes
- Extras
- Kids Meals
- Desserts
- Drinks



Istanbul Kebab House

★★★★☆ 724 reviews  
 Turkish, Halal  
 3 Market Street, Trowbridge,  
 BA14 8EY  
 Free delivery

Menu Reviews **Info**

20% off today on orders over £25

Do you have an allergy or other dietary requirement?

Delivery starts at 16:30  Collection 30 mins

There are no items in your basket

Checkout

Where to find us



724 reviews of Istanbul Kebab House

Gavin 29/07/2017  
 ★★☆☆☆

Bethany 15/07/2017  
 ★☆☆☆☆

Tom 14/07/2017  
 ★☆☆☆☆

Ordered food and it didn't even arrive and then no one answers the phone.

Yasmin 11/07/2017  
 ★★☆☆☆

Wasn't what was ordered

Vanesa

04/07/2017



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See this restaurant's food hygiene rating at <http://ratings.food.gov.uk/>



### Opening hours

Monday	12:00 - 23:59
Tuesday	12:00 - 23:59
Wednesday	12:00 - 23:59
Thursday	12:00 - 23:59
Friday	16:00 - 02:00
Saturday	12:00 - 02:00
Sunday	15:00 - 00:00

### Delivery areas

- BA13 Westbury
- BA14 Trowbridge
- BA15 Bradford-on-Avon

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([//sites.kukd.com/four-seasons-trowbridge/menu](https://sites.kukd.com/four-seasons-trowbridge/menu))

**Kebab Menu** ([//sites.kukd.com/four-seasons-trowbridge/menu](https://sites.kukd.com/four-seasons-trowbridge/menu))



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**Burger Menu (//sites.kukd.com/four-seasons-trowbridge/menu)**



(//sites.kukd.com/four-seasons-trowbridge/menu)

**Fried Chicken Menu (//sites.kukd.com/four-seasons-trowbridge/menu)**



<https://sites.kukd.com/four-seasons-trowbridge/menu>

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<https://sites.kukd.com/four-seasons-trowbridge/menu>

Opening times:

\* 7 days a week 4pm - Midnight (<https://sites.kukd.com/four-seasons-trowbridge/menu>)



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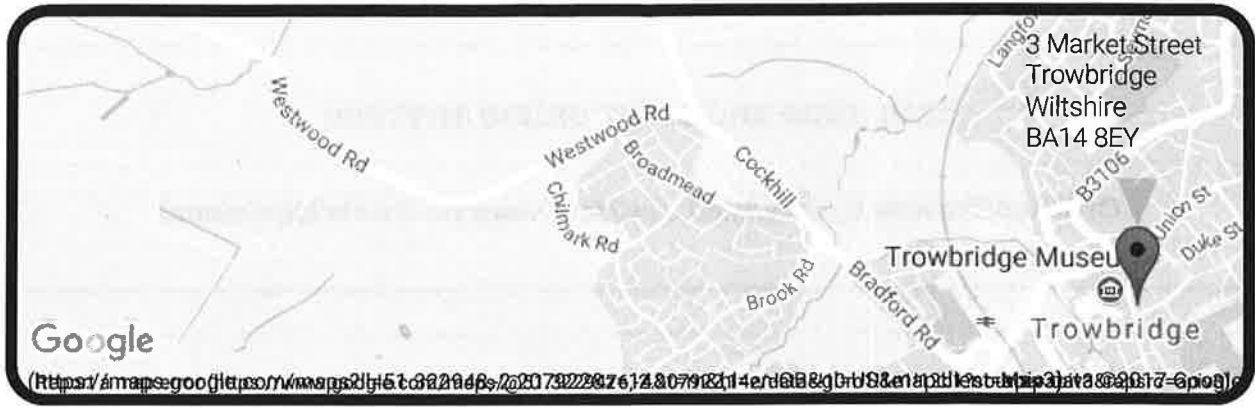
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## Four Seasons

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Trowbridge  
Wiltshire  
BA14 8EY

KUKD Customer Service: ☎ 0333 370 9000

**Save time and order online anytime**

**Order online now ([//sites.kukd.com/four-seasons-trowbridge/menu](http://sites.kukd.com/four-seasons-trowbridge/menu))**



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<b>Tue</b>	16:00 to 00:00
<b>Wed</b>	16:00 to 00:00
<b>Thu</b>	16:00 to 00:00
<b>Fri</b>	16:00 to 00:00
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IN THE SWINDON MAGISTRATES COURT  
BETWEEN

KENAN OLNEZ

Appellant

-v-

WILTSHIRE COUNCIL

Respondent

CONSENT ORDER

UPON the Appellant withdrawing his appeal under section 181 of the Licensing Act 2003 against the decision of the Respondent's licensing sub-committee of 24 March 2015 to revoke the appellant's premises licence under section 52 of the same Act

BY CONSENT IT IS ORDERED THAT:

1. The appeal is dismissed;
2. The appeal is disposed of for the purposes of s.52(11) Licensing Act 2003;
3. Parties shall bear their own costs.

COURT SIGNATURE:

DATE:

SIGNED: On behalf of the Appellant:

(Kenan Olnez, etc)

DATE: 29/9/15



DUNCAN  
CHAIL  
BARRISTER

SIGNED: On behalf of Respondent:

(Wiltshire Council, etc)

DATE:



## WESTERN AREA LICENSING SUB COMMITTEE

---

### MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 24 MARCH 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN REVIEW OF A PREMISES LICENCE - BEST FAVOURITE CHICKEN, 3 MARKET STREET, TROWBRIDGE

#### **Present:**

Cllr Desna Allen (Chairman), Cllr Trevor Cabin, Cllr Sue Evans

#### **Also Present:**

Teresa Bray (Public Protection Officer), Linda Holland (Public Protection Team Leader-Review Applicant), Hannah Hould (Public Protection Officer-Licensing), Lisa Pullin (Democratic Services Officer), Elizabeth Beale (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Mr Kenan Olmez (Premises License Holder), Duncan Craig (Legal representative), Alastair Erdozain, Mahir Kilic (Licensing agent), Jacqueline Gallimore (Wiltshire Police Licensing Officer), Dave Bennett (Force Licensing Manager), Sgt Jim Suter (Wiltshire Police).

---

#### 1 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought.

#### **Resolved:**

**To elect Councillor Desna Allen as Chairman for this meeting only.**

#### 2 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5-11 of the Agenda refers).

#### 3 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

#### 4 **Declarations of Interest**

There were no interests declared.

## 5 Licensing Application

The Licensing Officer presented the Committee Report outlining the licensing objectives and options the Committee could take to meet these objectives. The history of the premises licence and the current licence was described alongside the grounds for its review. The officer advised that one relevant representation had been received from Wiltshire Police.

In accordance with the procedure detailed in the agenda, the Review Applicant, the authority that had made the Relevant Representation and the Premises Licence Holder were given the opportunity to address the Sub Committee.

Key points raised by Linda Holland, Review Applicant, were that:

- The Premises License Holder had repeatedly failed to comply with conditions attached to the licence and the licensing objective of the prevention of crime and disorder, as such the only option would be to revoke the license. Evidence of the failure to prevent crime and disorder had been shared by Wiltshire Police and was in the agenda pack. Particular attention was drawn to an incident on 9 February 2014 when a female was assaulted at the premises and the shop window was smashed.
- A Magistrates Court decision maintained the need for the Premises License Holder to employ door staff;
- Mr Olmez had been warned in writing on many occasions, in addition to verbal warnings given by Police, that he was breaching the conditions of his licence. Attention was drawn to evidence of these warnings;
- At the Western Area Licensing Sub Committee in January 2014, Mr Olmez suggested that door staff would help him to meet the licensing objectives and suggested that a third member of door staff be introduced. At that Hearing, Mr Olmez' representative advised the Sub Committee that the licence holder now fully understood the requirements of the licence and was determined to meet them;
- There had been 38 witnessed breaches of the licence 19 January 2014 until 28 February 2015 mainly centring on the non-provision of door staff, and Police evidence demonstrated that Mr Olmez appeared un-concerned by this non-compliance;
- Police logs demonstrated that when door stewards were present they were able to assist the Police;
- A review application was submitted in January 2015, however Police logs since this date indicated that Mr Olmez continued to show a disregard for the conditions of his licence;



- Mr Olmez showed little concern for public safety, for instance he had let members of the public go behind the food counter and had left a broken window of the property insecure for 12 months;
- The Licensing Authority, as the Responsible Authority, had no confidence that Mr Olmez would comply with the conditions attached to his licence and felt all existing conditions were necessary.

Questions were asked of the Review Applicant and it was confirmed that all visits to the premises had been recorded, therefore any instances of compliance with the licence would have been included in the written evidence. The Licensing Authority had decided that a review of the licence with a recommendation to revoke was needed over the Christmas 2014-15 period when there was a catalogue of offences at the premises. However this decision was the result of an accumulation of previous offences. It was confirmed that the finances of the business could not be an acceptable reason for non-compliance with conditions and the premises had to be managed taking into consideration its location near to a taxi rank. Additionally, the area immediately outside the premises was considered within the responsibility of the licence holder. The Licensing officer advised that correspondence from Mr Erdozain, acting on behalf of Mr Olmez, requesting a variation of licence conditions in October 2014 was not a formal application to vary the condition. It was highlighted that licensing conditions are accessible and licence holders do not require legal support to understand them. A new application to vary the licence conditions in relation to the provision of door stewards was currently live.

Key points raised by the Relevant Representative, Jacqueline Gallimore of Wiltshire Police were that:

- The Police fully supported the evidence and arguments made by the Review Applicant;
- Since 2010, the premises had been a cause for concern for the Police. Incidents of crime and disorder were evidenced in the agenda pack;
- If door staff had been present when required, incidents of crime and disorder could have been defused and the stewards could have assisted Police;
- Mr Olmez had shown no respect for the licensing objectives and had ample opportunity to meet them.

CCTV from the 31 January 2015 was shown, to illustrate what was stated to be a typical Friday night outside of the takeaway.

Questions were asked of the Police and it was confirmed that Wiltshire Police agreed that the role of the door staff was first to monitor the inside of the premises, however the frontage of the premises was large and to the advantage

of the licence holder therefore his door staff should also monitor this area as necessary. It was noted that most incidents of crime and disorder occurred immediately outside of the premises. Mr Olmez' representative advised that he had not repaired a broken window since the defendant had not yet paid the compensation.

Key points made by Duncan Craig, Mr Olmez' representative, were that:

- Although Mr Olmez accepted that he had not complied with the conditions of his licence this did not undermine the licensing objectives in such a significant way as to warrant revoking the licence. He did not consider the events at the premises sufficiently serious according to the Wiltshire Council Licensing Policy to warrant revocation;
- Revocation of the licence would be neither proportionate nor appropriate;
- Police CCTV demonstrated that the level of disorder associated with the premises was not excessive;
- The vast majority of incidents happened outside of the premises and so were not under the responsibility of the licence holder.
- A sanction against Mr Olmez was necessary. The suspension of the licence and appropriate training of the licence holder was offered by Mr Craig as a suitable sanction.
- Mr Olmez's application to vary the conditions of his license via a letter in October was an attempt to take steps to better manage his business

Questions were asked of Mr Craig and it was confirmed that the licence holder was formally offering a 4 week suspension of his licence and, if the licence was not revoked, he would use the opportunity to correct mistakes made. Mr Craig advised that the provision of three doorstaff was excessive and it would be more manageable for the premises to employ fewer. The Sub Committee questioned what constructive changes would occur if the licence was suspended and was advised that an application to vary the licence would be part of this. It was confirmed that the window of the premises was smashed by a customer who had also assaulted a female inside the shop.

Linda Holland made the following points in summation:

- According to the Statement of Licensing Policy significant or repeated breaches of licensing law and failure to comply with warnings were considered very serious;
- Mr Olmez had ample opportunity to address his non-compliance and showed no willingness to comply;

- Revocation was the only adequate step given the number of offences and breaches of licensing objectives at the premises.

Jacqueline Gallimore made the following points in summation:

- Wiltshire Police fully supported the case put forward by Linda Holland on behalf of the Local Authority;
- Wiltshire Police considered revocation of the licence the only appropriate action;
- The premises had a history of breaching its license conditions and the licensing objectives;
- Crime and disorder could have been prevented if the licence holder had the necessary door staff in place.

Duncan Craig made the following points in summation:

- The licensing authority had only recently decided to review the license;
- The premises licence holder wanted the opportunity to manage the premises appropriately;
- Breaches of the licence were minimal in relation to the premises itself and insufficient to warrant revocation.

The Sub Committee retired to consider the review application at 1:05pm and were accompanied by the Solicitor for Wiltshire Council and representatives from Democratic Services.

The Hearing reconvened at 2:30pm.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

**Resolved:**

The Western Area Licensing Sub Committee resolved to revoke the premises license for Best Favourite Chicken, 3 Market Street, Trowbridge for the reasons detailed below:

### **Reasons:**

The Sub Committee accepted the evidence presented by the Licensing Authority and Wiltshire Police that there had been numerous recorded incidents when the Licence holder had been found to be in breach of his premises licence conditions. In the main, these related to the provision of the required number of door supervisors. The Sub Committee also accepted the evidence of the police that many of the incidents of crime and disorder that had occurred and which were associated with the premises, may well have not taken place, or may have been defused at an early stage, had the required number of door staff been present at the relevant time. The Sub Committee therefore considered that the failure to comply with those conditions did undermine the licensing objectives of preventing crime and disorder and public safety.

The Sub Committee accepted that some of the incidents referred to by the police and the Licensing Authority in their evidence had occurred outside the premises. However, they were satisfied that many of these incidents were nevertheless connected with the licensable activities taking place on the premises.

In his submissions at the hearing, Mr. Olmez's representative referred to the fact that the incidents related to these premises were not included in the list of criminal activities set out in paragraph 11.27 of the S.182 Guidance, which were ones that should be taken seriously by licensing authorities and which could justify revocation of a premises licence, even in the first instance. However, the Sub Committee noted that this part of the Guidance primarily related to crime that was not directly connected with licensable activities, so was not directly relevant in this case. It also noted that Wiltshire Council's Statement of Licensing policy did identify that cases where the police were frequently called to incidents of crime and disorder; where there were repetitive breaches of conditions and/or where there was a failure to act on previous warnings were matters that could be considered as serious shortcomings.

The Sub Committee considered the suspension of the licence, as offered by the licence holder. However it concluded it would not be appropriate to do so, because, given the history of these premises, it did not have confidence that there would be any improvement in the management of the premises or compliance with existing conditions.

The possible amendment of conditions was considered. However, it was agreed that the existing conditions were appropriate to meet the licensing objectives and the main issue was a failure to comply with those conditions. Therefore there would be no benefit in adding or amending conditions.

The Sub-Committee therefore felt that revocation was the only appropriate option, given the persistent breaches of licence conditions and the clear failure by the licence holder to recognise and comply with his obligations under the licensing objectives.

In reaching its decision the Sub-committee took into account all of the written representations in addition to oral arguments presented at the hearing by all parties.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.

(Duration of meeting: 10.40 am - 2.28 pm)

The Officer who has produced these minutes is Libby Beale (Senior Democratic Services Officer) 01225 718214/ Elizabeth.beale@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115



## DECISION NOTICE

### Western Area Licensing Sub Committee

Decision made on 24 March 2015

#### **Application for a Review of Premises License in respect of Best Favourite Chicken, 3 Market Street, Trowbridge made by the Licensing Authority.**

##### **Decision:**

The Western Area Licensing Sub Committee resolved to revoke the premises license for Best Favourite Chicken, 3 Market Street, Trowbridge for the reasons detailed below:

##### **Reasons:**

The Sub-Committee accepted the evidence presented by the Licensing Authority and Wiltshire Police that there had been numerous recorded incidents when the Licence holder had been found to be in breach of his premises licence conditions. In the main, these related to the provision of the required number of door supervisors. The Sub-Committee also accepted the evidence of the police that many of the incidents of crime and disorder that had occurred and which were associated with the premises, may well have not taken place, or may have been defused at an early stage, had the required number of door staff been present at the relevant time. The Sub-Committee therefore considered that the failure to comply with those conditions did undermine the licensing objectives of preventing crime and disorder and public safety.

The Sub-Committee accepted that some of the incidents referred to by the police and the Licensing Authority in their evidence had occurred outside the premises. However, they were satisfied that many of these incidents were nevertheless connected with the licensable activities taking place on the premises.

In his submissions at the hearing, Mr. Olmez's representative referred to the fact that the incidents related to these premises were not included in the list of criminal activities set out in paragraph 11.27 of the S.182 Guidance, which were ones that should be taken seriously by licensing authorities and which could justify revocation of a premises licence, even in the first instance. However, the Sub-Committee noted that this part of the Guidance primarily related to crime that was not directly connected with licensable activities, so was not directly relevant in this case. It also noted that Wiltshire Council's Statement of Licensing policy did identify that cases where the police were frequently called to incidents of crime and disorder; where there were repetitive breaches of conditions and/or where there was a failure to act on previous warnings were matters that could be considered as serious shortcomings.

The Sub-Committee considered the suspension of the licence, as offered by the licence holder. However it concluded it would not be appropriate to do so, because, given the

history of these premises, it did not have confidence that there would be any improvement in the management of the premises or compliance with existing conditions.

The possible amendment of conditions was considered. However, it was agreed that the existing conditions were appropriate to meet the licensing objectives and the main issue was a failure to comply with those conditions. Therefore there would be no benefit in adding or amending conditions.

The Sub-Committee therefore felt that revocation was the only appropriate option, given the persistent breaches of licence conditions and the clear failure by the licence holder to recognise and comply with his obligations under the licensing objectives.

In reaching its decision the Sub-committee took into account all of the written representations in addition to oral arguments presented at the hearing by all parties.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub-Committee does not take effect until any appeal is heard and finally determined.



**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I Licensing Authority** .....

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Favourite Chicken & Ribs 3 Market Place	
<b>Post town</b> Trowbridge	<b>Post code (if known)</b> BA14 8EY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr K Olmez
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<b>Number of premises licence or club premises certificate (if known)</b> LN/0000012623
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

<b>Surname</b>	<b>First names</b>
<input type="text"/>	<input type="text"/>

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Licensing Authority Wiltshire Council County Hall Bythesea Road Trowbridge Wiltshire BA14 8JN  Authorised officer Linda Holland (Public Protection Team Leader)
Telephone number (if any) 01249 706410
E-mail address (optional) linda.holland@wiltshire.gov.uk

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 2)**

The grounds for the review relate to the premises licence holder's continual failure to comply with either the premise licence conditions attached to his licence and/or the Licensing 2003 Act over a considerable period of time.

The Licensing Authority considers the licence holder, Mr Olmez, has failed to **promote** the licensing objectives of prevention of crime and disorder and public safety, and that standards of management at the premises are below that, which are expected of a premises operating in the late night economy.

The Licence holder's failure to respond to both verbal and written warnings to comply with the condition relating to Door Stewards on his premises licence, has led to the decision to apply for a review as set out in section 11.10 of the 182 Guidance.

The requirement for door stewards to be in attendance at the premise from 00:00 was placed on the licence following a review called by Wiltshire Police after a number of incidents associated with the premises. This was followed by a subsequent appeal by Mr Olmez to the magistrates who upheld the condition relating to Door stewards but amended the provision to Friday and Saturdays.

Despite Wiltshire Police and Wiltshire Council's engagement with the management, the Licensing Authority are increasingly concerned over the number of incidents associated with the premises, and the potential for serious harm to be caused to either the public attending the premise late at night and/ or staff working at the premises.

**Please provide as much information as possible to support the application (please read guidance note 3)**

The Premises was taken to review in July 2011 by Wiltshire Police following significant incidents ,disorder and licensing breaches.

As a result the trading hours were reduced back to 04:00 Sun to Thurs, and 03:30 Fri & Sat.

The following conditions were applied:

*The licence holder is to employ two SIA registered staff from midnight to the terminal hour of the licence Fri and Sat nights.*

*The premises doors shall be closed and locked at the terminal hour on the licence on the relevant day.*

*CCTV will operate during the licensable hours and record both internally and at the front of the premises externally. Recording will be kept for a minimum of 30 days and will be made available, upon request to the police, licensing officer and any authorised officer by staff trained and competent in providing such information.*

*Following a period of stability evidence of breach of licence conditions became noticeable from the beginning of 2013.*

A number of breaches were noted by Wiltshire Police and Wiltshire Council Licensing Officers during 2013 A number of warning letters and verbal warnings were issued to Mr Olmez, with little or no compliance.

In November 2013 the Licence holder applied to vary the premises licence to extend the hours of trading to:

Sunday to Thursday 23:00 to 04:00 Next day

Friday & Saturday 23:00 05:00 Next day.

Wiltshire Police objected to the variation application, the application was granted following an offer by Mr Olmez to extend his door steward provision from 2 to 3 from 03:30 on Friday & Sat.

The conditions imposed at the hearing on the 8<sup>th</sup> January 2014 were as follows:

*On Friday & Saturday nights, Christmas Eve, Christmas Day, New Years Eve and New Years Day and all bank holidays, the licence holder is required to employ two SIA registered staff from midnight until 30 minutes after the end of the time permitted for licensable activities and to employ an additional SIA staff member from 03:30 hrs until 30 minutes after the end of the time permitted for licensable activities.*

The first breach was noted on the 25th January 2014, a significant number of breaches of licence have been witnessed by Wiltshire Police and Wiltshire Council Licence Officers since this date. A variety of excuses has been offered by the Licence holder as to why he has failed to comply with his licence.

Recently incidents have been linked to the premises, which have resulted in injury to persons and failure to have the required door stewards on duty has led to increased concerns for public safety.

As the Licence holder has demonstrated a total disregard for the law over a considerable period of time, the addition of further conditions would not seem appropriate, the Licensing Authority request the Licensing Committee consider revocation of premises licence.

Please tick ✓ yes  
NO

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
↓	↓	↓

**If you have made representations before relating to the premises please state what they were and when you made them**

None

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date

21<sup>st</sup> JANUARY 2015

Capacity

Authorised officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

