

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 11 SEPTEMBER 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN REVIEW OF A PREMISES LICENCE - MOBILE CATERING VAN, MORTIMER STREET, TROWBRIDGE

Present:

Cllr Dennis Drewett, Cllr Simon Jacobs (Chairman) and Cllr Nick Watts

Also Present:

Driss Zekri (Premises Licence Holder), Salima Parmak (on behalf of the Licence Holder), Ian McLeod (on behalf of the Licence Holder), Jacqui Gallimore (Wiltshire Police - Review Applicants), Adam Brown (Democratic Services Officer), Kieran Elliott (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Asifa Ashram (Solicitor), Linda Holland (Public Protection Team Leader), Hannah Hould (Public Protection Officer), Teresa Bray (Public Protection Officer), Paul Harris (Principal Highways Enforcement Officer)

1 Election of Chairman

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

Resolved:

To elect Councillor Simon Jacobs 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 **Exclusion of Press and Public**

The Committee considered whether it was in the public interest that any press or public present or who might become present were excluded from the rest of the hearing, and sought the views of those present. The Licence Holder had no preference and the Police representative indicated that owing to the nature of the reasons for review of the premises licence, any public should be excluded.

It was,

Resolved:

To exclude the public from the remainder of the hearing under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, as the public interest in excluding the public outweighs the public interest that the hearing take place in public.

6 **Licensing Application**

Application by Wiltshire Police for a Review of the Premises Licence in respect the Mobile Catering Van, Mortimer Street, Trowbridge

The Licensing Officer introduced the purpose and scope of the applications, the premises to which it related and the key issues for consideration, and that the Sub-Committee could revoke, amend, suspend or retain the premises licence as they deemed appropriate in order to meet the licensing objectives.

In accordance with the procedure detailed in the agenda, the Review Applicants and the Premises Licence Holder were given the opportunity to address the Sub-Committee.

Jacqui Gallimore, Wiltshire Police, Review Applicant, presented concerns regarding the suitability of the licence holder for reasons detailed in the part 2 minutes.

There were then questions put to the Review Applicants by the Sub Committee members and the Premises Licence Holder and his representatives.

Mrs Salima Parmak and Mr Ian McLeod along with and on behalf of the Premise Licence Holder, Mr Driss Zekri, then presented a response to the concerns raised by Wiltshire Police in seeking a review and why, in their view, it was not necessary to suspend, amend or revoke the licence.

Questions were then asked of the Premises Licence Holder by the Sub-Committee members and the Review applicant, with details on the site and the incident which had culminated in a Review being requested.

Both parties were given the opportunity to sum up their arguments.

The Sub Committee then retired to consider the application at 11.05am and were accompanied by the Solicitors for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 11.50am.

The Solicitor for the Council confirmed that no specific legal had been given.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council.

Resolved:

Having heard all of the evidence, the Western Area Licensing Sub-Committee determined that it was not appropriate to take any steps in relation to the Premises Licence to promote the licensing objectives.

Reasons

Having heard all the written evidence presented and the supporting evidence presented orally and having regard to the relevant provisions of the Licensing Act 2003, the guidance issued under Section 182 of the Act in particular paragraph 11.24-11.28, the Sub-Committee did not consider it necessary to take any steps in relation to the licence at this moment in time, as there was no evidence presented regarding the sale and distribution of class A drugs from the premises and that having considered the convictions for possession, it was not considered that these undermined the licensing objectives to the extent that any further steps were necessary.

If there are concerns in the future, the licence could of course be subject to a further review.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. This decision does not come into effect until the appeal period has elapsed or, if an appeal is made, until that appeal has been finally disposed of.

(Duration of meeting: 10.30 am - 12.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115