

DECISION NOTICE

Western Area Licensing Sub-Committee

Meeting held 18 July 2011 in respect of an application by Wiltshire Police for a Review of a Premises Licence at Favourite Chicken & Ribs, 3 Market Street, Trowbridge, BA14 8EY

The Western Area Licensing Sub-Committee resolved to vary the premises licence, by adding or amending the licence conditions as follows:

1) Provision of late night refreshment:

Sunday – Wednesday: 2300 hours to 0400 hours the following day
Thursday – Saturday: 2300 hours to 0300 hours the following day

- 2) That the premises doors shall be closed and locked at the terminal hour of the licence on the relevant day
- 3) The licence holder is to employ two SIA registered staff from midnight to the terminal hour of the licence on Thursday, Friday and Saturday nights
- 4) 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

Reasons

The Sub-Committee accepted the police evidence of the recorded incidents of violence and disorder that were linked to the premises. Although the Licence holder was not present at the hearing when those details were presented, they were set out in the agenda papers which he had previously received and he did not challenge them when asked about them. The Sub-Committee accepted that these incidents had occurred and that they were linked with the operation of the Favourite Chicken premises.

The Sub-Committee accepted the analysis of the recorded incidents of violence and disorder. These showed that the vast majority occurred on Friday and Saturday nights,

with about 45% of them occurring between 4.00 and 5.00 a.m. and about 20% between 3.00 and 4.00 a.m.

The Sub-Committee noted that the number of recorded incidents of violence and disorder associated with the other two late night refreshment premises in Trowbridge Town Centre was considerable lower than those for Favourite Chicken.

In the view of the Sub-committee, given the problems of disorder associated with the premises, it was necessary and proportionate to limit the hours of operation on Friday and Saturday nights and also to require qualified door supervisors to be present on Thursday, Friday and Saturday nights in order to promote the licensing objectives of preventing crime and disorder and preventing public nuisance.

The Sub-Committee also heard evidence of a number of incidents when the premises had remained open after the time when it should have been closed, in accordance with the conditions on the licence.

The Sub-Committee heard that availability of CCTV footage had been limited in the past, but noted that the premise's CCTV system had recently been inspected and found to be in working order a matter of weeks ago. The Sub -committee found no reason to suggest that footage should not be available on request to relevant authorities in future. They were concerned, however, that Mr. Olmez appeared to be the only member of staff who know how to operate the CCTV system, although Mr. Olmez had stated that he was usually present at the premises. The Sub-committee considered it necessary to amend the condition regarding CCTV, to ensure that reasonable access to recordings could be obtained.

The Sub-Committee also considered Mr Olmez's justifiable assertion that neither he nor any door staff employed could control incidents that occur on the street in the vicinity of the premises. However, the Sub-Committee were satisfied that the incidents outside the premises, as reported by Wiltshire Police, had been due in part, if not wholly, to the operation of the premises at the hours in question.

In reaching their decision, the Sub-Committee have considered 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 licensing policy of Wiltshire Council.

The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing.

The Sub-Committee took into account the evidence presented by Wiltshire Police and Mr. Olmez pursuant to the following licensing objectives:

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

Right of Appeal

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