

# AGENDA

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**Meeting:** Western Area Licensing Sub Committee  
**Place:** Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 24 March 2015  
**Time:** 10.30 am  
**Matter:** Review of a Premises Licence - Best Favourite Chicken, 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, BA14 8JN.

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 Desna Allen  
Cllr Trevor Carbin

Cllr Sue Evans

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# AGENDA

1 **Election of Chairman**

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

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

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

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

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

5 **Licensing Application** (*Pages 13 - 18*)

To determine an application for a Review of a Premises Licence in respect of Favourite Chicken & Ribs, 3 Market Place, Trowbridge, Wiltshire made by Wiltshire Council's Licensing Authority.

5a **Appendix 1 - Current Premises Licence** (*Pages 19 - 26*)

5b **Appendix 2 - Magistrates Court Hearing Notice December 2011**  
(*Pages 27 - 30*)

5c **Appendix 3 - Variation Hearing Decision Notice January 2014**  
(*Pages 31 - 32*)

5d **Appendix 4 - Letter sent to Licence Holder March 2015** (*Pages 33 - 34*)

5e **Appendix 5 - Location Plan** (*Pages 35 - 36*)

5f **Appendix 6a - Application for Review** (*Pages 37 - 44*)

5g **Appendix 6b - Evidence submitted by Licensing Authority** (*Pages 45 - 128*)

5h **Appendix 7a - Representation by Police** (*Pages 129 - 130*)

5i **Appendix 7b - Evidence submitted by Police** (*Pages 131 - 152*)

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## 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/s or their representative who have made a Relevant Representation.

**“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.

**“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.

**“Person making a Relevant Representation”** means a person who is present at a Hearing to make a representation 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.

### **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 is a number of people who have made a Relevant Representation 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 a Relevant Representation.

## **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 Review 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).

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.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- a The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation; and
- b Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.

## **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 has made a Relevant Representation's premises. 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.

## **Review 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 invites the Sub Committee Members, Council Officers, the Review Applicant and/or their representative, any Responsible Authorities and/or any person who has made a Relevant Representation and the Premises Licence Holder and/or their representative to introduce themselves.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report and outlines the application.
6. The Review Applicant and/or their representative address the Sub Committee to present their case.
7. Questions to the Review Applicant by Members of the Sub Committee, any Responsible Authorities and/or any person's who have made a Relevant Representation and the Premises Licence Holder.
8. Responsible Authorities and/or any person/s who have made a Relevant Representation address the Sub Committee.
9. Questions to any of the Responsible Authorities and/or any person's who have made a Relevant Representation by Members of the Sub Committee, the Review Applicant and the Premises Licence Holder.
10. The Premises Licence Holder and/or their representative address the Sub Committee to present their case.
11. Questions to the Premises Licence Holder by Members of the Sub Committee, any Responsible Authorities and/or any person/s who have made a Relevant Representation and the Review Applicant.
12. Summing up by the Responsible Authorities and/or any person's who have made Relevant Representations.
13. Summing up by the Premises Licence Holder.
14. Summing up by the Review Applicant.
15. The Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
16. The Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
17. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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## WILTSHIRE COUNCIL

### WESTERN AREA LICENSING SUB COMMITTEE

24 March 2015

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**Application for Review of a Premises Licence; Favourite Chicken & Ribs, 3  
Market Street, Trowbridge, BA14 8EY**

#### 1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of Favourite Chicken & Ribs, 3 Market Place, Trowbridge, Wiltshire made by Wiltshire Council's Licensing Authority.

#### 2. Background Information

- 2.1 An application for the Review of Favourite Chicken & Ribs Premises Licence has been made by Wiltshire Council's Licensing Authority. Following advertisement of the application one relevant representation has also been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers appropriate for the promotion of the licensing objectives.
- 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 modify the conditions of the licence.
  - ii) To exclude a licensable activity from the scope of the licence.
  - iii) To suspend the licence for a period not exceeding three months.
  - iv) To revoke the licence.
  - v) To determine that no steps are necessary.

Government Guidance issued under s.182 of the Licensing Act states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of

the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives”

- 2.5 The premise benefits from a Premises Licence issued under the Licensing Act 2003 since November 2005 and the current copy is attached as **Appendix 1**. 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<br>(Next Day) |
|                            | Friday to Saturday 23:00 hrs – 04:30 hrs<br>(Next Day) |

- 2.6 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<br>(Next Day) |
|                            | Friday & Saturday 23:00 hrs – 05:00 hrs<br>(Next Day)  |

- 2.7 Following 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.
- 2.8 On the 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.
- 2.9 A notice of the application for review was posted and displayed as stated under the Licensing Act 2003. During this consultation for review, no further representations were received.
- 2.10 On the 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 .

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

- 2.11 An appeal was lodged by Mr Olmez against the Review decision. This appeal was heard at Chippenham Magistrates Court on 6 December 2011.
- 2.12 The Court resolved to vary the decision made on the 18 July 2011 and changed the hours for late night refreshment as follows, attached at **Appendix 2**.

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

- 2.13 On 11 November 2013, an application for a variation of the existing premises licence was received and accepted as a valid application.
- 2.14 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.
- 2.15 Following 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 or varied conditions:

**1. 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.**

**2. 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.**

A copy of the decision notice is attached at **Appendix 3**.

- 2.16 Following the grant of the variation detailed above, a number of breaches were reported to the Licensing Authority under s.136 Unauthorised Licensable Activities of the 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.

2.17 During the consultation period for the current review application the premises licence holder, Mr Olmez submitted a variation application on 23 January 2015. The variation was to apply for the conditions on his current licence relating to door staff to be removed. The application was incorrectly advertised as required under the Licensing Act 2003. As a result the application was not accepted and Mr Olmez was informed of this in writing on 3 March 2015. The letter sent is attached at **Appendix 4**.

2.18 A location plan of the premises is attached at **Appendix 5**.

### **3. Details of the Grounds for Review**

3.1 The review of the licence has been requested on the grounds that the premises have been conducted in such a manner as to prejudice the licensing objectives. The grounds for review are:

- 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 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.

3.2 The application for review is attached as **Appendix 6(a)**. The evidence relied upon in support of the application is contained within **Appendix 6(b)**.

### **4. Consultation and Representations**

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, County Hall. During the consultation period one relevant representation has been received from Wiltshire Police.

- Wiltshire Police

The relevant representation is attached as **Appendix 7(a)**.

4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

4.3 The evidence submitted on behalf of Wiltshire Police is attached at **Appendix 7(b)**.

### **5. Legal Implications**

5.1 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.

## **6. Officer Recommendations**

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

## **7. Right of Appeal**

- 7.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or Interested Parties 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.
- 7.2 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.
- 7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.
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Report Author: Hannah Hould

Public Protection Officer – Licensing  
Tel: 01722 434414

Date of report: 9 March 2015

### **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 Current Premises Licence**
- 2 Magistrates Court Hearing Notice December 2011**
- 3 Variation Hearing Decision Notice January 2014**
- 4 Letter sent to Licence Holder March 2015**
- 5 Location Plan**
- 6(a) Application for Review**
- 6(b) Evidence submitted by Licensing Authority**
- 7(a) Representation by Police**
- 7(b) Evidence submitted by Police**

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Licensing Act 2003  
Premises Licence

ISSUING LOCAL AUTHORITY



**PART 1 – PREMISES & LICENCE HOLDER DETAILS**

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

Favourite Chicken & Ribs, 3 Market Street, Trowbridge, BA14 8EY

**NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE**

Mr K Olmez  
Favourite Chicken & Ribs, 3 Market Street, Trowbridge, BA14 8EY  
Tel: 01225 751756

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER**

Not Applicable

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Not Applicable

**ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Not Applicable

**WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES**

Not Applicable

**THE OPENING HOURS OF THE PREMISES**

Sunday to Thursday - 23:00 hrs - 04:00 hrs Next Day  
Friday & Saturday - 23:00 hrs - 05:00 hrs Next Day

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

Not Applicable

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

Yes – The provisions of Section 145 of the Licensing Act 2003 apply

## PART 2 – LICENSABLE ACTIVITIES & TIMINGS

| LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE   |  |           |           |         |           |         |
|---|--|-----------|-----------|---------|-----------|---------|
| Licensable activities                             | Location   | Day       | Time From | Time To | Time From | Time To |
| Late Night Refresh<br>Hrs premises open to public | -  | Sunday    | 23:00     | 04:00   |           |         |
|   |  | Monday    | 23:00     | 04:00   |           |         |
|   |  | Tuesday   | 23:00     | 04:00   |           |         |
|   |  | Wednesday | 23:00     | 04:00   |           |         |
|   |  | Thursday  | 23:00     | 04:00   |           |         |
|   |  | Friday    | 23:00     | 05:00   |           |         |
|   |  | Saturday  | 23:00     | 05:00   |           |         |
| Non Standard Timings<br>& Seasonal Variations     | Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and all Bank Holidays<br>from 23:00 hrs to 05:00 hrs (Next Day) |           |           |         |           |         |

**Licence Commencement Date**

25th August 2009

\_\_\_\_\_

**Licensing Officer**

**Current Licence Date**

7th January 2014

\_\_\_\_\_

**Licensing Officer**

**ANNEX 1 - MANDATORY CONDITIONS**

**Door Supervision**

1. Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:
  - a. Unauthorised access or occupation (eg through door supervision)
  - b. Outbreaks of disorder
  - c. Damage

**Supply of Alcohol**

2. Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- a. At a time when there is no Designated Premises Supervisor in respect of it
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended"

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

**Exhibition of Films**

3. Where this Licence authorises the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

- a. By the British Board of Film Classification (BBFC,) where the film has been classified by that Board
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the
- c. Licensing Authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

**Irresponsible Promotions**

4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
  - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or

discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

#### **Dispensing Alcohol Directly into the Mouth**

- 5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

#### **Free Tap Water**

- 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

#### **Age Verification Policy**

- 7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

#### **Drink Volume Measures**

- 8. The responsible person shall ensure that:
  - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - b. customers are made aware of the availability of these measures.

#### **ANNEX 2A – CONVERTED CONDITIONS**

Not Applicable

## **ANNEX 2B – OPERATING SCHEDULE**

### **PREVENTION OF PUBLIC NUISANCE**

Staffing levels shall be continually reviewed to ensure that queuing of customers is kept to a minimum at all times

Litter bins should be provided for the use of customers within the shop

### **PUBLIC SAFETY**

None

### **PROTECTION OF CHILDREN FROM HARM**

None

### **PREVENTION OF CRIME AND DISORDER**

None

## **ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING**

CCTV will operate during licensable hours and record both internally and at the front of the premises, externally. Recordings will be kept for a minimum of 30 days and will be made available upon request to the Police, Licensing Officers and any authorised Officer by staff suitably trained and competent in providing such information

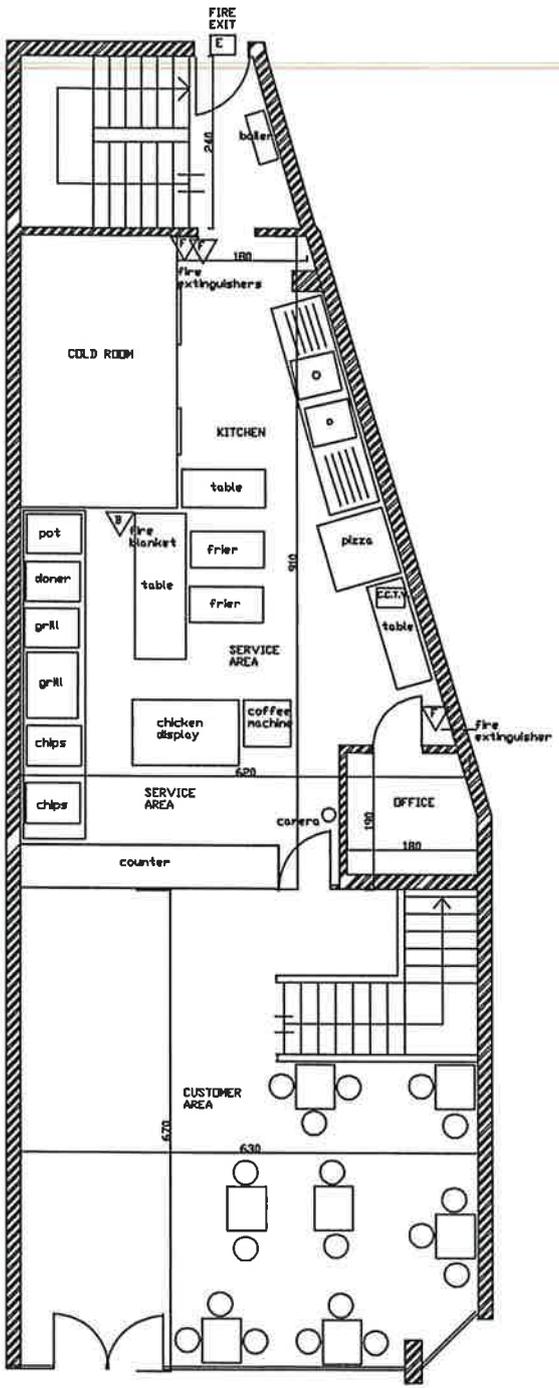
All doors to the premises must be closed and locked by the end of the time permitted for licensable activities on the relevant day at which point all customers shall have left the premises.

On Friday & Saturday nights, Christmas Eve, Christmas Day, New 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.

## **ANNEX 4 – PLANS**

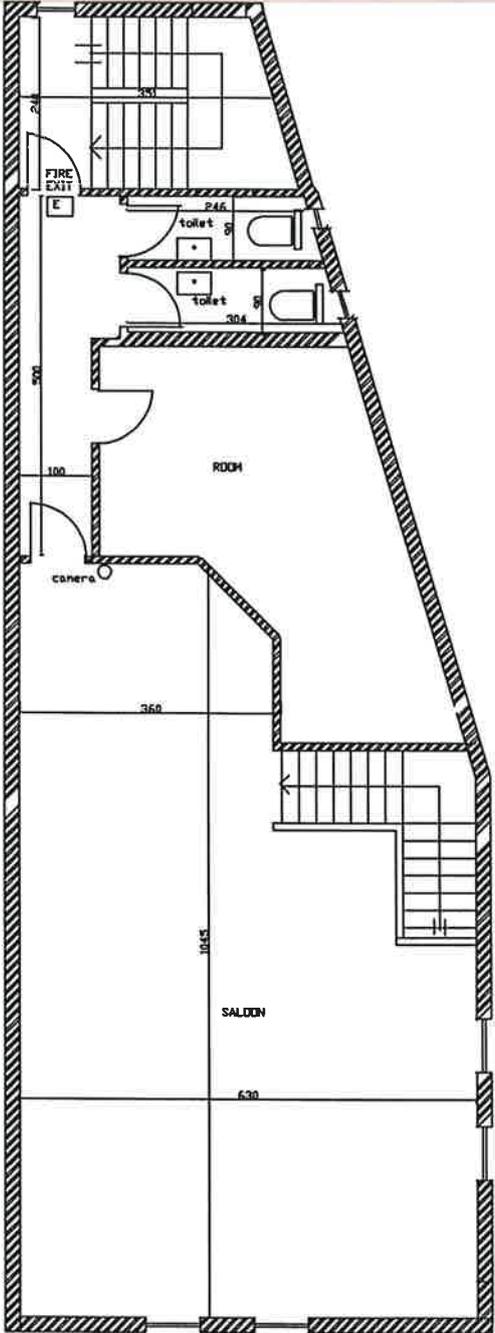
Attached Separately

WEST WILTSHIRE DISTRICT COUNCIL  
 Licensing Act 2003  
 This plan is submitted for: Favorite Chicken & Ribs  
 Location: 3 Market Street Trowbridge BA14 6EY  
 Dated: 26.10.05  
 Plan 1 of 2



| FAVORITE CHICKEN & RIBS<br>Ground Floor |   |
|---|---|
| ADDRESS                                 | 3 Market Street<br>Trowbridge<br>BA14 6EY |
| SCALE                                   | 1/100                                     |
| DATE                                    | 16-09-2005                                |
| DRAWN BY                                | Cen DRAN                                  |

West Hill School District  
 Licensing Agency  
 This plan was prepared for Favorite Chicken Ribs  
 License No. WU05010461APRE  
 Dated 24.10.05  
 Plan 2 of 2.



| FAVORITE CHICKEN & RIBS<br>Second Floor |   |
|---|---|
| ADDRESS                                 | 3 Market Street<br>Trowbridge<br>BA14 6EY |
| SCALE                                   | 1/100                                     |
| DATE                                    | 16-09-2005                                |
| DRAWN BY                                | Cem DRAN                                  |

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SITTING NORTH WEST WILTSHIRE MAGISTRATES COURT ON 6/12/11

This is an appeal by Mr K Olmez against the decision of Wiltshire Council as licensing authority taken on 18<sup>th</sup> July 2011 to amend the premises licence held by Mr Olmez in respect of premises known as Favourite Chicken and Ribs 3 Market Street Trowbridge ('The premises')

The decision to amend the premises licence for Favourite Chicken and Ribs was made by the Council's Licensing Sub-Committee following a review of the licence requested by Wiltshire Police.

The provision of late night refreshment is defined in Schedule 2 of the Act as the supply of hot drink or hot food to the public between the hours of 11.00p.m and 5.00a.m, on or from premises whether for consumption on or off the premises . Therefore any hot food take-aways which wish to operate after 11.00 p.m. need to hold a valid Premises Licence issued by the Council.

The Council is entitled to place conditions on any Premises Licence that it issues, where it considers it necessary to do so, in order to promote the licensing objectives. The licensing objectives are set out in section 4 of the act and are

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In determining this appeal we are bound to have regard to those matters in which licensing authorities are directed at first instance, namely;

To proceed with a view to promoting the licensing objectives

Having regard to the authority's licensing statement and

To have regard for the guidance issued by the Secretary of State under Section 182 (S.4 (3) (6))

Mr Olmez the appellant bears the responsibility to show that the licensing authority should not have exercised its discretion in the way that it did and that its decision should be reversed.

This appeal is a re-hearing denovo. The powers available to the court on an appeal are set out in Section 181 LA 2003. These are to;

- (a) Dismiss the appeal
- (b) Substitute for the decision appealed against any other decision which could have been made by the licensing authority, in the case of an appeal against a review

decision where the only licensable activity is the provision of late-night refreshment these are

- To modify the conditions of the licence
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
- (c) Remit the case to the licensing authority to dispose of it in accordance with the direction of the court. This option would generally only be used if the Court felt that there had been some procedural defects in the way that the Licensing Authority reached its decision.

Evidence called may or may not throw a very different light on matters. We are obliged to take into account the evidence before us today and it is not open to us to substitute our own views for that evidence.

At this appeal hearing we have been provided with, read and been referred to the Appellant's Mr Olmez bundle of statements and the Respondent Wiltshire Council's bundle of statements, supporting documents, Secretary of State's guidance under S182 Licensing Act 2003 and the Wiltshire Council Statement of Licensing Policy, together with the Respondent's case summary and submissions. Case law has been provided and has been taken into account.

We have heard evidence from

Johanna Quartley

Jacqueline Gallimore

On behalf of the Respondent

And

Kenan Olmez

Alastair Erdozain

On behalf of the Appellant

We rely on the facts provided by the Respondent and not disputed by the Appellant at paragraphs 14, 15, 16, 17 & 18

As shown below

14 The licensing background to the Favourite Chicken premises is set out in the statement of the Council's Licensing Officer Jo Quartley. In summary Mr Olmez has held a Premises Licence for his hot food take-away at the Favourite Chicken & Ribs in Market Street Trowbridge since November 2005, when the Licensing Act came into force. At that time the licence allowed the premises to operate until 1.30a.m on Sundays to Thursdays and until 4.30 a.m on Friday and Saturday nights.

15 In August 2009 Mr Olmez applied to the Council for a variation to the operating hours to 4.00 a.m on Sundays to Thursdays and until 5.00 a.m on Friday and Saturday nights. The police objected to this variation, but, after a hearing by the Council's Licensing Sub-Committee the variation was approved.

16 Since that date the police have become increasingly concerned at the level of crime and disorder associated with the premises. This led them to seek a review of the Premises Licence in June 2011 which resulted in the hearing of the Council's Licensing Sub-Committee on July 18<sup>th</sup>. At that hearing the police presented a significant amount of evidence of incidents of crime and disorder connected to the premises. This evidence was not disputed by Mr Olmez as evidenced in the minutes of that hearing.

17 Having heard the representations by the police and from Mr Olmez the Licensing Sub-Committee resolved to amend the conditions on Mr Olmez's Premises Licence for the Favourite Chicken in two main ways. Firstly the hours of operation were to be reduced so that trading ceased on Thursday, Friday and Saturday nights at 3.00 a.m rather than 4.00 a.m on Thursday nights and 5.00 a.m on Friday and Saturday nights. Secondly the Sub-Committee imposed a further condition on the Premises Licence requiring the provision of at least two SIA registered door staff from midnight until closing time on Thursday, Friday and Saturday nights. This decision was made in the light of the significant amount of evidence presented by the police regarding the level of crime and disorder associated with the premises. The information presented to the Licensing Sub-Committee at that hearing is reproduced in the exhibit to Ms Gallimore's first statement.

18 As Mr Olmez has appealed against the decision of the Licensing Sub-Committee these changes to the licence conditions do not take effect until the appeal has been disposed of by the Court.

Our decision is that we intend to substitute for the decision appealed against by the following.

Paragraph 1 Amended            Provision of late night refreshment.

Sunday –Wednesday            23.00 hours to 04.00 hours the following day

Thursday –Saturday            23.00 hours to 03.30 hours the following day

Paragraph 2    Remains the same

That the premises doors shall be closed and locked at the terminal hour of the licence on the relevant day

Paragraph 3    Amended

The licence holder is to employ two SIA registered staff from midnight to the terminal hour of the licence on Friday and Saturday nights.

Paragraph 4    Remains the same

CCTV will operate during licensable hours and record both internally and at the front of the premises externally. Recordings will be kept for a minimum of 30 days and will be made

available upon request, to the police, licensing officers and any authorised officer by staff suitably trained and competent in providing such information.

The existing conditions relating to staffing and litter as detailed in the current premises licence remain effective.

The reason for this decision to restrict the hours is that having heard from Mrs Gallimore and considered recorded incidents of violence and disorder we find that the vast majority of incidents occurred between on Friday and Saturday nights between the hours of 04.00 and 05.00

This is relevant in relation to the licensing objectives i.e.

The prevention of crime and disorder

Public safety

The prevention of public nuisance

All the incidents referred to can be directly linked to the premises, either inside, outside or in the direct vicinity.

Our reason for amending the provision of door staff is that we have taken into account representations and evidence from the Respondent that the requirement for door staff on a Thursday as far and the Police and the Licensing Authority were concerned was not an issue and they had no strong objections to provision on a Thursday. However given the incidents on Friday and Saturday nights in order to promote the licensing objectives of preventing crime and disorder public safety and preventing public nuisance two door staff are necessary from midnight to the terminal hour of the licence.

## DECISION NOTICE

### Western Area Licensing Sub Committee

Decision made on 7 January 2014

#### **Application for a Variation of a Premises Licence in respect of Favourite Chicken and Ribs, 3 Market Street, Trowbridge made by Mr K Olmez**

#### **Decision:**

The Western Area Licensing Sub Committee has resolved to grant the application for a variation of the Premises Licence for Favourite Chicken and Ribs, 3 Market Street, Trowbridge for the provision detailed below:

#### *Provision of late night refreshment*

On Fridays and Saturdays 23:00 hrs to 05:00 hrs (Next Day)

Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and all Bank Holidays from 23:00 hrs to 05:00 hrs (Next Day).

And subject to the following additional or varied conditions:

1. 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.
2. On Friday and 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 03.30 hrs until 30 minutes after the end of the time permitted for licensable activities.

All other existing conditions still apply to the Premises Licence.

#### **Reasons:**

The Sub Committee have taken into account the concerns raised by Wiltshire Police that an extension to the licensable hours would bring some return to the problems that

occurred in the past. However, they noted that the number of incidents has diminished since the employment of trained door staff at the premises and considered that the requirement for a third SIA trained door staff after 3.30 a.m. on Fridays and Saturdays (as offered by the Applicant) would further improve the situation, particularly as the door staff would now be required to be in place for a period of time after the closure of the premises.

The Sub Committee also noted the reassurances on behalf of the Applicant that he fully understands the implications of the Licensing Act and his responsibilities.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); 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. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.

3<sup>rd</sup> March 2015

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

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

Our ref: LN/000012623

Dear Mr Olmez

**Re: Licensing Act 2003 – Rejection of Variation Application.**  
**Premises: Best Favourite Chicken, Favourite Chicken and Ribs, 3 Market Street,  
Trowbridge, Wiltshire, BA14 8EY**

I am writing to you regarding your recent variation application for the above premises.

The Licensing Authority has rejected this application for the following reasons:

- **Failure to correctly advertise the application in a local newspaper**

Please find enclosed your original application.

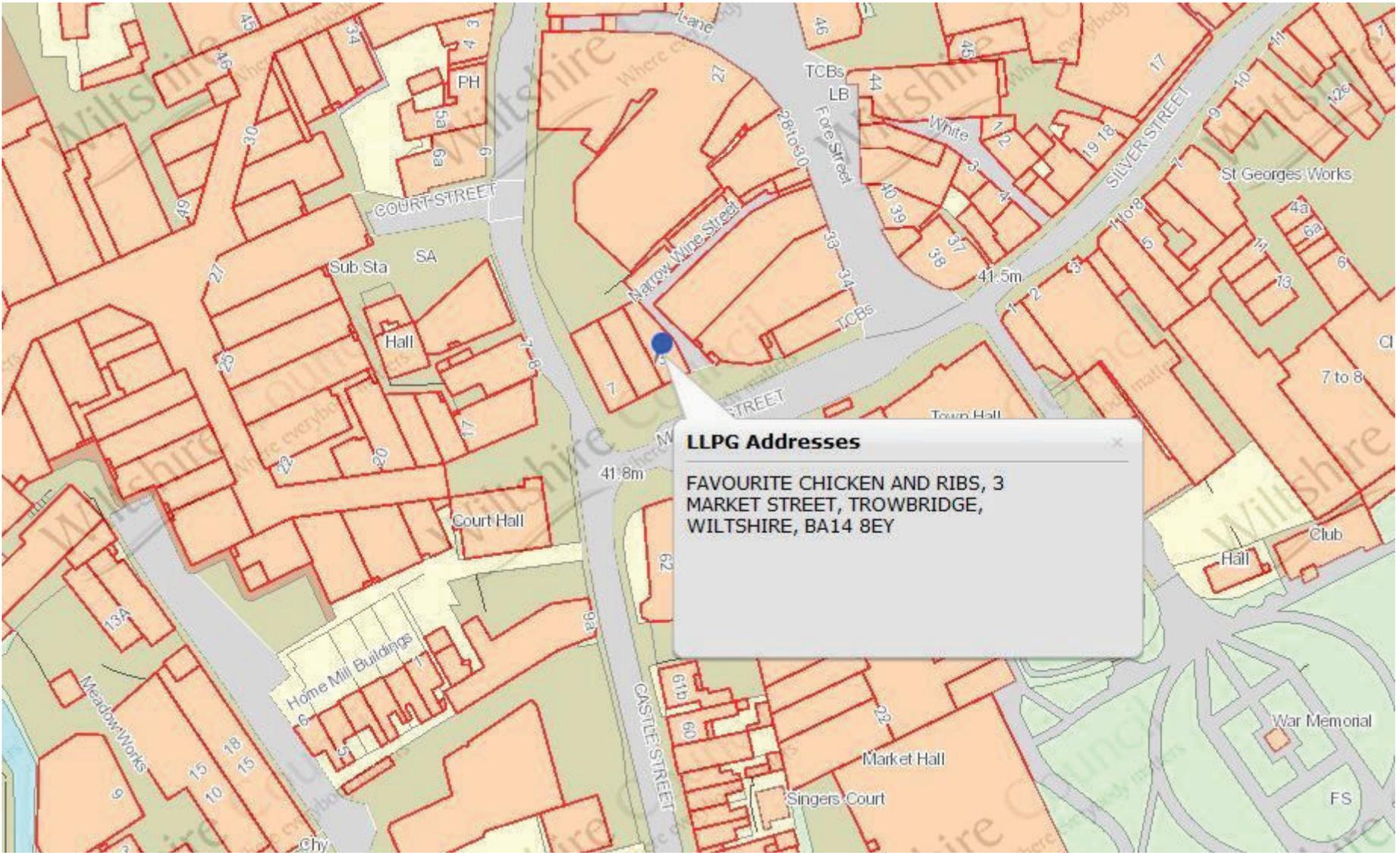
Should you decide to re-submit an application to vary your premises licence within 14 days of receipt of this letter, the Licensing Authority will waive the application fee of £190.

Yours Sincerely

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

cc. Wiltshire Police  
Wansbroughs Solicitors

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**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<br>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><br>Mr K Olmez |
|---|

|  |
|--|
| <b>Number of premises licence or club premises certificate (if known)</b><br>LN/0000012623 |
|--|

**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)

**Surname**

**First names**

**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**

Name and address

Telephone number (if any)

E-mail address (optional)

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

|   |
|---|
| Name and address<br><br>Licensing Authority<br>Wiltshire Council<br>County Hall<br>Bythesea Road<br>Trowbridge<br>Wiltshire<br>BA14 8JN<br><br>Authorised officer Linda Holland (Public Protection Team Leader) |
| Telephone number (if any)<br>01249 706410   |
| E-mail address (optional)<br>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

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

NO

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

|   |                  |
|---|------------------|
| <b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) |                  |
|   |                  |
| <b>Post town</b>  | <b>Post Code</b> |
| <b>Telephone number (if any)</b>  |                  |
| <b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>   |                  |

**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.



## Best Favourite Chicken and Ribs 3 Market Place Trowbridge

Hearing – Licensing Sub Committee 24 March 2015

Evidence submitted by the Licensing Authority: as a responsible authority.

This evidence has been submitted by Linda Holland Public Protection Team Leader – Licensing, duly authorised by Wiltshire Council as the officer acting for the responsible authority.

The evidence and information comprises of:

- Timeline of incidents
- Witness statements
- Emails
- Letters
- Hearing minutes
- Location plan
- List of late night takeaways in the vicinity

Information regarding premises licensed in Wiltshire is shared between partner agencies and responsible authorities under an enforcement protocol.

The Licensing Authority acting as a responsible authority will refer to evidence submitted by Wiltshire Police during its submission to the licensing sub-committee; this is to avoid duplication of documentation. This evidence has been verified by Police Officer witness statements and on a number of occasions supported by council officers' visits.

Documents that may be referred to are:

Licensing Act 2003

Wiltshire Council Statement of Licensing Policy

Section 182 Guidance



### Favourite Chicken – Incident timeline

|            |  |
|------------|--|
| 18/06/2011 | Council received application from Wiltshire Police for a review of the premises licence on grounds that premises were conducted in such a manner as to prejudice licensing objectives of the prevention of crime and disorder and public safety.   |
| 18/07/2011 | Hearing on <b>18<sup>th</sup> July 2011</b> with sub-committee – 6 <sup>th</sup> December 2011 appeal decision was that the premises licence varied by a reduction in the hours that supply of hot food could take place and by addition of a requirement of SIA registered door staff to be employed on Thursday, Friday and Saturday nights as well as requirements that CCTV worked and that the door must be shut and locked when licence hours over. Evidence from Police that between January 2010 and May 2011 in excess of 50 incidents linked to premises took place. 62% of which were disorder. 76% of incidents took place after 4.00 hours. |
| 09/08/2011 | Appeal by Mr Olmez against sub-committee decision. (letter received 9 <sup>th</sup> August 2011)   |
| 20/09/2011 | Inspection carried out, clarification carried out of door supervisor role and CCTV conditions.   |
| 07/12/2011 | Appeal to magistrates– decision of sub-committee varied as follows (to amend hours Thursdays to Saturdays from 23.00 – 03.00 to <b>23.00 – 3.30</b> ) and secondly to remove the requirement for two SIA registered door staff to be present at the premises on Thursday nights.   |
| 16/01/2012 | Member of the public reported food being sold from back door of Favourite Chicken – Police could not pursue as not enough evidence   |
| 20/02/2013 | Police report – CCTV not recorded regularly. No incident book. Similarly on the 17 <sup>th</sup> March 2013 still taking orders at <b>03:45hrs</b> when should be shut at <b>03.30hrs</b> . Owner confirmed to Police that he would have continued to serve customers had they not attended.   |
| 17/03/2013 | Serving past opening hours stated on licence   |
| 20/04/2013 | Doors closed but customers still inside. Doors locked and customers left by the back door at <b>03.43hrs</b> .   |
| 10/05/2013 | Warning letter sent to Mr Olmez regarding the information received from the Police regarding failure to comply with licence conditions.  |
| 04/11/2013 | <b>Application for variation on premises licence (to be open till 5am Friday, Saturday and Christmas eve and New Years)</b>  |
| 08/11/2013 | Formal warning letter sent reminding of licence conditions   |
| 07/01/2014 | Hearing held after rep received from Police. Decision to grant the application: <b>subject to additional and varied condition.</b><br><br>"On <b>Friday &amp; Saturday nights</b> , Christmas Eve, Christmas Day, New Years  |

|            |   |
|------------|---|
|            | Eve and New Years Day and all bank holidays, the licence holder is required to <b>employ two SIA registered staff from midnight</b> until 30 minutes after the end of the time permitted for licensable activities and to employ <b>an additional SIA staff member from 03:30 hrs until 30 minutes after the end of the time permitted for licensable activities”</b> |
| 25/01/2014 | Breach of licence conditions only two door staff on duty at <b>03.35hrs</b> . Witnessed by Police.  |
| 26/01/2014 | Breach of licence conditions only two door staff on duty at <b>03.37hrs</b> . Witnessed by Police.  |
| 09/02/2014 | Breach of licence conditions. No door staff on duty at <b>00.17hrs</b> and CCTV at the front of the premises not working. Witnessed by Police.  |
| 01/03/2014 | Breach of licence conditions. At <b>03.44hrs</b> two door staff seen when locking up the premises for the evening. Witnessed by Police.   |
| 02/03/2014 | Breach of licence conditions. At <b>00.37hrs</b> no door staff on duty. Witnessed by Police.  |
| 02/04/2014 | Email conversation between Lisa Grant and Marco Jones, Safe and Sound Security confirming the door staff conditions on Mr Olmez’s premise licence.  |
| 27/06/2014 | Call taken from Marco from Safe and Sound advising that they have terminated their contract with Mr Olmez with immediate effect.  |
| 29/06/2014 | Breach of licence conditions. At <b>00.25hrs</b> , only one door staff on duty. Witness statement provided by Police.   |
| 30/06/2014 | Letter sent reminding Mr Olmez of his licence conditions relating to door staff following the termination of Safe and Sound’s contract.   |
| 16/08/2014 | Breach of licence conditions. At <b>00.25hrs</b> , only one door staff on duty. At <b>00.45hrs</b> second door staff turned up. Witnessed by Police.  |
| 17/08/2014 | Breach of licence conditions Police visit at <b>02:20hrs</b> one door supervisor on duty.   |
| 30/08/2014 | Breach of Licence conditions Police visit at <b>00:20hrs</b> one door supervisor, second one arrived at <b>00:40hrs</b> .   |
| 31/08/2014 | Breach of licence conditions. At <b>00.30hrs</b> no door staff on duty. Witnessed by Police.  |
| 31/08/2014 | Breach of licence conditions. At <b>01.30hrs</b> , one door steward on duty, witnessed by Police Officer behind the counter taking money and orders.  |
| 31/08/2014 | Further Police visit at <b>02:20hrs</b> one member of door staff was still working behind counter.  |
| 13/09/2014 | Breach of licence conditions. At <b>00.20hrs</b> , only one door staff on duty.   |
| 21/09/2014 | Breach of licence conditions. Police visited at <b>00.30hrs</b> , only one door staff on duty. Further Police visit at <b>00.50hrs</b> still only 1 door staff on duty.   |

|            |   |
|------------|---|
|            |   |
| 28/09/2014 | Breach of licence conditions. Police visited premise three times which show no door staff all night.  |
| 11/10/2014 | Breach of licence conditions. At <b>00.30hrs</b> , only one door staff on duty. Witnessed by Police.  |
| 19/10/2014 | Breach of licence conditions. Police made <b>two</b> visits to the premises At <b>00:05</b> there was one door staff on duty, at <b>01:40</b> there were two door staff on duty.  |
| 25/10/2014 | Breach of licence conditions. At <b>00.20hrs</b> , only one door staff on duty. Police gave words of advice re complying with licence conditions.   |
| 26/10/2014 | Breach of licence conditions. Police made <b>three</b> visits At <b>00.40hrs</b> , only one door staff on duty. At <b>01:00</b> still only one door staff in attendance.  |
| 26/10/2014 | At 01:12 Police called to premises. Male asked to leave by door staff   |
| 27/10/2014 | Formal warning letter sent to Mr Olmez reminding him of his licence conditions and informing that the licensing authority, have been made aware of further breaches.  |
| 31/10/2014 | Letter received from Mr A R Erdozain asking for a variation to mend door staff condition. Variation application forms sent to Mr A R Erdozain. Witness statement provided by Teresa Bray  |
| 01/11/2014 | Breach of licence conditions. At <b>00.20hrs</b> no door staff on duty. Witnessed by Police. Mr Olmez advised Officer he was only having one door staff on Fridays.   |
| 02/11/2014 | Breach of licence conditions. At <b>01:15hrs</b> , no door staff on duty. Witnessed by Police.  |
| 02/11/2014 | Compliance with Licence: At <b>02:20hrs</b> two door staff, witnessed by Police.  |
| 08/11/2014 | Breach of licence conditions. At <b>02.10hrs</b> , only one door staff on duty. Disorder broke out. Witnessed by Police.  |
| 14/11/2014 | Breach of licence conditions. At <b>00.20hrs</b> , one door staff on duty. Witness statements provided by Linda Holland and Teresa Bray   |
| 15/11/2014 | Breach of licence conditions. At <b>00.40hrs</b> , only one door staff on duty. Witnessed by Police. Advice given by Police Officer re complying with licence conditions.   |
| 16/11/2014 | Breach of licence conditions. At <b>00.45hrs</b> no door staff on duty. Witnessed by Police.  |
| 27/11/2014 | Call taken by Linda Holland from Mr A R Erdozain stating he had not received variation applications. Original email with attachments forwarded to Mr Erdozain.  |
| 27/12/2014 | Breach of licence conditions. At <b>02.35hrs</b> Police attended the premises due to disorder. <b>No door staff on duty</b> . Second disorder broke out and door staff from The Beach Nightclub had to assist. Witnessed by Police. |

|            |   |
|------------|---|
| 28/12/2014 | Breach of licence conditions. At <b>01.00hrs</b> no door staff on duty. At <b>04.05hrs</b> a disorder broke out. Witnessed by Police.   |
| 07/01/2015 | Formal warning letter sent following disorder breaking out at the premises on two consecutive nights and no door staff present.   |
| 10/01/2015 | Breach of licence conditions. At <b>00.10hrs</b> no door staff on duty. Witness statement provided by Carla Adkins Licensing Officer  |
| 11/01/2015 | Breach of licence conditions. At <b>00.10hrs</b> no door staff on duty. A further two visits during the evening and still no door staff.  |
| 18/01/2015 | Breach of licence conditions. At <b>00:15hrs</b> Police officer visited premise only one door steward on duty, who confirmed he was the only door staff scheduled to work for the evening.              |
| 21/01/2015 | <b>Review notice served by the licensing authority</b>  |
| 23/01/2015 | <b>Variation application submitted</b> by Mr Kenan Olmez. Rejected <b>4th March 2015</b> Mr Olmez failed to comply with legislative requirements regarding advertising application.                     |
| 31/01/2015 | Breach of licence conditions: At <b>00:16</b> no door staff on duty. Witness statement provided by Teresa Bray Licensing Officer.   |
| 31/01/2015 | Police officer attended disorder at premises, no door staff present and owner still serving food.   |
| 01/02/2015 | Breach of licence conditions <b>At 00:25hrs</b> Police officer visited the premises, no door staff present. Mr Olmez stated they would arrive at <b>00:30hrs</b> .                                      |
| 04/02/2015 | Email from Jamie Hancock (Safe and Sound) detailing reasons for terminating Mr Olmez' contract.   |
| 04/02/2015 | Wiltshire Council Food Officers visited premises. Poor management practices evidenced. Witness statement from Guy Sharpe  |
| 07/02/2015 | Breach of licence conditions: At <b>00:13 hrs</b> no door staff on duty. Witness statement provided by Teresa Bray Licensing Officer.   |
| 08/02/2015 | Breach of licence conditions: At 00:45 hrs one door man on duty. Witness statement provided by Linda Holland Team Leader – Licensing.   |
| 28/02/2015 | Breach of licence conditions: At <b>00:55hrs</b> <b>one</b> door man observed working behind counter. Witness statement provided by Teresa Bray Licensing Officer.                                      |
| 04/03/2015 | Photos taken of premises with damage to shop front window which has been observed over several months. The damage demonstrates poor property management and little concern for staff and public safety. |

### Other Late Night Licensed Premises:

The Licensing Team has had no cause to visit or send warning letters to the other premises licensed for late night refreshment in Trowbridge Town Centre.

| Premise                   | Friday        | Saturday      |
|---------------------------|---------------|---------------|
| Chic o land               | 23:00 – 03:00 | 23:00 – 03:00 |
| Flames                    | 23:00 – 04:00 | 23:00 – 04:00 |
| Charcoal Grill            | 23:00 - 04:30 | 23:00 – 04:30 |
| Syriana                   | 23:00 - 03:00 | 23:00 – 03:00 |
| Mobile Trader Fore street | 23:00 - 03:30 | 23:00 - 03:30 |
| Mobile Trader Wicker Hill | 23:00 - 03:30 | 23:00 – 03:30 |
|                           |               |               |

### Summary

The Licensing Authority considers that 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 well below that, which are expected of a premises operating in the late night economy.

Mr Olmez has demonstrated his failure to respond to both verbal and written warnings to comply with the condition relating to Door Stewards on his premises licence, to ensure public safety at his premises and reduce the impact of any crime and disorder, over a considerable period of time.

The Licensing Authority has no confidence that Mr Olmez will comply with any further conditions or amendments to his licence, and believes there are no further steps that could be taken, apart from revocation of the licence.

Linda Holland

Public Protection Team Leader: Licensing.

9<sup>th</sup> March 2015

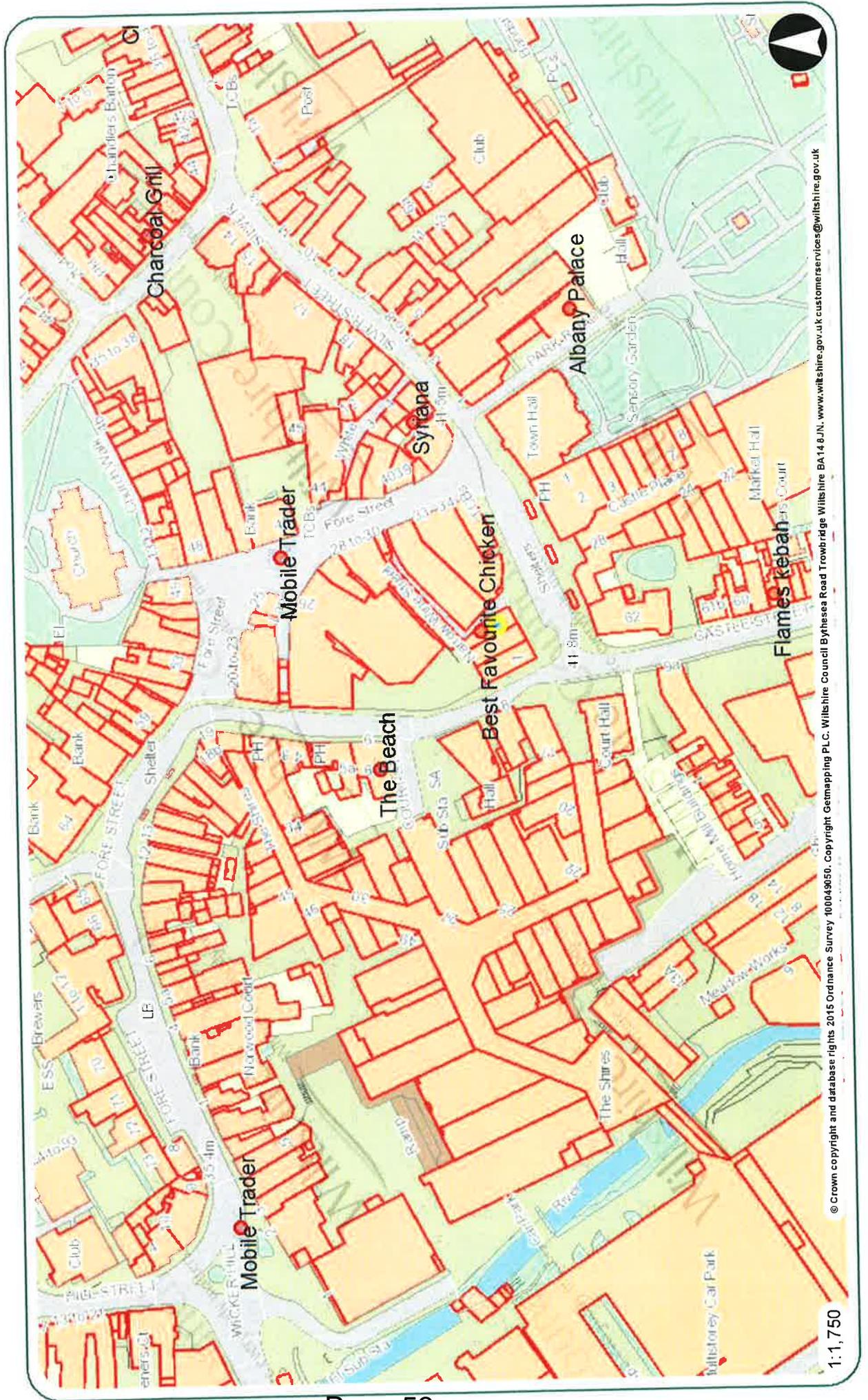


Date: 05 Mar 2015  
Centre Coordinate: 385,588 157,949

# Licensing Hearing 24th March 2015



Favorite Chicken



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1:1,750





- 3 MAY 2013

Mrs Lisa Grant  
Licensing Officer  
Public Protection Services  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge,  
Wilts BA14 8JD

**Divisional Licensing Officer**  
Trowbridge Police Station  
Polebarn Road  
Trowbridge  
Wiltshire BA14 7EP  
Telephone: 101  
Mobile:  
Ext: 725570  
Direct Dial: 01225 794627  
Facsimile: 01225 794799  
DX: 146500, Trowbridge 5.

Date 30 April 2013

Your ref

Our ref

Reply contact name is **David Bennett**

Dear Lisa,

**Ref: Best Favourite Chicken, 3 Market Street, Trowbridge BA14 8EY**

The above named premise was taken to a Licensing Review on 18 July 2011 following significant incidents of crime and disorder and licensing breaches.

As a result the trading hours were reduced back to a terminal hour of 04.00hrs Sun to Thurs, and 03.30hrs Fri & Sat.

The following conditions were also applied viz,

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

A period of stability has prevailed but more recently evidence of licence condition breaches have come to light.



The following evidenced breaches have occurred at the above premise since the beginning of the year:

20 Feb 2013 at 19.00hrs – *'Visited in relation to an ongoing crime enquiry. CCTV is not recording regularly and there was no footage recorded between 3rd - 18th February upon my attendance.*

*They are not keeping an incident book; their last recorded "incident" was in March 2012 and is recorded on a loose piece of paper in the back of the door staff signing in book'.*

17 March 2013 at 03.40hrs – *'At 03.40 hours I went into the above premises with 2 other officers. I asked the doorstaff what time they were closing. I was informed that they close their doors at 03.45 hours. I asked to check their license which I subsequently did, this confirmed that they should be closing at 03.30 hours. The owner was still taking orders at 03.45 hours. We asked everyone to leave the premises who hadn't ordered. This still left approximately 10 persons waiting for their food. The owner was unhappy that we had attended. We left the premises at 03.55 hours ensuring everyone was out. The owner believes that he has 15 minutes after the 03.30 hours to serve. He also believes that he is allowed to continue serving any person already in the premises. He stated that he was just meant to close the door between 03.30 and 03.45 hours. The owner confirmed that if we hadn't attended then he would have continued taking the orders of anyone already within the premises'.*

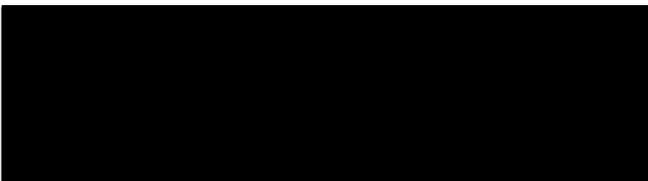
30 March 2013 at 03.40hrs – *'Stayed outside till 0355hrs whilst MOP were milling around outside. Door staff were refusing people in as they were now shut'.*

20 April 2013 at 03.40hrs – *'The doors to the premises were closed but there were still customers inside and being served at 03.40 hours. All the customers were Moo Moo's door staff, when the owner noticed the police vehicle outside he came to the front door and locked it, the Moo Moo's doorstaff all left by the back door at 03.43'.*

Clearly, the owner is continuing to ignore the conditions imposed on the premises licence, and is only closing his Late Night Refreshment venue when police officers are in attendance.

I would therefore be grateful if you would give consideration to the above evidence and advise what action the Authority wishes to take.

Yours sincerely



David Bennett  
Licensing Manager  
**Wiltshire Police**

Direct dial – 01793 507969



10 May 2013

Mr K Olmez  
Best Favourite Chicken  
3 Market Street  
Trowbridge,  
BA14 8EY

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

Our Ref: jh1.5

Dear Mr Olmez

**Licensing Act 2003 – Late Night Refreshment**

**Premises Licence: Best Favourite Chicken, 3 Market Street, Trowbridge.**

The Licensing Authority has received information that you are still failing to comply with the conditions attached to your premises licence as amended on 6 December 2011.

You will recall that I visited your premises and hand delivered your amended premises licence and explained to you the conditions that had been attached following your appeal hearing on 6 December 2011.

At this time you were taken through the appeal decision notice where all conditions were explained and clarification was given, in particular, to the following:

- The premises doors shall be closed and locked at the terminal hour of the licence on the relevant day as follows:
  - Sunday – Wednesday – 23.00 hours to 04.00 hours the following day
  - Thursday – Saturday – 23.00 hours to 03.30 hours the following day

This means that all customers must have left your premises by this time and there should be no-one on the premises apart from staff.

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

According to our information you have been witnessed on more than one occasion having customers in the premises after the terminal hour as stated on your licence. There are also further concerns raised regarding the availability of CCTV footage when requested.

**Please note that failure to comply with any conditions attached to your premises licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both (s.136 LA03). It may also result in a review of the premises licence, by the licensing committee, which could ultimately lead to revocation.**

Yours sincerely

Jo Hulbert  
Public Protection Officer (Licensing)  
E-mail: [licensingwest@wiltshire.gov.uk](mailto:licensingwest@wiltshire.gov.uk)



8<sup>th</sup> November 2013

Mr K Olmez  
Best Favourite Chicken  
3 Market Street  
Trowbridge,  
BA14 8EY

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

Dear Mr Olmez

**FORMAL WARNING**

**Licensing Act 2003 – Late Night Refreshment**

**Premises Licence: Best Favourite Chicken, 3 Market Street, Trowbridge.**

I am writing further to our letter that was sent on 10<sup>th</sup> May 2013. The Licensing Authority is disappointed to have received further information from Wiltshire Police that you are still failing to comply with the conditions attached to your premises licence as amended on 6 December 2011, even though you have been advised about your non compliance on previous occasions.

The information reported to the Licensing Department is that on 8<sup>th</sup> September 2013 the premises were **again** operating outside of the licensing hours. It was witnessed by Wiltshire Police that food was being served to customers via the back door.

**Please may I remind you of the following times and conditions on the licence.**

- **The premises doors shall be closed and locked at the terminal hour of the licence on the relevant day as follows:**
  - **Sunday – Wednesday – 23.00 hours to 04.00 hours the following day**
  - **Thursday – Saturday – 23.00 hours to 03.30 hours the following day**

**This means that all customers must have left your premises by this time and there should be no-one on the premises apart from staff.**

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

**Please note that failure to comply with any conditions attached to your premises licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both (s.136 LA03). It may also result in a review of the premises licence, by the licensing committee, which could ultimately lead to revocation.**

Yours sincerely

Lisa Grant  
Public Protection Officer (Licensing)  
E-mail: [licensingwest@wiltshire.gov.uk](mailto:licensingwest@wiltshire.gov.uk)



## **WESTERN AREA LICENSING SUB COMMITTEE**

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**DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 7 JANUARY 2014 AT WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - FAVOURITE CHICKEN & RIBS, 3 MARKET STREET, TROWBRIDGE**

**Present:**

Cllr Trevor Carbin, Cllr Sue Evans and Cllr Simon Jacobs

**Also Present:**

Wiltshire Council

Linda Holland (Senior Licensing Officer)  
Lisa Pullin (Democratic Services Officer)  
Paul Taylor (Senior Solicitor)

Applicant/Representatives

Alistair Erdozain  
Kenan Olmez

Responsible Authority

PC Alison Davies (Wiltshire Police)  
Jacqui Gallimore (Licensing Officer – Wiltshire Police)  
Sgt Jim Sutter (Wiltshire Police)

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**1 Election of Chairman**

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

**Resolved:**

**To elect Councillor Trevor Carbin 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 1 – 6 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**

### **Application for a Variation of a Premises Licence in respect of Favourite Chicken & Ribs, 3 Market Street, Trowbridge made by Mr K Olmez**

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

Clarification of the days on which an extension to the provision of late night refreshment was sought and it was confirmed that the Applicant wished to extend hours on a Friday and Saturday night to 05.00 hours (Saturday and Sunday mornings).

In accordance with the procedure detailed in the agenda, the Applicant and the Responsible Authority who had made a representation (Wiltshire Police) were given the opportunity to address the Sub Committee.

Mr A Erdozain was present to represent Mr Olmez, the Applicant and with the consent on the Sub Committee and the Responsible Authority he circulated copies of the submission he would be making at the hearing.

Key points raised by Mr Erdozain were:

- That the incidents referred to in Agenda Supplement 1 (log summary pages 6 to 18 and down to item 24 on page 19) relate to the period before the appeal hearing at Chippenham Magistrates Court on 6 December 2011 and that he felt that there were not relevant to the current application;
- That the remaining incidents in the storm log from item 25 on page 19 to item 50 on page 22 were all dealt with calmly and handled by Mr Olmez's qualified door security staff and Police where relevant;

- Two other items in the log referred to instances when Mr Olmez thought he was allowed “eating up time” and allowed to serve customers up until closing time. Mr Olmez is now aware that this is not the case;
- That at the Court appeal hearing on 6 December 2011 the Court were advised of the competitors’ licensing times for late night refreshment and they made their decision for the closing times for Favourite Chicken & Ribs to coincide with that of the competitor’s licences;
- However since that time it has come to light that the actual licence times for late night refreshment for Flames and Charcoal Grill for Friday and Saturday nights are 04:00 and 04:30 respectively;
- That the Applicant would offer to increase the number of trained SIA door staff to 3 during the extended opening hours if granted from the current 2.

The following questions were asked of the Applicant:

Would you be prepared to agree that the door staff remain for a period after 05:00 to help disperse any patrons?

*Yes – we could establish a time that they could remain on duty to.*

Jacqui Gallimore (Licensing Officer, Wiltshire Police) was present to represent the Responsible Authority and with the consent on the Sub Committee and the Applicant she circulated copies of a summary of incidents relating to Favourite Chicken & Ribs from 1 January 2010 to 21 December 2013.

Key points raised by Jacqui Gallimore were:

- That on page 27 of the Agenda Supplement 1 which is a note of the Appeal hearing of 6 December 2011 it states that the evidence of crime disorder connected to the premises is not disputed by Mr Olmez;
- That during the period 1 January 2010 to 5 July 2011 the majority of incidents occurring on Friday and Saturday evening are shown on the incident summary as occurring between 04:00 and 05:00 hours;
- Following the appeal hearing on 6 December 2011 when the two SIA door staff were then in place this had a significant impact on the incidents at the premises;
- That were unaware of the offer of a third SIA door staff member until heard at the meeting today – this would be welcomed;

- That the previous incidents are still relevant (particularly since the review in July 2011) and there are still problems with crime and disorder although the severity of the incidents has greatly reduced;
- With the Police's anticipatory judgement based on experience and the support of the statistics it was expected that the problems experienced in 2010/2011 will return; and
- There is a long history of the Applicant not fully complying with his licence restrictions and we note there appear to be problems with his CCTV and him serving customers beyond permitted hours.

Sgt Jim Sutter was asked to provide information since the submission of the Police's evidence to date and he made the following key points:

- Whilst on duty on New Year's Eve I noted that there were no door staff working at Favourite Chicken & Ribs and although they were not required according to his existing licence I would have expected the Applicant to consider that this would be necessary due to the large volume of people out on New Year's Eve;
- At 04:10 I noticed that there were approximately 6 members of the public in the premises at the counter being served and it wasn't until 04:20 that the premises were finally emptied and locked. The Applicant has a licence for late night refreshment to 04:00 on a Tuesday evening; and
- I have checked with the other local late night refreshment venues and confirm that at present they are open later than Favourite Chicken & Ribs, but we have no evidence of crime and disorder that are linked to the other premises.

The following questions were asked of the Responsible Authority:

Since December 2011 have all incidents at Favourite Chicken been dealt with and calmed and cleared by the SIA Door staff or the Police?

*We accept that the door staff have reduced the incidents but incidents are still being recorded by us (via a call from a member of the public, the premises itself or via Police radio) and these all get logged.*

Was it illegal to give the four ladies food that were hungry after the permitted hours?

*Yes even if the food was gifted to them, the supply of late night refreshment is not allowed after the permitted hours.*

Do the Police patrol a lot in the area?

*The Trowbridge Neighbourhood Policing Team have a high visibility of foot patrols in the town centre area.*

If there were to be 3 SIA staff would you be happy with that?

*We are pleased with the reduction of incidents since SIA staff have been in place, but we are not sure if this is because of the presence of the door staff or because the premises currently closes before the last night club kicks out (at 04:00 hours). We anticipate larger numbers of customers if the premises were to open to 05:00 hours and this could lead to problems.*

What impact does the taxi rank's close location to the premises have?

*It is a "draw" area and accept that the location of the premises does cause the Applicant problems.*

The location of the premises is unique, if the permitted hours were to be extended would this diffuse the current situation thus allowing all hungry patrons to be served before the premises closes?

*History doesn't show this to be the case. Prior to the review we were dealing with disorder at 05:00 or even 06:00 hours.*

In what way can you attribute the disorder to the premises?

*The disorder is attributed to the business if it is open and trading. It is the Applicant's choice as to when he trades and we don't experience problems at other locations.*

Jacqui Gallimore made the following points in summation:

- We understand that the Applicant needs to make a living but would say that there was a signification reduction in crime and disorder after the hours were reduced;
- We accept that since the SIA door staff have been in place the number of incidents has reduced;
- We anticipate that the later you trade the more intoxicated the patrons will probably be and there is a lack of Police resources for the proposed extended hours; and
- We are not confident in the Applicant's ability to promote the licensing objectives or believe that he fully understands his responsibilities.

Alastair Erdozain made the following points in summation:

- There was a considerable reduction in the disorder and number of incidents since 2011;
- The Applicant now fully understands his requirements, namely that the doors to the front and rear of the premises should be locked by the terminal hour;
- The Applicant has felt a bit victimised for the last few year but accepts that this is a focal part of the town for a lot of people; and
- The Applicant is determined to comply with his licence and the increase in door staff will assist him with this. Perhaps only a certain number of patrons could be allowed in the premises at any one time.

The Sub Committee wished to clarify how many members of staff were on duty on Friday and Saturday evenings within the premises and the Applicant confirmed that 2 staff were serving in the premises and the 2 current SIA door staff. Sgt Sutter confirmed that the Police patrol of "Operation Exit" does not extend beyond 05:00 hours. After that time any incidents would be reported to the Incident room and Police Officers despatched as required.

The Chairman indicated that they would be now retiring to make their determination and would not anticipate returning before 1.00pm. All parties were welcome to return at that time, but contact telephone numbers could be taken for those not returning and they would be telephoned with information of the determination later today.

The Sub Committee members retired at 11.45pm and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 1.00pm.

**Resolved:**

**The Western Area Licensing Sub Committee has resolved to grant the application for a variation of the Premises Licence for Favourite Chicken and Ribs, 3 Market Street, Trowbridge for the provision detailed below:**

***Provision of late night refreshment***

**On Fridays and Saturdays 23:00 hrs to 05:00 hrs (Next Day)**

**Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and all Bank Holidays from 23:00 hrs to 05:00 hrs (Next Day).**

**And subject to the following additional or varied conditions:**

- 1. 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.**
- 2. On Friday and 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 03.30 hrs until 30 minutes after the end of the time permitted for licensable activities.**

**All other existing conditions still apply to the Premises Licence.**

**Reasons:**

**The Sub Committee have taken into account the concerns raised by Wiltshire Police that an extension to the licensable hours would bring some return to the problems that occurred in the past. However, they noted that the number of incidents has diminished since the employment of trained door staff at the premises and considered that the requirement for a third SIA trained door staff after 3.30 a.m. on Fridays and Saturdays (as offered by the Applicant) would further improve the situation, particularly as the door staff would now be required to be in place for a period of time after the closure of the premises.**

**The Sub Committee also noted the reassurances on behalf of the Applicant that he fully understands the implications of the Licensing Act and his responsibilities.**

**In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); 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. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.**

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,  
direct line 01225 713015, e-mail [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk)

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

30th June 2014

Mr K Olmez  
Favourite Chicken & Ribs  
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 – Change of security staff**  
**Premises: Best Favourite Chicken, Favourite Chicken and Ribs, 3 Market Street,**  
**Trowbridge, Wiltshire, BA14 8EY**

Further to our telephone conversation on Friday 27<sup>th</sup> June 2014 regarding the change in your security staff I would like to take this opportunity to remind you of the following additional condition on your licence:

**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 penalty for conviction for offences under the Licensing Act 2003 is up to £20,000, up to 6 months imprisonment or both.

Should you require any further information please do not hesitate to contact the Licensing Team.

Yours faithfully

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



**Holland, Linda**

---

**From:** Grant, Lisa  
**Sent:** 02 April 2014 15:49  
**To:** Safe & Sound - Security Department  
**Cc:** [REDACTED]  
**Subject:** RE: Door Staff

Hi Marco

Thank you for your email. I can confirm that the condition relating to Favourite Chicken in Trowbridge for Door Staff are 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.**

This is a licence condition on the premises licence and must be adhered to by the applicant.

If you have any other correspondence from the applicant of the contrary, please could you forward this on to myself.

Regards

Lisa Grant  
Public Protection Officer (Licensing)  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN  
Email: [lisa.grant@wiltshire.gov.uk](mailto:lisa.grant@wiltshire.gov.uk)  
Direct Dial: 01380 826332

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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---

**From:** Safe & Sound - Security Department [REDACTED]  
**Sent:** 02 April 2014 15:35  
**To:** Grant, Lisa  
**Cc:** [REDACTED]  
**Subject:** Door Staff

Hi Lisa

Just to clarify or phone conversation ref the hrs. at the chicken hut in Trowbridge on fri sat nights  
Fri and sat door staff x2 required from 00.00 until 05.30 1xdoorstaff from 03.30 until 05.30 both nights  
And this is a legal requirement

Kind regards

Marco Jones  
Security Department



1 Church Walk  
Trowbridge  
BA14 8DX

**Mobile:** +44 (0) 7786 396 573

**Tel:** +44 (0) 1225 774008 – **(Press 1)**

**Fax:** +44 (0) 1225 774344



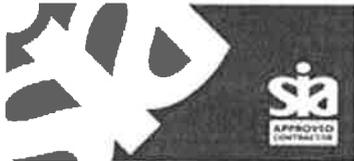
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Safe & Sound UK Limited, Company Number 5563894 (England & Wales)



- please consider the environment before printing this e-mail.

# Witness Statement

STATEMENT OF: TERESA KATHRYN BRAY

Age of witness: over 18

Occupation of witness: Public Protection Officer – Licensing

This statement consisting of 2 pages each signed by me is true to the best of my knowledge.

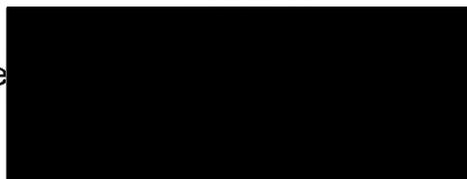
Dated the 5<sup>th</sup> November 2014

Signature



1. My name is Teresa Bray and I am employed by Wiltshire Council as a Public Protection Officer for Licensing. Part of my role is to investigate complaints relating to licences issued by the Council. I have been working for the Council for 7 years, almost 1 year as a full time Licensing Officer. I am an authorised officer of Wiltshire Council.
2. On 31 October 2014 I received an email from Lesley Elven, Technical Support Officer giving information regarding a letter which had been received into the Monkton Park office on 27 October 2014 from Mr Alistair Erdozain, a managing consultant acting on behalf of Mr Kenan Olmez, Premises Licence Holder of Favourite chicken and ribs. The letter was attached to the email.
3. The letter was entitled '*Application for alteration in conditions attached to licensing variation made to premises at 3 Market Street Trowbridge BA14 8EY of January 2014*'. No variation application form or fee was submitted.
4. After reading the letter it became clear that Mr Erdozain was wishing the letter alone to be accepted as an application to '*reduce the number of hours he (Mr Olmez) has to pay out to SIA qualified door security staff at times when there are very few or even no customer attending the premises*'.

Signature



dated

5<sup>th</sup> November 2014

5. My immediate concern was that Mr Erdozain was under the impression that by just submitting this letter the condition would have been removed. I immediately called Mr Erdozain thanking him for his letter and explained the variation process including the consultation period. I told him I would forward the relevant application forms and guidelines to vary the licence to him via email and he provided me with his email address.
6. I then took the opportunity to draw his attention to a specific request made in the letter. *'We request that the stringent and costly requirement to have up to three SIA qualified security staff be lifted with immediate effect'*. I informed Mr Erdozain that until the application has gone through the consultation period and been granted Mr Olmez **MUST** adhere to **ALL** the conditions attached to his current licence. Therefore the conditions which he had asked to be lifted still stand.
7. At 11:59 on 31 October 2014 I sent an email to Mr Erdozain attaching the variation application forms and guidelines and again highlighting to him that *'As discussed on the telephone there is a variation process which needs to be adhered to. Once the application has been accepted as a complete application a 28 day consultation will commence. During this time Mr Olmez **MUST** adhere to **ALL** the conditions attached to his current licence. Therefore until this process is complete the conditions which you have asked to be lifted still stand'*
8. I then followed this with an email to him at 09:37 on 3 November 2014 informing Mr Erdozain that reports had been sent through to us from Wiltshire Police stating that Mr Olmez had not complied with his licensing conditions relating to door staff over the weekend.

Signature



dated

05 November 2014

2

**MISSION PRACTICE LIMITED**  
**MANAGING CONSULTANTS & ACCOUNTANTS**  
 Registered in England & Wales Company No 6262663  
 Tel: 01225 775970; Mbl: 07506467375;  
 e-mail: arerdozain@hotmail.com

RECEIVED  
 27 OCT 2014  
 PUBLIC PROTECTION  
 RECEIVED

**Your Ref:** LICre3MktSt/WW0900072

**Our Ref:** ARE/LMZK/LGL

**Andil House**  
**Court Street**  
**Trowbridge**  
**Wiltshire**  
**BA14 8BR**

30 OCT 2014

15<sup>th</sup> October 2014  
 PUBLIC PROTECTION

Lisa Grant  
 Public Protection Officer (Licensing)  
 County Hall  
 Bythesea Road  
 Trowbridge  
 BA14 8JN

Dear Lisa Grant

**APPLICATION FOR ALTERATION IN CONDITIONS ATTACHED TO  
 LICENCE VARIATION MADE TO PREMISES AT 3 MARKET STREET  
 TROWBRIDGE BA14 8EY OF JANUARY 2014**

We have been requested by our client Mr Kenan Olmez to make the above application to reduce the number of hours he has to pay out to SIA qualified door security staff at times when there are very few or even no customers attending the premises.

Contractors and employees of Safe and Sound have frequently pointed out to Mr Olmez that they have been wasting time and resources of both businesses whilst supervising no customer traffic.

Safe and Sound in particular have made it clear to Mr Olmez that the conditions and volume of customer traffic to the premises at the hours in question bear no relation at all today when compared with the volumes of customer traffic passing through the premises in 2010/2011. This has been confirmed by the two principal Night Clubs in Trowbridge together with the main taxi rank in Market Street, Trowbridge who have all complained about the massive fall off in night time economy over the last four years.

Accordingly, and we believe the police will also verify the fall off in the night time economy due to the ever biting economic recession during this period, we request that the stringent and costly requirement to have up to three SIA qualified security staff be lifted with immediate effect.

With effect from 23<sup>rd</sup> July 2014 Safe & Sound walked away from their responsibilities on the Market Street site due to the lack of customer traffic and because their contracted staff were inactive for long periods of time on Friday and Saturday nights.



Mr Olmez was then left with very short notice to have to find replacement SIA qualified contractors which he managed to do after a short period.

The new SIA qualified staff are as follows:

Luther Francis – SIA number: 0130019011694505; Mbl No: 07797 361168

Jake Ager – SIA number: 0130015087298274; Mbl No: 07530 736860

Mr Daniel – SIA number: 0130016868929715;

George Joseph – SIA number: 0130018432546561; Mbl No: 07508 027906

Mr Ahmet - Mbl No: 07983362572.

The above staff are still working for Mr Olmez on a rotational basis at the Market Street premises but they too have found and pointed out to Mr Olmez that frequently their services are not required due to little or no customer traffic.

Mr Olmez has often now had to close the Market Street premises up to one hour inside the licensed time of closure. The taxi rank also go home early due to there being no more customers at that time. Apparently all customers disappear off to Club Ice in Westbury Trading Estate. This can be confirmed by the Police who also disappear with nothing or any potential disorder happening at that earlier time.

To assist the Licensing Officers and Council in deciding this case Mr Olmez suggests that any objecting party could be at liberty to return to the Council in the future to vary these intended relaxed terms should the economic conditions and customer traffic return to their previous levels not experienced since 2011.

We attach as appendices to this letter evidence of the cost of engaging SIA Security staff together with the suggested revised hours of SIA qualified staff which Mr Olmez now considers necessary for the late hours opening of the Market Street premises on Friday and Saturday nights.

The SIA qualified staff referred to above are prepared to support this application notwithstanding that they personally will not see or derive any benefit from the relaxed conditions outcome.



Alastair R Erdozain  
Managing Consultant  
Mission Practice Ltd



**APPENDIX A**

15<sup>th</sup> October 2014

Lisa Grant  
Public Protection Officer (Licensing)

**APPLICATION FOR ALTERATION IN CONDITIONS ATTACHED TO  
LICENCE VARIATION MADE TO PREMISES AT 3 MARKET STREET  
TROWBRIDGE BA14 8EY OF JANUARY 2014**

|   |                   |
|---|-------------------|
| Total SIA qualified security staff hours per week | <u>20 hours</u>   |
| Hourly gross cost of above staff                  | £ 16.14           |
| Total weekly cost of above staff                  | <u>£ 322.80</u>   |
| Total annualised cost of above staff              | £16,785.60        |
| Total public holidays' cost of above staff        | £ 3,004.20        |
| Total annual cost of SIA security staff           | <b>£19,789.80</b> |



**APPENDIX B**

15<sup>th</sup> October 2014

Lisa Grant  
Public Protection Officer (Licensing)

**APPLICATION FOR ALTERATION IN CONDITIONS ATTACHED TO  
LICENCE VARIATION MADE TO PREMISES AT 3 MARKET STREET  
TROWBRIDGE BA14 8EY OF JANUARY 2014**

Suggested revised Total SIA qualified security staff hours per week  
required on the 3 Market Street Premises: 5 hours

All the revised hours will be for one staff member for Saturday nights only.  
It is considered no longer necessary to have any SIA qualified security member to  
attend on Friday nights.



## Holland, Linda

---

**From:** Bray, Teresa  
**Sent:** 31 October 2014 11:59  
**To:** [REDACTED]  
**Subject:** Application for alteration in conditions attached to Best favourite Chicken, Trowbridge.  
**Attachments:** Full Variation application form.pdf; Full Variation list of resp auth.pdf; Full Variation guidance.pdf

Mr Erdozain

Many thanks for the letter we have received concerning the licensing conditions attached to the above premises licence.

Attached are the application forms which you would need to submit should you wish to apply for a full variation to remove conditions.

I would just like to draw your attention to a specific request made in your letter.

*'We request that the stringent and costly requirement to have up to three SIA qualified security staff be lifted with immediate effect'*

As discussed on the telephone there is a variation process which needs to be adhered to. Once the application has been accepted as a complete application a 28 day consultation will commence. During this time Mr Olmez **MUST** adhere to **ALL** the conditions attached to his current licence. Therefore until this process is complete the conditions which you have asked to be lifted still stand.

Kind regards

**Teresa Bray**  
**Public Protection Officer (Licensing)**

Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

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

Direct Dial: 01249 706413

Internal: 21413

Work Mobile: 07827 976810

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Bray, Teresa

---

**From:** Safe & Sound - Security Department [bookings@safeandsoundgroup.com]  
**Sent:** 04 February 2015 15:36  
**To:** Bray, Teresa  
**Cc:** [REDACTED]  
**Subject:** Best Favourite Chicken

Hi Teresa

There were a couple of reasons why we felt we had to stop supplying staff to BEST Favourite's Chicken

We operate on a minimum of 4 hours per staff member, however, due to the financial costs, Mr Olmez was looking to reduce cover to 3 hours, which we were unable to provide.

We also experienced difficulties with payments towards the end of the contract (as detailed below).

Due to changes in his licensing conditions, we were asked to supply staff for an extra hour on Saturday evenings, but we were consistently underpaid, due to Mr Olmez not altering his Direct Debit to reflect these changes.

We wrote to Mr Olmez on a number of occasions asking him to amend his direct debit to reflect the new cost, stating that we would have to withdrawal our services if he did not meet his financial obligations, but to no avail

Mr Olmez did pay the difference each time we sent a staff member to his premises to collect the missing amounts, but the Direct Debit was not amended until we had withdrawn our services.

Once the backlog of payments had been cleared, we instructed Mr Olmez to cancel his payment to us, and refunded him the difference in full.

With these issues in mind, we felt we had no alternative other than to withdrawal our services

Jamie Hancock  
Accounts Manager



1 Church Walk  
Trowbridge  
Wiltshire  
BA14 8DX

DDI: +44 (0) 1225 712 031  
Tel: +44 (0) 1225 774 008  
Fax: +44 (0) 1225 774 344



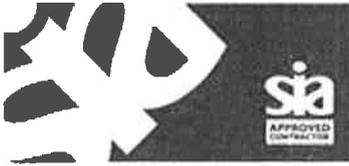
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Safe & Sound UK Limited, Company Number 5563894 (England & Wales)

 - please consider the environment before printing this e-mail.

27<sup>th</sup> October 2014

Mr K Olmez  
Favourite Chicken & Ribs  
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 – Formal Warning**  
**Premises: Best Favourite Chicken, Favourite Chicken and Ribs, 3 Market Street,  
Trowbridge, Wiltshire, BA14 8EY**

I am writing to inform you that it has been brought to our attention that your premises is **not** adhering to the conditions relating to Door Steward provision on your premises licence. I am disappointed to note this is still occurring on a regular basis, having received previous and ongoing advice and warnings from both the Licensing Authority and Wiltshire Police.

**The conditions state:**

- **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.**

It is a legal requirement that all the terms of the Premises Licence are strictly complied with. The penalty for conviction of offences under the Licensing Act 2003 is up to £20,000 and/or 6 months imprisonment. Each day that you trade without addressing the current breaches of your license conditions constitutes a separate offence against section 136 of the Act future breaches will leave us with no other option than to consider either prosecution or request a review of the premises licence.

If you have any concerns regarding the content of this letter please contact me to arrange an appointment.

Yours Sincerely

Linda Holland  
**Public Protection Team Leader - Licensing**  
Tel. 01249 706410  
Email: [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

cc. Wiltshire Police

# Witness Statement

**STATEMENT OF: LINDA VANESSA HOLLAND**

**Age of witness: over 18**

**Occupation of witness: Public Protection Team Leader – Licensing**

This statement consisting of 2 pages each signed by me is true to the best of my knowledge.

Dated the 2<sup>nd</sup> December 2014

Signature



1. My name is Linda Holland and I am employed by Wiltshire Council as a Public Protection Team Leader for Licensing. Part of my role is to investigate complaints and breaches relating to licences issued by the Council. I have been working for the Council for 26 years, 22 years as a Licensing Officer. I am an authorised officer of Wiltshire Council.
2. During the evening of Friday 14<sup>th</sup> November 2014, I was on duty with my colleague Teresa Bray, Public Protection Officer - Licensing. We were working late to carrying out evening visits to various licensed premises in the west of the county.
3. At approximately 00.20hrs that evening we attended Best Favourite Chicken in Trowbridge.
4. As we approached the premises one door steward was visible from the outside. We entered the premises to confirm our observation, we were both aware that the conditions on the Premises licence issued to Mr Olmez require two door stewards to be present from 00:00. As we entered Best Favourite chicken the door steward was sat on a bar stool between the entrance and the serving counter.

Signature

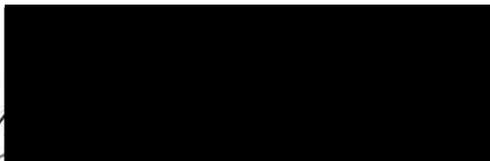


dated

2<sup>nd</sup> Dec 2014

5. I spoke to the door steward who confirmed his name was Mr L Francis and I took his badge number. I asked Mr Francis if he was the only Door steward working that night to which he replied "Yes". I asked Mr Francis if he was aware of the conditions on the licence requiring more than one door steward to be present at the premises from midnight to which he replied "yes".
  
6. During the time Teresa and I were in the premise Mr Olmez stood behind the counter and when approached by us walked away and refused to engage in conversation with us.
  
7. Teresa Bray and I left the premise at 00:30.

Signature



dated

2<sup>nd</sup> Dec 2014

# Witness Statement

**STATEMENT OF: TERESA KATHRYN BRAY**

**Age of witness: over 18**

**Occupation of witness: Public Protection Officer – Licensing**

This statement consisting of 2 pages each signed by me is true to the best of my knowledge.

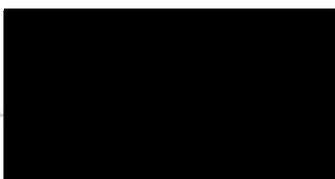
Dated the 3<sup>rd</sup> December 2014

Signature. \_\_\_\_\_



1. My name is Teresa Bray and I am employed by Wiltshire Council as a Public Protection Officer for Licensing. Part of my role is to investigate complaints relating to licences issued by the Council. I have been working for the Council for 7 years, almost 1 year as a full time Licensing Officer. I am an authorised officer of Wiltshire Council.
2. On the evening of Friday 14th November 2014, I was on duty with my colleague and Licensing Team Leader Linda Holland. We were working late to carrying out evening visits to a number of licensed premises in the West of the county.
3. At approximately 00.20hrs on Saturday 15<sup>th</sup> November 2014 we attended Favourite Chicken and Ribs, 3 Market Street, Trowbridge, BA14 8EY.
4. Approaching the premises both myself and Linda observed only 1 door steward sat on a stool inside the premises. Due to the conditions on Mr Olmez's premises licence stating that there must be two door stewards present from 00:00 hrs Linda and I entered the premises to confirm our findings.

Signature \_\_\_\_\_



dated \_\_\_\_\_

03/12/14

5. Linda approached the door steward and introduced herself. She took his name and his badge number. She asked if he would be the only door steward working at the premises that evening to which he replied "Yes". Linda asked him if he was aware of the conditions on the premises licence relating to the door staff to which he replied "Yes".
  
6. At this point Mr Olmez appeared behind the counter. I addressed him by saying "hello Mr Olmez" to which he ignored. The next time I looked up Mr Olmez had disappeared therefore making it impossible to engage with him.
  
7. Linda and I left the premises at 00.30hrs.

Signature



dated

03/12/14

7<sup>th</sup> January 2015

Mr K Olmez  
Favourite Chicken & Ribs  
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 – Formal Warning, Breach of licence conditions.**  
**Premises: Best Favourite Chicken, Favourite Chicken and Ribs, 3 Market Street, Trowbridge, Wiltshire, BA14 8EY**

I am most disappointed to have to write to you yet again regarding further breaches of the conditions relating to Door Steward provision on your premises licence.

It has been brought to our attention that at 02:35 on 27<sup>th</sup> December 2014 your premises was visited by Wiltshire Police following a disorder outside. No door staff were on duty at your premises at this time and for the following 40 minutes while Police were in attendance. A further visit was made by Wiltshire police at 01:00 on 28<sup>th</sup> December 2014 and it was recorded that no door staff were on duty. Two disorders broke out and door supervisors from a nearby premises had to assist.

I note this is still occurring on a regular basis despite you receiving previous and ongoing advice and warnings from both the Licensing Authority and Wiltshire Police.

**The conditions on your Premises Licence state:**

- **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.**

It is a legal requirement that all the terms of the Premises Licence are strictly complied with. The penalty for conviction of offences under the Licensing Act 2003 is up to £20,000 and/or 6 months imprisonment. Each day that you trade without addressing the current breaches of your license conditions constitutes a separate offence against section 136 of the Act.

Due to continual breaches of your Premises Licence Wiltshire Council are now considering the appropriate action to take.

Yours Sincerely

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

cc. Wiltshire Police

# Witness Statement

**STATEMENT OF: CARLA ELIZABETH ADKINS**

**Age of witness: over 18**

**Occupation of witness: Public Protection Officer – Licensing**

This statement consisting of 1 page each signed by me is true to the best of my knowledge.

Dated the 13<sup>th</sup> January 2015

Signature.....  .....

1. My name is Carla Adkins and I am employed by Wiltshire Council as a Public Protection Officer for Licensing. I have been working for the Council for 5 years. I am an authorised officer of Wiltshire Council.
2. At approximately 00.10hrs on Saturday 10<sup>th</sup> January 2015, I drove passed Best Favourite Chicken in Trowbridge. At this time there were no door staff present at the premises.
3. I continued driving and did a lap of the town. I drove passed Best Favourite Chicken again at approximately 00.15hrs and again there were no door staff.

Signature



dated

13/1/15



# Witness Statement

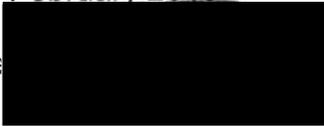
**STATEMENT OF: TERESA KATHRYN BRAY**

**Age of witness: over 18**

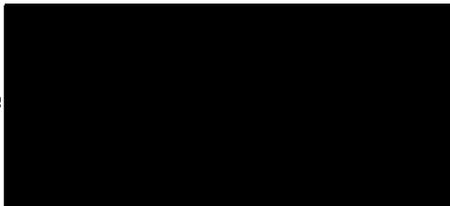
**Occupation of witness: Public Protection Officer – Licensing**

This statement consisting of 1 page each signed by me is true to the best of my knowledge.

Dated 3<sup>rd</sup> February 2015

Signature  .....

1. My name is Teresa Bray and I am employed by Wiltshire Council as a Public Protection Officer for Licensing. Part of my role is to investigate complaints relating to licences issued by the Council. I have been working for the Council for 7 years, almost 1 year as a full time Licensing Officer. I am an authorised officer of Wiltshire Council.
2. On the morning of Saturday 31<sup>st</sup> January 2015 I made a routine visit to observe the number of door stewards at Favourite Chicken and Ribs, 3 Market Street, Trowbridge, BA14 8EY.
3. I travelled past in my vehicle at 00:16 I slowed down so I could clearly see the inside of the premises and the surrounding area. I observed no door stewards working at the premises.

Signature 

dated

03/02/15





**STATEMENT OF WITNESS  
C.J.A. Statement**

*(Criminal Procedure Rules, r 27.2); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)*

**STATEMENT OF GUY SHARP**

**Age of Witness: Over 18**

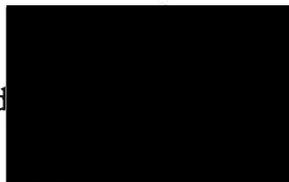
(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

**Occupation of Witness: Senior Environmental Health Officer**

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated the 17<sup>th</sup> day of February 2015**

Signed.....



**My name is Guy SHARP and I am a Senior Environmental Health Officer working for Wiltshire Council. I have been employed by the Council for five years and four months and have worked in the field of Food Safety and Health and Safety for three years. I have been qualified as an Environmental Health Officer for twelve years.**

**On 04 February 2015 I undertook a routine food hygiene inspection with my colleague James EDWARDS, Environmental Health Officer. At the time of the inspection Mr Ken OLMEZ was present on the premises and co-operated throughout the duration of the visit. There was no appropriate paperwork available at the time of my visit as required by food hygiene legislation and this issue has been raised by various officers from the Council over the period that Mr OLMEZ has been the registered Food Business Operator.**

Signed..



Witnessed by..

The standard of cleaning throughout the premises was poor in places and again this has been raised by various officers over the period that Mr OLMEZ has been running the business.

I have enclosed with this statement a copy of the letter sent to Mr OLMEZ following my inspection and this also includes a photographic report highlighting the issues found during the inspection. As a consequence of the contraventions noted it is my intention to revisit the premises over the coming weeks in order to ensure compliance with the relevant legislation. I can confirm that at the time of the inspection there was no imminent risk to public health and therefore revisiting the premises is the most appropriate course of action in this instance.

Sign  .....

Witnessed by... ..

Routine Food Hygiene Inspection – Best Favourite Chicken, 3 Market Street,  
Trowbridge – 04 February 2015



Photo 1

Damaged lid on  
chicken coating  
bowl

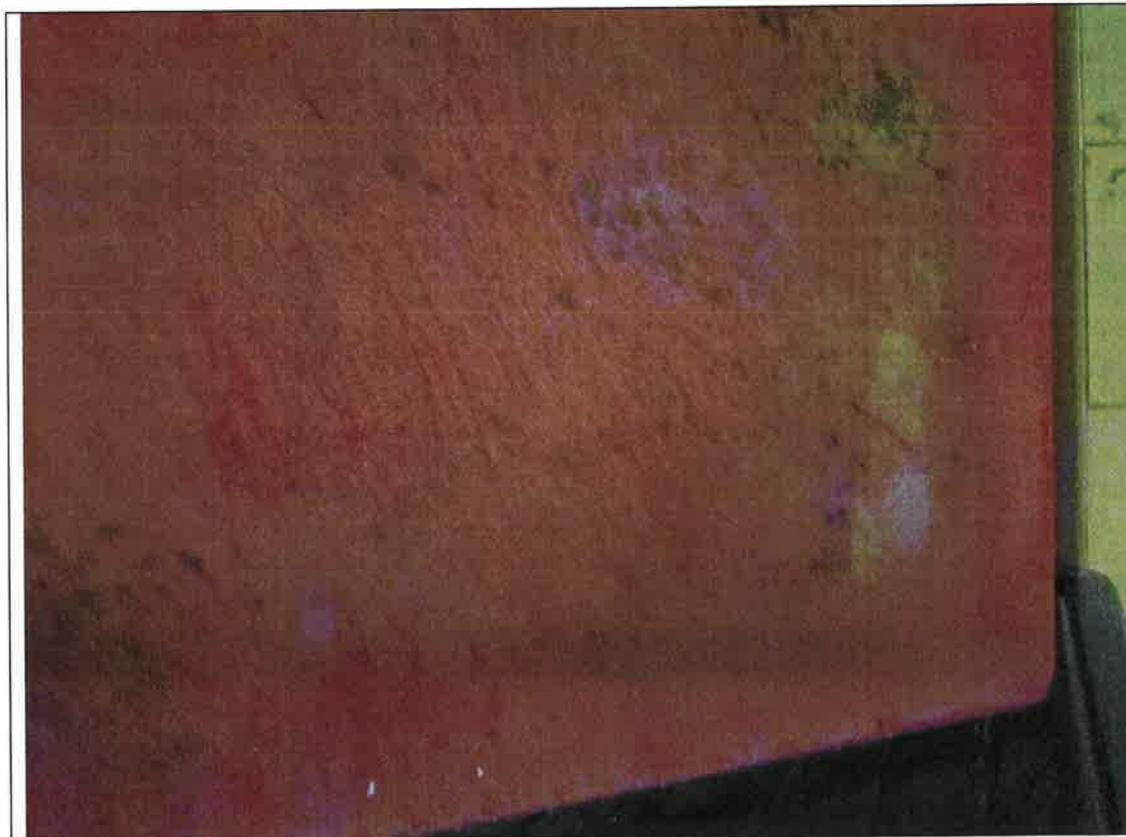


Photo 2

Scored and  
mouldy chopping  
board

Routine Food Hygiene Inspection – Best Favourite Chicken, 3 Market Street,  
Trowbridge – 04 February 2015



Photo 3

Scored and  
mouldy chopping  
board



Photo 4

Condition of  
replacement  
chopping board

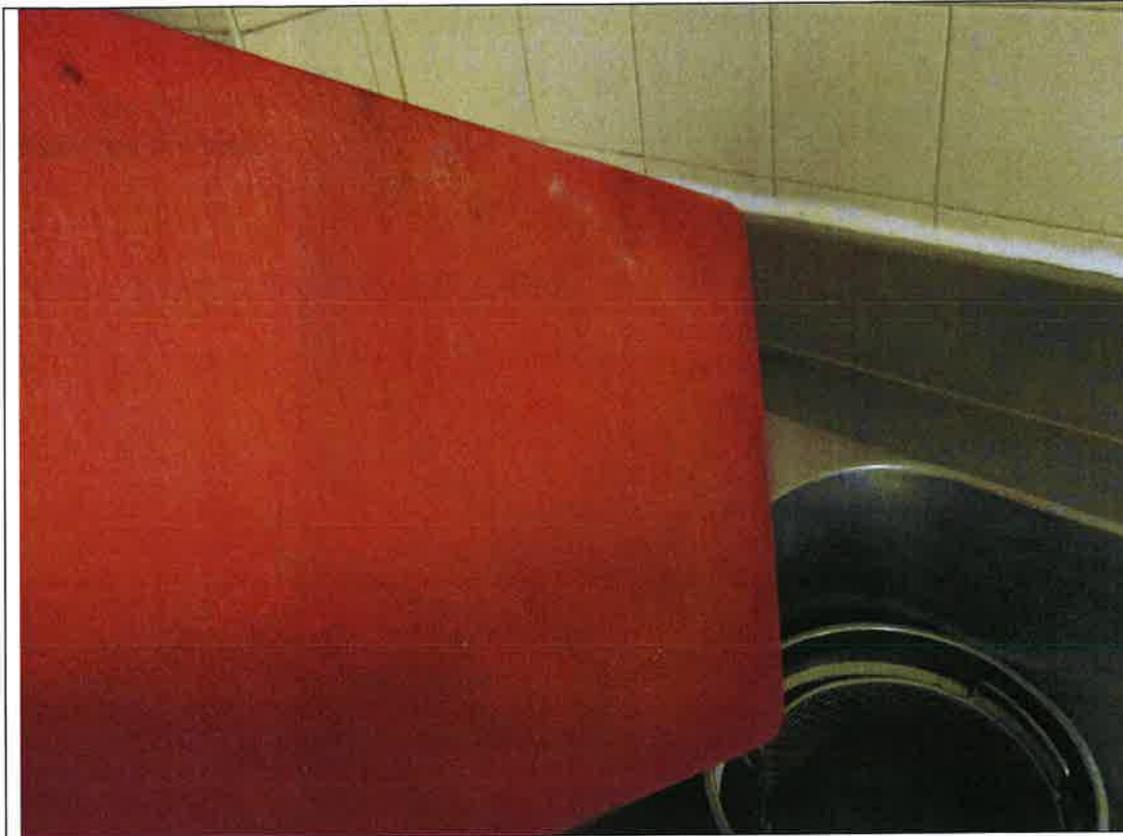


Photo 5

Condition of  
replacement board



Photo 6

Photo showing  
poor standard of  
cleaning around  
work surface legs  
and cardboard on  
floor



Photo 7

Photo of poor cleaning standards



Photo 8

Photo showing cluttered area surrounding the wash hand basin

Routine Food Hygiene Inspection – Best Favourite Chicken, 3 Market Street,  
Trowbridge – 04 February 2015



Photo 9

Photo of poor  
housekeeping



# Witness Statement

**STATEMENT OF: TERESA KATHRYN BRAY**

**Age of witness: over 18**

**Occupation of witness: Public Protection Officer – Licensing**

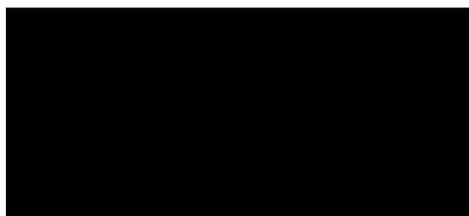
This statement consisting of 1 page each signed by me is true to the best of my knowledge.

Dated 9<sup>th</sup> February 2015

Signature  .....

1. My name is Teresa Bray and I am employed by Wiltshire Council as a Public Protection Officer for Licensing. Part of my role is to investigate complaints relating to licences issued by the Council. I have been working for the Council for 7 years, almost 1 year as a full time Licensing Officer. I am an authorised officer of Wiltshire Council.
2. On the morning of Saturday 7<sup>th</sup> February 2015 I made a routine visit to observe the number of door stewards at Favourite Chicken and Ribs, 3 Market Street, Trowbridge, BA14 8EY.
3. I travelled past in my vehicle at 00:13 I slowed down so I could clearly see the inside of the premises and the surrounding area. I observed no door stewards working at the premises. It was a clear night and there was one customer visible in the premises.

Signature



dated

09/02/15



# Witness Statement

**STATEMENT OF: LINDA VANESSA HOLLAND**

**Age of witness: over 18**

**Occupation of witness: Public Protection Team Leader – Licensing**

This statement consisting of 1 page each signed by me is true to the best of my knowledge.

Dated the 9<sup>th</sup> February 2015

Signature

- 
1. My name is Linda Holland and I am employed by Wiltshire Council as a Public Protection Team Leader for Licensing. I have been working for the Council for 26 years. I am an authorised officer of Wiltshire Council.
  2. On the evening of Saturday 7<sup>th</sup> February 2015, I was on duty with my colleague and Jemma Price who is a Public Protection Officer for Licensing. We were carrying out evening visits to a number of licensed premises in the West of the county.
  3. At approximately 00.45hrs on the morning of Sunday 8<sup>th</sup> 2015 we drove past Best Favourite Chicken and Ribs, 3 Market Street, Trowbridge, BA14 8EY.
  4. I was sat in the passenger seat of Jemma's car, we slowed down as we approached the premises to walking pace and I could clearly observe one door steward stood just inside the premise. The door steward was wearing a dark blue coat and hat I believe it to be the same steward I had previously spoken to on my November visit to the premise.
  5. No other door steward was visible in the premise.

Signature

dated

9<sup>th</sup> feb 2015



# Witness Statement

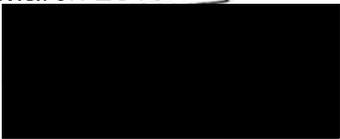
STATEMENT OF: TERESA KATHRYN BRAY

Age of witness: over 18

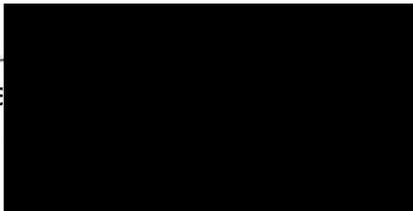
Occupation of witness: Public Protection Officer – Licensing

This statement consisting of 1 page each signed by me is true to the best of my knowledge.

Dated 2<sup>nd</sup> March 2015

Signature.  .....

1. My name is Teresa Bray and I am employed by Wiltshire Council as a Public Protection Officer for Licensing. Part of my role is to investigate complaints relating to licences issued by the Council. I have been working for the Council for 7 years, almost 1 year as a full time Licensing Officer. I am an authorised officer of Wiltshire Council.
2. On the morning of Saturday 28<sup>th</sup> February 2015 I made a routine visit to observe the number of door stewards at Favourite Chicken and Ribs, 3 Market Street, Trowbridge, BA14 8EY.
3. I travelled past in my vehicle at 00:55 I slowed down so I could clearly see the inside of the premises and the surrounding area. I observed one door steward working at the premises. It appeared to be the same door steward that myself and my colleague Linda Holland spoke to when we visited the premises on 15<sup>th</sup> November 2015.
4. The door steward was stood behind the counter with the premises licence holder, Mr Olmez. Therefore, the door steward would have had to get out from behind the counter should any disorder break out.

Signature 

dated

02/03/15

Signature



dated

02/03/15

# Witness Statement

**STATEMENT OF: CARLA ELIZABETH ADKINS**

**Age of witness: over 18**

**Occupation of witness: Public Protection Officer – Licensing**

This statement consisting of 1 page each signed by me is true to the best of my knowledge.

Dated the 5<sup>th</sup> March 2015

Signature.....  .....

1. My name is Carla Adkins and I am employed by Wiltshire Council as a Public Protection Officer for Licensing. I have been working for the Council for 5 years. I am an authorised officer of Wiltshire Council.
2. Seven photographs taken of damaged windows at the front of Best Favourite Chicken and ribs on Market Street, Trowbridge at 07.37 on 4<sup>th</sup> March 2015.
3. The photographs show shattered glass being partially covered by advertising posters. The larger posters are positioned on the inside of the premises, whereas the smaller “just eat” poster/sticker is located on the outside of the glass and appears to be covering the point of impact from where the glass has shattered.
4. At the same time I also witnessed two blue notices displayed in a different window of the premises. One for a review and one for a variation of the premises licence.

Signature



dated

5/3/15





# Best Favourite Fried Chicken

Doner - Kebabs Burgers - Pizzas

Eat in or

Takeaway

Free Delivery

ORDER TAKEAWAY THE SMART WAY.

## Just-Fat

[www.just-eat.co.uk](http://www.just-eat.co.uk)



Free Delivery

Free Delivery

## Just-Fat

[www.just-eat.co.uk](http://www.just-eat.co.uk)

Coffee Room

PIZZAS  
KEBABS

4/3/2015

# JUST

## www.just-

Thanks!  
You can also order from

**JUST  
EAT.CO  
UK**

Available on the App Store    ANDROID APP ON Google play

# QUARTER POUNDER



...of the

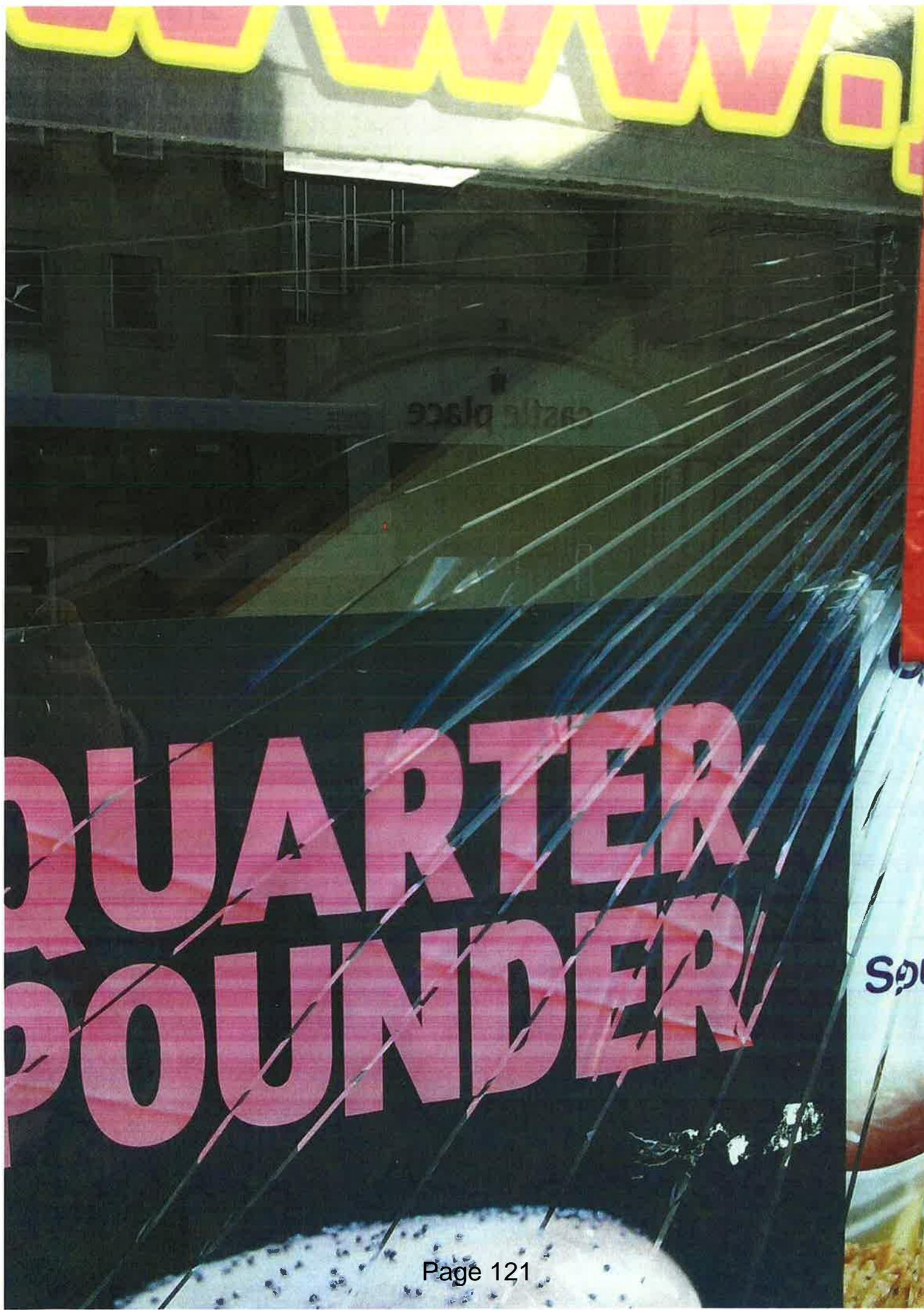
# SOUT

with our...

Southern Fried Crispy Chic



4/3/2015



4/3/2015



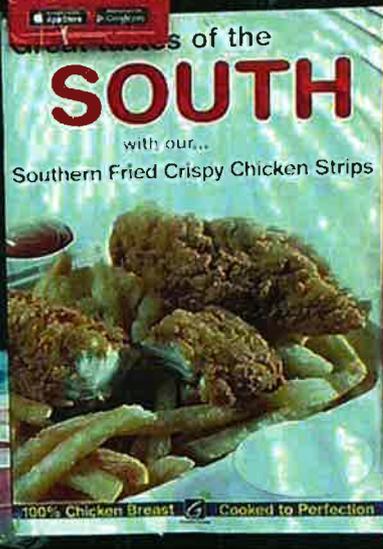
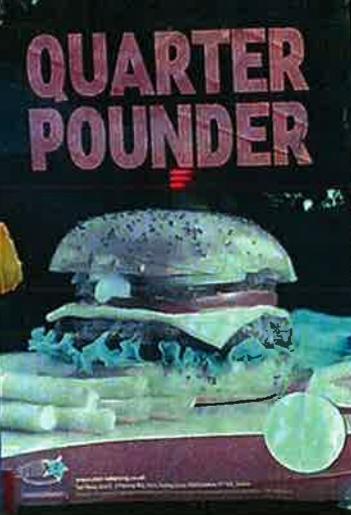


ORDER TAKEAWAY.  
THE SMART WAY.

# Just-EAT

www.just-eat.co.uk

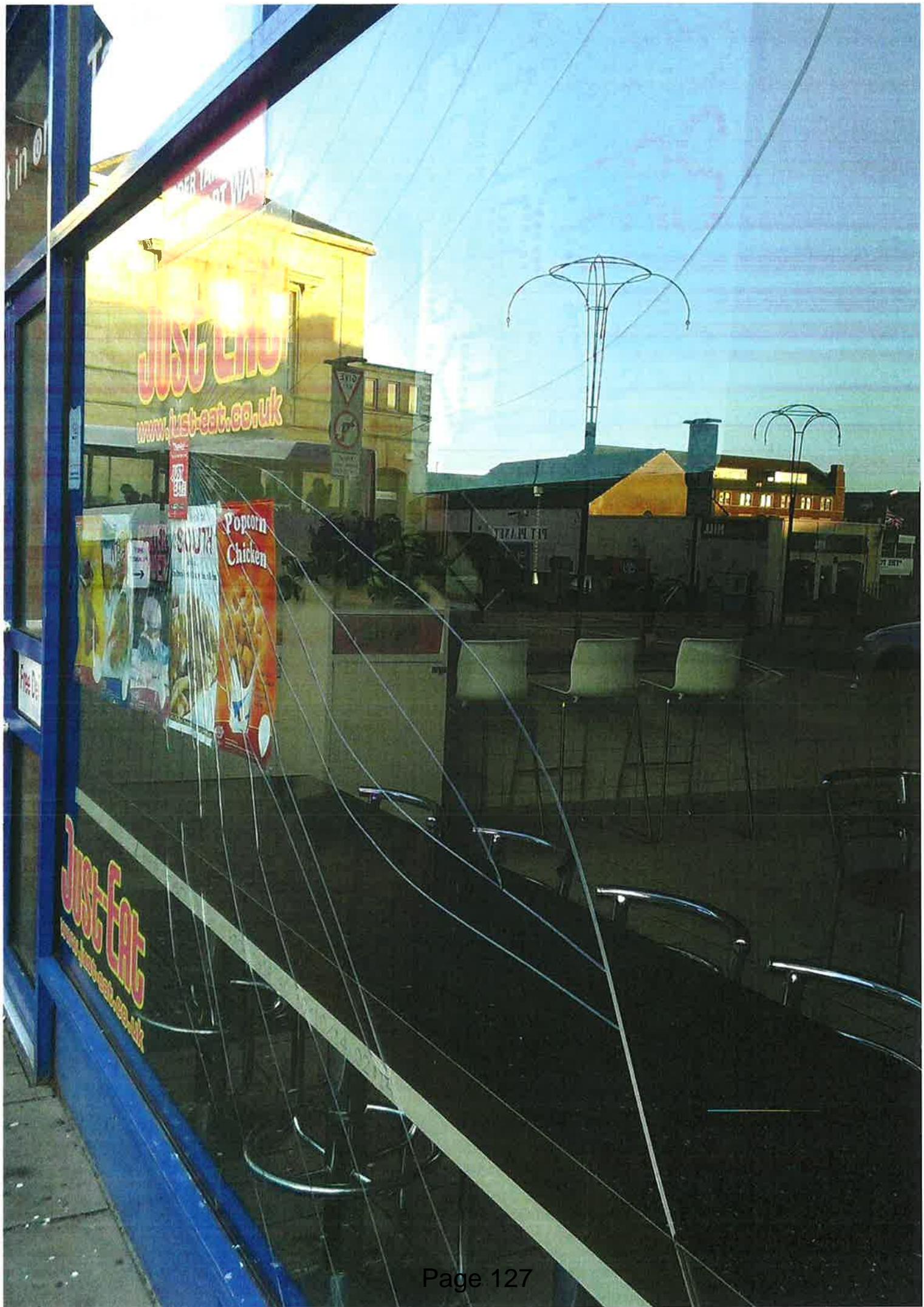
Thanks!  
You can also order from  
**JUST EAT**.co.uk  
Available on the App Store and Google Play



# Just-EAT

just-eat.co.uk





4/3/2015



Public Protection Team  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

**Trowbridge Police Station**  
Polebarn Road  
TROWBRIDGE  
Wiltshire BA14 7EP  
Telephone: 101  
Ext:  
Direct Dial: 01380 861355  
Facsimile:  
DX: 146500, Trowbridge 5.

Date 18<sup>th</sup> February 2015 Your ref

Our ref

Reply contact name is **Miss J Gallimore**

Dear Miss Hould

## **Review Application s. 51 Licensing Act 2003 - Favourite Chicken and Ribs Trowbridge**

Further to the copy of the review application served on Wiltshire Police on the 21<sup>st</sup> of January 2015, I can confirm that Wiltshire Police will provide further evidence to support this review application.

The evidence will broadly cover breaches of the premises licence witnessed by Police, details of disorder at the premises and the failure on the part of the premises licence holder to fully support the licensing objectives specifically – the prevention of crime and disorder.

Supporting documents will be provided to Wiltshire Council and the premises licence holder in due course.

If you have any further queries please do not hesitate to contact me.

Yours sincerely

  
*JG* Jacqui Gallimore  
**Licensing Officer**

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## **Wiltshire Police Licensing Report**

**Favourite Chicken and Ribs 3 Market Street, Trowbridge BA14 8EY**

**Hearing – Wiltshire Council Licensing Sub Committee 24<sup>th</sup> of March 2015**

This document has been prepared by the Wiltshire Police Licensing Department. It provides a summary of all the information held by Wiltshire Police in relation to the licensable activity at the premises also known as Best Favourite Chicken, Market Place, Trowbridge.

The information has been drawn from a number of Police recording systems, Storm Logs – the live system which records contact by members of the public, officers and partner agencies and dispatches appropriate resource. Niche – the crime recording system which records all crime incidents and associated files up to and including the court process and the Licensed Premises Register – the electronic database used by all staff to record visits to licensed premises.

To assist the Committee the same search parameters have been used to provide data in relation to two other late night refreshment house in Trowbridge town centre.

Wiltshire Police will rely on this summary of evidence, the statement of PC Louise Oakley attached dated 31<sup>st</sup> January 2015 and the town centre CCTV which records this incident at the hearing of a Review of a Premises Licence on 24<sup>th</sup> March 2015.

### Summary of Wiltshire Police Evidence

|                                |   |
|--------------------------------|---|
| <p>17/01/2014<br/>Friday</p>   | <p><b>Licensed Premises Visit</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 17/01/2014 23:50</p> <p>Comments: All quite. 2 x SIA on door. Only 2 customers at this time.</p> <p>Collar No.: 2335 PC Coupland</p>   |
| <p>19/01/2014<br/>Sunday</p>   | <p><b>Licensed Premises Visit</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 19/01/2014 02:00</p> <p>Comments: Visit to Best Favourite chicken. Only 1 x SIA on door. No further inside. Further visit at 03:00hrs and there were then 2 x SIA. 1 outside, 1 inside.</p> <p>Collar No.: 2335 PC Coupland</p>  |
| <p>25/01/2014<br/>Saturday</p> | <p><b>Licensed Premises Visit</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 25/01/2014 01:45</p> <p>Comments: License premises check, 2 door staff on duty.</p> <p>Collar No.: 8355 LO Gallimore</p>   |
| <p>25/01/2014<br/>Saturday</p> | <p><b>Report by Officer</b></p> <p>25/01/2014 at 03.11hours there were only 2 door staff at 03.35 hours, officers drove around the block and returned a few minutes later, still only 2 door staff. At 03.40 hours one of the door staff walked to the back of the Heart Foundation and appeared to be looking through towards The Beach. It had already been ascertained that The Beach had already closed. At 03.43 hours Favourite Chicken closed their doors and shortly after all the lights were out. 1832 PS Philpott.</p> |

|                                |  |
|--------------------------------|--|
| <p>26/01/2014<br/>Sunday</p>   | <p><b>Report by Officer</b></p> <p>26/01/2014 03:35 hour's only one door supervisor could be seen at the front of the premises, when conferring with the door supervisor it was ascertained that there was one further member of door staff by the counter inside. It was confirmed that there was only 2 door staff. I was informed that The Beach was busy so the third door supervisor wasn't able to attend. At 03.50 hours there were still only 2 door staff, the owner came out to me stating that another one would attend at 04.00 hours from The Beach, he was informed that he was breaching his license by trading with only 2 door staff. At 03.55 The doors were closed and the lights turned off. 1832 PS Philpott.</p>   |
| <p>26/01/2014<br/>Sunday</p>   | <p><b>Storm Log POL 20140126 – 0065</b></p> <p>Reported by town CCTV at 03.45 hours - fight ongoing the location being given as The Coventry Building Society which is next door to the takeaway. Officers attended and dispersed a number of persons there were no complaints.</p>  |
| <p>08/02/2014<br/>Saturday</p> | <p><b>Licensed Premises Visit</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 08/02/2014 00:05</p> <p>Comments: <u>Visit recorded on MG11 and transposed onto LPR by 8355</u></p> <p>At 0007 hrs on Sunday 8th February 2015 I was on duty with PC 1560 HARDMAN. I attended a takeaway business named Best Favourite Chicken which is located in Market Street Trowbridge.</p> <p>I spoke to the owner Mr OLMEZ and enquired as to where his door staff were as I am aware he is required to have two after midnight, and there were none present. Mr OLMEZ informed me that one was on his way. When I asked him if anymore were coming he replied no.</p> <p>My shift finished at 0300 hrs and up until that time I only saw one door man working at the premises.</p> <p>Collar No.: 26 PS Suter</p> |

|                              |  |
|------------------------------|--|
| <p>09/02/2014<br/>Sunday</p> | <p><b>Licensed Premises Visit</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 09/02/2014 00:15</p> <p>Comments:</p> <p><u>Visit recorded on MG11 and transposed onto LPR by 8355</u></p> <p>At 0017 hours on Sunday 9th February I was on foot patrol in full police uniform, in the company of Special Constable 4009 LITTLEDALE.</p> <p>I was walking in Market Street Trowbridge when I looked across at Favourite Chicken and noticed that there were no door staff inside or outside the premises. I am aware that a condition of his licence requires two door staff to be working from midnight until 0330 hrs, with a third door man between 0330 hrs and 0500hrs.</p> <p>I entered the shop and spoke to Mr OLMEZ.</p> <p>I asked Mr OLMEZ where the staff were, and he replied he did not need door staff until 0100hrs. I explained my understanding of his licence was that two were required at midnight. He continued to argue the point with me and was adamant that they were not required until 0100hrs.</p> <p>At 0405hrs the same day I attended Favourite Chicken following a report of disorder at the premises. Whilst at scene I spoke to a door man who reported that a female had been assaulted inside the premises and that the suspect had then left the shop and punched the main window causing it to break.</p> <p>I noticed that the security cameras inside the premises and also one outside that was looking down at the area where the suspect would have been standing when he smashed the window.</p> <p>I spoke to Mr OLMEZ regarding the CCTV he said the cameras inside were working but not the one on the outside.</p> <p>Collar No: 0026 PS Suter</p> |
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| <p>09/02/2014<br/>Sunday</p>   | <p><b>Storm Log POL 20140209 – 0082</b></p> <p>Reported by a member of the public at 04.02 hrs, who witnessed a male punch the window of the takeaway causing it to break, he also witnessed the same male head butt his girlfriend after an argument inside the premises. The owner of the takeaway ran after the offender who made off and was apprehended by Police later. The male was charged with assault and criminal damage. Three door supervisors were on duty at the takeaway and witnessed the incident and assisted in removing the suspect from the shop.</p>   |
| <p>15/02/2014<br/>Saturday</p> | <p><b>Storm Log 20140215 - 0066</b></p> <p>At 02.15 hrs a member of door staff called Police to request assistance; a male had been assaulted by another male. The victim left the area by taxi, the suspect was restrained by the door supervisor to prevent a further assault. The suspect left the area prior to Police arrival. Officers were unable to locate the victim or suspect.</p>   |
| <p>01/03/2014<br/>Saturday</p> | <p><b>Licensed Premises Visit</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 01/03/2014 03:45</p> <p>Comments: <u>Visit recorded on MG11 and transposed onto LPP by 8355.</u></p> <p>On Saturday 1st march 2014 I was on duty in full uniform. At 03.44 hours I drove past Best Favourite Chicken, Market Place Trowbridge. I could see that 2 door staff were in the process of locking the doors.</p> <p>Collar No.: 1832 PC Philpott</p>   |
| <p>02/03/2014<br/>Sunday</p>   | <p><b>Licensed Premises Visit</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 02/03/2014 00:35</p> <p>Comments: <u>Visit recorded on MG11 and transposed onto LPR by 8355</u></p> <p>On Sunday 2nd March 2014 I was on duty in full uniform in company with PC 2246 Chilton. At 00.37 hours we went inside Best Favourite Chicken as there were no door staff at the premises. I conferred with the owner who informed me that he didn't require door staff until 01.00 hours. I knew that this was incorrect information . I looked at his license which was displayed behind the counter, behind the license was a copy of the conditions attached to his license. I showed him this paperwork which confirmed that he did require 2 door staff between 00.00 and 03.30 hours. The owner replied "</p> |

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|                        | <p>TAKE ME TO COURT, THERE WILL BE TWO HERE AT 1". I informed him that I would be reporting this information back to the licensing officers. We left the premises where the owner continued to trade without the relevant door staff.</p> <p>Collar No.: 1832 PC Philpott</p>   |
| 14/03/2014<br>Saturday | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 14/03/2014 23:55</p> <p>Comments: Attended premises two door supervisors on duty.</p> <p>Collar No.: 8355 LO Gallimore</p>  |
| 29/06/2014<br>Sunday   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 29/06/2014 00:25</p> <p>Comments: Visit with PC HILTON and PC HARDMAN. Only 1 member of door staff seen. Spoke to owner who stated the 2nd doorman was running late.</p> <p>Collar No.: 0026 PS Suter</p> |
| 29/06/2014<br>Sunday   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 29/06/2014 01:05</p> <p>Comments: Visit and again only one doorman on duty. Doorman confirms second one is on his way.</p> <p>Collar No : 0026 PS Suter</p>   |

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| <p>29/06/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 29/06/2014 02:45</p> <p>Comments: Visit, still only one door man. Spoke to Mr. Olmez who states the 2<sup>nd</sup> door man turned up and went home sick.</p> <p>Collar No.: 0026 PS Suter</p>  |
| <p>16/08/2014<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 16/08/2014 00:25</p> <p>Comments: Only 1 doorman at premises, and he had just arrived. Spoke to Ken Olmez who stated a 2nd doorman would be there within 20mins</p> <p>Collar No.: 0026 PS Suter</p>  |
| <p>16/08/2014<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 16/08/2014 00:40</p> <p>Comments: Attended and 2<sup>nd</sup> door man was just arriving.</p> <p>Collar No.: 0026 PS Suter</p>  |
| <p>17/08/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 17/08/2014 02:20</p> <p>Comments: One member of door staff on, when asked if anymore were coming, he stated he didn't know but hoped that maybe someone else would come to join him as the pubs in Town started to shut.</p> <p>Collar No.: 1570 PC Hardman</p> |

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| <p>24/08/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 24/08/2014 00:25</p> <p>Comments: Visit only one door man, second doorman arrived at 0040hrs.</p> <p>Collar No.: 26 PS Suter</p>  |
| <p>30/08/2014<br/>Saturday</p> | <p><b>Storm Log POL-20140830-0057</b></p> <p>Patrolling staff report a fight outside Favourite Chicken all calmed on Police, Officers confirmed those involved were customers of the takeaway.</p>  |
| <p>31/08/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 31/08/2014 00:30</p> <p>Comments: Visit with PC Darvill. No door staff present. Spoke to owner who states they are due in soon.</p> <p>Collar No : 0026 PS Suter</p>  |
| <p>31/08/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 31/08/2014 01:30</p> <p>Comments: Visit with PC Darvill. One door man on the premises, who I observed behind the counter taking money and orders. Spoke to Ken who informed me that the 2<sup>nd</sup> door man would not be coming.</p> <p>Collar No.: 0026 PS Suter</p> |

|                                |  |
|--------------------------------|--|
| <p>31/08/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 31/08/2014 02:20</p> <p>Comments: Stood outside the premises. The only doorman was still working behind the counter taking orders. No other staff seen on the premises. I got the impression that the owner was using the doorman instead of employing someone else to serve.</p> <p>Collar No : 0026 PS Suter</p> |
| <p>13/09/2014<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 13/09/2014 00:20</p> <p>Comments: Only one door man on duty. Spoke to owner who states 2<sup>nd</sup> door man will not be coming in as he is in hospital with his son.</p> <p>Collar No : 0026 PS Suter</p>   |
| <p>21/09/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 21/09/2014 00:30</p> <p>Comments: Visit with PC 1570 Hardman. Only one door man on duty, states he is waiting for the other one.</p> <p>Collar No : 0026 PS Suter</p>  |
| <p>21/09/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 21/09/2014 00:50</p> <p>Comments: Attended with PC 1570 Hardman. Again only one door man on duty. Spoke to owner Ken, who states the other one isn't coming in.</p> <p>Collar No : 0026 PS Suter</p>   |

|                              |  |
|------------------------------|--|
| <p>28/09/2014<br/>Sunday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 28/09/2014 00:10</p> <p>Comments: Entered premises, no door staff on duty. Spoken to owner who didn't seem sure if door staff were coming on duty.</p> <p>Collar No : 0026 PS Suter</p>  |
| <p>28/09/2014<br/>Sunday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 28/09/2014 00:40</p> <p>Comments: Entered premises with Inspector Chamblings, again no door staff on duty. Spoke to owner and advised re his license conditions. He was not even sure if anyone was coming in at 3 am.</p> <p>Collar No.: 0026 PS Suter</p>  |
| <p>28/09/2014<br/>Sunday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 28/09/2014 02:40</p> <p>Comments: Still no door staff on duty.</p> <p>Collar No : 0026 PS Suter</p>  |
| <p>05/10/2014<br/>Sunday</p> | <p><b>Storm Log - 20141005-0065</b></p> <p>At 04.21 hrs town CCTV reported a disorder outside the takeaway, a large group had gathered, one male was seen to push/punch another male. This disorder spilled into the main road, officers attended and dispersed the crowd. Attending officers noted that there was only one door supervisor at the takeaway and that the takeaway was serving food until it closed at 04.40 hrs. During the course of the evening response officers checked the premises at 03.10 hrs and 03.25 hrs and found only one door supervisor at the premises .</p> |

|                                |   |
|--------------------------------|---|
| <p>11/10/2014<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 11/10/2014 00:30</p> <p>Comments: Attended with PC 1140 HOUGH. Only one member of door staff, spoke to owner who states that is all he is able to get tonight and will not have anymore after 03.00 hrs.</p> <p>Collar No.: 0026 PS Suter</p>   |
| <p>25/10/2014<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 25/10/2014 00:20</p> <p>Comments: Called at premises and spoke to owner. Only one door man on duty. Owner states he has sent a letter to licensing department with evidence as to why he shouldn't have two door men on duty and asking for license to be altered. I informed owner that until the license has been changed he must conform to license conditions. PC 2246 Chilton was present during this conversation.</p> <p>Collar No.: 0026 PS Suter</p> |
| <p>19/10/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 19/10/2014 02:00</p> <p>Comments: Premises checked and at 00:05 hrs there was one door supervisor on duty. Checked again at 01:40 hrs and at this time there were two door supervisors working at the premises.</p> <p>Collar No.: 1409 PC Darvill</p>  |

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| <p>26/10/2014<br/>Sunday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 26/10/2014 00:40</p> <p>Comments: Attended with PC 2342 Daveridge, only one door man on duty. Ken stated another door man would be coming on duty later.</p> <p>Collar No.: 0026 PS Suter</p>  |
| <p>26/10/2014<br/>Sunday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 26/10/2014 01:00</p> <p>Comments: Only one member of door staff on duty.</p> <p>Collar No.: 0026 PS Suter</p>  |
| <p>26/10/2014<br/>Sunday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 26/10/2014 01:30</p> <p>Comments: Only one member of door staff on duty. Spoke with licensee who advised that his second door man was due to attend at 0200hrs.</p> <p>Collar No.: 2246 PC Chilton</p>   |
| <p>26/10/2014<br/>Sunday</p> | <p><b>Storm Log POL-20141026-0061</b></p> <p>A 01.12 hrs a male reported that he had been head butted by another male, he stated that the suspect was coming at him again and was being held back by friends. The caller stated that he had been thrown out of the takeaway by door staff. Officers attended and it transpired that the male had not been assaulted he had been involved in a dispute at the premises and was asked to leave. He was described as too intoxicated to take any details; officers reported the matter as to be dealt with once the male was sober.</p> |

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| <p>01/11/2014<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 01/11/2014 00:20</p> <p>Comments: Attended and spoke to owner (Ken). No door staff visible. Ken stated one would be in later. I asked if he was having anymore as per his licence conditions and he said no, he was only having one on Fridays.</p> <p>Collar No.: 0026 PS Suter</p>  |
| <p>02/11/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 02/11/2014 01:15</p> <p>Comments: No door staff seen at 01.15 hrs at 02.20 hrs two door staff seen.</p> <p>Collar No.: 2342 PC Daveridge</p>  |
| <p>08/11/2014</p>              | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 08/11/2014 02:10</p> <p>Comments:<br/><u>Email from PS Hughes recorded on LPR by 8355</u></p> <p>Both,</p> <p>On patrol last night at 0210hrs there was only one member of door staff on, there was disorder outside the location and door staff did not assist, then further disorder inside the location and again door man just wandered around. Then later at about 0235hrs a large male that had been inside the food outlet and been part of the inside disorder came outside and then psuhed another male in front of officers and was subsequently arrested for D&amp;D, as the IP refused to cooperate. The doorman was less than helpful.</p> <p>Sergeant Gill Hughes</p> |

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| <p>15/11/2014<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 15/11/2014 00:40</p> <p>Comments: Attended premises with PC 1570 Hardman. Only one member of door staff on duty. Spoke to owner who just kept talking about the letter he had sent asking for his licence to be changed. I again explained that until the change was made he must abide by his conditions.</p> <p>Collar No.: 26 PS Suter</p>   |
| <p>16/11/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 16/11/2014 00:45</p> <p>Comments: Attended premises. No door staff on duty. Spoke to owner who told me one would be coming in about 15 minutes. Should be 2 on duty.</p> <p>Collar No.: 26 PS Suter</p>   |
| <p>14/12/2014<br/>Sunday</p>   | <p><b>Storm Log POL-20141214-0044</b></p> <p>At 01.29 hrs a passer by reported a large scale fight taking place outside of the takeaway the caller reported that there were about 16 people involved and that they were intoxicated, adding that some were on the floor.</p> <p>Town CCTV monitored and confirmed that two, males and one female seemed to attacking anyone who walked past. Street Pastors intervened in an attempt to calm the situation. Town CCTV confirmed that the main protagonists ran from the area.</p> <p>Police attended and found one female who had been attacked by another female, she had sustained bruising to her face and elbow and patches of her hair had been ripped from her head. Officers identified the suspect and arrested her. She was later given an adult caution. From Police records it would appear that there were no door supervisors on duty at the takeaway at the time of the disorder.</p> |

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| <p>26/12/2014<br/>Friday</p>   | <p><b>Storm Log POL-20141226-0241</b></p> <p>At 21.11 hrs male member of staff called for assistance stating that a male was threatening staff. The caller taker noted the log that the reporting person was rude and was talking to others during the call, at one point whilst the call taker was trying to establish details the caller stated 'I have to go we are very busy'. Officers attended the takeaway and noted that staff refused to give any details. A taxi driver confirmed that a male had gone behind the counter following a dispute over a food order. A number of enquiries were carried out to identify the male who had allegedly threatened staff but officers were unable to locate him.</p>  |
| <p>27/12/2014<br/>Saturday</p> | <p><b>Storm Log POL-20141227-0042</b></p> <p>At 02.21 hrs Town CCTV reported 2 persons fighting outside the takeaway. Officers attended both males were spoken to and moved on. No door supervisors from the premises were seen at the time of the incident.</p>   |
| <p>27/12/2014<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken<br/> Date &amp; Time Visited: 27/12/2014 02:35<br/> Comments: Premises visited following disorder outside (unrelated to premises) and observed with ZERO door staff at this time. Observations maintained on premises throughout the next 40 minutes approx, 03:00 came and went ZERO door staff present. Two minor scuffles break out inside in total, one broken up by licensee, other broken up by officers and door staff from the Beach (not contracted to do this, assisting officers). Food service slowed as licensee had to stop to intervene in the minor disorders.</p> <p>Member of public seen to be invited behind the counter and through the food prep area, where she disappeared for 5 minutes and subsequently distracted licensee. Whilst this distraction was ongoing, food service was slowed and the second disorder broke out.</p> <p>Required 5 officer's active intervention for 40 minutes in keeping parties separate. Would have been impossible to succeed in this task without the voluntary assistance of door staff from The Beach.</p> <p>Collar No: 2448 PC Twyford</p> |

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| <p>27/12/2014<br/>Saturday</p> | <p><b>Storm Log POL-20141227-0053</b></p> <p>At 03.14 hrs patrolling officers requested assistance to deal with a group of intoxicated persons causing disorder in the vicinity of the takeaway. The group were dispersed. Officers noted that at time of the incident there were no door supervisors on duty at the takeaway.</p>  |
| <p>28/12/2014<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 28/12/2014 01:00</p> <p>Comments: Attended Best Favourite Chicken- no door staff on duty, spoke with owner who stated he does not have any as the failed to turn up, 04.05 disorders outside Favourite Chicken, 04.15 second disorder outside, door staff from the Beach have assisted.</p> <p>Collar No : 2413 PC Oakley</p> |
| <p>28/12/2014<br/>Sunday</p>   | <p><b>Storm Log POL-20141228-0049</b></p> <p>At 03.57 hrs Town CCTV reported that the owner of the takeaway was trying to move youths on from outside the premises, this disorder continued outside the Coventry Building Society. Officers attended and dispersed the group. There were no door supervisors on duty at the premises at the time of the incident.</p>   |
| <p>11/01/2015<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 11/01/2015 00:10</p> <p>Comments: No door staff present. Spoke to owner who informed me one would be coming in at 00.30hrs</p> <p>Collar No : 0026 PS Suter</p>   |

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| <p>11/01/2015<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 11/01/2015 02:30</p> <p>Comments: No door staff present</p> <p>Collar No : 0026 PS Suter</p>   |
| <p>18/01/2015<br/>Sunday</p>   | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 18/01/2015 00:15</p> <p>Comments: Best Favorite Chicken was checked at 00:15 and there was one door staff. He confirmed that he was scheduled to be the only door staff that evening.</p> <p>Collar No : 1409 PC Darvill</p>   |
| <p>31/01/2015<br/>Saturday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time visited: 31/01/2015 03:15</p> <p>Comments: Attended a report of a disorder, arrived at 03. 14hrs , a male causing problems in the takeaway and asked to leave, continued behaviour outside, male arrested as he head butted a member of public. Statement submitted describing the incident and confirming that there were no door supervisors present at the takeaway.</p> <p>Collar no : 2413 PC Oakley</p> <p><b>Storm Log POL-20150131-0055 &amp; POL-20150131-0346</b></p> <p>Records the above incident, CCTV captures the female Police Officer being pushed and a male head butting another male. The log records the request for an Inspector's Authority to issue a section 35 notice to disperse persons from the vicinity. This was granted, the lack of door staff being taken into consideration.</p> |

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|                              | <p><b>Niche 54150009946</b></p> <p>The crime management record records that a male was given an adult caution for common assault.</p> <p>Statement of PC Oakley dated 31/01/2015 attached.</p> <p>Town CCTV of incident attached.</p>  |
| <p>01/02/2015<br/>Sunday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time Visited: 01/02/2015 00:20</p> <p>Comments: <u>Visit recorded on MG11 and transposed onto LPR by 8355</u></p> <p>At 00.20 hrs on Sunday 1st February 2015 I was on duty in full uniform when I attended Best Favourite Chicken located in Market Street, Trowbridge, Wiltshire. At this time I could see no door staff on duty, despite the licence conditions stating the premises must have two door staff on duty from midnight.</p> <p>I spoke to the owner who I know as Kenan OLMEZ who advised me that one doorman was on his way. I pointed out his licence conditions specify two from midnight, but he shrugged his shoulders and said he only had one.</p> <p>At 0048 hrs I attended the premises again and saw only one doorman on duty. I worked until 0300hrs, and up until this time I saw only one doorman working at the premises.</p> <p>Collar No.: 0026 PS Suter</p> |
| <p>01/02/2015<br/>Sunday</p> | <p><b>Licensed Premises Register</b></p> <p>Premises: ET - Best Favourite Chicken</p> <p>Date &amp; Time visited: 01/02/2015 04:25</p> <p>Comments: Disorder outside Favourite Chicken , a large group of about 30 outside- Door staff from the Beach at scene trying to assist- No door staff present for Favorite chicken. Police stayed at scene for 35 minutes.</p> <p>Collar no : 2413 PC Oakley</p>  |

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|                        | <p><b>Storm Log POL-20150201-0076</b></p> <p>At 04.18 hrs Town CCTV reports that there are 10 males fighting at the location. The log notes that 'Ken' the owner of the takeaway is involved in the disorder and appears to be an instigator. At 04.22 hrs the CCTV operator notes that the fighting has stopped as door staff from The Beach have arrived. At 04.34 hrs officers confirm that there are still lots of people in the area and remain at scene for 30 minutes as a deterrent.</p> |
| 14/02/2015<br>Saturday | <p><b>Storm Log POL-20150214-0037</b></p> <p>At 02.40 hrs a member of staff from the takeaway called for police assistance, he was unable to provide any detail other than to say that there was a male and female arguing. Officers attended verbal altercation and established there had been a verbal altercation between the male and the owner of the takeaway, his friends had dragged him away. No offences disclosed. No door supervisors were present at the takeaway.</p>              |

### **Niche, Storm and Licensed Premises Visits**

#### **Flames, Castle Street, Trowbridge**

A search of the above recording systems and the licensed premises register shows that there have been no calls for resource at these premises since the 1<sup>st</sup> of January 2014 to date. There are no concerns recorded on the Police licensed premises record.

#### **Charcoal Grill, Church Street, Trowbridge**

A search of the above recording systems and the licensed premises register shows that there has been one call on the 8<sup>th</sup> November 2014 at 02.55 hours for a Racially Aggravated Public Order since the 1<sup>st</sup> January 2014 to date. There are no concerns recorded on the Police licensed premises record.

### **Summary**

Wiltshire Police have considered the extensive licensing history of this premises documented by the Licensing Authority, the response to concerns by the Premises Licence holder and the continued breaches of the Premises Licence.

Attempts have been made by previous Licensing Committees and Magistrates to balance the Premise's Licence holders right to operate his business with the statutory duty of the responsible authorities to reduce crime, disorder and anti social behaviour.

In spite of these efforts the premises continues to be the focal point for crime and disorder associated with the night economy, Wiltshire Police have no confidence in the premises licence holder to promote

the licensing objective – the prevention of crime and disorder. Conditions applied at previous hearings are not complied with and there are no further conditions which would effectively counter the concerns.

The revocation of the licence is now the only effective option to properly promote the Licensing objectives.

Jacqui Gallimore

**Licensing Officer**

**Wiltshire Police**

6<sup>th</sup> March 2015



WITNESS STATEMENT

(Criminal Justice Act 1967, s9; Magistrates' Courts Act 1980, s5B; Criminal Procedure Rules, r 27.2)

URN [Redacted]

Statement of: Constable 2413 LOUISE OAKLEY

Age over 18: 'O' 18 (if over 18 insert 'over 18') Occupation: Police service

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: [Signature] #2413 O [Redacted] Date: 31/01/2015 06:31

X if witness evidence is visually recorded (Supply witness details on rear)

I am Police Constable 2413 OAKLEY and I work from Trowbridge Police Station .

On Saturday 31<sup>st</sup> January I was on duty in full uniform work in the company of PC 2541 LAPPIN.

At 0309hrs we were tasked to Trowbridge, to Best Favourite Fried Chicken, to a report of a disorder.

Trowbridge CCTV had been monitoring a group that were possible causing issue, and a black male dressed all in black was trying to fight with other people.

At 0314hrs we arrived at scene, as we pulled up outside I noticed that there was a group of people out side of Best Favourite fried Chicken, there was a black male about 5'9 in height and a taller black male over 6ft, they seemed to be trying to fight one another, the shorter male dressed all in black was being held back by a white male, this black male seemed to be trying to get to the other black male, and try to punch him, for this reason, I had to step in and tried to prevent the male from fighting and attacking the male, at this point the 5'9 black male has pushed me with both of his hands to my chest with force and I have gone backwards, the male then quickly reacted and calmed down, he apologised for pushing me, and stated he did not realise I was police and thought I was a member of public trying to get to him, for this reason took no action, as I believed the male did not realise at first I was a police officer and I then calmly spoke with the male.

I asked him to calm down, and to go home, but he refused as he wanted some food, I sated that he could go and get some food, as long as he did not cause on more trouble, the male went into Favourite Chicken, and ordered his food, whilst trying to pay he stated he did not have his wallet and it had been stolen from him.

The male become aggressive, I asked him to clam down and he started accusing all the customers in the takeaway, there were about 15-20 people in total.

I stated to the male that for him to go out side, and we would discuss the matter outside, the male went outside and he informed me that he last had his wallet in The Beech Nightclub, I attended the Beach night club with the male , the wallet was not there and had not been handed in, is stated I would take a report of theft of his wallet from him but he refused details saying the police never do anything.

PC 2541 LAPPIN was in company with us, the male then headed back to Favourite Chicken , I informed him he would need to clam down, the male seemed calmer, but was drunk, his breath smelt of intoxicants , he still would not leave and I was worried there would be a further disorder, on arriving back outside Favourite chicken I saw the black male approach a white male, he went up and asked him if he had seen his wallet, at this point I was discussing a section 35 dispersal

[REDACTED]

order with PC 2541 LAPPIN and was about to contact the inspector, I was stood about 2-3 meters away from the Black male, he went foot to foot with the white male, and I saw him clearly head butt the white male, the white male I now know to be [REDACTED] did head butt the male back. But the black male was the main instigator [REDACTED] had not come to attention before this incident and seemed very clam.

At 0325hrs I arrested the black male I now Know to be [REDACTED] on suspicion of ABH, i stated " YOU DO NOT HAVE TO SAY ANYTHING BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING WHICH YOU LATRE RELY ON IN COURT ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE "

Necessity prompt and effective investigation and to prevent further harm and injury ,he was placed in handcuffs, and placed in the rear of the police vehicle.  
The male made no reply, but kept commenting about his wallet being stolen, which I did explain I was trying to deal with .

I spoke with [REDACTED] who informed me that earlier on in the evening the male I had arrested had punched him to the face, the male had a bruised swollen nose, he stated he saw the male that I had arrested groping a female, he went and intervned and the male punched him to the face.  
[REDACTED] also Had a small lump appearing to the left hand side of his face above left eyebrow .

[REDACTED] was transported to custody arriving at 3045hrs.

I would like to add that on attending Best Favourite Fried Chicken Market Place Trowbridge, i am aware that there are conditions and after 0300hrs there are meant to be three door staff present.

On attending at 0314HRS there were no door staff present, and the owner was serving food over the counter and they were still open .

There was a disorder outside and also inside, and at no time did any door staff present them self , or show up at Favourite Chicken.

Signature:  #24 [REDACTED]

Date: 31/01/2015 06:31