

DECISION NOTICE

Northern Area Licensing Sub-Committee

Meeting held Tuesday 23 November 2010, in Respect of Review of a Premises Licence: Chic-o-land, 9 New Road, Chippenham, Wiltshire

The Northern Area Licensing Sub-Committee have determined to amend the premises license for Chic-o-land as follows:

Provision of Late Night Refreshment

Sunday to Wednesday	23.00 hrs to 23.30 hrs
Thursday	23.00 hrs to 03.00 hrs
Friday to Saturday	23.00 hrs to 02.30 hrs

Opening Hours of the Premises

Sunday to Wednesday	11.00 hrs to 23.30 hrs
Thursday	11.00 hrs to 03.00 hrs
Friday to Saturday	11.00 hrs to 02.30 hrs

and with the addition of the following conditions;

1. The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.
2. That CCTV recordings be retained for a period of 31 days and to be made available upon request to an Officer of Wiltshire Police and or/the Licensing Authority.

Reasons

In reaching their decision the Sub-Committee took into account the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Wiltshire Council Statement of Licensing Policy.

The Sub-Committee also took into account the written application for a review submitted by Wiltshire Police, their supporting evidence, and the information submitted on behalf of the Premises Licence Holder.

The Sub-Committee heard detailed and extensive evidence from the Police presented by Mrs J Gallimore and documented in the bundle of additional papers. This evidence alleged a number of incidents at or near Chic-o-land of violence and/or anti-social behaviour. The evidence was detailed and although Mr Faiz disputed one or two points, he did not contest the bulk of the evidence, indeed when the Chairman of the Sub-Committee asked him directly, Mr Faiz responded that he was not disputing what the Police said.

In the light of this evidence the Sub-Committee made the following findings of fact:

1. That Mr Faiz has repeatedly supplied late night refreshment beyond the hours permitted in his licence.
2. That most of the allegations made by the Police were substantiated on the evidence.
3. They were satisfied that a serious assault took place on 4 June 2010. The-Sub-Committee was also satisfied that whether or not the assault actually took place inside or outside of the premises the victim of the assault ended up unconscious in the doorway to the premises.
4. That Mr Faiz was uncooperative when the Police came to investigate the assault. Mr Faiz initially denied being aware of any incident but the later claimed that the CCTV recording was not needed as the assault took place outside of the premises.

Mr Faiz claimed that he was unaware that his licence required him to stop supplying hot foot at 3.00am on a Friday or a Saturday. However Mr Faiz did not deny receiving the letter dated 23 December 2009 from Linda Holland (Licensing Enforcement Officer, Wiltshire Council) appearing at page 3 of the additional papers. Mr Faiz said he couldn't recall seeing it but it may have been seen by his "partner".

The Sub-Committee was satisfied that this letter was sent to Chic-o-land at the address indicated and saw no good reason to suggest that it was not seen and understood by Mr Faiz. Additionally, Mr Faiz repeatedly referred in his evidence to going and seeing "Miss Linda" (Linda Holland, Licensing Enforcement Officer). The Sub-Committee were therefore satisfied that Mr Faiz was aware of his responsibilities under the licence as early as January 2010 and in any event had had repeated opportunities to clarify matters when he spoke to Linda Holland if he was in any doubt.

Mr Faiz claimed that he had encountered difficulties with operating his CCTV system in particular with recording material onto DVD. Cllr Griffiths made the point during the hearing that it was Mr Faiz's responsibility to acquaint himself with the workings of the system and asked Mr Faiz why he had not done so a lot earlier before now. Mr Faiz simply responded that he was now aware of how the CCTV system operated. The Sub-Committee gained the general impression that Mr Faiz was too ready to blame other people for problems at the premises which are in fact his own responsibility. For the above reasons the Sub-Committee remain concerned about his ability to manage the premises.

However, taking all factors into account and in particular Mr Faiz's language difficulties the Sub-Committee felt that it would be disproportionate to revoke Mr Faiz's licence at this stage, although the Sub-Committee would like to emphasise to Mr Faiz in the strongest possible terms that such a measure cannot be discounted if matters do not dramatically improve. The Sub-Committee make this comment without in any way fettering the discretion of any future Committee that would hear any further application

regarding these premises. The Sub-Committee have imposed the conditions mentioned above which they consider to be the minimum required to promote the licensing objectives.

Right of Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.