

AGENDA

Meeting: Northern Area Licensing Sub-Committee
Place: Council Chamber, Monkton Park, Chippenham
Date: Tuesday 23 November 2010
Time: 10.00 am
Matter:

Please direct any enquiries on this Agenda to Roger Bishton of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 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

Membership:

Cllr Mark Griffiths
Cllr George Jeans

Cllr Pip Ridout

AGENDA

1. **Election of Chairman**

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

2. **Procedure for the Meeting** (*Pages 1 - 8*)

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 personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Application for Review of a Premises Licence: Dilay Foods T/A Chic-o-land, 9 New Road, Chippenham, SN15 1HH** (*Pages 9 - 52*)

To consider and determine an Application for a Review of a Premises Licence in respect of Dilay Foods, T/A Chic-o-land, 9 New Road, Chippenham, SN15 1HH.

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 an Interested Party or their Representative.

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

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

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

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

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

“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.

“Interested Party” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party 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 an Interested Party/Parties;
- 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 an Interested Party/Parties.
- 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 multiple of Interested Parties 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 Interested Parties.

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 an Interested Party/Parties 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 an Interested Party/Parties 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 an Interested Party/Parties; 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 an Interested Party/Parties.

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 an Interested Party/Parties 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 Interested Party'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 the Interested Party/Parties 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 Chairperson welcomes all those present and introduces the Application.
2. The Chairperson invites the Sub-Committee Members, Council Officers, the Review Applicant and/or their representative, any Responsible Authorities and/or Interested Parties and the Premises Licence Holder and/or their representative to introduce themselves.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report and outlines the application.
5. The Review Applicant and/or their representative address the Sub-Committee to present their case.
6. Questions to the Review Applicant by Members of the Sub-Committee, any Responsible Authorities and/or Interested Parties and the Premises Licence Holder.
7. Responsible Authorities and/or Interested Parties who have made relevant representations address the Sub-Committee.
8. Questions to any of the Responsible Authorities and/or Interested Parties by Members of the Sub-Committee, the Review Applicant and the Premises Licence Holder.
9. The Premises Licence Holder and/or their representative address the Sub-Committee to present their case.
10. Questions to the Premises Licence Holder by Members of the Sub-Committee, any Responsible Authorities and/or Interested Parties and the Review Applicant.
11. Summing up by the Responsible Authorities and/or Interested Parties who have made relevant representations.
12. Summing up by the Premises Licence Holder.
13. Summing up by the Review Applicant.
14. The Sub-Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub-Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub-Committee, and invites the parties present to make any comments on that advice.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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REPORT TO THE LICENSING SUB COMMITTEE

Date of Meeting	23rd November 2010
Title of Report	Application for Review of a Premises Licence; Chic-o-land 9 New Road, Chippenham Wiltshire
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter 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.
<p>Summary of Report</p> <p>An application for the Review of Chic-o-land's Premises Licence has been made by Wiltshire Police.</p> <p>Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to the representations.</p> <p>In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.</p> <p>The licensing objectives are: - The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the Protection of Children from Harm.</p> <p>Such steps are: - To modify the conditions of the licence To exclude a licensable activity from the scope of the licence To remove the designated premises supervisor To suspend the licence for a period not exceeding three months To revoke the licence No steps are necessary</p> <p>Guidance 182 states that:</p> <p>“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.”</p>	
<p>Officer Recommendations</p> <p>None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.</p>	

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
Contact Officer	Linda Holland Senior Licensing Officer Tel: 01249 706410 linda.holland@wiltshire.gov.uk			

1. Introduction: - Details of the grounds for Review

The Review of the Licence has been requested by Wiltshire Police on the grounds that the premises have been conducted in such a manner as to prejudice the Licensing Objectives: - The main grounds for review are:

- Police find that the management of the premises do not actively promote the licensing objectives: - the prevention of crime and disorder and public safety.
- A number of incidents of crime including serious violent crime, disorder and anti social behaviour have been recorded by Police that are associated with the premise.
- The management of the premise continue to operate beyond their permitted hours despite previous formal warnings.
- Police now believe that additional conditions are required to ensure that the licensing objective: - the prevention of crime and disorder and public safety are met.

The full application for review is attached to this report as **Appendix 1**

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the review application having regard to these representations.

In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.

2. Options and Options Appraisal

In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

3. Background Information

The premise benefits from a premises licence issued under The Licensing Act 2003 since 24th November 2005.

The premises licence is currently held by Dilay Foods Ltd following the transfer of the licence on 13th October 2009 from Mr Oguz Durga.

Prior to the review application being received by the Licensing Authority, Wiltshire Police have advised that they met with Mr Faiz t/a Dilay Foods Ltd on the 19th September 2010 at which time they discussed their serious concerns and proposed possible solutions to the issues: -

- a) Voluntarily closing the premises at 03:00 with no serving from 02:30 hrs
- b) Employing door staff (SIA) in the final hours of trading
- c) Improvements to the CCTV coverage at the premises.

Mr Faiz declined the first two options, but gave an undertaking to ensure that the CCTV was in full working order.

A review application was received by the Licensing Authority on the 6th October 2010.

A copy of the premises Licence is attached to this report as **Appendix 2**

4. Consultation and Representations

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, Monkton Park, Chippenham. During the consultation no further representations were received by the Licensing Officer. A petition and 22 letters of support were received from Mr Faiz's customers, however the committee should note many do not reside near the premises or live in Chippenham.

A copy of the Public notice is attached as **Appendix 3**

The petition and letters of support are attached as **Appendix 4**

Note: The Police may not raise matters at the hearing unless they have already referred to them in the review application. The Licensing Authority may nevertheless take into account documentary or information produced by the Police in support of their application if it is provided to the Licensing Authority before the hearing. Such documentation may also be taken into account, even if presented at the hearing itself, after consultation with all parties and at the discretion of the sub-committee.

5. Legal Implications

It should be noted that the premises licence holder, the responsible authority and interested parties may appeal the decision made by the licensing sub - committee in the Magistrates' court. In the event of an appeal being logged the decision made by the Licensing sub - committee is suspended until any appeal is heard and any decision made by the Magistrates.

The Premises Licence Holder and all parties have been informed of the date, time and location of the hearing and their right to be represented.

6. Risk Analysis

Not applicable.

Appendices:	<ul style="list-style-type: none"> • 1. Application to review a premises licence under the Licensing Act 2003 • 2. Current premises licence • 3. Copy of Public notice • 4. Petition and letters of support • 5. Location plan of the premises.
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • The Licensing Act 2003 • The Licensing Act (Hearings) Regulations 2005 • Guidance issued under section 182 of the Licensing Act 2003

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		

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 Chief Officer of Police

(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

Postal address of premises or, if none, ordnance survey map reference or description Dilay Fast Food Ltd, trading as Chicoland 9 New Road	
Post town Chippenham	Post code (if known) SN15 1HH

Name of premises licence holder or club holding club premises certificate (if known) Fazal Faiz
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Number of premises licence or club premises certificate (if known)
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

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 Wiltshire Police Trowbridge Police Station Polebarn Road TROWBRIDGE Wiltshire BA14 7EP
Telephone number (if any) 0845 408 7000
E-mail address (optional)

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 1)

Police find that the management of the premises do not actively promote the licensing objectives, the prevention of crime and disorder and public safety.

On the 13th of May 2010 Police objected to the issue of a Temporary Event Notice (TEN) for the premises known as Chic 'o' land, Chippenham.

At a hearing on the 25th of May 2010 the Wiltshire Council Licensing Committee heard Police evidence upto and including the 4th of May 2010, in relation to crime and disorder linked to the premises and evidence of management practices which did not support the licensing objectives.

As a result of the objection notice, the Licensing Committee refused the grant of the TEN.

A number of incidents of crime including serious violent crime, disorder and anti social behaviour have been recorded by Police since the 25th of May 2010. In addition the management of the premise continue to operate beyond their permitted hours despite previous formal warnings.

Police now believe that additional conditions are required to ensure that the licensing objectives, the prevention of crime and disorder and public safety are met.

Please provide as much information as possible to support the application (please read guidance note 2)

1. 13/05/10 Taken from Chippenham Town Centre Patrol occurrence 54100026800

Chicoland appeared to be closing, however at 0330hrs, the doors were locked but customers were still inside waiting for their orders to be prepared.

2. 21/05/10 Police intelligence report 54100040799

Chicoland has been shutting the doors and turning off the lights at 3am as per the licence, if police are seen in the area. If the doors are shut customers often remain inside and are served though no further customers are let in. On 25/04/2010 on 2 occasions friends of customers already inside the premises were seen to place new orders after 3am by either shouting to people inside or phoning them. This has also been seen on previous occasions though dates are unknown.

3.. 29/05/10 Taken from Chippenham Town Centre Patrol occurrence 54100026800

Disorder outside Chicoland involving drunk individuals early hours of Saturday

4. 04/06/10 Police occurrence 54100044801, log POL-20100604-0047 timed 0236hrs

Having gone to Chicoland at approximately 0215hrs, a male and female were assaulted by two males. The male was dragged out of Chicoland whilst being violently assaulted. He was punched, kicked and stamped on. He lost consciousness. The female was also punched in the assault.

5. 08/06/10 Police intelligence report 54100046069

At 1300 hours on 04/06/2010, a Police Officer attended Chicoland to request a copy of CCTV from that morning. There was a single member of staff present, Mr Fazal 'Alex' FAIZ. FAIZ refused to give his date of birth. After denying seeing or being aware of any incident in his store. Mr Faiz then said Police didn't need his CCTV as the incident happened outside the store.

6. 25/06/10 Police occurrence 54100051371, POL-20100625-0018 timed 0046hrs

Two males were found urinating inside the premise. One was given a Fixed Penalty Notice for being Drunk & Disorderly and one a Fixed Penalty Notice for urinating in a public place.

7. 27/06/10 Police intelligence report 54100052085

At 0255 hours on Sunday 27th June 2010 Police Officers saw staff allowing people entry into the shop. Staff inside the shop, who were aware of officers' presence, called officers over and complained that they could not shut on time as customers were refusing to leave.

8. 10/07/10 Taken from Chippenham Town Centre patrol occurrence 54100026800

Chicoland doors were open after 0300hrs.

9. 11/07/10 Police occurrence 54100057660, log POL-20100714-0165

Unknown offender(s) stole the victim's mobile phone by removing it from the front right pocket of the victim's jeans whilst he was stood queuing to purchase a takeaway or immediately afterwards when outside the takeaway shop.

10. 26/07/10 Police intelligence report 54100061544

Whilst on patrol it was noticed that Chicoland was serving past 03.00 hours. It wasn't until the Police vehicle was parked directly outside of the shops that the doors were locked. However, there were still members of the public on the premises and although they locked the door as soon as the Police vehicle parked up outside they continued to serve customers. The premise wasn't completely empty until 03.30 hours.

11. 31/07/10 Taken from Chippenham Town Centre patrol occurrence 54100026800, log POL-20100731-0059 timed 01.34hrs

A report was made of two females fighting inside Chicoland. Police attended.

12. 10/09/10 Taken from Chippenham Town Centre patrol occurrence 54100026800, log POL-20100910-0038 timed 0252hrs

A report was made of two persons fighting outside Chicoland. Police attended.

13. 15/09/10 Police intelligence report 54100077428

Police attended Chicoland in Chippenham to view footage of a disorder that may have taken place in the shop. Whilst viewing the footage in the company of the Manager it was established that their CCTV system runs an hour behind. The actual time the alleged incident took place was 0250hrs and the footage clearly showed that there were a lot of people coming in and out of the shop at that time. People were still being served and food was being cooked. There was no sign of the shop closing or staff making people aware that they were about to close. When the Police Officer confirmed that the footage was of 0250hrs the manager appeared to become agitated and then changed the subject. The Manager then fast forwarded the footage to approximately 0302hrs and the footage still showed people being served and the shop still open.

14. 12/09/10 Police Intelligence report 541008116

At 03.05 I attended Chicoland Chippenham in company Pc Lloyd, there were two males in the shop still being served with hot food. I went into the shop which was locked, once inside I saw at least one young male who was at the counter who was being served hot food.

15. 19/09/10 Police intelligence report 54100078609

Police met with Mr Faiz to discuss the concerns and suggest solutions to the problems, the following proposals were made -

- a) Voluntarily closing his premises at 0300 with no serving from 0230hrs
- b) Employing door staff in the final hours of trading
- c) Improvements to the CCTV at the premises

Mr Faiz declined to a) and b) but gave an undertaking to ensure that the CCTV was in full working order.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

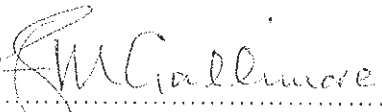
Please tick yes

- 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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 4th October 2010

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Jacqui Gallimore	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

LICENSING ACT 2003

PREMISES LICENCE

PREMISES LICENCE NUMBER: LN/003471 NL

Premises Details

Postal address of premises, or if none, Ordnance Survey map reference or description	
9 New Road	
Post Town Chippenham	Post Code SN15 1HH
Telephone Number 01249 447755	

Licensable activities authorised by the Licence	The time the licence authorises the carrying out of licensable activities
a. Provision of Late Night Refreshment	a. Sunday to Wednesday 23.00 hrs to 00.00 hrs Thursday 23.00 hrs to 03.30 hrs Friday to Saturday 23.00 hrs to 03.00 hrs

The opening hours of the premises	
Sunday to Wednesday	11.00 hrs to 00.00 hrs
Thursday	11.00 hrs to 03.30 hrs
Friday to Saturday	11.00 hrs to 03.00 hrs

Name, (registered) address of holder of Premises Licence	
Dilay Fast Food Ltd 9 New Road	
Post Town Chippenham	Post Code SN15 1HH

Licence Commencement Date

24th November 2005

.....
Licensing Officer

Current Licence Date

13th October 2009

.....
Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Door Supervision

Where this Premises Licence includes a condition that one or more individuals must be at the premises to carry out a security activity, those 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

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

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 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.

ANNEX 2A - CONVERTED CONDITIONS

None

ANNEX 2B - OPERATING SCHEDULE

PREVENTION PUBLIC NUISANCE

- A waste container shall be located in the service area.
- CCTV will be in operation at all times and, in line with Home Office Guidelines, cameras will be capable of covering all of the internal areas of the premises, tapes will be stored in a secure location for a period of 31 days, images captured will be of sufficient quality so as to ensure identification of possible witnesses or offenders.
- For a period of six months, effective from the issue of the licence, two number door supervisors will be employed. These staff should be on duty no later than 00.00 hours on a Friday and Saturday and must remain on duty until the last customer has left the vicinity of the premises.
- The premises known as Cappodocia, Chicoland, Regs Chicken and Regs Kebab will, by mutual agreement, all close at the same time on Fridays and Saturdays.

PUBLIC SAFETY

None

PROTECTION OF CHILDREN FROM HARM

None

PREVENTION OF CRIME AND DISORDER

- Clear signage to be displayed on all premises informing customers that a `zero tolerance` policy to violence and anti-social behaviour on and in the vicinity of the premises is in place. This policy is supported by all operators and Police.
- All incidents involving the use of illegal drugs and/or criminal activity are to be reported to the police as soon as practicable.

ANNEX 3 - HEARING

None

ANNEX 4 - PLANS

See Attached.

PUBLIC NOTICE

REVIEW OF PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003

An Application has been made to review the Premises Licence issued to Dilay Foods Ltd T/A Chic-o-land, 9 New Road, Chippenham, SN15 1HH.

The Review of the Licence has been requested by Wiltshire Police on the grounds that the premises have been conducted in such a manner as to prejudice the Licensing Objectives. The grounds for review are:

- Police find that the management of the premises do not actively promote the licensing objectives, the prevention of crime and disorder and public safety.
- A number of incidents of crime including serious violent crime, disorder and anti social behaviour have been recorded by Police that are associated with the premise.
- The management of the premise continue to operate beyond their permitted hours despite previous formal warnings.
- Police now believe that additional conditions are required to ensure that the licensing objectives the prevention of crime and disorder and public safety are met.

The details of the grounds for Review may be inspected at the offices of the Licensing Authority at Monkton Park, Chippenham, SN15 1ER between the hours of 09.30 and 16.00, Monday to Friday, excluding Bank Holidays.

Interested parties and Relevant Authorities may send representations in writing to the Senior Licensing Officer, Licensing Department, Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER between 7th October 2010 and 3th November 2010.

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.00.

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RECEIVED

03 NOV 2010

ENVIRONMENTAL
HEALTH

Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and everytime i go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

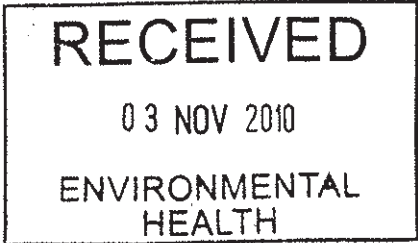
Yours sincerely

Name-
Contact no. -
Address-

Nicola Russell

82 Wellington Place
Hullavington
Chippenham
Wilts
SN14 6HA

19.10.2010



Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and everytime I go there usually around 2:00 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name-
Contact no. -
Address-

Mr. P. Darr, H.
9A Unity Street.
Chippensham
WILTSHIRE
SN14 0AR.
P. Darr

28.10.2010

RECEIVED
03 NOV 2010
ENVIRONMENTAL
HEALTH

Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and every time I go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name- SERDAR TASSILOU

Contact no. -

Address- 8 Pembroke Road

SN15 13u8

29.10.2010

RECEIVED

03 NOV 2010

ENVIRONMENTAL
HEALTH

Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and every time I go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

26.10.2010

Name- *Debbie Carter*

Contact no. -

Address-

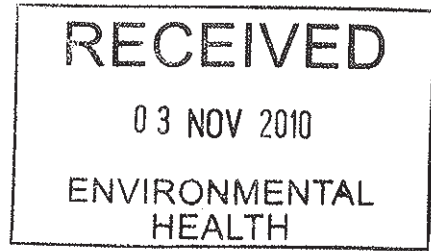
8 PEMBROKE ROAD

CH. PENHAM

WILTS

SN153UE





Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and everytime i go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

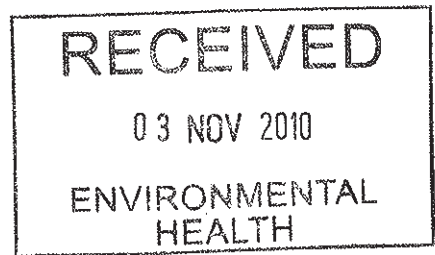
Name- Tara Baker

Contact no. -

Address-

73 HILL RISE

CHIDPOREHAM , 25.10.2010



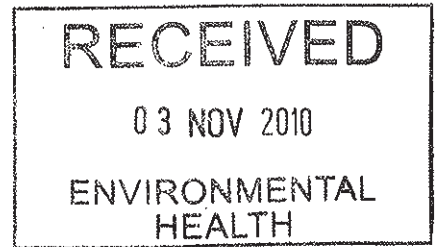
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Yours sincerely

Name- Sheraline Williams
Contact no. -
Address- 6 Honeybri



Dear Sir/Madam

To whom it may concern

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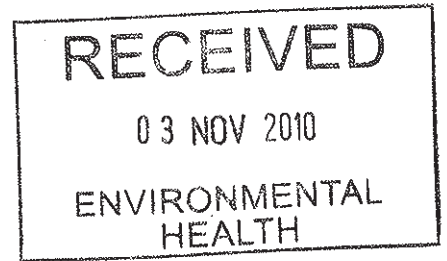
Yours sincerely

Name- *MRS CARR*

Contact no. -

Address- *5 wessex close
chippenham
wiltshire*

02.11.10



Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and everytime i go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name- Nataasha Clark

Contact no. -

Address- 4 ~~the~~ needle crescent Chippingham Wiltshire

01.11.10



Dear Sir/Madam

To whom it may concern

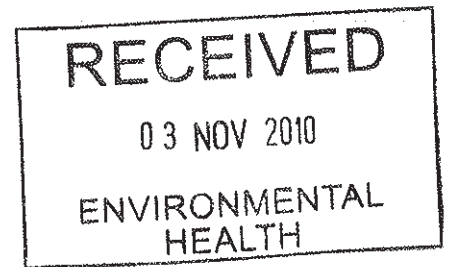
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Yours sincerely

Name-
Contact no. -
Address-

A Reynolds
3 Unity ST
Chippenham
Chip wllts SN14 0AR

22.10.2010



Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and everytime i go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

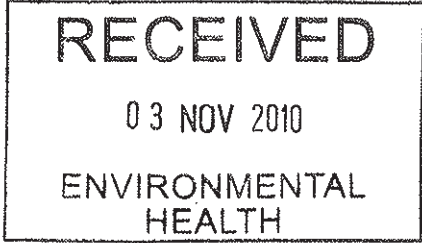
Yours sincerely

30.10.2010

Name- W. KING

Contact no. -

Address- 18 Downham Way, Chippenham, SN15 3LN



Dear Sir/Madam

30.10.10.

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and everytime i go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name- MR. S. PUTNAM

Contact no. -

Address- 10 COWLEAZE
CHIPPENHAM
SN15 3SL

23.10.2010

RECEIVED
03 NOV 2010
ENVIRONMENTAL
HEALTH

Dear Sir/Madam

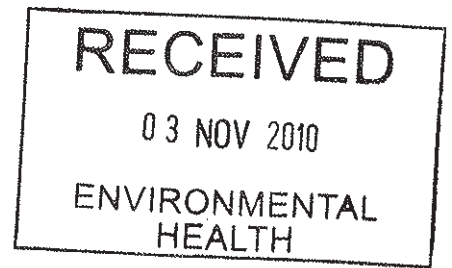
To whom it may concern

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Yours sincerely

Name- Marie Gray
Contact no.
Address- 12 Hill Rise
Chipperton
SN15 1AA

29.10.2010



Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and everytime i go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name- MRS SONIA COLLINS

Contact no. -

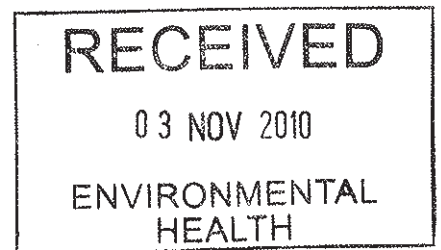
Address- 19, DOWNHAM ROAD

CHIPPING

WILTS

SN15 3LW

30.10.2010



Dear Sir/Madam

To whom it may concern

I do not wish you to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and everytime i go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name- Karen Hunter

Contact no. -

Address- 80 Ladyfield Road
Clippenham
Wiltshire
SN14 0AN

21.10.10



Dear Sir/Madam

To whom it may concern

I will be really unhappy if CHICOLAND doesn't get the permission to run late hours. The staff there is really customer friendly and there is wide variety of food I enjoy there. I have been a regular customer to CHICOLAND and I really love the atmosphere there, I have never been in trouble there and I find it the best place to end my night on a happy note.

Yours sincerely

Dannon
Dooley

Name-
Contact no. -
Address-

3 Westway Leigh Close

18.10.10

RECEIVED

03 NOV 2010

ENVIRONMENTAL
HEALTH

Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and every time I go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name- Lou Hiscocks

Contact no. -

Address- 91 Rodman park
chippenham

WILTS

SN15 1NB

22.10.10

RECEIVED

03 NOV 2010

ENVIRONMENTAL
HEALTH

Dear Sir/Madam

To whom it may concern

Everybody feels hungry after going to clubbing and the only place which I prefer is CHICOLAND and on the way home, I always go to chick-o-land to get something to eat and everytime I go there usually around 2:30 in the morning. The clubs here close late and therefore we can't in the middle of our clubbing go out to have a meal. If the clubs close early then there is no problem in CHICOLAND having a early closing license. But it would be unfair on our and their part if the clubs close late and CHICOLAND closes early. After all its regarding our benefits.

Yours sincerely

Name-

Contact no. -

Address-

Stephanie Spall

67 Ladyfield Rd
Chippenham
Wilts

24.10.10



Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and every time I go there usually around 2:30 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name- *Tommyo'cain*

Contact no. -

Address- *101 baitscroft SW15 3GA Chippenham
Wiltshire*

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03 NOV 2010

ENVIRONMENTAL
HEALTH

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To whom it may concern

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Yours sincerely

Name- Hamish Logan

Contact no. -

Address- 91 Rudman Park
Chippenham
WILTS
SN15 1NB

23.10.10

RECEIVED

03 NOV 2010

ENVIRONMENTAL
HEALTH

Dear Sir/Madam

To whom it may concern

I do not wish to take chick-o-land's late closing license to earlier closing. I do go out pubs and clubs at weekend and on the way home, I always go to chick-o-land to get something to eat and every time I go there usually around 2:00 in the morning. I always get a great service, friendly staff and nice food as well. I have never seen or been in trouble there.

Yours sincerely

Name-

Contact no. -

Address-

Flat 3 18 New Road SWS15 1HU

RECEIVED

03 NOV 2010

ENVIRONMENTAL
HEALTH

Dear Sir/Madam

To whom it may concern

Everybody feels hungry after going to clubbing and the only place which I prefer is CHICOLAND and on the way home, I always go to chick-o-land to get something to eat and every time I go there usually around 2:30 in the morning. The clubs here close late and therefore we can't in the middle of our clubbing go out to have a meal. If the clubs close early then there is no problem in CHICOLAND having an early closing license. But it would be unfair on our and their part if the clubs close late and CHICOLAND closes early. After all it's regarding our benefits.

Yours sincerely

Name- *Toby Moore*

Contact no. -

Address- *Flat 3 18 New Road SW15 1HJ*

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RECEIVED

03 NOV 2010 RECEIVED

ENVIRONMENTAL HEALTH

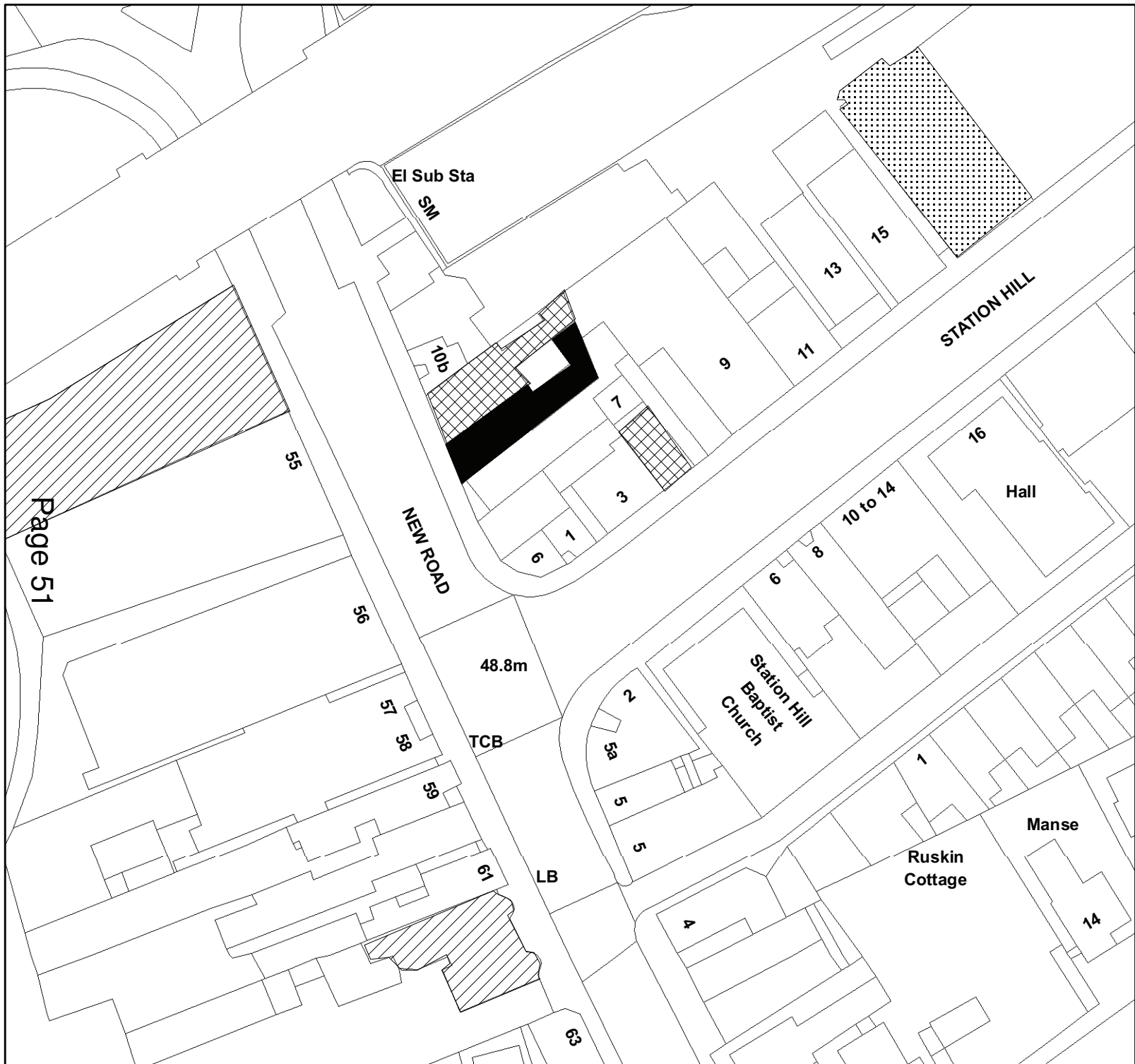
Witnesses in connection with Application for
CHICOLAND premises Licence review

Sr No.	Name	Surname	Address	Phone No.	Signature	Any Comments
	Lesley	Quinoud	15 Moorlands Chippenham			good service.
	Alix	Pedley	126 Ladyfield Rd Chip			Brilliant Service Good food 😊
	Hayley	Allin	12 Farleigh Close Chippenham			Fab food, lovely people, great service
	Daniel	Gawden	126 Ladyfield Rd Chippenham 3rd Comps			Friendly Staff good service Food is fair price.
	NIALI	MOWARD	15 Pembroke RD. Melksham			Very friendly Staff prompt service, very Professional service, Good food!
	Ros Paul	PEARCE	47 TUSEWALS CHIMMONWY SWINDON			I HAVE KNOWN TITII STAFF FOR THE LAST 4. YEARS AND HAVE NEVER HAD ANY PROBLEMS WITH THE FOOD, & SERVICE.
	Shirley	Stew	20 Wells Close			Good Service
	Carl + Katy	Mallinson	Ladyfield Road 85			Love it here, Great atmosphere!

Sr No.	Name	Surname	Address	Phone No.	Signature	Any Comments
	Guy	Knight	46 Lypiatt mead Corsham SN13 9DN			Legal requirement to serve food?
	CWU	Catherine	13 Hill Rise Rise			
	DAVE	Weston	13 Hill Rise Chippenham			
	Jim	Shannon	23 Hill Rise on WTR RD			
	DAVID	TUCKER	57 Hill Rise Chippenham			
	WILL	PARKINSON	15 KINCHAMPTON CLOSE CHIPPENHAM SN14 0PB			GREAT FRIENDLY SERVICE
	ANGELA WADKIN	Florko	41 GREENWAY LANE CHIPPENHAM SN15 1AF			Great Service friendly and great food 😊
	Paul	Freest	36 Andrus close Chippenham Wilt SN14 0PE			LOVES IT X

Sr No.	Name	Surname	Address	Phone No.	Signature	Any Comments
	Kaz	Owen	93 Hardens Mead			12.00 am is too early to shut
	MAZ	BAL	Parliament St			" Ditto ↑
	Lee	Gauger	11 Massey Close Pewsham			keep the same closing time. <u>lee</u>
	Kanne	Kapan	7 Pottery Cusham			Keep the same
	BECKY	MILTON	1 TRENCHARD CLOSE CHIPPENHAM			Don't stop it, 12:00 is too early, won't get any lively service!
	ABI	MERLER	137 QUEENS CRESCENT, CHIPPENHAM			always eat after club at around 3! lively service
	Ghanice	Tyrell	44 Hill Rise Chippenham			
	BGunny	MURRAY	12 A WEST SWINSON			KEEP THE SAME CLOSING TIME.

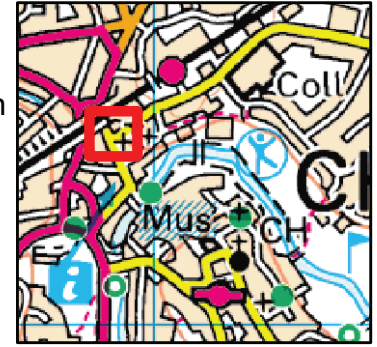
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Page 51

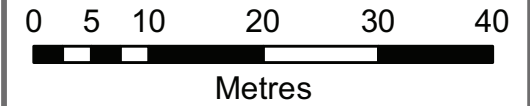
Chic-O-Land Review November 2010

Location
Plan



Scale

1:659



-  Chic-o-Land
-  Late Night Refreshment
-  Karma (Club)
-  Public Houses

Wiltshire Council
Where everybody matters

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