

AGENDA SUPPLEMENT (1)

Meeting: Western Area Licensing Sub Committee
Place: Warminster Civic Centre, Dewey House, Warminster
Date: Thursday 15 December 2011
Time: 1.00 pm

The Agenda for the above meeting was published on 7 December 2011 and indicated that the report detailed below would be to follow. This is available and is attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Anna Thurman 01225 718379 or anna.thurman@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718379 or email

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

5. Licensing Application (Pages 1 - 16)

DATE OF PUBLICATION: 8 December 2011

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WILTSHIRE POLICE
LICENSED PREMISES REGISTER 2011

Feta Feast 82 Market Place Warminster

Premises Licence Holder – Mr S Thnaibit

June 2011

1. On Saturday 11 June 2011 town centre CCTV recorded the following -
 - 02.00 - 03.00hrs Feta Feast open and trading.
 - 02.03 hrs no door staff seen
 - 02.10 hrs clear view of shop, no door staff present and customers still going in and out food and money being exchanged.
 - 02.31 hrs still open and trading with no door staff.
 - 02.45 hrs still open and trading with no door staff.
 - 02. 59hrs end of footage, still open and trading.
2. Log 0060 on 12/06/11 at 02.40 a further call from CCTV staff reports disorder at the premises, police attended and dispersed persons from the vicinity.
3. Niche 54110050397 refers at 02.40 hours on 12/06/11 following a reported disturbance at Feta Feast the attending officer recorded 'I spoke to the staff working there regarding their door staff. The staff told me that the business had a new owner, they didn't know his name but they believed he was the proprietor of DJ Taxis another local Warminster business. They also told the officer that there had been no door staff recently and nor was there likely to be as the new owner didn't want to employ them at the premises.
4. On Sunday 12 June 2011 town centre CCTV recorded the following -
 - 02.00 - 03.00hrs Feta Feast open and trading
 - 02.04 hrs male urinating outside the premises.
 - 02.08 hrs clear view inside, no door staff on duty.
 - 02.25 hrs clear view inside no door staff on duty

02. 30 hrs male beginning to get aggressive outside.

02. 40 hrs fight breaks out inside premises, Police attend.

0259hrs- end of footage, still open and trading

5. On Saturday 18 June 2011 town centre CCTV recorded the following -

02.00 – 03.00 hrs open and trading

02.24 hrs clear view, no door staff on duty.

03.00 hrs end of footage, still open and trading

6. Premises: ER - Feta Feast

Date/Time Visited: 18/06/2011 02:25

Comments: checked all in order no door staff visible

Officer : Ps Hughes

Sector Name: Warminster

7. On Sunday 19 June 2011 town centre CCTV recorded the following -

02.00 – 03.00 hrs open and trading

02.06hrs clear view, no door staff.

02.17 hrs clear view, no door staff.

02.24 hrs pushing and shoving outside of the premises.

02.59 hrs end of footage, still open and trading.

8. Premises: ER - Feta Feast

Date/Time Visited: 19/06/2011 03:00

Comments: All in order, however no door staff seen

Officer : Pc Windsor Hitchins

9. On Saturday 25 June 2011 town centre CCTV recorded the following –

02.00 – 03.00 hrs Feta Feast open and trading

02.11 hrs clear view, no door staff

02.13 hrs clear view, no door staff

02.27 hrs clear view, no door staff

02.59 hrs end of footage, still open and trading

10. On Sunday 26 June 2011 town centre CCTV recorded the following –

02.00 – 03.00 hrs Feta Feast open and trading

02.15 hrs clear view, no door staff

02.40 hrs clear view, no door staff

02.48 hrs police attend premises

02.50 hrs police leave, premises continues trading.

03.00 hrs end of footage, still open and trading.

July 2011

11.Premises: ER - Feta Feast

Date/Time Visited: 02/07/2011 02:20

Comments: visited takeaway busy, no door staff on duty or visible, no member of staff able to speak due to being busy.

Collar No : Pc Calland

12.Premises: ER - Feta Feast

Date/Time Visited: 10/07/2011 02.05

Comments: No door staff visible inside venue staff serving

Officer : Ps Hughes

13.Premises: ER - Feta Feast

Date/Time Visited: 10/07/2011 03.00

Comments: No door staff present customers still being served

Officer : Ps Hughes

14.On Saturday 16th July 2011 town centre CCTV recorded the following -

02.00 – 03.00 hrs open and trading

02.14 hrs serving with no door staff visible

02.22 hrs serving no door staff visible

02.45 hrs still serving not seen any door staff yet

02.54 hrs one member of door staff comes from behind the counter and exits Feta.

02.55 hrs a male urinates in the doorway of the Ink Shop next door to Feta

02.55 hrs Feta Feast closed

15. On Sunday 17th July 2011 town CCTV records the following -

02.00 – 03.00 hrs Feta Feast open and trading

02.03 hrs really busy inside Feta, no sign of door staff.

02.13 hrs no sign of door staff.

02.24 hrs an incident inside the door of Feta, one person on the floor, Police cross the road and investigate, still no door staff, male appears to have injured his leg

02.29 hrs one member of door staff member appears from behind the counter to talk with the Police.

02.30 hrs First Responder car turns up for the injured male

02.36 hrs fight breaks out outside Feta's front door Police again cross the road one member of door staff comes out of premises just after Police arrive

0237hrs- Feta's lights go out persons still inside at that time.

02.38 hrs Feta Feast closed

02.42 hrs incident outside still being dealt with

02.44 hrs Police talking to owner

02.50 hrs ambulances arrives to take injured male away

16. Premises: ER - Feta Feast

Date/Time Visited: 17/07/11

Comments: Log 0065 on 17/07/11 refers at 02.28 hours I visited Feta Feast Takeaway Market Place Warminster, I was flagged down by a member of the public who told me trouble was brewing inside, the premises was full, I saw a male person who had injured himself within the premises and was being tended to. This male had somehow managed to put his foot through a floor tile.

The floor was a danger; there was a hole approx 12 inches by 24 inches right by the door and a hazard to further customers. Feta tried to continue serving customers until I told them they should consider closing due to Health and Safety. The owner a Sid Thnaibat turned up at the premises and informed me that he was the new owner and had been for 1 month. Sid Thnaibat wanted the help of Police to empty the premises. Customers were irate at being turned away and tempers became frayed. After a scuffle between a half a dozen or so people outside which then calmed down, I spoke to Sid Thnaibat seriously about what had happened and how I thought he was managing his premises. Sid Thnaibat told me he was not aware of his licence conditions and disagreed that the Council should impose any conditions at all. Sid Thnaibat stated he paid his rates and he should decide his own conditions. He said he would not and cannot afford door staff and he wished he hadn't bought the premises.

Sid Thnaibat believes it is the job of the Police to control the order there and expects the Police to be there as he pays our wages. I was quiet firm in explaining what I understand to be his Wiltshire Council licensing conditions and at the moment whilst these are in place he needs to abide by them.

Officer : Inspector Winter

17. Niche 54110063697 refers on 23/07/11 at 02.55 hours Feta Feast were still open and serving. I would estimate there being still over 15 customers inside at this time. There were no door staff at all throughout the night.

18. On Saturday 23rd July 2011 town centre CCTV recorded the following –

02.00 – 03.00 Feta Feast open and trading

02.00 hrs no door staff visible

02.15 hrs still trading, no sign of door staff.

02.20 hrs premises very busy no sign of door staff, one male urinating on the Natwest Bank door.

02.30 hrs premises very busy no sign of door staff

02.55 hrs premises very busy no sign of door staff

03.00 hrs still opened and serving no door staff

19. On Sunday 24th July 2011 town centre CCTV recorded the following -

02.00 – 03.00 hrs Feta Feast opened and trading

02.15 hrs no door staff inside

02.18 hrs one member of door staff comes out from behind the counter with food and exits Feta and walks towards The Old Bell to an incident, not seen to go back to Feta Feast. Police already in attendance at The Old Bell

02. 24 hrs no door staff visible.

02.59 hrs Feat Feast open no door staff visible.

20.23/07/11 warning letter sent to premises by Wiltshire Council Licensing Officer

21. On Saturday 30th July 2011 town centre CCTV records the following -

02.00 – 03.00 hrs Feat Feast open and trading

02.10 hrs no sign of door staff.

02.45 hrs premises very busy no sign of door staff

02.52 hrs premises very busy with no sign of door staff litter on the floor outside the Ink shop.

22. On Sunday 31st July 2011 town centre CCTV records the following -

02.00 – 03.00 Feta Feast open and trading

02.00 hrs no sign of door staff.

02.16 hrs no door staff visible.

02.31 hrs one member of door staff arrives and goes behind counter

02.38 hrs no door staff seen

02.51 hrs appears that one member of door staff leaves and heads towards The Old Bell.

02.52 hrs female throws her Feta rubbish on the floor

August 2011

23.Premises: ER - Feta Feast

Date/Time Visited: 07/08/2011 11:00

Comments: I have spoken with a male who used to be door staff at Feta, who tells me Feta Feast was run by a Sakiba Icer , a few months ago she sold the business to male called Said, who runs a taxi firm in Warminster. Since taking over, Said has no door staff on and has told people that he doesn't need door staff, its Police's job to deal with any issues.

Officer : Pc Windsor - Hitchins

24.Log 0052 on 07/08/11 at 01.22 hours reported by CCTV as disorder. Police units despatched - no arrests

25.Log 0095 on 07/08/11 at 02.58 hours reported by CCTV as three males fighting. Police units deployed. One arrest officer attending, Pc Emery reported that there was no door staff on duty at the premises.

26.Log 0043 on 14/08/11 at 01.27 hours reported as disorder, abusive male swearing and shouting in the shop he was complaining about the quality of the food.

27.Premises: ER - Feta Feast

Date/Time Visited: 20/08/11 02.35

Comments: Attended premises in company Inspector Winter at approx 02.35 hours, no door staff present on the two occasions we had driven past male who gave details as C Griffin turned up at the premises as we arrived and told me

that he was the door supervisor, he gave badge number 0130 0142 1679 he told me that he had been there since 01.30 hours as he had just finished at the Bath Arms. When questioned he then admitted that he had been told to say he was door staff by Stephen Wheeler.

Officer : Jacqui Gallimore

28.29/08/11 E-mail from PS Griffin.

Feta Feast had two door staff on duty from midnight on all 3 nights.

September 2011

29. On Sunday 25 Sept 2011 town centre CCTV records the following -

02.00 – 03.00 hrs Feta Feast open and trading

02.02 hrs Police attend and speak to staff, door is closed with customers still inside and is locked

02.13 hrs Police leave premises

02.26 hrs all customers leave and the lights go out

02.27 hrs male outside starts getting aggressive towards shop workers through the window

02.43 hrs taxi pulls up outside, male gets out (believed to be owner) and appears angry and directs workers back inside the premises

02.45 hrs lights back on, doors open and customers go inside

02.52 hrs- Police re-attend and then leave

03.10 hrs- customers still getting food

03.15 hrs- premises lights off and door closed

30. 14/09/11 police request a meeting with the premises licence holder.

31.Premises: ER - Feta Feast

Date/Time Visited: 23/09/11

Comments: I visited early Fri evening and asked them what their intentions were going to be re door staff and hours this weekend – I was told by staff they were trying to source door staff for the 2 nights. I made it quite clear that if they had no door staff they should close at 02.00 hours. On Friday into Sat morning they did just that, and the town was a different place because both premises closed on time.

Officer :Inspector Winter

32.Niche 54110083673 refers on 25/09/11 at approximately 02.15hrs on the morning I visited the Takeaway premises Feta Feast in the Market Place Warminster. I am aware of this premises and the fact there are licence conditions in place for the premises to operate as a late night refreshment House. Should the licence holder/designated staff decide to open until 0300 am then door staff are required at the premises to prevent any anticipated disorder. At 0215hrs today there were no door staff on duty at Feta Feast. I visited the staff and advised them they were in breach of their licence conditions and they should close. The staff on duty told me that they had been let down and that door staff were enroute to them from the Old Bell public house in Warminster. I again advised them to close.

There was no disorder and no noise - but there were about 12 customers that needed to be dealt with. The customers were dealt with and the shop was closed shortly afterwards. At approximately 0225 hours the staff from Feta Feast approached me in the Market Place Warminster and advised me they now had 1 door staff who would help them and they wanted to re open. I advised them against this and whilst they were not happy the premises remained closed.

33.At 0250hrs the same day I returned to Feta Feast and found that the staff had reopened the premises and were serving approx 8 customers. The staff informed me that the boss Sid Thnaibat had visited the premises and ordered

them to reopen otherwise they would all be sacked. Sid Thnaibat was nowhere to be seen when I visited at any time. Sid Thnaibat is also the proprietor of DJ Taxis - Warminster Railway Station. I advised staff yet again to close the premises as they were breaching the licence conditions granted and finally at 0316hrs that day the premises were closed. At no time was there any likelihood of disorder - and there was no noise nuisance.

There were no grounds to invoke Sec 161 of the Licensing Act. It appears that staff at Feta Feast and Sid Thnaibat have no intentions of complying with the licence conditions imposed by Wiltshire County Council, I have visited many occasions in the last 4 months to find the same situation. I have pointed out that the conditions of the license are in place for a reason but to no avail. Feta Feast is linked to violence and disorder most weekends.

Submitted by Inspector Winter

34.Premises: ER - Feta Feast

Date/Time Visited: 01/10/2011 01.35

Comments: no door staff visible outside or inside

October 2011

35.Premises: ER - Feta Feast

Date/Time Visited: 01/10/2011 02.00

Comments: open, several customers, no door staff

36.Premises: ER - Feta Feast

Date/Time Visited: 02/10/2011 02.00

Comments: Feta Feast was still open at 0205hrs with half a dozen or so customers queuing up to be served. No sign of any disorder, but no door staff in attendance and no attempt whatsoever is made by staff to close the premises. Spoke to staff who argued that it's difficult to find door staff to do the job for them. Reinforced to them that if no door staff in attendance, they are in breach of the

conditions of their licence and therefore should close. Sid Thnaibat was not in attendance but wanted to speak to me on the phone. Staff reluctantly closed the premises at 0210hrs and we continued to monitor until about 0245hrs to ensure the owner didn't get his staff to reopen the premises (as on previous occasions) once they thought we'd gone.

Officer : Inspector Bancroft

37.Premises: ER - Feta Feast

Date/Time Visited: 02/10/2011 02.10

Comments: Check no door staff visible outside or inside Stephen Wheeler stood at counter but did not order food, left when police arrived .

Collar No.: PS Hughes

38.13/10/11 Meeting between Mr Thnaibat and Jacqui Gallimore Licensing Officer

Mr Thnaibat failed to attend the first appointment offered by police, but met with Jacqui Gallimore at Trowbridge Police Station on 13/08/11. He explained that he was now complying with his licence, it was explained to him that according to police records he was not and that he was breaching his licence and committing offences under section 136 of the Licensing Act 2003. Mr Thnaibat explained that he was having difficulties running both his businesses. Again it was reiterated that he must comply, he stated that he was going to apply for a variation to remove the condition in relation to door staff and advice was given as to the application process. Mr Thnaibat was informed of the police's intention to seek review of the existing licence as numerous warnings had been given and these appear not to have been heeded.

39.Premises: ER - Feta Feast

Date/Time Visited: 15/10/11 03.00

Comments: SIA door staff as they had their badges on their arms. I did not see what time they started but they stayed until 0300hrs when it closed up on Friday night.

40.Premises: ER - Feta Feast

Date/Time Visited: 16/10/11 01.30

Comments: two SIA door staff working on Saturday night but was not in ER when it closed however.

41.Niche 54110095667 refers on 29/10/11 it was reported that Feta Feast had cancelled their door staff which they arrange through Ventura Security from next weekend. Further to this staff from Feta Feast have indicated that will stay open trading until 04.00 hours. Ventura confirmed staff at Feta Feast have given notice that they no longer want door staff at their premises. They have been providing them with door staff the last few weekends. One member of staff from 01.00 hours and a second member from 02.00 hours.

November 2011

42.Premises: ER - Feta Feast

Date/Time Visited: 19/11/11 03.00

Comments: Street pastors present, and two door staff, no reported problems. closing on time.

Collar Number : Pc 2473 Cook

Sector : Warminster

43.Niche 54110108043 refers on Saturday 26th November at 19.37 hours

Attended Feta Feast ref licensing checks. Spoke to Mohammed Saadi

No Premises Licence (Summary) was on display and when asked for the full licence he was unable to locate the premises. Calls were made to the DPS and Mohammed stated the licence was in the office and he would collect and display

Advice was given reference their obligation to display the Summary Licence.

At 19:45 hours Mohammed Saadi produced all licence documentation.

At 00.30 hours attended Feta Feast reference their licence condition to have door staff between Midnight and 03.00Hrs

No door staff were in attendance. Spoke to Mohammed Saadi, he stated he understood that he only needed 1 Door Staff from 01.00Hrs and 2x Door Staff from 02.00 to 03.00Hrs.

I asked Mohammed to fetch the licence and I pointed out the requirement that was clearly stated in the licence.

Officer : SPC Simms

