

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 24 March 2015

Application for a Review of Premises License in respect of Best Favourite Chicken, 3 Market Street, Trowbridge made by the Licensing Authority.

Decision:

The Western Area Licensing Sub Committee resolved to revoke the premises license for Best Favourite Chicken, 3 Market Street, Trowbridge for the reasons detailed below:

Reasons:

The Sub Committee accepted the evidence presented by the Licensing Authority and Wiltshire Police that there had been numerous recorded incidents when the Licence holder had been found to be in breach of his premises licence conditions. In the main, these related to the provision of the required number of door supervisors. The Sub Committee also accepted the evidence of the police that many of the incidents of crime and disorder that had occurred and which were associated with the premises, may well have not taken place, or may have been defused at an early stage, had the required number of door staff been present at the relevant time. The Sub Committee therefore considered that the failure to comply with those conditions did undermine the licensing objectives of preventing crime and disorder and public safety.

The Sub Committee accepted that some of the incidents referred to by the police and the Licensing Authority in their evidence had occurred outside the premises. However, they were satisfied that many of these incidents were nevertheless connected with the licensable activities taking place on the premises.

In his submissions at the hearing, Mr. Olmez's representative referred to the fact that the incidents related to these premises were not included in the list of criminal activities set out in paragraph 11.27 of the S.182 Guidance, which were ones that should be taken seriously by licensing authorities and which could justify revocation of a premises licence, even in the first instance. However, the Sub Committee noted that this part of the Guidance primarily related to crime that was not directly connected with licensable activities, so was not directly relevant in this case. It also noted that Wiltshire Council's Statement of Licensing policy did identify that cases where the police were frequently called to incidents of crime and disorder; where there were repetitive breaches of conditions and/or where there was a failure to act on previous warnings were matters that could be considered as serious shortcomings.

The Sub Committee considered the suspension of the licence, as offered by the licence holder. However it concluded it would not be appropriate to do so, because, given the

history of these premises, it did not have confidence that there would be any improvement in the management of the premises or compliance with existing conditions.

The possible amendment of conditions was considered. However, it was agreed that the existing conditions were appropriate to meet the licensing objectives and the main issue was a failure to comply with those conditions. Therefore there would be no benefit in adding or amending conditions.

The Sub Committee therefore felt that revocation was the only appropriate option, given the persistent breaches of licence conditions and the clear failure by the licence holder to recognise and comply with his obligations under the licensing objectives.

In reaching its decision the Sub Committee took into account all of the written representations in addition to oral arguments presented at the hearing by all parties.

The Sub Committee also 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.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.