

## WESTERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 7 JANUARY 2014 AT WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - FAVOURITE CHICKEN & RIBS, 3 MARKET STREET, TROWBRIDGE**

**Present:**

Cllr Trevor Carbin, Cllr Sue Evans and Cllr Simon Jacobs

**Also Present:**

Wiltshire Council

Linda Holland (Senior Licensing Officer)  
Lisa Pullin (Democratic Services Officer)  
Paul Taylor (Senior Solicitor)

Applicant/Representatives

Alistair Erdozain  
Kenan Olmez

Responsible Authority

PC Alison Davies (Wiltshire Police)  
Jacqui Gallimore (Licensing Officer – Wiltshire Police)  
Sgt Jim Sutter (Wiltshire Police)

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1 **Election of Chairman**

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

**Resolved:**

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

## 2 **Procedure for the Meeting**

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

## 3 **Chairman's Announcements**

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

## 4 **Declarations of Interest**

There were no interests declared.

## 5 **Licensing Application**

### **Application for a Variation of a Premises Licence in respect of Favourite Chicken & Ribs, 3 Market Street, Trowbridge made by Mr K Olmez**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

Clarification of the days on which an extension to the provision of late night refreshment was sought and it was confirmed that the Applicant wished to extend hours on a Friday and Saturday night to 05.00 hours (Saturday and Sunday mornings).

In accordance with the procedure detailed in the agenda, the Applicant and the Responsible Authority who had made a representation (Wiltshire Police) were given the opportunity to address the Sub Committee.

Mr A Erdozain was present to represent Mr Olmez, the Applicant and with the consent on the Sub Committee and the Responsible Authority he circulated copies of the submission he would be making at the hearing.

Key points raised by Mr Erdozain were:

- That the incidents referred to in Agenda Supplement 1 (log summary pages 6 to 18 and down to item 24 on page 19) relate to the period before the appeal hearing at Chippenham Magistrates Court on 6 December 2011 and that he felt that there were not relevant to the current application;
- That the remaining incidents in the storm log from item 25 on page 19 to item 50 on page 22 were all dealt with calmly and handled by Mr Olmez's qualified door security staff and Police where relevant;

- Two other items in the log referred to instances when Mr Olmez thought he was allowed “eating up time” and allowed to serve customers up until closing time. Mr Olmez is now aware that this is not the case;
- That at the Court appeal hearing on 6 December 2011 the Court were advised of the competitors’ licensing times for late night refreshment and they made their decision for the closing times for Favourite Chicken & Ribs to coincide with that of the competitor’s licences;
- However since that time it has come to light that the actual licence times for late night refreshment for Flames and Charcoal Grill for Friday and Saturday nights are 04:00 and 04:30 respectively;
- That the Applicant would offer to increase the number of trained SIA door staff to 3 during the extended opening hours if granted from the current 2.

The following questions were asked of the Applicant:

Would you be prepared to agree that the door staff remain for a period after 05:00 to help disperse any patrons?

*Yes – we could establish a time that they could remain on duty to.*

Jacqui Gallimore (Licensing Officer, Wiltshire Police) was present to represent the Responsible Authority and with the consent on the Sub Committee and the Applicant she circulated copies of a summary of incidents relating to Favourite Chicken & Ribs from 1 January 2010 to 21 December 2013.

Key points raised by Jacqui Gallimore were:

- That on page 27 of the Agenda Supplement 1 which is a note of the Appeal hearing of 6 December 2011 it states that the evidence of crime disorder connected to the premises is not disputed by Mr Olmez;
- That during the period 1 January 2010 to 5 July 2011 the majority of incidents occurring on Friday and Saturday evening are shown on the incident summary as occurring between 04:00 and 05:00 hours;
- Following the appeal hearing on 6 December 2011 when the two SIA door staff were then in place this had a significant impact on the incidents at the premises;
- That were unaware of the offer of a third SIA door staff member until heard at the meeting today – this would be welcomed;

- That the previous incidents are still relevant (particularly since the review in July 2011) and there are still problems with crime and disorder although the severity of the incidents has greatly reduced;
- With the Police's anticipatory judgement based on experience and the support of the statistics it was expected that the problems experienced in 2010/2011 will return; and
- There is a long history of the Applicant not fully complying with his licence restrictions and we note there appear to be problems with his CCTV and him serving customers beyond permitted hours.

Sgt Jim Sutter was asked to provide information since the submission of the Police's evidence to date and he made the following key points:

- Whilst on duty on New Year's Eve I noted that there were no door staff working at Favourite Chicken & Ribs and although they were not required according to his existing licence I would have expected the Applicant to consider that this would be necessary due to the large volume of people out on New Year's Eve;
- At 04:10 I noticed that there were approximately 6 members of the public in the premises at the counter being served and it wasn't until 04:20 that the premises were finally emptied and locked. The Applicant has a licence for late night refreshment to 04:00 on a Tuesday evening; and
- I have checked with the other local late night refreshment venues and confirm that at present they are open later than Favourite Chicken & Ribs, but we have no evidence of crime and disorder that are linked to the other premises.

The following questions were asked of the Responsible Authority:

Since December 2011 have all incidents at Favourite Chicken been dealt with and calmed and cleared by the SIA Door staff or the Police?

*We accept that the door staff have reduced the incidents but incidents are still being recorded by us (via a call from a member of the public, the premises itself or via Police radio) and these all get logged.*

Was it illegal to give the four ladies food that were hungry after the permitted hours?

*Yes even if the food was gifted to them, the supply of late night refreshment is not allowed after the permitted hours.*

Do the Police patrol a lot in the area?

*The Trowbridge Neighbourhood Policing Team have a high visibility of foot patrols in the town centre area.*

If there were to be 3 SIA staff would you be happy with that?

*We are pleased with the reduction of incidents since SIA staff have been in place, but we are not sure if this is because of the presence of the door staff or because the premises currently closes before the last night club kicks out (at 04:00 hours). We anticipate larger numbers of customers if the premises were to open to 05:00 hours and this could lead to problems.*

What impact does the taxi rank's close location to the premises have?

*It is a "draw" area and accept that the location of the premises does cause the Applicant problems.*

The location of the premises is unique, if the permitted hours were to be extended would this diffuse the current situation thus allowing all hungry patrons to be served before the premises closes?

*History doesn't show this to be the case. Prior to the review we were dealing with disorder at 05:00 or even 06:00 hours.*

In what way can you attribute the disorder to the premises?

*The disorder is attributed to the business if it is open and trading. It is the Applicant's choice as to when he trades and we don't experience problems at other locations.*

Jacqui Gallimore made the following points in summation:

- We understand that the Applicant needs to make a living but would say that there was a signification reduction in crime and disorder after the hours were reduced;
- We accept that since the SIA door staff have been in place the number of incidents has reduced;
- We anticipate that the later you trade the more intoxicated the patrons will probably be and there is a lack of Police resources for the proposed extended hours; and
- We are not confident in the Applicant's ability to promote the licensing objectives or believe that he fully understands his responsibilities.

Alastair Erdozain made the following points in summation:

- There was a considerable reduction in the disorder and number of incidents since 2011;
- The Applicant now fully understands his requirements, namely that the doors to the front and rear of the premises should be locked by the terminal hour;
- The Applicant has felt a bit victimised for the last few year but accepts that this is a focal part of the town for a lot of people; and
- The Applicant is determined to comply with his licence and the increase in door staff will assist him with this. Perhaps only a certain number of patrons could be allowed in the premises at any one time.

The Sub Committee wished to clarify how many members of staff were on duty on Friday and Saturday evenings within the premises and the Applicant confirmed that 2 staff were serving in the premises and the 2 current SIA door staff. Sgt Sutter confirmed that the Police patrol of "Operation Exit" does not extend beyond 05:00 hours. After that time any incidents would be reported to the Incident room and Police Officers despatched as required.

The Chairman indicated that they would be now retiring to make their determination and would not anticipate returning before 1.00pm. All parties were welcome to return at that time, but contact telephone numbers could be taken for those not returning and they would be telephoned with information of the determination later today.

The Sub Committee members retired at 11.45pm and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 1.00pm.

**Resolved:**

**The Western Area Licensing Sub Committee has resolved to grant the application for a variation of the Premises Licence for Favourite Chicken and Ribs, 3 Market Street, Trowbridge for the provision detailed below:**

***Provision of late night refreshment***

**On Fridays and Saturdays 23:00 hrs to 05:00 hrs (Next Day)**

**Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and all Bank Holidays from 23:00 hrs to 05:00 hrs (Next Day).**

**And subject to the following additional or varied conditions:**

- 1. All doors to the premises must be closed and locked by the end of the time permitted for licensable activities on the relevant day at which point all customers shall have left the premises.**
- 2. On Friday and Saturday nights, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day and all bank holidays, the licence holder is required to employ two SIA registered staff from midnight until 30 minutes after the end of the time permitted for licensable activities and to employ an additional SIA staff member from 03.30 hrs until 30 minutes after the end of the time permitted for licensable activities.**

**All other existing conditions still apply to the Premises Licence.**

**Reasons:**

**The Sub Committee have taken into account the concerns raised by Wiltshire Police that an extension to the licensable hours would bring some return to the problems that occurred in the past. However, they noted that the number of incidents has diminished since the employment of trained door staff at the premises and considered that the requirement for a third SIA trained door staff after 3.30 a.m. on Fridays and Saturdays (as offered by the Applicant) would further improve the situation, particularly as the door staff would now be required to be in place for a period of time after the closure of the premises.**

**The Sub Committee also noted the reassurances on behalf of the Applicant that he fully understands the implications of the Licensing Act and his responsibilities.**

**In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); 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. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.**

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,  
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