

EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 15 NOVEMBER 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE AT CHICOLAND, 3 SIDMOUTH STREET, DEVIZES SN10 1DL.

Present:

Cllr Liz Bryant, Cllr Rod Eaton and Cllr Jose Green

Also Present:

Jane Cowley (Licensing Officer), Marie Gondlach (Democratic Services Officer), Sharon Smith (Democratic Services Officer), Paul Taylor (Senior Solicitor), Jacqui Gallimore (Police Licensing Officer) Mrs Eren (Applicant), Mr P. Greenfield (Applicant's Representative) and Mr Patrick Stevens and Mr Robin Smart (Interested Parties).

11. **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Jose Green as Chairman for this meeting only.

12. **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 1 – 7 of the Agenda refers).

13. **Chairman's Announcements**

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

14. **Declarations of Interest**

There were no interests declared.

15. Licensing Application

Application by Mrs S Eren for a Premises Licence at Chicoland, 3 Sidmouth Street, Devizes SN10 1DL

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub Committee.

The Police Licensing Officer sought permission to introduce evidence of incidents of crime and disorder in the Devizes town centre area. This information had been provided to the Licensing Authority on the Friday before the hearing, but had not been given to the Applicant before the hearing. The Applicant's Representative objected to this information being presented to the hearing. As the information was being presented on the day of the hearing and consent of all the parties to the hearing had not been given, the Chairman confirmed that this information could not be submitted.

Key points raised by Mrs Eren and Mr P. Greenfield on behalf of the Applicant were:

- The License was sought to enable the premises to remain open between the hours of 11pm and 3am on a Thursday, Friday and Saturday. This was a slight amendment to the original application which had initially requested extended opening to 3:45am
- The premises has CCTV which runs 24 hours a day. The recordings are kept for one month thereafter.
- A large litter bin is held within the premises for customer use.
- A notice advising customers to leave quietly is clearly displayed within the premises.
- The extended opening would be in line with that already granted to the marketplace Fish and Chip shop and Kebab shop.
- Mr and Mrs Eren made every effort to clear any rubbish deposited outside the shop.
- Any disturbances reported after 11pm could not be attributed to the premises since it currently closed at 11pm.
- Employees of the premises had reported two separate incidents within the premises to the police in the past 18 months, neither of which had resulted in arrest.
- The extended hours would enable the applicants to extend the home delivery service which they anticipated as the main business requirement within the license period requested.

Key points raised by Jacqui Gallimore, Police Licensing Officer, were:

- The concerns of the police authority included noise disturbance, additional litter and potential destruction of property.
- That since January 2010 the PCC system had shown that Chicoland had requested police attendance on 3 separate occasions for disorder.
- The vast majority of incidents did not result in arrest and took place after 9pm.
- 14 incidents had been recorded at the kebab premises in Northgate Street, 11 of which had been reported after 11pm which indicated an increase in anti social behaviour.

Key points raised by the Interested Parties, Mr Patrick Stevens and Mr Robin Smart, were:

- That residents of Sidmouth Street were concerned with the increase in noise and anti social behaviour that could occur if a license was granted.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Wiltshire Council Officers. A debate ensued in which the Sub Committee discussed:

- The license requirements of the applicant in terms of the operation of the premises during the extended hours.
- The impact of late night opening in Sidmouth Street.
- There had been no licensing reviews for the other establishments in Devizes that had licenses in place to stay open until 3am.

The Sub Committee members sought clarification on some points before retiring to consider the application. The Sub-Committee, accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer, retired to consider the application at 3:00pm

The Hearing reconvened at 4:00pm

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, and it was

Resolved:

That the Application for a Variation of a Premises Licence at Chicoland, 3 Sidmouth Street, Devizes be granted as detailed below:

Provision of late night refreshment between 23:00 - 03:00 on Thursday, Friday and Saturday nights.

And subject to the following conditions:

1. CCTV shall be installed, operated and maintained in agreement with the Police and Licensing Authority. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept for a minimum of 31 days. Recording shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
2. An incident book shall be used to record all instances of public disorder and be made available for inspection by the Police and Licensing Authority.
3. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly and not loiter close to the entrance.
4. The shop frontage to be kept clear of litter during operating hours and the internal bin to be regularly emptied and maintained at all times.

Reasons:

The Sub-Committee noted the concerns of the police and the Interested Parties that the presence of a late night refreshment venue operating until 3:00am in this location would lead to an increase in crime, disorder and anti-social behaviour. However, the Sub-Committee considered that there was insufficient evidence that there would be such an increase to not grant the application as applied for and amended to 23:00-3:00.

The Sub-Committee considered that the conditions to be attached to the licence addressed the concerns that had been raised by the Interested Parties and are necessary to meet the licensing objectives.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days.

An interested party or responsible authority may apply to the Licensing Authority for a review of a premises license, whether or not a review hearing takes place is in the discretion of the Licensing Authority but will not normally be granted within the first 12 months except for the most compelling circumstances.

Informative:

The licence-holder is responsible for ensuring that the operation of the premises complies with all other legal requirements. In particular the applicant's attention is drawn to the current restrictions on opening times imposed by the existing planning conditions within the planning permission.

(Duration of meeting: 2.00 - 4.10 pm)

The Officer who has produced these minutes is Sharon Smith, Democratic Services Officer, 01225 718378, e-mail sharonl.smith@wiltshire.gov.uk

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