

AGENDA SUPPLEMENT (1)

Meeting: Western Area Licensing Sub Committee
Place: West Wiltshire Room - County Hall, Trowbridge, BA14 8JN
Date: Tuesday 7 January 2014
Time: 10.30 am

The Agenda for the above meeting was published on **18 December 2013** and indicated that the report detailed below would be to follow. This is now available and is attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Lisa Pullin of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email lisa.pullin@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

5f **Appendix 6 - Submission from Wiltshire Police in support of objection** (*Pages 1 - 28*)

DATE OF PUBLICATION: 30 December 2013

Agenda Item 5f

Mrs Lisa Grant
Licensing Officer
Public Protection Services
Wiltshire Council
County Hall
Bythesea Road
Trowbridge,
Wilts BA14 8JD

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 30 April 2013

Your ref

Our ref

Reply contact name is **David Bennett**

Dear Lisa,

Ref: Best Favourite Chicken, 3 Market Street, Trowbridge BA14 8EY

The above named premise was taken to a Licensing Review on 18 July 2011 following significant incidents of crime and disorder and licensing breaches.

As a result the trading hours were reduced back to a terminal hour of 04.00hrs Sun to Thurs, and 03.30hrs Fri & Sat.

The following conditions were also applied viz,

The licence holder is to employ two SIA registered staff from midnight to the terminal hour of the licence, Fri and Sat nights.

The premises doors shall be closed and locked at the terminal hour on the licence on the relevant day.

CCTV will operate during licensable hours and record both internally and at the front of the premises, externally. Recordings will be kept for a minimum of 30 days and will be made available, upon request, to the police, licensing officers and any authorised officer by staff suitably trained and competent in providing such information..

A period of stability has prevailed but more recently evidence of licence condition breaches have come to light.

The following evidenced breaches have occurred at the above premise since the beginning of the year:

20 Feb 2013 at 19.00hrs – *‘Visited in relation to an ongoing crime enquiry. CCTV is not recording regularly and there was no footage recorded between 3rd - 18th February upon my attendance.*

They are not keeping an incident book; their last recorded "incident" was in March 2012 and is recorded on a loose piece of paper in the back of the door staff signing in book’.

17 March 2013 at 03.40hrs – *‘At 03.40 hours I went into the above premises with 2 other officers. I asked the doorstaff what time they were closing. I was informed that they close their doors at 03.45 hours. I asked to check their license which I subsequently did, this confirmed that they should be closing at 03.30 hours. The owner was still taking orders at 03.45 hours. We asked everyone to leave the premises who hadn’t ordered. This still left approximately 10 persons waiting for their food. The owner was unhappy that we had attended. We left the premises at 03.55 hours ensuring everyone was out. The owner believes that he has 15 minutes after the 03.30 hours to serve. He also believes that he is allowed to continue serving any person already in the premises. He stated that he was just meant to close the door between 03.30 and 03.45 hours. The owner confirmed that if we hadn’t attended then he would have continued taking the orders of anyone already within the premises’.*

30 March 2013 at 03.40hrs – *‘Stayed outside till 0355hrs whilst MOP were milling around outside. Door staff were refusing people in as they were now shut’.*

20 April 2013 at 03.40hrs – *‘The doors to the premises were closed but there were still customers inside and being served at 03.40 hours. All the customers were Moo Moo’s door staff, when the owner noticed the police vehicle outside he came to the front door and locked it, the Moo Moo’s doorstaff all left by the back door at 03.43’.*

Clearly, the owner is continuing to ignore the conditions imposed on the premises licence, and is only closing his Late Night Refreshment venue when police officers are in attendance.

I would therefore be grateful if you would give consideration to the above evidence and advise what action the Authority wishes to take.

Yours sincerely



David Bennett
Licensing Manager
Wiltshire Police

Direct dial – 01793 507969

10 May 2013

Mr K Olmez
Best Favourite Chicken
3 Market Street
Trowbridge,
BA14 8EY

Licensing Team
Public Protection Services
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Our Ref: jh1.5

Dear Mr Olmez

Licensing Act 2003 – Late Night Refreshment

Premises Licence: Best Favourite Chicken, 3 Market Street, Trowbridge.

The Licensing Authority has received information that you are still failing to comply with the conditions attached to your premises licence as amended on 6 December 2011.

You will recall that I visited your premises and hand delivered your amended premises licence and explained to you the conditions that had been attached following your appeal hearing on 6 December 2011.

At this time you were taken through the appeal decision notice where all conditions were explained and clarification was given, in particular, to the following:

- The premises doors shall be closed and locked at the terminal hour of the licence on the relevant day as follows:
 - Sunday – Wednesday – 23.00 hours to 04.00 hours the following day
 - Thursday – Saturday – 23.00 hours to 03.30 hours the following day

This means that all customers must have left your premises by this time and there should be no-one on the premises apart from staff.

- CCTV will operate during licensable hours and record both internally and at the front of the premises externally. Recordings will be kept for a minimum of 30 days and will be made available upon request, to the police, licensing officers and any authorised officer by staff suitably trained and competent in providing such information.

According to our information you have been witnessed on more than one occasion having customers in the premises after the terminal hour as stated on your licence. There are also further concerns raised regarding the availability of CCTV footage when requested.

Please note that failure to comply with any conditions attached to your premises licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both (s.136 LA03). It may also result in a review of the premises licence, by the licensing committee, which could ultimately lead to revocation.

Yours sincerely

Jo Hulbert
Public Protection Officer (Licensing)
E-mail: licensingwest@wiltshire.gov.uk

cc: LicensingE@wiltshire.pnn.police.uk

Marco Jones, Safe & Sound UK Limited

8th November 2013

Mr K Olmez
Best Favourite Chicken
3 Market Street
Trowbridge,
BA14 8EY

Licensing Team
Public Protection Services
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Mr Olmez

FORMAL WARNING

Licensing Act 2003 – Late Night Refreshment

Premises Licence: Best Favourite Chicken, 3 Market Street, Trowbridge.

I am writing further to our letter that was sent on 10th May 2013. The Licensing Authority is disappointed to have received further information from Wiltshire Police that you are still failing to comply with the conditions attached to your premises licence as amended on 6 December 2011, even though you have been advised about your non compliance on previous occasions.

The information reported to the Licensing Department is that on 8th September 2013 the premises were **again** operating outside of the licensing hours. It was witnessed by Wiltshire Police that food was being served to customers via the back door.

Please may I remind you of the following times and conditions on the licence.

- **The premises doors shall be closed and locked at the terminal hour of the licence on the relevant day as follows:**
 - **Sunday – Wednesday – 23.00 hours to 04.00 hours the following day**
 - **Thursday – Saturday – 23.00 hours to 03.30 hours the following day**

This means that all customers must have left your premises by this time and there should be no-one on the premises apart from staff.

- **CCTV will operate during licensable hours and record both internally and at the front of the premises externally. Recordings will be kept for a minimum of 30 days and will be made available upon request, to the police, licensing officers and any authorised officer by staff suitably trained and competent in providing such information.**

Please note that failure to comply with any conditions attached to your premises licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both (s.136 LA03). It may also result in a review of the premises licence, by the licensing committee, which could ultimately lead to revocation.

Yours sincerely

Lisa Grant
Public Protection Officer (Licensing)
E-mail: licensingwest@wiltshire.gov.uk

**Summary of storm log and niche occurrences linked to Favourite Chicken 3 Market
Street Trowbridge 1st of January 2010 to 3rd of July 2011**

1. 03/07/2011 04.16 hrs Police Storm Log POL-20110703-0137

One male arrested at location for being D & D.

2. 25/06/2011 03.29 hrs Police Storm Log POL-20110625-0068

Report of fight in progress. Duplicate log to 0067, below.

3. 25/06/2011 03.28 hrs Police Storm Log POL-20110625-0067

Report of fight. Officer attends and no fight going on at that time. A few people looking angry but appears all in order. No offences disclosed.

4. 25/06/2011 03.19 hrs Police Storm Log POL-20110625-0064

Call from victim, regarding an assault. I/p stated he was off duty door staff and wanted police presence straight away. When informed no units at present available, call was cut off.

5. 11/06/2011 04.14 hrs Police Storm Log POL-20110611-0089

Report came in from Ambulance of an assault. Male had been kicked in the face, was unconscious, but now conscious again. Male then got up and ran away, no police presence required.

6. 03/06/2011 01.32 hrs Police Storm Log POL-20110603-0030

Report from witness of a fight in progress. One female and three males fighting. Police attend and one male arrested for Section 5 and assault on police.

7. 27/05/2011 02.46 hrs Police Storm Log POL-20110527-0024

Report of disorder inside premises over money taken by third party. Police attended and matter resolved.

8. 15/05/2011 01.36 hrs Police Storm Log POL-20110515-0039

Report from CCTV of persons fighting – police dispatched. Parties moved on and warned.

**300411 Approx 2300 hrs – Alleged assault - Niche Record Management System
54110037713**

Between 2300 and 2330 CCTV shows an assault occurred close to the doorway of Favourite Chicken. It appears to be unprovoked and the injured party is seen to be punched twice to the head/face area.

9. 29/04/2011 00.49 hrs Police Storm Log POL-20110429-0015

Youths in premises shouting abuse at Mr. Olmez. Suspects had left prior to call being made to police. Police attend but no complaint made.

10. 10/04/2011 04.26 hrs Police Storm Log POL-20111004-0102

Male arrested for being drunk and disorderly.

11. 09/04/2011 03.49 hrs Police Storm Log POL-20110409-0076

Town CCTV reports fighting inside the premises. Police units dispatched. Parties left prior to police arrival.

12. 25/03/2011 03.13 hrs Police Storm Log POL-20110325-0313

Third party caller reports a male lying on ground outside Favourite Chicken. Caller concerned for welfare. CCTV (town) advises that they have monitored staff in Favourite Chicken drag the male from their premises leaving him outside on the pavement. Ambulance attend – male is intoxicated.

13. 12/03/2011 03.47hrs Police Storm Log POL-20110312-0059

A caller stated he was outside the Police Station in Trowbridge, and had been chased by three males. The caller went on to say that 'it' started at Favourite Chicken in town. An officer spoke to the reporting person, and believed him to be involved in an incident earlier in the evening. He was given advice and then headed off home.

14. 06/03/2011 01.35hrs Police Storm Log POL-20110306-0060

CCTV reporting a fight in progress. It was an altercation between two males which was finished by the time the police unit attended. A female had been caught in the cross fire and had a bleeding nose. There were no complaints and all parties have left.

15. 05/03/2011 03.26hrs Police Storm Log POL-20110305-0060

CCTV reported people 'kicking off' inside the premises. A police unit attended, alcohol fuelled antics. No offences all parties left.

16. 20/02/2011 04.50hrs Police Storm Log POL-20110220-0096

Staff on duty reporting a disorder was ensuing. Reports of a disorder inside. Officer attended, no offences disclosed, they wanted a couple of people removed.

17. 14/02/2011 00.28hrs Police Storm Log POL-20110214-0003

Call from the owner who was very upset and abusive to the operator. It was difficult for the operator to understand what he was saying. He stated it was the law that we had to be there in 15 minutes. He went onto imply that 6 youths had entered the shop and paid for food. The males then asked where their drinks were. The reporting person stated that he told them that they had not bought drinks. The males then threatened him and made a 'mess'. An officer attended, and when the reporting person was told that the police could not help, he became very upset.

18. 03/02/2011 18.12hrs Police Storm Log POL-20110203-0283

A call from the owner stating that approximately 7 youths were causing a nuisance. They were banging on the shop window, and have now ran off. The reporting person wished to speak with an officer. An officer attended, and an area search was made. No youths matching the descriptions were seen.

19. 30/01/2011 04.57hrs Police Storm Log POL-20110130-0108

Call from an informant stating he has seen a male being beaten up and knocked unconscious. The victim did however get up and ran away. A police unit attended and made an area search. No trace of any offenders or victim.

20. 29/01/2011 04.32hrs Police Storm Log POL-20110128-0082

A call from the owner stating there was a male being verbally aggressive in the shop. It was an argument over non payment. No unit was available at that time. The shop was given a call back to see if male was still there, but no reply. Several call backs were made and each time no reply. No further calls received either, and the log was disposed.

21. 13/01/2011 01.15hrs Police Storm Log POL-20110113-0013

Report from a 3rd party, that two persons were starting a fight. It was believed to be two military personnel. A police unit attended but it was all quiet on arrival. A customer stated there had been a minor disorder, but no complaints were forthcoming.

22. 01/01/2011 05.06hrs Police Storm Log POL-20110101-0221

A call came in from a witness to a disorder. She reported a group of persons fighting, both males and females. Males could be heard shouting aggressively at each other in the background. A police unit attended and two possible offenders could be identified from CCTV. No-one was wishing to make a complaint. Log was closed pending any calls from injured party when sober.

23. 18/12/2010 00.28hrs Police Storm Log POL-20101218-0012

A further call from Mr Olmez in relation to Log 0003 below. He stated that he had seen the offender again, and asked his name. This name was passed onto the officer. The reporting person was still unwilling to make a complaint until he had checked his CCTV.

24. 18/12/2010 00.06 hrs Police Storm Log POL-20101218-0003

A call came in from Mr Olmez, who was having a problem with a customer. He stated he 'has shit on his floor'. The male was still in the shop. A police unit attended, but the offender had gone. It appeared a male came into the shop and urinated and defecated on the floor. Witnesses in the shop could not provide an ID of the offender. The shop owner stated he would check his CCTV in the morning in case identification could be made.

25. 21/11/2010 04.22hrs Police Storm Log POL-20101121-0083

CCTV reported that a fight was in progress. A police unit attended but by then it had all broken up and was quiet on arrival.

26. 21/11/2010 00.58hrs Police Storm Log POL-20101121-0023

A report came in from a member of the public who had witnessed a fight outside of the 'chicken place'. They stated a female had been assaulted by a male. It turned out to be a domestic incident, husband and wife. Witnesses stated that he started it. A police unit attended and the male was detained for assault.

27. 17/10/2010 From CCTV

Customers can still be seen entering the premises at 0506hrs although they were not served. The last customers can be seen to leave the premises at 0505hrs, having entered after 0500hrs. A crowd of between 25 – 30 congregated outside Favourite Chicken, some with food until 0512 when the crowd started thinning. The lights were on until 0635 although there were no customers.

28. 17/10/2010 0453hrs Police Storm Log POL-20101017-0104

A report was made by staff on duty at Favourite Chicken of a fight inside the premises. A police unit was sent; no complaints were made and all dispersed.

29. 17/10/10 0426hrs Police Log POL-20101017 – 0097

A report was made of fighting outside Favourite Chicken. A police unit attended as above (log 0104)

30. 16/10/2010 0445hrs Police Log POL-20101016-0081

A report was made of two males fighting outside Favourite Chicken. A police unit attended; no offences were disclosed.

31. 10/10/2010 0417hrs Police Occurrence, 54100084875, Police Log POL-20101010-0121

A report was made by a female stating that she had been assaulted inside Favourite Chicken whilst waiting for food. She had been punched in the face in an unprovoked attack. The offender had left the area upon Police arrival.

32. 03/10/10 From CCTV

People can be seen to leave Favourite Chicken as late as 0539hrs although it is not clear if they have food. The lights were switched off in the shop at 0539hrs.

33. 03/10/10 0421hrs - From CCTV, Police log POL-20101003-0121

A male is led out of the shop by a member of staff who appears to be asking him to leave. The male seems agitated. He reenters the shop then leaves again this time with another male. The two are arguing. There is a lot of pointing and verbal's, no fight seen.

34. 02/10/10 0424hrs – From CCTV, Police Log POL-20101002-0079

A male can be seen looking agitated and pointing inside Favourite Chicken. A second male comes out of the shop. There is lots of pointing and verbals, both of them were being calmed by other people outside the shop. Police diffused the situation.

The shop was closed with the lights switched off by 0459hrs.

35. 26/09/10 From Police Town Centre Log, Police Occurrence 54100011201

PC 2438 WALTERS entered Favourite Chicken, market Place at 0505hrs and told owner to stop serving hot food as he was past his licensed times.

Statement provided.

36. 25/09/10 0437hrs – From CCTV

A male customer can be seen to leave at 0433hrs. He urinates against Stroud & Swindon at 0437hrs.

37. 19/09/10 0444hrs – From CCTV

An altercation took place outside Favourite Chicken involving 1 male on crutches and several other males. The males appeared to be taunting him and he was lashing out with his crutches. At one point he had one of his crutches taken from him. A large group of

approx 20 had congregated outside the shop with a further 5 – 10 who had sat on the benches before Boots. The crowd were surrounding the males involved with some also getting involved. This lasted approx 5 minutes. It happened right in front of the windows of favourite Chicken but was not reported.

38. 19/09/2010 04:04hrs Police Occurrence 54100078488, Police log POL-20100919-0113

After a report was received of fighting in Market Street, 2 males were arrested on suspicion of affray. (See below for summary of incident.)

Summary of incident -

On Sunday 19th September 2010 at about 0403 hours Police were called to the report of a disorder inside the shop where a male was on the floor being kicked by other males, on arrival the fighting had ceased but a male was inside Favourite Chicken with injuries. He was reluctant to give his details but eventually did so. He had bruises to his face, a bloody nose and bruised right ear. He stated that he was attacked by about five males inside the premises and ended up on the floor being kicked. He was taken by officers inside a marked Police vehicle in an attempt to identify any suspects. A male was identified and was arrested by Police, a further male then identified himself to Police as being involved in the incident. Both were arrested for affray.

Andrew WILSON has refused to make a statement to Police.

39. 18/09/10 – From CCTV

People can be seen leaving Favourite Chicken after 0507hrs. The following movement was observed 0507hrs customer in then out at 0517hrs; 0515hrs customer in then out at 0516hrs; 0519hrs customer in then out at 0519hrs. It can not be seen if these customers were served food both they had no problem in entering the premises.

The lights in the shop were dimmed at 0514hrs and switched off at 0527hrs.

40. 12/09/10 – From CCTV

People can still be seen to leave with food at 0514hrs having gone in at 0512hrs, 0530hrs having gone in at 0526hrs and the last person can be seen leaving with food at 0539hrs.

The lights in the shop were dimmed at 0510hrs and switched off at 0555hrs.

41. 12/09/2010 01:00hrs Police Occurrence 54100076599, Police Log POL-20100912-0051

Known male has been seen urinating in the street and issued a FPN after a 6 person fight. Occurrence address listed as Favourite Chicken. No further information available on Niche.

42. 11/09/10 0446hrs Police Log POL-20100911-0130

Report of a fight. The caller reported the people involved had knives. It is unclear from the log if it was inside or outside Favourite Chicken. All was in order upon Police arrival. There was no one inside Favourite Chicken.

43. 11/09/10 0308hrs Police Log POL-20100911-0102

A report was made of a group being aggressive, it was a verbal altercation but the caller felt it could escalate. It is unclear from the log if it was inside or outside Favourite Chicken. There were no further calls and the log was closed. There were no units available to attend.

44. 30/08/2010 0403hrs Police Log POL-20100830-0060

Report from on duty Police Officer that there were far too many people in Favourite Chicken for them to be able to serve them all before closing.

45. 30/08/2010 03:40hrs Police Occurrence 54100072418

Offender kicked the window of Favourite Chicken, because he wasn't being served, causing it to smash. He then pushed owner Ken OLMEZ in the chest when Mr. OLMEZ tried to prevent him from leaving.

46. 20/08/10 0312hrs Police Log POL-20100820-0047

A report was made of males squaring up for a fight outside Favourite Chicken. Minor injuries were caused, no complaint was made.

47. 03/07/2010 04:17hrs Police Occurrence 54100053876, Police log POL-20100703-0115

Officers attended a disorder outside Favourite Chicken. Two males were seen to throw punches and lunge at others. Both arrested suspicion of Affray.

48. 19/06/10 0304hrs Police Log POL-20100619-0107

A report was made of 10-12 persons fighting. The owner was outside the shop trying to sort the matter however whenever he separated the parties they would return and start again. Upon Police arrival all was in order.

49. 13/06/2010 04:51hrs Police Occurrence 54100047526, Police Log POL-20100613-0144

Male arrested for being racially abusive to other persons outside Favourite Chicken.

Incident summary –

This incident relates to an offence of racially aggravated public order (sect 4a poa) at Market Street, Trowbridge for which [REDACTED] was arrested.

From statement of PC Tuite -

at 0435hrs on Sunday 13 June 2010, I was on duty in full police uniform in company with pc 2485 lax, on foot patrol market street, Trowbridge. We were stood outside Favourite Chicken takeaway, which was still serving customers. Due to the time of the morning and the fact that they were still serving, there was a large amount of customers inside the takeaway and outside on the street eating food or waiting for taxis.

I then heard a male swearing loud saying words like [REDACTED] I approached the male who I now know to be, [REDACTED] and told him to keep his language and his voice down. When I spoke to him I noticed that his breath smelt heavily of alcohol, his eyes were glazed and he was unsteady on his feet. In my opinion he was drunk.

Not long after I spoke to [REDACTED] he started talking to a group of males. One of the males was white and the other two were black. [REDACTED] was talking to them for about 5 minutes and then he walked back towards [REDACTED] Shortly after this, [REDACTED] walked back towards the group of males who he had just been talking to. As he did, he threw the container that his food was in on the ground in front of me. I approached [REDACTED] and asked him to pick up the package that he had just thrown on the ground. He refused so I warned him that if he did not comply with my request that he would receive a ticket for littering. [REDACTED] then bent down and picked up the package. I then told him to put it in the bin, and I pointed to a bin which was approximately 4 meters away. But he just stood there staring at the group of males. I asked him to place the package in the litter bin a second time. When I said this, [REDACTED] ripped the package in two and started staring with fixed eyes at the group of males and started clenching both his fists and gripping the packaging in his hands and shaking. He then said to me in an aggressive manner, [REDACTED] [REDACTED])

50. 12/06/2010 0430hrs Police Occurrence 54100047290, Police Log POL-20100612-0106

Offence: Racially aggravated common assault

This incident relates to an alleged assault that occurred at Market Street, Trowbridge on Sat 12/06/10 at about 0430 hrs for which [REDACTED] was arrested.

Incident summary –

[REDACTED] - the injured party, stated that as he was working as a taxi driver in Trowbridge he was approached by a white male who became verbally abusive towards him. [REDACTED] states the male threw food at him, pulled down his trousers and put his bottom close to him and made racist comments. [REDACTED] got out of his vehicle at which point the male pushed the taxi door onto his left shin causing it to bleed resulting in a graze approx 1 1/2 inches long.

[REDACTED] stated that he had been to a party on the night of 11 June 2010. In the early hours of 12 June 2010 he went into TROWBRIDGE to get some food from Favourite Chicken on Market Street, TROWBRIDGE. He said he attempted to get a taxi home but the driver refused him. [REDACTED] then admitted that he was a "bit of an idiot" towards the taxi driver and that he started "winding him up" by calling the driver names. He denied that he used any racist names. [REDACTED] then said that the driver got out of his car, as he did so [REDACTED] pushed his car shut and admitted that the car door hit the driver's leg.

51. 22/05/2010 03:48hrs Police Occurrence 54100041068, Police log POL-20100522- 0101

A report was made of a male "kicking off" and causing problems in the street.

From Occurrence:

Male offender squared up to Police Officers when approached for shouting with his top off. Male arrested for being drunk and disorderly.

No further reports available.

52. 03/05/2010 03:38hrs Police Occurrence 54100035061, Police Log POL – 20100503 – 0051

A report was made that a male had been assaulted in the street outside Favourite Chicken. One male arrested on suspicion of ABH.

Incident summary –

Officers were called to Favourite Chicken, Trowbridge to a report of a male having been assaulted. On arrival officers saw a male known as [REDACTED]. He was stood next to the bus stop and had blood on his shirt and hands. The injured party, [REDACTED], [REDACTED] was a few yards away and had blood coming from his nose. [REDACTED] stated that he had a fight with [REDACTED] and had got him into a headlock and punched him after a disagreement. [REDACTED] was treated by paramedics at the scene. [REDACTED] was arrested on suspicion of ABH.

53. 25/04/2010 05:10hrs Police Intelligence report 54100032630 - B:1:4

Favourite Chicken Market Place Trowbridge was serving food between 04:30 hours and 05:08 hours on Sunday 25th April 2010. There was approximately 6 members of the public in the premises.

54. 24/04/10 0230hrs Police Log POL- 20100424 – 0052

A report was made by Ken OLMEZ of Favourite Chicken that there was trouble brewing between females inside the shop and males outside the shop. Upon Police arrival all was in order. Mr OLMEZ confirmed that when he had made the call the girls were being rowdy.

55. 28/03/10 0600hrs Police Occurrence 54100024620, Police Log POL – 20100328 – 0111

A report was made of a large fight in progress and that a male had had his ear bitten off. On viewing CCTV footage of the incident it is apparent that Favourite Chicken were serving food after their licensed hours. The lights were on, the doors were open and people were freely entering the shop and being served.

Summary of incident:

The fight had started outside Fever night club at closing time, around 0600hrs.

The circumstances of the offence are that the police control room were notified of a disorder via Ambulance Control at 0612 hours on that date.

The injured party was identified as [REDACTED] who pointed out another male to police at the time as the person who bit part of his ear off during the disorder. The alleged offender for the assault on [REDACTED] was arrested and identified as [REDACTED]

As a result of the subsequent investigation into the assault and surrounding disorder it was established that [REDACTED] had been involved in the initial fighting outside the club, prior

to any injury to his ear. It was also established that [REDACTED] had been involved in fighting after the injury to his ear.

After having his ear bitten, [REDACTED] went to Favourite Chicken. CCTV shows him at Favourite Chicken. He can be seen outside Favourite Chicken with a broom in his hand. Two members of staff from Favourite Chicken seem to be trying to get the broom from him.

One of the members of staff, [REDACTED] walks around the corner with [REDACTED] in the direction of Fever. He looks at [REDACTED] ear then continues to walk along Castle Street, leaving [REDACTED] to be looked after by a female. He can be seen to return shortly after and is on his mobile phone.

From CCTV he walks to The Courthouse, the location to which the fight has now moved. On first viewing it appears that [REDACTED] had got involved with the fight. He was subsequently interviewed under caution. In interview he stated that he had tried to intervene to break up the fight. On close inspection, this does appear to be the case. [REDACTED] [REDACTED] knew the injured party from Favourite Chicken. From the CCTV, he was constantly on the phone. According to [REDACTED] he was calling the Police. No log has been traced of this call. After [REDACTED] had returned to Favourite Chicken further males arrived at the scene. It is unknown where they came from.

When the manager was spoken to he stated that he had been clearing up on his own. However, the CCTV shows [REDACTED] at the premises and he was still wearing his apron. In interview [REDACTED] said he had been working that night.

You can clearly see people entering Favourite Chicken and then leaving with food. The time showing on The Shires' CCTV is between 0605 and 0612hrs. At 0610hrs 8 people can be seen to leave Favourite Chicken. At least two of them are carrying a food carton; one of whom can be seen to enter Favourite Chicken at 0608hrs with no food in his hands. According to the Police Log, Police arrived at 0616hrs the time showing on the Shires' CCTV is 0614hrs. This therefore verifies the time showing on The Shires' CCTV.

56. 17/01/2010 04.17 hrs Police Storm Log POL-20100117-0085

Reported by a witness - Large crowd outside premises – two persons fighting. Police attend – all quiet on arrival.

57. 16/01/2010 04.30 hrs Police Storm Log POL-20100116-0097

Report from witness – Large group causing disorder. Caller was asked to call police by manager. Disorder heard in background by controller. Police despatched – two arrested for affray.

**Summary of storm log and niche occurrences linked to Favourite Chicken 3 Market
Street Trowbridge 3rd of July 2011 to 27th December 2013**

1. 10/07/11 at 0456hrs

Male assaulted inside shop but declines to make a complaint. 2 x officers deployed. Log 106

2. 24/07/11 at 0339hrs

Fight called in by CCTV, ambulance called for male with head injury (ambulance log 164), complaint declined. Log 98

3. 30/07/11 at 0256hrs

Witness reports fight between two males, males disperse before police arrive. Log 83

4. 06/08/11 at 0023hrs

Fight outside shop called in by CCTV. No fight upon arrival. Log 16

5. 06/08/11 at 0134hrs

Female collapses inside the shop and is collected by mother. Concern that she may have been drugged. Log 42

6. 07/08/11 at 0040hrs

Reports of a fight where female was being abused by a male who then started fighting another male. One male arrested for Drunk and Disorderly. Log 30

7. 13/08/11 at 0130hrs

Ambulance attended assaulted person, patient ran off. Police not deployed. Log 44

8. 28/08/11 at 0433hrs

CCTV report people fighting at shop, Two officers deployed but nothing found. Log 120

9. 28/08/11 at 0455hrs

Call from Two ARG officers reporting fight in progress. No further action. Log 123

10. 29/08/11 at 0212hrs

Female assaulted but refused to make a complaint and left with friends. No officers deployed. Log 49

11. 16/09/11 02.00 hrs Niche 54110080279 refers.

Large fight breaks out in the shop, spills into street, whilst one female is outside a remaining customer steals her mobile phone from a table left inside.

12. 25/09/11 at 0245hrs

Owner calls police stating two males are abusing him. Door staff advised about his own behaviour by police. Log 86

13. 25/09/11 at 0511hrs

Group of males kept inside premise by door staff as group outside waiting for them to attack them re earlier incident. Officers deployed. Log 138

14. 25/09/11 at 0433 hrs Niche 54110083466 refers.

Complaint by staff member of being slapped and racially abused by two customers. Both males arrested and cautioned, staff refused to co-operate.

15. 02/10/11 at 0428 hrs

Reports from CCTV of up to 50 people arguing, door staff controlling entry to shop which causes impatience and arguing.

16. 08/10/11 at 0449 hrs

Fight at location just outside the shop male knocked unconscious, ambulance attend. No further action. Log 99

17. 16/10/11 at 0209 hrs

Male in shop fighting and making threats. Officers attend and male leaves voluntarily. Log 55

18. 16/10/11 at 0459hrs

Owner calls police regarding argument with customer over an unpaid bill. No further action. Log 108

19. 28/10/11 at 0110hrs Niche 54110094454 refers

Intoxicated female throws brick at door of shop. Female arrested.

20. 29/10/11

Male dislocates finger punching wall, and becomes violent with ambulance staff, police convey him home. No offences. Log 0019

21. 05/11/11 at 0434hrs

Two males arguing have to be split up by police and moved on. No offences. Log 0083

22. 06/11/11 at 0500hrs

Male apparently assaulted and had facial injuries but he then was abusive to police and made numerous abusive calls to police. CCTV showed him too drunk and fell over injuring himself. Log 0100 also log 104 at 0515hrs.

23. 13/11/11 at 0410hrs

Ongoing fight called in by ARG Sergeant, officers sent from Chippenham to assist. Fight dispersed prior to officer arrival. Log 0096

24. 03/12/11 at 0418hrs Niche 54110106918 refers

Female left Moo Moo's and was assaulted by unknown intoxicated female inside the shop. Female charged and sentenced for ABH.

25. 18/12/11 at 0129hrs

Premise advised to close early on safety grounds as they did not have the required amount of door staff. One doorman unwilling to work alone anyway. Tagged for licensing. Ps McLundie. Log 0052

26. 23/12/11 at 0313hrs Niche 54110113024 refers

Intoxicated male arrested for racially aggravated Section 4 Public Order Act the victim being a taxi driver outside the premises. Charged and convicted.

27. 25/12/11 at 0308hrs

Call from CCTV reporting male causing a disorder inside the shop. Male arrested Drunk and Disorderly and disorder calmed. Log 0078

28. 25/12/11 at 0312hrs Niche 54110113540 refers

Male arrested for Drunk and Disorderly

29. 07/01/12 at 0311hrs

Anonymous caller asking for police and to just hurry up, male arrested for Drunk and Disorderly. Log 0059

30. 07/01/12 at 0312hrs Niche 54120001818 refers

Female arrested for Drunk and Disorderly

31. 14/01/12 at 0422hrs

Call from local resident witnessing shop selling chicken from the back door and stated "it's been going on for a while". FIM asked for evidence to be gathered as he recognised the potential risk for disorder. Officer attended at 0500hrs and all appeared to be closed by this time. Log 0058

32. 21/01/12 at 0222hrs

Call from CCTV stating that he was still serving and open outside of his license hours. Log 0031

33. 19/02/12 at 0246hrs

Two calls stating 'it's manic', fight ongoing. Officer observe disorder on the crossing but couldn't stop, CCTV monitor but state no fight ongoing. Logs 60 and 62. No further action.

34. 02/03/12 at 0326hrs Niche 54130020662 refers

Male attempted to break up an ongoing fight inside the shop and was punched unconscious. Woke to find his mouth bleeding transported to RUH.

35. 26/05/12 at 0503 hrs

Owner calls in at 0503hrs stating he had just found a knife by his back door. Secured for police collection. Log 100

36. 30/06/12 at 0241hrs

Male assaulted at premise, left with facial injuries, door staff apparent witnesses, offenders go off to Moo Moo's. Log 0067

37. 30/06/12 at 0215hrs Niche 54120057665 refers

Male head butted by intoxicated male, one male charged and convicted of assault.

38. 03/07/12 at 0030hrs Niche 54120058616 refers

Unknown person/s damage window pane at shop.

39. 14/07/12 at 0300hrs Niche 54120063290 refers

Male leaves the shop having been slapped by unknown female, returns to shop to retrieve wallet and notices theft from wallet.

40. 25/11/12 at 0353hrs

Radio call from unit on duty stating fight breaking out at premise, over quickly and all dispersed. Log 0091

41. 10/02/13 at 0230hrs Niche 54130013487 refers

Female punched by unknown female in shop

42. 10/02/13 at 0234hrs

Female waiting outside for males and abusing them from outside whilst they remain inside the premise. Door staff present state they'll only act if female attempts to enter the premises, no further action Log 0062

43. 02/03/13 at 0326hrs

Male assaulted in a case of mistaken identity it would seem. Group of males entered premise and began an argument with another group in mistaken ID, one male tried to intervene and was knocked unconscious. Treated by ambulance and taken to RUH, no complaint made. Log 0062.

44. 16/03/13 at 0230hrs

Females fighting a male inside premise. Door staff dealing. All quiet by 0245hrs when police attend. Log 33

45. 02/05/13 at 0130hrs Niche 54130041120 refers

Unknown males have stolen insecure outside table from shop worth £450.

46. 01/06/13 at 0333hrs

Call from doorman at premise, abusive male threatening and banging on door refusing to leave. Male leaves eventually of own accord. Log 89

47. 25/08/13 at 0350hrs

Male causing problems inside and arguing with staff over a food order. No further action. Log 0095.

48. 31/08/13 at 0320hrs Niche 54130082756 refers

Unknown male has punched door staff member leaving him unconscious and with a bleeding nose.

49. 31/08/13 at 0201hrs

Call from male with bloody mouth having been assaulted outside the chicken shop, area check by officers revealed no trace. Log 0039.

50. 31/08/13 at 0324hrs

Reports of 20-30 fighting at the premise, a group of people who had been thrown out of The Beach. One doorman assaulted and given bloody nose. 0345hrs update from officers, lots of people outside refusing to go home. 0413hrs paramedics still at scene dealing with injured. No formal complaints made. Log 0058.

08/09/2013 LICENSED PREMISES REGISTER

03:30 Officers were outside Best Favourite Chicken at approximately 03.25 hours. The premises was packed from the serving counter to the door. The doors were still open. Doorstaff were inside. At 03.30 hours the doorstaff closed the door with all the customers still inside. I approached the manager and asked why he was continuing to serve customers after his license times. He stated that he had taken money from a lot of them. I informed him that he shouldn't be taking the money if he didn't think that he could fulfil the order before 03.30 hours. At 03.38 hours the manager assisted police to remove all the customers, however whilst removing the customers he was heard to tell the customers to go to the back to get their food. Officers went to the back and witnessed food being given to customers via the back door. The manager was informed that licensing would be updated.

51. 22/09/13 at 0303hrs

Call from door staff to report assault but minimal info as IP and offender left quickly, no further info. No further action. Log 0077

52. 22/09/13 at 0325hrs

Call from female reporting large fight and all are drunk. Female hid nearby to avoid repercussions of phoning the police. She stated she believed some to be soldiers. Police attend, crowd but no fighting. No further action. Log 0081.

53. 12/10/13 at 0107hrs

Fight at premise called in over radio by ARG unit. Two males arrested for Section 4 Public Order. Log 0027

54. 27/10/13 at 0313hrs

Call from door staff at premise, several people trying to fight and being kept apart by door staff. All disperse upon police arrival, log 0066.

55. 23/11/13 at 0200hrs Niche 54130111990 refers

Two males fighting separated and given Section 27 notices and advised to leave the town centre.

56. 23/11/13 at 0222hrs

Radio call police dealing with two fighting at premise parties split up and sent on dispersed. Log 0031

57. 23/11/13 at 0323hrs

Female arrested for Drunk and Disorderly. Log 0047

58. 21/12/13 at 0033hrs

Foreign male difficult to understand calls for police claiming to have been assaulted. Turns out he was the likely offender who fled in a taxi. Nothing else known, no CCTV. Log 0017.

22/12/2013 LICENSED PREMISES REGISTER

04:00 We attended Best favourite chicken after witnessing 4 young females (approx 20 years old) going into the rear of the premises after being beckoned by the owner to go in, on going inside the owner confirmed he was making the females food, when challenged that his licence only allows him to do this until 03:30 he replied 'THEY SAID THEY WERE HUNGRY' he confirmed he knew the conditions of his licence and was unapologetic, the females were ordered to leave and the owner told to close up shop. At 04:45 a taxi driver has entered the rear of the premises he was in there for approximately 5-8 minutes, on our re attendance the taxi driver appeared to be cleaning a sink, when challenged the owner said he was helping to clean up, on asking the taxi driver he said he was getting a rag to wash mayonaise off the back seat of his car, on looking at the rear seat of the car there was no fresh mayonaise that could be seen. The owner of Favourite chicken said 'I'VE ALREADY SAID I'M SORRY ITS CHRISTMAS'. He clearly is not adhering to his licence and the fact that he has applied to further extend his licence will just go to prove that he is not going to conform to any restrictions placed on him.

This page is intentionally left blank

SITTING NORTH WEST WILTSHIRE MAGISTRATES COURT ON 6/12/11

This is an appeal by Mr K Olmez against the decision of Wiltshire Council as licensing authority taken on 18th July 2011 to amend the premises licence held by Mr Olmez in respect of premises known as Favourite Chicken and Ribs 3 Market Street Trowbridge ('The premises')

The decision to amend the premises licence for Favourite Chicken and Ribs was made by the Council's Licensing Sub-Committee following a review of the licence requested by Wiltshire Police.

The provision of late night refreshment is defined in Schedule 2 of the Act as the supply of hot drink or hot food to the public between the hours of 11.00p.m and 5.00a.m, on or from premises whether for consumption on or off the premises . Therefore any hot food take-aways which wish to operate after 11.00 p.m. need to hold a valid Premises Licence issued by the Council.

The Council is entitled to place conditions on any Premises Licence that it issues, where it considers it necessary to do so, in order to promote the licensing objectives. The licensing objectives are set out in section 4 of the act and are

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In determining this appeal we are bound to have regard to those matters in which licensing authorities are directed at first instance, namely;

To proceed with a view to promoting the licensing objectives

Having regard to the authority's licensing statement and

To have regard for the guidance issued by the Secretary of State under Section 182 (S.4 (3) (6))

Mr Olmez the appellant bears the responsibility to show that the licensing authority should not have exercised its discretion in the way that it did and that its decision should be reversed.

This appeal is a re-hearing denovo. The powers available to the court on an appeal are set out in Section 181 LA 2003. These are to;

- (a) Dismiss the appeal
- (b) Substitute for the decision appealed against any other decision which could have been made by the licensing authority, in the case of an appeal against a review

decision where the only licensable activity is the provision of late-night refreshment these are

- To modify the conditions of the licence
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
- (c) Remit the case to the licensing authority to dispose of it in accordance with the direction of the court. This option would generally only be used if the Court felt that there had been some procedural defects in the way that the Licensing Authority reached its decision.

Evidence called may or may not throw a very different light on matters. We are obliged to take into account the evidence before us today and it is not open to us to substitute our own views for that evidence.

At this appeal hearing we have been provided with, read and been referred to the Appellant's Mr Olmez bundle of statements and the Respondent Wiltshire Council's bundle of statements, supporting documents, Secretary of State's guidance under S182 Licensing Act 2003 and the Wiltshire Council Statement of Licensing Policy, together with the Respondent's case summary and submissions. Case law has been provided and has been taken into account.

We have heard evidence from

Johanna Quartley

Jacqueline Gallimore

On behalf of the Respondent

And

Kenan Olmez

Alastair Erdozain

On behalf of the Appellant

We rely on the facts provided by the Respondent and not disputed by the Appellant at paragraphs 14, 15, 16, 17 & 18

As shown below

14 The licensing background to the Favourite Chicken premises is set out in the statement of the Council's Licensing Officer Jo Quartley. In summary Mr Olmez has held a Premises Licence for his hot food take-away at the Favourite Chicken & Ribs in Market Street Trowbridge since November 2005, when the Licensing Act came into force. At that time the licence allowed the premises to operate until 1.30a.m on Sundays to Thursdays and until 4.30 a.m on Friday and Saturday nights.

15 In August 2009 Mr Olmez applied to the Council for a variation to the operating hours to 4.00 a.m on Sundays to Thursdays and until 5.00 a.m on Friday and Saturday nights. The police objected to this variation, but, after a hearing by the Council's Licensing Sub-Committee the variation was approved.

16 Since that date the police have become increasingly concerned at the level of crime and disorder associated with the premises. This led them to seek a review of the Premises Licence in June 2011 which resulted in the hearing of the Council's Licensing Sub-Committee on July 18th. At that hearing the police presented a significant amount of evidence of incidents of crime and disorder connected to the premises. This evidence was not disputed by Mr Olmez as evidenced in the minutes of that hearing.

17 Having heard the representations by the police and from Mr Olmez the Licensing Sub-Committee resolved to amend the conditions on Mr Olmez's Premises Licence for the Favourite Chicken in two main ways. Firstly the hours of operation were to be reduced so that trading ceased on Thursday, Friday and Saturday nights at 3.00 a.m rather than 4.00 a.m on Thursday nights and 5.00 a.m on Friday and Saturday nights. Secondly the Sub-Committee imposed a further condition on the Premises Licence requiring the provision of at least two SIA registered door staff from midnight until closing time on Thursday, Friday and Saturday nights. This decision was made in the light of the significant amount of evidence presented by the police regarding the level of crime and disorder associated with the premises. The information presented to the Licensing Sub-Committee at that hearing is reproduced in the exhibit to Ms Gallimore's first statement.

18 As Mr Olmez has appealed against the decision of the Licensing Sub-Committee these changes to the licence conditions do not take effect until the appeal has been disposed of by the Court.

Our decision is that we intend to substitute for the decision appealed against by the following.

Paragraph 1 Amended	Provision of late night refreshment.
Sunday –Wednesday	23.00 hours to 04.00 hours the following day
Thursday –Saturday	23.00 hours to 03.30 hours the following day

Paragraph 2 Remains the same

That the premises doors shall be closed and locked at the terminal hour of the licence on the relevant day

Paragraph 3 Amended

The licence holder is to employ two SIA registered staff from midnight to the terminal hour of the licence on Friday and Saturday nights.

Paragraph 4 Remains the same

CCTV will operate during licensable hours and record both internally and at the front of the premises externally. Recordings will be kept for a minimum of 30 days and will be made

available upon request, to the police, licensing officers and any authorised officer by staff suitably trained and competent in providing such information.

The existing conditions relating to staffing and litter as detailed in the current premises licence remain effective.

The reason for this decision to restrict the hours is that having heard from Mrs Gallimore and considered recorded incidents of violence and disorder we find that the vast majority of incidents occurred between on Friday and Saturday nights between the hours of 04.00 and 05.00

This is relevant in relation to the licensing objectives i.e.

The prevention of crime and disorder

Public safety

The prevention of public nuisance

All the incidents referred to can be directly linked to the premises, either inside, outside or in the direct vicinity.

Our reason for amending the provision of door staff is that we have taken into account representations and evidence from the Respondent that the requirement for door staff on a Thursday as far and the Police and the Licensing Authority were concerned was not an issue and they had no strong objections to provision on a Thursday. However given the incidents on Friday and Saturday nights in order to promote the licensing objectives of preventing crime and disorder public safety and preventing public nuisance two door staff are necessary from midnight to the terminal hour of the licence.