

# AGENDA

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**Meeting:** Western Area Licensing Sub Committee  
**Place:** St John's Parish Centre, 2 Wingfield Road, Trowbridge, Wiltshire,  
BA14 9EA  
**Date:** Thursday 23 August 2012  
**Time:** **10.30 am**  
**Matter:** Variation of Premises Licence - Feta Feast, 82 Market Place,  
Warminster

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Please direct any enquiries on this Agenda to Kirsty Butcher of Democratic Services,  
County Hall, Bythesea Road, Trowbridge, BA14 8JN.

Telephone: 01225 713948      Email: [kirsty.butcher@wiltshire.gov.uk](mailto:kirsty.butcher@wiltshire.gov.uk)

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](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Desna Allen  
Cllr Ernie Clark

Cllr Jon Hubbard

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# 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 non pecuniary or pecuniary interests or dispensations granted by the Standards Committee.

5 **Licensing Application (Pages 9 - 12)**

To consider and determine an Application for a Variation of a Premises Licence by Mr Mohamad Saadi in respect of Feta Feast, 82 Market Place, Warminster, Wiltshire, BA12 9AU.

5a **Appendix 1 - Existing Premises Licence (Pages 13 - 16)**

5b **Appendix 2 - Application for Variation of Premises Licence (Pages 17 - 38)**

5c **Appendix 3 - Representations (Pages 39 - 40)**

5d **Appendix 4 - Supporting Evidence (Pages 41 - 66)**

5e **Appendix 5 - Location Map (Pages 67 - 68)**

## 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.



## Hearing Procedure Summary

1. The Chairperson welcomes all those present and introduces the Application.
2. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or Interested Party/Parties.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report.
5. The Applicant addresses the Committee.
6. Questions to the Applicant by Responsible Authority/Authorities and/or Interested Party/Parties.
7. Questions to the Applicant by Members of the Committee.
8. Comments by Responsible Authority/Authorities and/or Interested Party/Parties.
9. Questions by Applicant.
10. Questions to Responsible Authority/Authorities and/or Interested Party/Parties by Members of the Committee.
11. Summing up by Parties who have made representations.
12. Summing up by Applicant.
13. Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
14. Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee, and invites the parties present to make any comments on that advice.
15. 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

23 AUGUST 2012

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**Application for a Variation of a Premises Licence for Late Night Refreshment;  
Feta Feast, 82 Market Place, Warminster, Wiltshire, BA12 9AU**

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence for Late Night Refreshment in respect of Feta Feast made by Mohamad Saadi.

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Feta Feast has been made by Mohamad Saadi for which a relevant representation has 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 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy
- 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 reject the whole or part of the application.
- 2.5 On 6 July 2012 an application for a variation of a Premises Licence at Feta Feast was received and accepted as a valid application. A copy of the existing Premises Licence is attached as **Appendix 1**.
- 2.6 The variations applied for are summarised as follows:

Licensable Activity	Current Days and Timings	Proposed Days and Timings
Late Night Refreshment	Sunday – Tuesday 2300 – 0100 next day  Wednesday – Saturday 2300 – 0200 next day	Friday - Saturday 23.00 – 03.00 next day  Boxing Day & New Years Eve 2300 – 0500 next day

A copy of the application is attached as **Appendix 2**.

- 2.7 The premises have had the benefit of a licence for late night refreshment since October 2005. The licence was transferred to Mr Saadi on the 3 July 2012.
- 2.8 The Applicant has described in his application, the additional steps he intends to take to promote the crime and disorder and public safety licensing objectives:
- (i) One member of SIA Door staff to be employed at the premises from 0100 hours on Friday and Saturday and Boxing Day. Two members of SIA Door Staff from 0100 hours on New Year's Day.
  - (ii) On Thursday, Friday & Saturday an additional member of staff to be employed to serve customers. This is in order to speed up service and prevent queuing.
- 2.9 In December 2011 the premises licence was called for review by Wiltshire Police. The grounds for review being that the premises had been conducted in such a manner as to prejudice the crime and disorder licensing objective. At the hearing of the review application, the changes made to the licence by the Committee included that the licensable hours for late night refreshment on Wednesday, Thursday, Friday and Saturday, be reduced by one hour from 0300 to 0200. As a consequence, the condition on the licence referring to the employment of door staff from midnight, when trading at the premises continued to 0300 hours, was also removed from the licence.
- 2.10 A location plan of the licensed premises is attached as **Appendix 5** to this report.

### 3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days, in addition to a notice in a local publication. During the consultation period relevant representations have been received from one Responsible Authority

#### 3.2 Responsible Authority

- Wiltshire Police

### 3.3 Interested Parties

- None

3.4 A summary of the representations made, is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Anti Social Behaviour	Crime & Disorder	Yes	
	& Public Safety	Yes	

3.5 The relevant representation (letter dated 1 August 2012) is attached as **Appendix 3.**

3.6 The Wiltshire Police have provided additional supporting evidence which is attached as **Appendix 4.**

## **4. Legal Implications**

4.1 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.

4.2 The Applicant, all Responsible Authorities and Interested Parties who have made representations have been informed of the date, time and location of the Hearing and their right to attend and be represented.

4.3 At the Hearing all those Responsible Authorities and Interested Parties who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

## **5. Officer Recommendations**

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

## **6. Right of Appeal**

6.1 It should be noted that the Applicant, the Responsible Authority and Interested Parties who have made representations, may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

6.3 A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but if

requested by an Interested Party, will not normally be granted within the first 12 months except for the most compelling circumstances.

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Report Author: Maggie Jones  
Mrs M J Jones, Licensing Officer – Licensing Team, West Hub  
Date of report: 14 April 2012

### **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 Existing Premises Licence**
- 2 Application for Variation of a Premises Licence under the Licensing Act 2003**
- 3 Copy of the relevant representation.**
- 4 Wiltshire Police supporting evidence.**
- 5 Location map of the licensed premises.**

### Licensing Act 2003 Premises Licence

Premises Licence number

WW1100803LAPRRV

Premises details

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

Tel 0300 4560100

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 3 July 2012

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 0200hrs 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 0200hrs 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 Mohamad Saadi  
18 Sheepcote Barton  
Trowbridge  
Wiltshire  
BA14 7SY

## 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****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.

**Conditions attached after a hearing by the licensing authority**

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. That the Licence holder produce, maintain and comply with a written management plan setting out how he will comply with the licensing objectives, including training of any staff, the management plan to be approved by the Licensing Authority.
5. That the licence be suspended for 2 weeks or until the management plan as above has been prepared and approved, if sooner.

**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).

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 premises licence is valid from 3 July 2012

12/00078/LAPRYA

CONS UP 3.8.12

RECEIVED

Police 10/7

- 6 JUL 2012

Acknowledgment sent 13/7

Application to vary a premises licence under the Licensing Act 2003

PUBLIC PROTECTION

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/W

e M. SAAD SAADI (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 11/00803/LAPRRV

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 82 MARKET place Warminster
Post town Post code BA12 9AU

Telephone number at premises (if any) 01985 25555
Non-domestic rateable value of premises £

Part 2 - Applicant details

Daytime contact telephone number 07598911538
E-mail address (optional)
Current postal address if different from premises address 6 HA Vebek court T Row bridge New address.
Post Town Postcode BA14 0NP

**Part 3 - Variation**

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

Month  
Year

Day

If not do you want the variation to take effect from

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the hours for late night Refreshment on Friday & Saturdays until 0300

If the proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number of people expected to attend

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur								
Fri								
Sat						<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun								

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			



D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sat						
Sun						

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>		
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) New Years Eve, Boxing Day to 0500		
Thur					
Fri	2300	0300	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	2300	0300			
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
			See Section L
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri	1600	0300	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Sat	1600	0300	
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Condition 2 of conditions attached by a hearing, as licence holder will employ door staff on Friday's & Saturday's if granted extension of hours until 0300

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

Door staff to be employed at premises from 0100 hrs on Friday & Saturday also on New Years Eve & Boxing Day.

**b) The prevention of crime and disorder**

One member of Doorstaff to be employed on Friday & Saturday, Boxing Day & 2 on New Years Eve.

**c) Public safety**

An additional member of staff to be employed to serve customers. This is in order to speed up service & to clear customers from the premises as quickly as possible. ~~Wednesday~~ Thursday, Friday & Saturday.

**d) The prevention of public nuisance**

**e) The protection of children from harm**


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	Shop Manager

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

**Notes for Guidance**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish



**to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



# Agenda Item 5c

Mrs Maggie Jones  
Licensing Officer  
Public Protection Services  
Wiltshire Council  
Bradley Road  
Trowbridge,  
Wilts BA14 0RD

**Divisional Licensing Officer**  
Trowbridge Police Station  
Polebarn Road  
Trowbridge  
Wiltshire BA14 7EP  
Telephone: 101  
Mobile:  
Ext: 725570  
Direct Dial: 01225 794627  
Facsimile: 01225 794799  
DX: 146500, Trowbridge 5.

Date 01 August 2012

Your ref

Our ref

Reply contact name is **David Bennett**

Dear Mrs Jones,

**Ref: Feta Feast - 82 Market Place Warminster**

The Wiltshire Police have received an application from Mohamad Saadi on behalf of the above premise to vary the premises licence.

The variation being to extend the opening hours for the provision of late night refreshment to 0300 hours on Fridays and Saturdays instead of 0200 hours.

The Wiltshire Police object to the variation of this premise licence. The licensing objective, the prevention of crime and disorder will be undermined as a result of this proposed change.

These premises were subject to a review hearing on 15<sup>th</sup> December 2011 following police concerns of associated crime and disorder.

The decision made by the sub-committee to vary the licence has proved to be successful in reducing incidents linked to the premises. Police believe that this variation would countermand this positive position.

Yours sincerely,

David Bennett

**Police Licensing Manager**

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## WILTSHIRE POLICE HEARING DOCUMENTS

### Objection to the variation of a premises licence - FETA FEAST WARMINSTER

Wiltshire Police letter dated 1 <sup>st</sup> August 2012	1
Application for the review of a premises licence dated 19 <sup>th</sup> October 2011	2 - 8
Wiltshire Police licensing report 2011	9 - 21
Decision notice Western Area Licensing Sub Committee dated 15 <sup>th</sup> December 2011	22 - 24

Mrs Maggie Jones  
Licensing Officer  
Public Protection Services  
Wiltshire Council  
Bradley Road  
Trowbridge,  
Wilts BA14 0RD

**Divisional Licensing Officer**  
Trowbridge Police Station  
Polebarn Road  
Trowbridge  
Wiltshire BA14 7EP  
Telephone: 101  
Mobile:  
Ext: 725570  
Direct Dial: 01225 794627  
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Yours sincerely,

David Bennett

**Police Licensing Manager**

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 82 Market Place	
<b>Post town</b> Warminster	<b>Post code (if known)</b> BA12 9AW

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

<b>Number of premises licence or club premises certificate (if known)</b> WW0600010LAPRVA
--

**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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**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 behavior 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 19<sup>th</sup> October 2011

.....

Capacity Licensing Officer

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) Jacqui Gallimore Trowbridge Police Station Polebarn Road Trowbridge Wiltshire	
<b>Post town</b>	<b>Post Code</b> BA14 7EP
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.

**WILTSHIRE POLICE**

**LICENSING REPORT 2011 – FETA FEAST WARMINSTER**

## Summary of evidence

June 2011

1. On Saturday 11 June 2011 town centre CCTV recorded the following -
  - 02.00 - 03.00hrs Feta Feast open and trading.
  - 02.03 hrs no door staff seen
  - 02.10 hrs clear view of shop, no door staff present and customers still going in and out food and money being exchanged.
  - 02.31 hrs still open and trading with no door staff.
  - 02.45 hrs still open and trading with no door staff.
  - 02. 59hrs end of footage, still open and trading.
2. Log 0060 on 12/06/11 at 02.40 a further call from CCTV staff reports disorder at the premises, police attended and dispersed persons from the vicinity.
3. Niche 54110050397 refers at 02.40 hours on 12/06/11 following a reported disturbance at Feta Feast the attending officer recorded 'I spoke to the staff working there regarding their door staff. The staff told me that the business had a new owner, they didn't know his name but they believed he was the proprietor of DJ Taxis another local Warminster business. They also told the officer that there had been no door staff recently and nor was there likely to be as the new owner didn't want to employ them at the premises.
4. On Sunday 12 June 2011 town centre CCTV recorded the following -
  - 02.00 - 03.00hrs Feta Feast open and trading
  - 02.04 hrs male urinating outside the premises.
  - 02.08 hrs clear view inside, no door staff on duty.

02.25 hrs clear view inside no door staff on duty

02. 30 hrs male beginning to get aggressive outside.

02. 40 hrs fight breaks out inside premises, Police attend.

0259hrs- end of footage, still open and trading

5. On Saturday 18 June 2011 town centre CCTV recorded the following -

02.00 – 03.00 hrs open and trading

02.24 hrs clear view, no door staff on duty.

03.00 hrs end of footage, still open and trading

6. Premises: ER - Feta Feast

Date/Time Visited: 18/06/2011 02:25

Comments: checked all in order no door staff visible

Officer : Ps Hughes

Sector Name: Warminster

7. On Sunday 19 June 2011 town centre CCTV recorded the following -

02.00 – 03.00 hrs open and trading

02.06hrs clear view, no door staff.

02.17 hrs clear view, no door staff.

02.24 hrs pushing and shoving outside of the premises.

02.59 hrs end of footage, still open and trading.

8. Premises: ER - Feta Feast

Date/Time Visited: 19/06/2011 03:00

Comments: All in order, however no door staff seen

Officer : Pc Windsor Hitchins

9. On Saturday 25 June 2011 town centre CCTV recorded the following –

02.00 – 03.00 hrs Feta Feast open and trading

02.11 hrs clear view, no door staff

02.13 hrs clear view, no door staff

02.27 hrs clear view, no door staff

02.59 hrs end of footage, still open and trading

10. On Sunday 26 June 2011 town centre CCTV recorded the following –

02.00 – 03.00 hrs Feta Feast open and trading

02.15 hrs clear view, no door staff

02.40 hrs clear view, no door staff

02.48 hrs police attend premises

02.50 hrs police leave, premises continues trading.

03.00 hrs end of footage, still open and trading.

## July 2011

11. Premises: ER - Feta Feast

Date/Time Visited: 02/07/2011 02:20

Comments: visited takeaway busy, no door staff on duty or visible, no member of staff able to speak due to being busy.

Collar No : Pc Calland

12. Premises: ER - Feta Feast

Date/Time Visited: 10/07/2011 02.05

Comments: No door staff visible inside venue staff serving

Officer : Ps Hughes

13. Premises: ER - Feta Feast

Date/Time Visited: 10/07/2011 03.00

Comments: No door staff present customers still being served

Officer : Ps Hughes

14. On Saturday 16<sup>th</sup> July 2011 town centre CCTV recorded the following -

02.00 – 03.00 hrs open and trading

02.14 hrs serving with no door staff visible

02.22 hrs serving no door staff visible

02.45 hrs still serving not seen any door staff yet

02.54 hrs one member of door staff comes from behind the counter and exits Feta.

02.55 hrs a male urinates in the doorway of the Ink Shop next door to Feta

02.55 hrs Feta Feast closed



15. On Sunday 17<sup>th</sup> July 2011 town CCTV records the following -

02.00 – 03.00 hrs Feta Feast open and trading

02.03 hrs really busy inside Feta, no sign of door staff.

02.13 hrs no sign of door staff.

02.24 hrs an incident inside the door of Feta, one person on the floor, Police cross the road and investigate, still no door staff, male appears to have injured his leg

02.29 hrs one member of door staff member appears from behind the counter to talk with the Police.

02.30 hrs First Responder car turns up for the injured male

02.36 hrs fight breaks out outside Feta's front door Police again cross the road one member of door staff comes out of premises just after Police arrive

0237hrs- Feta's lights go out persons still inside at that time.

02.38 hrs Feta Feast closed

02.42 hrs incident outside still being dealt with

02.44 hrs Police talking to owner

02.50 hrs ambulances arrives to take injured male away

16. Premises: ER - Feta Feast

Date/Time Visited: 17/07/11

Comments: Log 0065 on 17/07/11 refers at 02.28 hours I visited Feta Feast Takeaway Market Place Warminster, I was flagged down by a member of the public who told me trouble was brewing inside, the premises was full, I saw a male person who had injured himself within the premises and was being tended to. This male had somehow managed to put his foot through a floor tile.

The floor was a danger; there was a hole approx 12 inches by 24 inches right by the door and a hazard to further customers. Feta tried to continue serving

customers until I told them they should consider closing due to Health and Safety. The owner a Sid Thnaibat turned up at the premises and informed me that he was the new owner and had been for 1 month. Sid Thnaibat wanted the help of Police to empty the premises. Customers were irate at being turned away and tempers became frayed. After a scuffle between a half a dozen or so people outside which then calmed down, I spoke to Sid Thnaibat seriously about what had happened and how I thought he was managing his premises. Sid Thnaibat told me he was not aware of his licence conditions and disagreed that the Council should impose any conditions at all. Sid Thnaibat stated he paid his rates and he should decide his own conditions. He said he would not and cannot afford door staff and he wished he hadn't bought the premises.

Sid Thnaibat believes it is the job of the Police to control the order there and expects the Police to be there as he pays our wages. I was quiet firm in explaining what I understand to be his Wiltshire Council licensing conditions and at the moment whilst these are in place he needs to abide by them.

Officer : Inspector Winter

17. Niche 54110063697 refers on 23/07/11 at 02.55 hours Feta Feast were still open and serving. I would estimate there being still over 15 customers inside at this time. There were no door staff at all throughout the night.
  
18. On Saturday 23<sup>rd</sup> July 2011 town centre CCTV recorded the following –
  - 02.00 – 03.00 Feta Feast open and trading
  - 02.00 hrs no door staff visible
  - 02.15 hrs still trading, no sign of door staff.
  - 02.20 hrs premises very busy no sign of door staff, one male urinating on the Natwest Bank door.
  - 02.30 hrs premises very busy no sign of door staff
  - 02.55 hrs premises very busy no sign of door staff
  - 03.00 hrs still opened and serving no door staff

19. On Sunday 24<sup>th</sup> July 2011 town centre CCTV recorded the following -

02.00 – 03.00 hrs Feta Feast opened and trading

02.15 hrs no door staff inside

02.18 hrs one member of door staff comes out from behind the counter with food and exits Feta and walks towards The Old Bell to an incident, not seen to go back to Feta Feast. Police already in attendance at The Old Bell

02. 24 hrs no door staff visible.

02.59 hrs Feat Feast open no door staff visible.

20. 23/07/11 warning letter sent to premises by Wiltshire Council Licensing Officer

21. On Saturday 30<sup>th</sup> July 2011 town centre CCTV records the following -

02.00 – 03.00 hrs Feat Feast open and trading

02.10 hrs no sign of door staff.

02.45 hrs premises very busy no sign of door staff

02.52 hrs premises very busy with no sign of door staff litter on the floor outside the Ink shop.

22. On Sunday 31<sup>st</sup> July 2011 town centre CCTV records the following -

02.00 – 03.00 Feta Feast open and trading

02.00 hrs no sign of door staff.

02.16 hrs no door staff visible.

02.31 hrs one member of door staff arrives and goes behind counter

02.38 hrs no door staff seen

02.51 hrs appears that one member of door staff leaves and heads towards The Old Bell.

02.52 hrs female throws her Feta rubbish on the floor

### August 2011

23. Premises: ER - Feta Feast

Date/Time Visited: 07/08/2011 11:00

Comments: I have spoken with a male who used to be door staff at Feta, who tells me Feta Feast was run by a Sakiba ICER , a few months ago she sold the business to male called Said, who runs a taxi firm in Warminster. Since taking over, Said has no door staff on and has told people that he doesn't need door staff, its Police's job to deal with any issues.

Officer : 2512 Pc Windsor - Hitchins

24. Log 0052 on 07/08/11 at 01.22 hours reported by CCTV as disorder. Police units despatched - no arrests

25. Log 0095 on 07/08/11 at 02.58 hours reported by CCTV as three males fighting. Police units deployed. One arrest officer attending, Pc Emery reported that there was no door staff on duty at the premises.

26. Log 0043 on 14/08/61 at 01.27 hours - disorder, abusive male swearing and shouting in the shop - complaining re food quality.

27. Premises: ER - Feta Feast

Date/Time Visited: 20/08/11 02.35

Comments: Attended premises in company Insp Winters at approx 02.35 hours, no door staff present on the two occasions we had driven past male who gave details as C GRIFFIN turned up at the premises and told me that he was the DS, he gave badge number 0130 0142 1679 he told me that he had been there since 01.30 hours as he had just finished at the Bath Arms. When questioned he then

admitted that he had been told to say he was door staff by Stephen WHEELER.

Submitted by Licensing Officer

28. 29/08/11 E-mail from PS Griffin.

Feta Feast had two door staff on duty from midnight on all 3 nights.

### **September 2011**

29. On Sunday 25 Sept 2011 town centre CCTV records the following -

02.00 – 03.00 hrs Feta Feast open and trading

02.02 hrs Police attend and speak to staff, door is closed with customers still inside and is locked

02.13 hrs Police leave premises

02.26 hrs all customers leave and the lights go out

02.27 hrs male outside starts getting aggressive towards shop workers through the window

02.43 hrs taxi pulls up outside, male gets out (believed to be owner) and appears angry and directs workers back inside the premises

02.45 hrs lights back on, doors open and customers go inside

0252hrs- Police re-attend and then leave

0310hrs- customers still getting food

0315hrs- premises lights off and door closed

30. 140911 letter sent meeting request 270911

31. Premises: ER - Feta Feast

Date/Time Visited: 23/09/11

Comments: I visited early Fri evening and asked them what their intentions were going to be re door staff and hours this weekend – I was told by staff they were trying to source door staff for the 2 nights. I made it quite clear – No door staff they should close at 0200. On Friday into Sat morning they did just that,

and the town was a different place because both premises closed on time.  
Submitted by Inspector Winter.

32. Niche 54110083673 refers on 25/09/11 at approximately 0215hrs on the morning I visited the Takeaway premises Feta Feast in the Market Place Warminster. I am aware of this premises and the fact there are licence conditions in place for the premises to operate as a Late Night refreshment House. Should the licence holder/designated staff decide to open until 0300 am then door staff are required at the premises to prevent any anticipated disorder. At 0215hrs today there were no door staff on duty at Feta Feast. I visited the staff and advised them they were in breach of their licence conditions and they should close. The staff on duty told me that they had been let down and that door staff were enroute to them from the Old Bell PH in Warminster. I again advised them to close.

There was no disorder and no noise - but there were about 12 customers that needed to be dealt with. The customers were dealt with and the shop was closed shortly afterwards. At approximately 0225 the staff from Feta Feast approached me in the Market Place Warminster and advised me they now had 1 door staff who would help them and they wanted to re open. I advised them against this and whilst they were not happy the premises remained closed.

33. At 0250hrs the same day I returned to Feta Feast and found that the staff had reopened the premises and were serving approx 8 customers. The staff informed me that the boss SID THNAIBAT had visited the premises and ordered them to reopen otherwise they would all be sacked. SID THNAIBAT was nowhere to be seen when I visited at any time. SID THNAIBAT is also the proprietor of DJ Taxis - Warminster Railway Station. I advised staff yet again to close the premises as they were breaching the licence conditions granted and finally at 0316hrs that day the premises were closed. At no time was there any likelihood of disorder - and there was no noise nuisance.

There were no grounds to invoke Sec 161 of the Licensing Act. It appears that staff at Feta Feast and SID THNAIBAT have no intentions of complying with the licence conditions imposed by WCC, I have visited many occasions in the last 4 months to find the same situation. I have pointed out that the conditions of the license are in place for a reason but to no avail. Feat Feast is linked to violence

and disorder most weekends.

Submitted by Inspector Winter

34. Premises: ER - Feta Feast

Date/Time Visited: 01/10/2011 01.35

Comments: no door staff visible outside or inside

35. Premises: ER - Feta Feast

Date/Time Visited: 01/10/2011 02.00

Comments: open, several customers, no door staff

36. Premises: ER - Feta Feast

Date/Time Visited: 02/10/2011 02.00

Comments: Feta Feast was still open at 0205hrs with half a dozen or so customers queuing up to be served. No sign of any disorder, but no door staff in attendance and no attempt whatsoever is made by staff to close the premises. Spoke to staff who argued that it's difficult to find door staff to do the job for them. Reinforced to them that if no door staff in attendance, they are in breach of the conditions of their licence and therefore should close. Sid Thnaibat was not in attendance but wanted to speak to me on the phone (rather than walk down to the premises from his office at the railway stn). You won't be surprised that my reaction was it wouldn't make any difference to the breach of conditions and that if he couldn't make the effort to walk down to Feta there would be no point in my speaking to him – no doubt he was not pleased!

Staff reluctantly closed the premises at 0210hrs and we continued to monitor until about 0245hrs to ensure Thnaibat didn't get his staff to reopen the premises (as on previous occasions) once they thought we'd gone. Submitted by Inspector Bancroft

37. Premises: ER - Feta Feast

Date/Time Visited: 02/10/2011 02.10

Comments: Check no door staff visible outside or inside Stephen WHEELER stood at counter but did not order food, left when police arrived .

Collar No.: PS Hughes

Sector Name: Warminster

38. 0078 011011 - PND issued S5 POA

39. 13/08/11 Meeting between Mr Thnaibat and Jacqui Gallimore Licensing Officer

40. Premises: ER - Feta Feast

Date/Time Visited: 15/10/11 03.00

Comments: SIA door staff as they had there badges on there arms. I did not see what time they started but they stayed until 0300hrs when it closed up on Friday night.

41. Premises: ER - Feta Feast

Date/Time Visited: 16/10/11 01.30

Comments: two SIA door staff working on Saturday night but was not in ER when it closed however.

42. Niche 54110095667 refers on..... at..... Feta Feast have cancelled their door staff which they arrange through Vicky LUDLOW at the JB's Pub - from next weekend. Further to this staff from Feta Feast have indicated that will stay open trading until 4am. Vicky Ludlow from the JB's Pub in Weymouth Street Warminster confirmed staff at Feta Feast have given notice they no longer want door staff at their premises. Vicky had been providing them with door staff the last few weekends. 1 member of staff from 1am and a second member from 2am. This is still not as per the licensing conditions for Feta Feast which states they should have 2 door staff from midnight if they stay open until 03.00 hrs on a Friday and Saturday evening.

43. Premises: ER - Feta Feast

Date/Time Visited: 19/11/11 03.00

Comments: Street pastors present, and two door staff, no reported problems. closing on time.

Collar Number : Pc 2473 Cook

Sector : Warminster

44.



# 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.

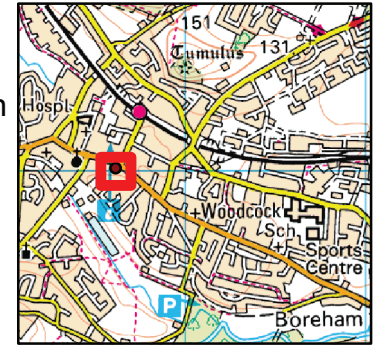
### Right to Appeal

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.

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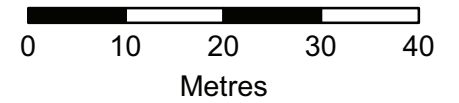
**Feta Feast**  
**82 Market Place Warminster**  
**Ref ww/0600010/LAPRVA**

Location  
Plan



Scale

1:775



Feta Feast  
 82 Market Place, Warminster

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