

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: Warminster Civic Centre, Dewey House, Warminster
Date: Thursday 15 December 2011
Time: 1.00pm
Matter: Review of a Premises Licence - Feta Feast, Warminster

Please direct any enquiries on this Agenda to Anna Thurman 01225 718379 or anna.thurman@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

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 Desna Allen
Cllr Trevor Carbin

Cllr Ernie Clark

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. **Licensing Application** (*Pages 9 - 30*)

To consider and determine an Application by Wiltshire Police for a Review of the Premises Licence in respect of Feta Feast, 82 Market Place, Warminster BA12 9AW.

Licensing Officer's Report

Appendix 1 – Premises Licence

Appendix 2a – Application for a Review by Wiltshire Police

Appendix 2b – Supporting documentation from Police to follow

Appendix 3 – Licensing Officer Letter to Mr Thnaibet

Appendix 4 – Map

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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WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

15 DECEMBER 2011

Application for Review of a Premises Licence;
Feta Feast 82 Market Place, Warminster BA12 9AW
Licence Holder – Mr Sa'd Thnaibat

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of Feta Feast made by Wiltshire Police.

2. Background Information

- 2.1 An application for the Review of Feta Feast's Premises Licence for late night refreshment, has been made by Wiltshire Police. Following advertisement of the application, no additional representations from responsible authorities or interested parties have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the 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.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To modify the conditions of the licence.
 - ii) To exclude a licensable activity from the scope of the licence.
 - iii) To remove the designated premises supervisor.
 - iv) To suspend the licence for a period not exceeding three months.
 - v) To revoke the licence.
 - vi) To determine that no steps are necessary

Government Guidance issued under s.182 of the Licensing Act states that:

“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

- 2.5 Since November 2005, the premise benefits from a Premises Licence issued under the Licensing Act 2003.
- 2.6 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.
- 2.7 An application to transfer the Premises Licence to Mr Sa'd Thnaibat was received on the 13 July 2011. The Premises Licence is attached at **Appendix 1**.
- 2.8 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. A copy of this letter is attached as **Appendix 3**.

3. Details of the Grounds for Review

- 3.1 On the 24 October 2011, an application for a review of the Premises Licence was served on the premises and the Licensing Authority. 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:
 - 3.2 The premises was the subject of a police objection to the variation of a premises licence in February 2006, the Licensing Committee found that there was crime and disorder relating to the premises, in particular after midnight and imposed the following conditions:-
 - (a) Two number door staff to be employed and to be on duty at the premises between the hours of midnight and 0300 hours on a Wednesday, Thursday, Friday and Saturday evening. There is no requirement for door staff if the premises closes at 0200 hours.
 - (b) The seating provision at the premises to be removed after 2300 hours on Wednesday, Thursday, Friday and Saturday evening.
 - 3.3 In June 2011 the current Premises Licence Holder took over the business, since this time there have been numerous breaches of the premises licence in relation to the provision of door staff.
 - 3.4 The premises and it's immediate vicinity continues to be the location for crime, disorder and anti-social behaviour and police find that the conditions above

are still relevant and necessary to promote the licensing objective “the prevention of crime and disorder”.

- 3.5 The application for review is attached as **Appendix 2(a)**. The evidence relied upon by Wiltshire Police in support of their application is contained within **Appendices 2(b)**.

4. Consultation and Representations

- 4.1 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, 165 Bradley Road, Trowbridge, Wiltshire, BA14 0RD. During the consultation period no additional relevant representations have been received.
- 4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.
- 4.3 The police have specified the following as the reasons for calling the review:
- 4.3.1 In July 2011 Wiltshire Council licensing officers wrote formally to the premises licence holder reminding him of his obligations to the licence, police officers and police licensing officers have reiterated this advice over a period of two months, during which the premises were found to be in compliance on only one weekend.
- 4.3.2 The premises licence holder does not actively promote the licensing objective, the prevention of crime and disorder and displays a blatant disregard for the licensing legislation. In addition the premises licence holder has been uncooperative and obstructive when dealing with police.
- 4.3.3 Police now believe that only the revocation of the licence will ensure that the licensing objectives are promoted.

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 other information produced by the Police in support of their application, if it is provided to the Licensing Authority before the hearing, or at the hearing with the consent of all the other parties.

5. Legal Implications

- 5.1 This Hearing 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.

6. Officer Recommendations

- 6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

- 7.1 It should be noted that the Premises Licence Holder and the Responsible Authority may appeal the decision made by the Licensing Sub Committee at the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 7.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee is suspended until any appeal is heard and any decision made by the Magistrates Court.
- 7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.
-

Report Author: Maggie Jones
Licensing Officer - Licensing Team – West Hub

22 November 2011

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Current Premises Licence**
- 2a Application for a Review by Wiltshire Police**
- 2b Evidence in support of Application for Review**
- 3 Licensing Officer Letter to Mr Thnaibat**
- 4 Map**

[Type text]

Licensing Act 2003 Premises Licence

Premises Licence number

WW0600010LAPRVA

Wiltshire Council
Licensing Team West
165 Bradley Road
Trowbridge
BA14 0RD

Tel 0300 4560100

Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

Feta Feast
82 Market Place

Post town

Warminster

Post code

BA12 9AW

Telephone number

01985 215555

Licensable activities authorised by the licence

Late night refreshment

Where the licence is time limited, the dates

This premises licence was originally valid from 24 November 2005
This version of the licence is valid from 13 July 2011

The times authorised by the licence for the carrying on of licensable activities

For late night refreshment:

Sunday, Monday and Tuesday 2300hrs until 0100hrs the following day
Wednesday, Thursday, Friday and Saturday 2300hrs until 0300hrs the following day

The opening hours of the premises

The premises can remain open:

Sunday, Monday and Tuesday 2300hrs until 0100hrs the following day

Wednesday, Thursday, Friday and Saturday 2300hrs until 0300hrs the following day

Where the licence authorises the sale of alcohol whether these are on [and / or] off sales

N/A

Name, (registered) address, telephone no and email (if relevant) of holder of premises licence

Mr Sid Thnaibat
8 Myrtle Avenue
Warminster
BA12 8LW

Telephone: 07914407296

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale of alcohol

N/A

Personal licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the sale of alcohol

N/A

Mandatory conditions**Door Supervision**

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

Conditions and restrictions from transferred licences

NONE

Conditions consistent with the operating schedule**CCTV**

A CCTV system should be maintained that covers the customer waiting area at all times. Images must be recorded.

Drinks containers

Drink should only be sold in cans or plastic bottles.

Litter

The area outside the shop should be cleaned everyday.

Music

The playing or recorded music on the premises is prohibited.

Gaming machines

Any gaming machine must be located in full view of staff.

The use of gaming machines must be restricted to those over 18 years of age. This restriction is to be publicised in a notice adjacent to the machine.

Conditions attached after a hearing by the licensing authority

1. Two number door staff to be employed and be on duty at the premises between the hours of midnight and 0300 hours on a Wednesday, Thursday, Friday and Saturday evening.

There is no requirement for door staff if the premises closes at 0200 hours or earlier.

2. The seating provision at the premises is to be removed after 2300 hours on a Wednesday, Thursday, Friday and Saturday evening.

There is no requirement to remove the seating when the premises closes at 0200 hours or earlier.

Plans

The attached plans form part of this licence and are stamped with the licence number and the date it was granted

Signed

Licensing Officer
Wiltshire Council

Licence granted on 4 October 2005

This premises licence was originally valid from 24 November 2005
This version of the licence is valid from 13 July 2011

WILTSHIRE POLICE



The Licensing Officer
Wiltshire Council
Public Protection Services & Licensing
Bradley Road
Trowbridge
Wilts BA14 0RD

Divisional Licensing Officer
Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire BA14 7EP
Telephone: 0845 408 7000
Mobile:
Ext: 725522
Direct Dial: 01225 794628
Facsimile: 01225 794799
DX: 146500, Trowbridge 5.

RECEIVED

24 OCT 2011

PUBLIC PROTECTION

Date 19 October 2011

Your ref

Our ref

Reply contact name is **Jacqueline Gallimore**

Dear Sir or Madam,

Please find enclosed a copy of the Application for the Review of a Premises Licence, in relation to;

Feta Feast, 83 Market Place, Warminster, Wiltshire BA12 9AW

If you have any queries and/or would like to discuss this application in more detail, kindly contact;

Jacqui Gallimore at Trowbridge Police Station, on 01225 794627.

Yours faithfully

pp Jacqueline Gallimore

Divisional Licensing Officer



INVESTOR IN PEOPLE

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

cons of 21/11

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 82 Market Place	
Post town Warminster	Post code (if known) BA12 9AW

Name of premises licence holder or club holding club premises certificate (if known) Mr Sid Thnaibat T/A Feta Feast

Number of premises licence or club premises certificate (if known) WW0600010LAPRVA
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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) 101 Ext 725578
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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The premises was the subject of a police objection to the variation of a premises licence in February 2006, the licensing committee found that there was crime and disorder relating to the premises in particular after midnight, and imposed the following conditions -

- a) Two number door staff to be employed and to be on duty at the premises between the hours of midnight and 03.00 hours on a Wednesday, Thursday, Friday and Saturday evening. There is no requirement for door staff if the premise closes at 02.00 hours.
- b) The seating provision at the premises is to be removed after 23.00 hours on a Wednesday, Thursday, Friday and Saturday evening.

In June 2011 the current premises licence holder took over the business, since this time there have been numerous breaches of the premises licence in relation to the provision of door staff.

The premises and it's immediate vicinity continues to be the location for crime, disorder and anti social behaviour and police find that the conditions above are still relevant and necessary to promote the licensing objective 'the prevention of crime and disorder'.

In July 2011 Wiltshire Council licensing officers wrote formally to the premises licence holder reminding him of his obligations to the licence, police officers and police licensing officers have reiterated this advice over a period of two months, during which the premises were found to be in compliance on only one week end.

The premises licence holder does not actively promote the licensing objective, the

prevention of crime and disorder and displays a blatant disregard for the licensing legislation. In addition the premises licence holder has been uncooperative and obstructive when dealing with police.

Police now believe that only the revocation of the licence will ensure that the licensing objectives are promoted.

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

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

--	--	--	--	--	--	--	--	--	--

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 19th October 2011

Capacity Licensing Officer *Manager*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Jacqui Gallimore
Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire

Post town

Post Code

BA14 7EP

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.

07 December 2011

Mr S Thnaibat
8 Myrtle Avenue
Warminster
Wiltshire
BA12 8LW

Public Protection
165 Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Our Ref: mj3.7

Dear Mr Thnaibat

Licensing Act 2003
Premises Licence – Late Night Refreshment
Feta Feast 82 Market Place Warminster BA12 9AW

I refer to your recent application to transfer the Late Night Refreshment Premises Licence for 82 Market Place, Warminster in to your name. Late Night Refreshment for the purposes of the Act, is the sale of hot food and drink between the hours of 2300 and 0500.

I now enclose the re-issued licence. As you will see the licence comes in two parts. The Summary part of the licence must be publically displayed at the premises. The second part, the full licence, includes the conditions on which the licence was granted and should be kept at the premises and be available, if requested, by the police or an authorised officer of the Council.

It is at this point that I should clarify that the terms and conditions to which the licence is granted, must be complied with. In particular, I understand there may be some issues with regard to the provision of SIA registered doorstaff at the premises when trading beyond 0200 hours. If the premises ceases trading before 0200 hours there is no need for you to employ doorstaff, unless of course you feel there is a need to employ doorstaff for the safety of your staff, customers and your premises. Trading after 0200 hours requires the engagement of doorstaff to operate at the premises. There is no flexibility to the employment of doorstaff and must be as specified in the condition.

Removal, or changes to the terms and conditions of the licence, can only be made by a formal application to the Licensing Authority – Wiltshire Council. Failure to comply with

all of the conditions of your licence, could result in prosecution by the Licensing Authority or, the police making an application to the Authority for review of the licence.

Please do not hesitate to contact me if you have any queries regarding the above.

Yours sincerely

Maggie Jones
Licensing Officer

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