

REPORT TO THE LICENSING SUB COMMITTEE

Date of Meeting	23rd November 2010
Title of Report	Application for Review of a Premises Licence; Chic-o-land 9 New Road, Chippenham Wiltshire
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter 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.
Summary of Report <p>An application for the Review of Chic-o-land's Premises Licence has been made by Wiltshire Police.</p> <p>Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to the representations.</p> <p>In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.</p> <p>The licensing objectives are: - The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the Protection of Children from Harm.</p> <p>Such steps are: - To modify the conditions of the licence To exclude a licensable activity from the scope of the licence To remove the designated premises supervisor To suspend the licence for a period not exceeding three months To revoke the licence No steps are necessary</p> <p>Guidance 182 states that:</p> <p>“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.”</p>	
Officer Recommendations <p>None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.</p>	

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
Contact Officer	Linda Holland Senior Licensing Officer Tel: 01249 706410 linda.holland@wiltshire.gov.uk			

1. Introduction: - Details of the grounds for Review

The Review of the Licence has been requested by Wiltshire Police on the grounds that the premises have been conducted in such a manner as to prejudice the Licensing Objectives: - The main grounds for review are:

- Police find that the management of the premises do not actively promote the licensing objectives: - the prevention of crime and disorder and public safety.
- A number of incidents of crime including serious violent crime, disorder and anti social behaviour have been recorded by Police that are associated with the premise.
- The management of the premise continue to operate beyond their permitted hours despite previous formal warnings.
- Police now believe that additional conditions are required to ensure that the licensing objective: - the prevention of crime and disorder and public safety are met.

The full application for review is attached to this report as **Appendix 1**

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the review application having regard to these representations.

In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.

2. Options and Options Appraisal

In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

3. Background Information

The premise benefits from a premises licence issued under The Licensing Act 2003 since 24th November 2005.

The premises licence is currently held by Dilay Foods Ltd following the transfer of the licence on 13th October 2009 from Mr Oguz Durga.

Prior to the review application being received by the Licensing Authority, Wiltshire Police have advised that they met with Mr Faiz t/a Dilay Foods Ltd on the 19th September 2010 at which time they discussed their serious concerns and proposed possible solutions to the issues: -

- a) Voluntarily closing the premises at 03:00 with no serving from 02:30 hrs
- b) Employing door staff (SIA) in the final hours of trading
- c) Improvements to the CCTV coverage at the premises.

Mr Faiz declined the first two options, but gave an undertaking to ensure that the CCTV was in full working order.

A review application was received by the Licensing Authority on the 6th October 2010.

A copy of the premises Licence is attached to this report as **Appendix 2**

4. Consultation and Representations

The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Monkton Park, Chippenham. During the consultation no further representations were received by the Licensing Officer. A petition and 22 letters of support were received from Mr Faiz's customers, however the committee should note many do not reside near the premises or live in Chippenham.

A copy of the Public notice is attached as **Appendix 3**

The petition and letters of support are attached as **Appendix 4**

Note: The Police may not raise matters at the hearing unless they have already referred to them in the review application. The Licensing Authority may nevertheless take into account documentary or information produced by the Police in support of their application if it is provided to the Licensing Authority before the hearing. Such documentation may also be taken into account, even if presented at the hearing itself, after consultation with all parties and at the discretion of the sub-committee.

5. Legal Implications

It should be noted that the premises licence holder, the responsible authority and interested parties may appeal the decision made by the licensing sub - committee in the Magistrates' court. In the event of an appeal being logged the decision made by the Licensing sub - committee is suspended until any appeal is heard and any decision made by the Magistrates.

The Premises Licence Holder and all parties have been informed of the date, time and location of the hearing and their right to be represented.

6. Risk Analysis

Not applicable.

Appendices:	<ul style="list-style-type: none"> • 1. Application to review a premises licence under the Licensing Act 2003 • 2. Current premises licence • 3. Copy of Public notice • 4. Petition and letters of support • 5. Location plan of the premises.
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • The Licensing Act 2003 • The Licensing Act (Hearings) Regulations 2005 • Guidance issued under section 182 of the Licensing Act 2003

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		