

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 15 DECEMBER 2011 AT WARMINSTER CIVIC CENTRE, DEWEY HOUSE, WARMINSTER IN RESPECT OF AN REVIEW - FETA FEAST

Present:

Cllr Trevor Carbin, Cllr Ernie Clark and Cllr George Jeans

Also Present:

Ms Maggie Jones – Licensing Officer, Wiltshire Council
Ms Jacqui Gallimore – Licensing Officer, Wiltshire Police
Inspector Winter – Wiltshire Police
Paul Taylor – Solicitor, Wiltshire Council
Mr Sa'd Thnaibat – License Holder

1. **Election of Chairman**

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

2. **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

3. **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

4. **Declarations of Interest**

There were no interests declared.

5. Licensing Application

Application for Review of Premises License by Wiltshire Police for Feta Feast 82 Market Place, Warminster BA12 9AW

The Licensing Officer introduced the purpose and scope of the application, and explained that an application for the Review of Feta Feast's Premises Licence for late night refreshment, has been made by Wiltshire Police.

Since November 2005, the premise benefits from a Premises Licence issued under the Licensing Act 2003.

The Premises Licence was subsequently varied in January 2006 to extend the hours of late night refreshment. Following representation from Wiltshire Police, the application for variation was subject to a Hearing, held on 22 February 2006 at the Council Offices, Bradley Road, Trowbridge. A conditional licence was subsequently granted by the Licensing Committee.

An application to transfer the Premises Licence to Mr Sa'd Thnaibat was received on the 13 July 2011.

In July 2011, the Licensing Officer for Wiltshire Council, wrote to Mr Thnaibat enclosing the re-issued Premises Licence. The letter also included advice with regard to the terms and conditions to which the licence was granted.

There were no questions.

In accordance with the procedure detailed in the agenda, Jacqui Gallimore on behalf of Wiltshire Police, the Applicant, was given the opportunity to address the Sub-Committee.

Key points raised by the Applicant were:

- The Police have had concerns about Feta Feast going back to 2009, before Mr Thnaibat took it over.
- Police had no concerns over the condition regarding seating.
- Reference was made to the two supporting documents issued by the Police and Jacqui Gallimore quoted from these citing instances where issues of public disorder had arisen.
- Inspector Winter outlined the nature of the night time economy in Warminster
- Jacqui Gallimore said that on the occasion that both Speedy Chef and Feta Feast had closed at 2am Warminster had been 'a different place'.

Members of the committee asked questions of the Police

- At what time do you think that door staff would be required at Feta Feast? Jacqui Gallimore replied that the police would like to see door staff from midnight.
- Have you got examples of instances when Mr Thnaibat was uncooperative and obstructive? Jacqui Gallimore replied that mostly instances were in the log but she added that Mr Thnaibat had not only gone against the advice of licensing officers but also senior Police officers.
- Do you still want revocation of the licence? The reply was in the affirmative.
- Would you still like to keep the conditions worded as they are at present? Inspector Winter replied that the conditions were confusing making the premises difficult to police. The Police would like to see the presence of door staff from midnight to 3am.
- Had there been an increase in anti-social behaviour since June 2011? Jacqui Gallimore replied that there had been a spike in August and there had been an additional Police presence at the premises since then which would have had an impact. Police felt that they had effectively been providing door staff for Feta Feast for several months.
- You said that Feta Feast had been linked to violence and disorder most weekends, where is the evidence for this? Jacqui Gallimore replied that it depended on what was considered to be disorder there was always some evidence of anti-social behaviour – maybe that was a better example.
- Are there any other food premises that employ door staff in Warminster? No
- Can you clarify regarding door staff – if Feta Feast stays open until 2am they don't need door staff but if it stays open until 3am they do. You said that you would like to see door staff from midnight? Inspector Winter replied that she would like to see them closing at 2am.
- So if it closed at 2am you don't see a need for door staff? Inspector Winter replied that if they are open to 3am the Police would like to see door staff from midnight but if they close at 2am there is no need for door staff.
- Do you get many complaints from the public about general activity in Warminster? Yes

- Are these complaints amplified because of the military? No
- Why does Feta Feast need door staff from midnight but Speedy Chef doesn't? Inspector Winter replied that she would ask for door staff at Speedy Chef too but at present they were compliant. Speedy Chef is a small shop where few people gather, both places are totally different.

In accordance with the procedure detailed in the agenda, the License Holder, Mr Thnaibat took the opportunity to address the Sub-Committee.

- The best trading time for Feta Feast was between 1am and 3am but he has to give all his profit to security.
- He could deal with any problems that arise himself or his staff would handle it.
- He was not aware of the door staff conditions when he bought the premises.

Members of the committee asked questions of the licence holder

- Did you see the licence when you bought the premises? After the transfer I did
- Are you fully responsible for the premises? Yes
- Did you know that you need to be registered to deal with people who are causing trouble? No, it is my job and my premises.
- Why did you not apply to vary the license? I thought that was why I was here today
- If you had a chance to vary the license what would you ask for? To open until 3am without security.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub-Committee then retired to consider the application at 2.30pm

The Hearing reconvened at 4.10pm

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

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

The Provision of Licensable Activity:

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.

(Duration of meeting: 1.00 - 4.15 pm)

The Officer who has produced these minutes is Anna Thurman 01225 718379 or anna.thurman@wiltshire.gov.uk, of Democratic Services, direct line 01225 718379, e-mail

Press enquiries to Communications, direct line (01225) 713114/713115