

## DECISION NOTICE

### Western Area Licensing Sub Committee

Decision made on 15 December 2011

### In respect of an application for a Review of the Premises Licence made by Wiltshire Police for Feta Feast, Warminster

#### Decision:

The Western Area Licensing Sub Committee has resolved to amend the Premises Licence for Feta Feast, Warminster as follows:

#### The Provision of Licensable Activity:

##### **1) Late Night Refreshment**

Sunday, Monday and Tuesday 23.00 until 01.00 (the following day)

Wednesday, Thursday, Friday and Saturday 23.00 to 02.00 (the following day)

#### **Hours of opening**

Sunday, Monday and Tuesday 23.00 until 01.00 (the following day)

Wednesday, Thursday, Friday and Saturday 23.00 to 02.00 (the following day)

#### Conditions to be varied as followed:

- 1) The customer waiting area must be covered by CCTV system capable of producing images of quality so as to identify individuals. The system should be capable of recording images and the record should be stored for a period of 30 days in a secure location. The images should be clearly marked with the date and available to Police on request.
- 2) The additional condition regarding door staff previously attached by the Licensing Authority be removed.
- 3) The seating provision at the premises to be removed by 23.00 on Wednesday, Thursday, Friday and Saturday.
- 4) The licence holder shall within two weeks of the date that this Decision Notice comes into effect, prepare, and submit to the Licensing Authority for approval, a written management plan setting out how he will comply with the licensing objectives including training of any staff. The approved management plan shall thereafter be maintained and complied with.

- 5) The condition regarding gaming machines is removed due to changes in legislation

### Suspension of Licence

The licence shall be suspended for 2 weeks or until such time as the management plan in additional condition 4) above, is prepared and submitted to the Licensing Authority (if this is sooner than 2 weeks)

### **Reasons**

To reduce the level of anti-social behaviour associated with the premises as evidenced by the Police.

The reduction in the opening hours to 02.00 would remove the necessity for door staff and the sub-committee were not satisfied that the licence holder was capable of safely managing the premises after 02.00.

The licence holder had not demonstrated his full understanding of managing the premises in accordance with the licensing objectives and the management plan was required to ensure that the licensing objectives would be properly addressed in the management of the premises. The suspension of the licence for two weeks would provide time for the licence holder to consider any changes to the operation of the premises and to prepare the management plan.

The amendment to the condition regarding CCTV was to bring it in line with the standard terms for such a condition and to ensure that the licence holder is aware of his responsibilities in respect of maintaining CCTV records.

In reaching its decision the Sub Committee has 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 also considered the written evidence presented in the agenda and the supporting evidence provided by the Police, together with the oral evidence given at the hearing from Ms Jacqui Gallimore and Inspector Winter (On behalf of the Applicant), and Mr Thnaibat (The Licence Holder).

The Sub Committee considered that the evidence presented by the Police showed a failure by Mr Thnaibat to manage the premises and to comply with the licensing objectives, in particular those relating to the prevention of crime and disorder and prevention of nuisance. They noted in particular that the majority of incidents of disorder and nuisance associated with the premises occurred after 2.00 a.m. and that the licence holder had regularly failed to comply with the existing condition requiring door staff to be on duty, if the premises were to remain open after that time.

The proposed conditions are considered to be necessary to address the concerns regarding these objectives.

**Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. This decision does not come into effect until the appeal period has elapsed or, if an appeal is made, until that appeal has been finally disposed of.