

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: West Wiltshire Room - County Hall, Trowbridge BA14 8JN
Date: Tuesday 7 January 2014
Time: 10.30 am
Matter: Application for a Variation of a Premises Licence - Favourite
Chicken, 3 Market Street, Trowbridge

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

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Trevor Carbin
Cllr Sue Evans

Cllr Simon Jacobs

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 disclosable interests or dispensations granted by the Standards Committee.

5 Licensing Application (Pages 9 - 14)

To consider and determine an application for a variation of a Premises Licence in respect of Favourite Chicken & Ribs, 3 Market Street, Trowbridge, BA14 8EY made by Mr K Olmez.

5a **Appendix 1 - Variation Application (Pages 15 - 36)**

5b **Appendix 2 - Existing Premises Licence (Pages 37 - 40)**

5c **Appendix 3 - Notes from Court Hearing - 6 December 2011 (Pages 41 - 44)**

5d **Appendix 4 - Wiltshire Police Representation (Pages 45 - 46)**

5e **Appendix 5 - Location Plan (Pages 47 - 48)**

5f **Appendix 6 - Submission from Wiltshire Police in support of objection (to follow)**

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 any person who has made a Relevant Representation 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.

“Person making a Relevant Representation” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“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.

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 any person/s who have made a Relevant Representation;

- 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 any person/s who have made a Relevant Representation.
- 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 are a number of people 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 who have made Relevant Representations .

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 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).
 - 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation 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 any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

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 any person/s who have made a Relevant Representation 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 person/s who have made a Relevant Representation . 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 any person/s who have made a Relevant Representation 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 Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report.
6. The Applicant addresses the Sub Committee.
7. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
8. Questions to the Applicant by Members of the Sub Committee.
9. Comments by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
10. Questions by Applicant.
11. Questions to Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation by Members of the Sub Committee.
12. Summing up by Parties who have made representations.
13. Summing up by Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

7 JANUARY 2014

Application for a Variation of a Premises Licence; Favourite Chicken & Ribs, 3 Market Street, Trowbridge, BA14 8EY

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Favourite Chicken & Ribs, 3 Market Street, Trowbridge, BA14 8EY made by Mr K Olmez.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Favourite Chicken & Ribs has been made by Mr K Olmez for which one 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 35(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 11 November 2013 an application for a variation of the existing premises licence, was received and accepted as a valid application.
- 2.6 The variations applied for are summarised as follows:

- Extend the hours for Late Night Refreshment from 03:30 hrs to 05:00 hrs on a Friday & Saturday night.

A copy of the application form is attached as **Appendix 1**.

- 2.7 Since November 2005, the premises benefits from a Premises Licence issued under the Licensing Act 2003. The original licence allowed the following:-

Licensable Activity	Hours
Late Night Refreshment	Sunday to Thursday 23:00 hrs – 01:30 hrs (Next Day)
	Friday to Saturday 23:00 hrs – 04:30 hrs (Next Day)

The Premises Licence was subsequently varied in August 2009 to extend the hours of Late Night Refreshment as follows and to reword the existing condition regarding CCTV and apply this as a new condition on the licence.

Licensable Activity	Hours
Late Night Refreshment	Sunday to Thursday 23:00 hrs – 04:00 hrs (Next Day)
	Friday & Saturday 23:00 hrs – 05:00 hrs (Next Day)

Following a representation from Wiltshire Police, the application for variation was subject to a hearing, which was held on 25 August 2009. The Licensing Sub Committee resolved to grant the additional hours sought, subject to an amended condition relating to CCTV.

On 18 June 2011, the Licensing Department received an application for a review from Wiltshire Police on the grounds that the premises were conducted in such a manner as to prejudice the licensing objectives of Prevention of Crime & Disorder and Public Safety. A Notice of the application for review was posted and displayed as stated under the Licensing Act 2003. However during this consultation for review, no further representations were received. On 18 July 2011, a hearing took place for the review application. Following this review the premises licence was amended to reduce the hours for Late Night Refreshment as follows and an additional condition was imposed stating that the premises requires two SIA registered door staff to be employed on Thursday, Friday & Saturday nights .

Licensable Activity	Hours
Late Night Refreshment	Sunday to Wednesday 23:00 hrs – 04:00 hrs (Next Day) Thursday to Saturday 23:00 hrs – 03:00 hrs (Next Day)

An appeal was lodged by Mr Olmez against the Review decision. This appeal was heard at Chippenham Magistrates Court on 6 December 2011. The Court resolved to vary the decision made on the 18 July 2011 and changed the hours for late night refreshment as follows, Attached at **Appendix 3**.

Licensable Activity	Hours
Late Night Refreshment	Sunday to Wednesday 23:00 hrs – 04:00 hrs (Next Day) Thursday to Saturday 23:00 hrs – 03:30 hrs (Next Day)

The current Premises Licence is attached as **Appendix 2**.

3. Consultation and Representations

3.1 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days together with a publication of notice in a local news paper within 10 working days, starting on the day the authority receives the application. During the consultation period one relevant representation has been received from one Responsible Authority.

3.2 Responsible Authorities

- Wiltshire Police

3.3 Interested Parties

- None

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

Representation	Licensing Objective	Accepted	Comments
Operating Hours for Late Night Refreshment	Public Nuisance Prevention of Crime & Disorder	Yes	

3.5 The relevant representation is attached as **Appendix 4**. Attached as **Appendix 5** is a plan, which shows the location of the premises. **Appendix 6** will follow and this will be the submission from Wiltshire Police in support of their objection to the variation of the Premises Licence.

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 and Responsible Authority 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 the applicant and the Responsible Authority who have made representations are entitled to address the Sub Committee and to ask questions of the other 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 Premises Licence Holder, and the Responsible Authority 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 any person 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 a person other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author: Lisa Grant

Lisa Grant, Public Protection Officer (Licensing)

Date of report 10th December 2013

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 Variation Application**
- 2 Existing Premises Licence**
- 3 Notes from Court Hearing - 6 December 2011**
- 4 Wiltshire Police Representation**
- 5 Location Plan**
- 6 Submission from Wiltshire Police in support of objection (to follow)**

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Small print
 COUNCIL
 RECEPTION
 04 NOV 2013
 Action by
 Comment 16.54

Application to vary a premises licence 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.

Rec'd
 A/Ji

Kenan Olmez
 (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	WW090072LAPRVA
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Favourite Chicken & Ribs 3 Market Street			
Post town	Trowbridge	Post code	BA14 8EY

Telephone number at premises (if any)	01225 751756
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	As above + 07815 959364		
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

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)

Extension of opening hours on
Friday & Sat & Christmas Eve & New Year's
Eve. - See L section below.

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

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			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 (please read guidance note 5)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input 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 performance of dance (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

H

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

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Wed				
Thur			<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> (please read guidance note 5)	
Fri				
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>	
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed				
Thur			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Fri				
Sat			<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> (please read guidance note 5)	
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri				
Sat			<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> (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"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	00:01 11:00	04:00 24:00	Please give further details here (please read guidance note 3) <i>Hot food & hot & cold drinks throughout with indoor seating and standing.</i>		
Tue	00:01 11:00	04:00 24:00			
Wed	00:01 11:00	04:00 24:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) <i>For Christmas Eve & Day and night & New Year's Eve and Day & night and all bank holidays. As for Fri, Sat, Sun.</i>		
Thur	00:01 11:00	04:00 24:00			
Fri	00:01 11:00	05:00 24:00	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	00:01 11:00	05:00 24:00			
Sun	00:01 11:00	05:00 24:00	<i>see immediately above for timings re Christmas Eve, Day and New Year's Eve, Day and Bank Holidays.</i>		

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 – <u>please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	00.01 11.00	04.00	<u>Please give further details here</u> (please read guidance note 3) HOT + COLD DRINKS, HOT FOOD WITH INDOOR SEATING + STANDING		
	11.00	24.00			
Tue	00.01	04.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) CHRISTMAS EVE, CHRISTMAS DAY, NEW YEARS EVE + NEW YEARS DAY, ALL BANK HOLIDAYS UNTIL 5AM		
	11.00	24.00			
Wed	00.01	04.00	<u>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</u> (please read guidance note 5) SEE ABOVE		
	11.00	24.00			
Thur	00.01	04.00			
	11.00	24.00			
Fri	00.01	05.00			
	11.00	24.00			
Sat	00.01	05.00			
	11.00	24.00			
Sun	00.01	05.00			
	11.00	24.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			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 (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

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish		
Mon	00.01	04.00	CHRISTMAS EVE, CHRISTMAS DAY, NEW YEARS EVE + NEW YEARS DAY, ALL BANK HOLIDAYS UNTIL 5AM	
	11.00	24.00		
Tue	00.01	04.00		
	11.00	24.00		
Wed	00.01	04.00		
	11.00	24.00		
Thur	00.01	04.00		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 (please read guidance note 5)
	11.00	24.00		
Fri	00.01	05.00		
	11.00	24.00		
Sat	00.01	05.00		
	11.00	24.00		
Sun	00.01	05.00		
	11.00	24.00		

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

N/A.

- Please tick yes
- I have enclosed the premises licence
 - I have enclosed the relevant part of the premises licence

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)

b) The prevention of crime and disorder

Security door staff have to cover to remind actual closing time.

c) Public safety

cctv cameras and doormen will continue to operate @ premises.

d) The prevention of public nuisance

Doormen authorised to escort people making public nuisance from the premises.

e) The protection of children from harm

N/A.

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	[Redacted]
Date	04/11/13
Capacity	

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	[Redacted]
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Mr. Keon OLMER 3. Market Street TROWBRIDGE BA14 8EY			
Post town	Trow BRIDGE	Post code	BA14.8EY
Telephone number (if any)	01225 751-756		
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

[REDACTED]

[REDACTED]

Licensing Act 2003 Premises Licence

Premises Licence number

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

Tel 0300 4560100

WW0900072LAPRVA

Premises details

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

Favorite Chicken & Ribs
3 Market Street

Post town

Trowbridge

Post code

BA14 8EY

Telephone number

01225 751756

Licensable activities authorised by the licence

Late night refreshment

Where the licence is time limited, the dates

This licence was originally valid from 25 August 2009
This version of the premises licence is valid from 6 December 2011

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

For late night refreshment:

Sunday to Thursday
Friday & Saturday

23.00hrs until 04.00hrs the following day
23.00hrs until 03.30hrs the following day

The opening hours of the premises

The premises can remain open:

Sunday to Thursday

23.00hrs until 04.00hrs the following day

Friday & Saturday

23.00hrs until 03.30hrs 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 Kenan Olmez
Favorite Chicken & Ribs
3 Market Street
Trowbridge
BA14 8EY

Tel 01225 751756

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

NONE

Conditions and restrictions from transferred licences

NONE

Conditions consistent with the operating schedule**Staffing**

Staffing levels shall be continually reviewed to ensure that queuing of customers is kept to a minimum at all times.

Litter

Litter bins should be provided for the use of customers within the shop.

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

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

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

Plans

The plans that relate to this licence are attached and are stamped with the licence number and the date it was issued.

Signed

Licensing Officer
Wiltshire Council

This licence was originally valid from 25 August 2009
This version of the premises licence is valid from 6 December 2011

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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.

Agenda Item 5d

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

Divisional Licensing Officer
Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire BA14 7EP
Telephone: 101
Mobile:
Ext: 725578
Direct Dial:
Facsimile: 01225 794799
DX: 146500, Trowbridge 5.

Date 03 December 2013

Your ref

Our ref

Reply contact name is **Jacqui Gallimore**

Dear Mrs Grant,

We are in receipt of an application to vary the premises licence at Favourite Chicken & Ribs, 3 Market Street, Trowbridge BA14 8EY.

Having considered the application, the operating schedule and the previous licensing history of the premises and the applicant, Police object to the variation of the licence on the grounds that the proposed extension to our would undermine the licensing objectives - the prevention of crime and disorder and public safety.

I have for your reference attached a copy of the note taken at a sitting of North West Wiltshire Magistrates on the 6th of December 2011, the hearing being that of an appeal made in respect of a decision taken by the Licensing Committee on the 18th of July 2011.

The note outlines in brief the history and makes reference to the police evidence in relation to crime and disorder associated with the premises between 04.00 hours and 05.00 hours. It is the anticipatory judgement of Wiltshire Police that this situation is likely to be repeated in the event that hours are extended as requested by the application.

If you have any further questions please do not hesitate to contact me.

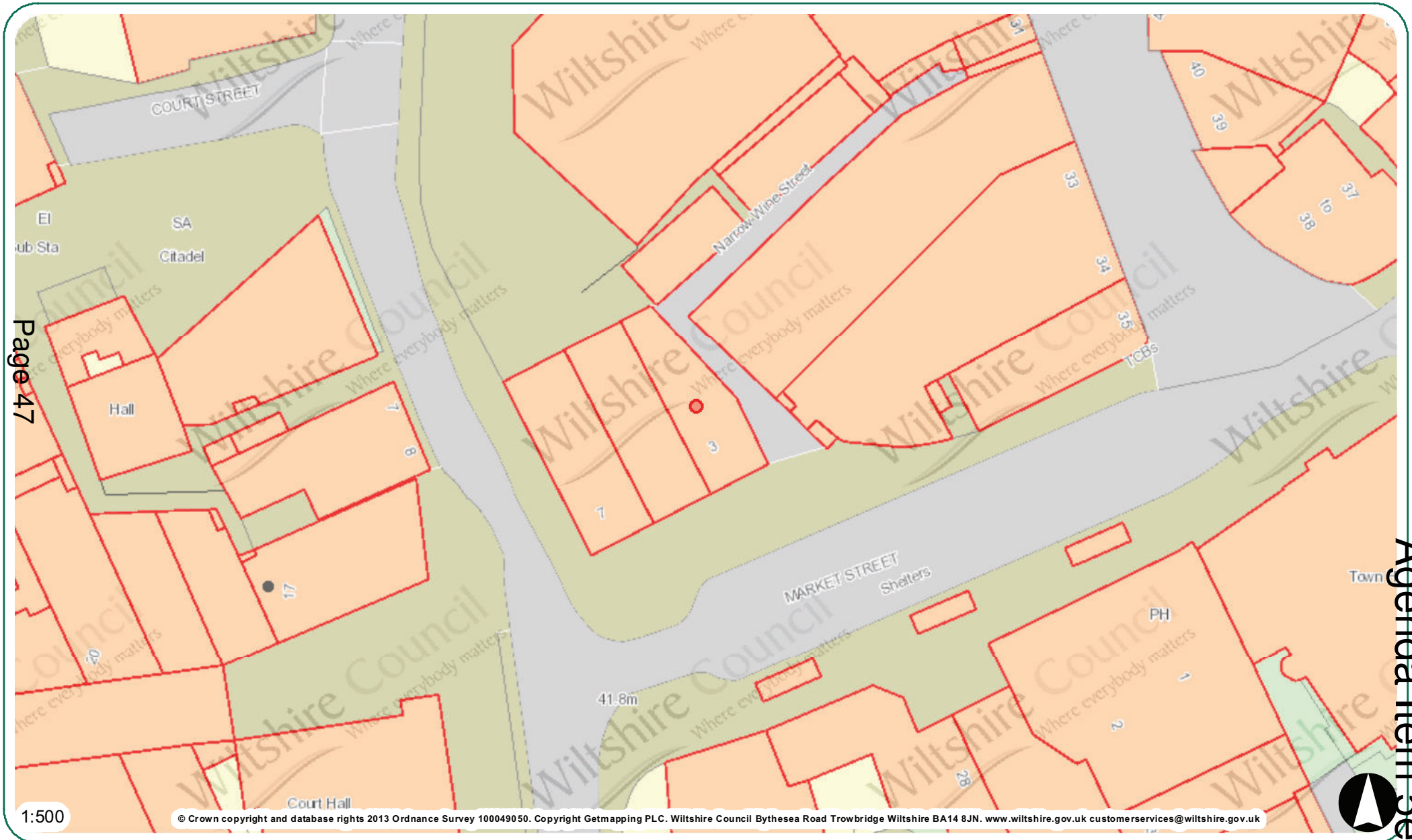
Yours sincerely

Jacqui Gallimore
Licensing Officer
Wiltshire Police

Cc - Mr Kenan Olmez - Favourite Chicken, Inspector Harvey - Wiltshire Police

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Favourite Chicken & Ribs, 3 Market Street, Trowbridge BA14 8EY



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