

## Notice of Meeting

# Licensing Sub-Committee

**Date:** Thursday, 31 March 2016

**Time:** 09:30

**Venue:** Conference Room 1, (Beech Hurst), Beech Hurst, Weyhill Road,  
Andover, Hampshire, SP10 3AJ

**For further information or enquiries please contact:**

Sally Prior - **01264 368024**

email [sprior@testvalley.gov.uk](mailto:sprior@testvalley.gov.uk)

**Legal and Democratic Service**

Test Valley Borough Council,  
Beech Hurst, Weyhill Road,  
Andover, Hampshire,  
SP10 3AJ

[www.testvalley.gov.uk](http://www.testvalley.gov.uk)

The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

## Membership of Licensing Sub-Committee

### MEMBER

Councillor D Drew

Councillor A Johnston

Councillor I Richards

### WARD

Harewood

Romsey Extra

Romsey (Abbey)

# Licensing Sub-Committee

Thursday, 31 March 2016

## AGENDA

The order of these items may change as a result of members of the public wishing to speak

- 1 Apologies
- 2 Declarations of Interest
- 3 Appointment of Chairman
- 4 Licensing Procedure Rules - Licensing Sub-Committee 4 - 6  
Procedure Rules for Licensing Sub-Committee
- 5 Application for variation of a Premises Licence - Chickoland, 7 Winchester Street, Andover SP10 2EA 7 - 28  
To determine an application for the variation of the existing Premises Licence for Chickoland, Winchester Street, Andover.

## **ITEM 4**

### **Licensing Procedure Rules - Licensing Sub-Committee**

#### **Application**

These Procedure Rules shall apply to all hearings of applications and other matters pursuant to the Licensing Act 2003 and subordinate legislation and any amendments thereto and the Gambling Act 2005 and subordinate legislation and any amendments thereto.

#### **Terms of Reference of the Licensing Sub-Committee:**

1. Ward Councillors will have no involvement in the decision making process.

#### **Procedure for hearing licensing applications:**

1. The Council's scheme of public participation will not apply.
2. At the commencement of the hearing the Chairman will explain the procedure to all those present.
3. The Hearing shall take place in public. The Sub-Committee may exclude the public from all or part of the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing, taking place in public.
4. A party to whom notice has been given may attend the hearing and may be assisted or represented by a person whether or not that person is legally qualified.
5. The hearing shall take the form of a discussion led by the Sub-Committee.
6. Cross-examination will not be permitted unless the Sub-Committee considers it is required for it to consider the representations, application or notice as the case may require.
7. The Sub-Committee may impose a maximum period of time for each party to address the Sub-Committee in hearings pursuant to the Licensing Act 2003.
8. To facilitate the discussion the following procedure will be followed in all cases except for reviews when 8(b) shall apply and interim steps hearings for expedited summary reviews when 8(c) shall apply:
  - (a) (i) The Licensing Manager of the Council or his representative will present the facts of the application and action taken, to the Sub-Committee.

- (ii) The Applicant or his representative may address the Sub-Committee.
  - (iii) Other parties may address the Sub-Committee in the following order:
    - Responsible authorities
    - Interested parties
- (b)
- (i) The Licensing Manager of the Council or his representative will present the facts of the review and action taken, to the Sub-Committee.
  - (ii) The person requesting the review may address the Sub-Committee.
  - (iii) The licence holder may address the Sub-Committee.
  - (iv) Other parties may address the Sub-Committee in the following order:
    - Responsible authorities
    - Interested parties
- (c)
- (i) The Licensing Manager of the Council or his representative will present the facts giving rise to the review, and will outline any action taken, to the Sub-Committee.
  - (ii) The Police officer requesting the review or his representative may address the Sub-Committee.
  - (iii) The licence holder or his representative may address the Sub-Committee.
9. The Sub-Committee may permit the applicant or any party to question any other party subject to Rule 6.
10. The Members of the Sub-Committee may ask any questions of the Licensing Manager or his representative, or of any party or other person appearing at the hearing.
11. Documentary or other evidence may be produced at the hearing with the consent of all the parties.
12. Where a party fails to attend or be represented and the Sub-Committee considers it necessary in the public interest it may adjourn the hearing to a specified date or hold the hearing in a party's absence, unless it is a hearing to determine interim steps under an expedited summary review in which case the meeting may proceed in a party's absence.

13. The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and refuse to permit that person to return or permit him to return only on such conditions as the Sub-Committee may specify. Any such person may submit to the Sub-Committee in writing before the end of the hearing any information which he would have been entitled to give orally had he not been required to leave.
14. The Sub-Committee may ask questions of its legal adviser.
15. The Sub-Committee will deliberate in private.
16. The Sub-Committee may request advice in private of its legal adviser regarding the drafting of reasons.
17. In the case of a hearing under the sections and circumstances set out in Regulation 26(1) of the Licensing Act 2003 (Hearings) Regulations 2005 (or any amending legislation) or an interim steps hearing, the Sub-Committee will make its determination at the conclusion of the hearing.

In any other case the Sub-Committee will make its determination either at the conclusion of the hearing or within the period of five working days beginning with the day or the last day on which the hearing was held.

18. A record of the hearing will be taken in a permanent and intelligible form.

## **ITEM 5            Application for variation of a Premises Licence – Chickoland, 7 Winchester Street, Andover SP10 2EA**

### **1        The application**

- 1.1    The application is by Mr Ergin Taycur for the variation of the existing Premises Licence for the late night take-away premises known as Chickoland, 7 Winchester Street, Andover SP10 2EA. The applicant has applied to vary the licence to remove the condition requiring the provision of door staff on certain evenings between 2300 and 0400 hours. The premises are currently licensed for the provision of late night refreshment until 2400 hours Sunday, until 0100 hours the following morning Monday to Wednesday and until 0400 hours the following morning on Thursday, Friday, Saturday and Bank Holiday evenings. This application has attracted a representation necessitating the application to be determined at a hearing. A copy of the application is attached as Annex 1 to this report.

### **2        Background**

- 2.1    The premises are a late night fast food take-away located in the centre of Andover, close to a number of licensed premises. An evening only taxi rank and taxi booking office are located adjacent to the premises and it is not unusual for the general area to be very busy later in the evenings as patrons leave licensed premises in the area.

### **3        Promotion of the Licensing Objectives**

- 3.1    The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:
- a) General – Existing premises licence conditions are sufficient enough to promote the four licensing objectives. Our client is happy to consider any proposal by responsible authorities.
  - b) The prevention of crime and disorder – See above.
  - c) Public safety – See above.
  - d) The prevention of public nuisance – See above.
  - e) The protection of children from harm – See above.

The measures to promote the licensing objectives are of relevance when considering the representations received.

### **4        Relevant Representations – Responsible Authorities**

- 4.1    **TVBC Housing and Environmental Health Service** – The Environmental Protection Team raises no objection to the application.

- 4.2 **Hampshire Fire and Rescue Service** – Having examined the application the Fire Service has raised an objection to the proposal to remove door staff as it believes this may compromise the provision of public safety on the premises. A copy of the representation appears as Annex 2 to this report.
- 4.3 **Hampshire Constabulary** – The Police have raised an objection to the application as they believe it will impact upon the licensing objective of the prevention of crime and disorder. A copy of the representation appears as Annex 3 to this report which details the Police objection. Where the representation refers to a copy of the door staff log please note that this has been provided only to the Sub Committee and parties to the hearing as it contains signatures. The same applies to further annexes A, B, C and D provided by the Police.

## 5 Relevant Representations – Other Persons

- 5.1 There are no representations from other persons.

## 6 Policy Considerations

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (March 2015 edition) are relevant.

2.1-2.5 – Crime and disorder

2.6-2.8 – Public safety

8.33-8.41 – Steps to promote the licensing objectives

9.1, 9.3, 9.12, 9.30-9.43 – Determining applications

10.1-10.10, 10.63-10.68 – Conditions (including door staff)

A copy of the Secretary of State’s Guidance will be provided at the meeting for Members of the Sub Committee. Additional copies can be obtained from the GOV.UK website.

- 6.2 It is considered that the following extracts from the Licensing Authority’s own Statement of Licensing Policy are relevant to this application:

### Section A Prevention of Crime and Disorder

The Statement of Licensing Policy has either previously been provided for Members of the Sub Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic Service or downloaded from the Council’s website.

## 7 Observations

- 7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council’s own Statement of Licensing Policy.



The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a. Grant the application as requested
- b. Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c. Reject the whole or part of the application (this is not entirely relevant for this application as in the case of the latter an example would be only allowing some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote one or more of the four licensing objectives:

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence application reference PREM/05/0013 for Chickoland, Winchester Street, Andover.			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	3		
Author:	Michael White	Ext:	8013
File Ref:	PREM/05/0013		
Report to:	Licensing Sub-Committee	Date:	31 March 2016



\* required information

## Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

* Building number or name	<input type="text" value="7"/>
* Street	<input type="text" value="Winchester Street"/>
District	<input type="text" value="Andover"/>
* City or town	<input type="text" value="Hampshire"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="SP10 2EA"/>
* Country	<input type="text" value="United Kingdom"/>

### Agent Details

* First name	<input type="text" value="Mr Mahir"/>
* Family name	<input type="text" value="Kilic"/>
* E-mail	<input type="text" value="licensing@narts.org.uk"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader  
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

### Agent Business

\* Is your business registered in the UK with Companies House?  Yes  No

* Registration number	<input type="text" value="08131383"/>
* Business name	<input type="text" value="Leiberman Law Limited"/>
* VAT number	<input type="text" value="-"/> <input type="text" value="none"/>
* Legal status	<input type="text" value="Private Limited Company"/>
* Your position in the business	<input type="text" value="Licensing Consultant"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

* Building number or name	53
* Street	Stoke Newington High Street
District	
* City or town	London
County or administrative area	
* Postcode	N16 8EL
* Country	United Kingdom

**Section 2 of 17**

**APPLICATION DETAILS**

**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 to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	MB Fried Chicken
Street	7 Winchester Street
District	Andover
City or town	Hampshire
County or administrative area	
Postcode	SP10 2EA
Country	United Kingdom

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 17**

**VARIATION**

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Takeaway premise. There are no changes on premise layout. This application aims to remove the requirement to have SIA door staff during licensed hours.

#### Section 4 of 17

##### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 17

##### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

#### Section 6 of 17

##### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

Continued from previous page...

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 17**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

Continued from previous page...

**Section 14 of 17**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 15 of 17**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

*Continued from previous page...*

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Until 04:00 hours the following morning Christmas Eve, Boxing Day, New Year's Eve, New Year's Day, any bank Holiday weekend and College Bop nights.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

A minimum of two SIA registered door staff shall be provided on Thursday, Friday, Saturday, Bank Holidays and College Bop nights between 2300 and 0400 hours. At closing time the door staff are to be supplied with a reflective garment to wear and to assist with the dispersal of customers both within the premise as well as any congregating on the pavement/road directly outside.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 17

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Existing premise licence conditions are sufficient enough to promote the four licensing objectives.  
Our client is happy to consider any proposal by responsible authorities.

b) The prevention of crime and disorder

See above.



*Continued from previous page...*

c) Public safety

See above.

d) The prevention of public nuisance

See above.

e) The protection of children from harm

See above.

**Section 17 of 17**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm). You can make payments to Test Valley Borough Council online using a debit card only. You will need your debit card details to complete an online payment.

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

Continued from previous page...

\* Fee amount (£)

190.00

## ATTACHMENTS

## AUTHORITY POSTAL ADDRESS

### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

## DECLARATION

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/test-valley/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

**For the attention of Mr Michael White**  
Licensing Section  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
ANDOVER  
Hampshire  
SP10 3AJ

Hampshire Fire and Rescue Service HQ  
Business Fire Safety  
Leigh Road  
Eastleigh  
Hampshire  
SO50 9SJ

Tel: 02392 855180  
Email: [csprotection.admin@hantsfire.gov.uk](mailto:csprotection.admin@hantsfire.gov.uk)

Date: 10 February 2016

Enquiries To: Mr M Phillips

My Reference: F/MDP/00223957

Your Reference: PREM/05/0013

Dear Sir

### Licensing Act 2003

### Regulatory Reform (Fire Safety) Order 2005

**M B Fried Chicken, 7 Winchester Street, Andover, Hampshire, SP10 2EA**

I confirm that I have received a copy of an application for a review of the licence for the above premises dated 28 January 2016.

Having examined the information contained in our files I would notify you that Hampshire Fire and Rescue Service (The Fire and Rescue Authority) wish to make representations to the Licensing authority, specifically with regard to public safety relating to the following issues:

- The removal of SIA trained security staff may have a detrimental impact on the fire safety provision currently afforded by their presence.

Additionally, guidance documents covering the standards required in the various classes of premises are available for download or purchase from the communities and local government website at:

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/who-is-responsible>

Alternatively you can refer to our business fire safety pages on our website at:

<http://www.hantsfire.gov.uk/forbusiness.htm>

Continued

Any queries concerning these matters may be directed to the officer detailed above but any correspondence should be addressed to me.

**Please quote our reference number on all correspondence.**

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

for Chief Officer



# ANNEX 3

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## HAMPSHIRE CONSTABULARY

RESTRICTED

Page 1 of 6

### NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Before completing this form please read the guidance notes on page 3.  
Once completed please send your representation form to your local Licensing Authority.  
You must keep a copy of the completed form for police records.

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a  
Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.  
These representations must be made within 28 days

Postal address of premises or club premises: 7 Winchester Street			
Post town:	Andover	Postcode:	SP10 2EA

Name of premises licence holder or club holding club premises certificate (if known) M B Fried Chicken (Chick-o-Land )
---

#### Police Details

Hampshire Constabulary is a responsible authority.

Name and address: Licensing Officer 10832 Wanless Basingstoke Police Station Parklands Building London Road Basingstoke RG21 4AD
--

This application to object relates to the following licensing objective(s)

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

*Please select  
one or more  
boxes*

RESTRICTED



# HAMPSHIRE CONSTABULARY

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RESTRICTED

## NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

**State the ground(s) for representation** (please read guidance notes 1 & 2)

Hampshire Constabulary have received an application for a minor variation from M B Chicken, Andover (also known as Chick-o-Land)  
The purpose of the application is for the removal of the requirement to have SIA door staff during licensed hours.

Hampshire Constabulary objects to the application in full.  
The removal of this condition would undermine the licensing objective "The Prevention of Crime and Disorder.

M B Fried Chicken (Chick-o-Land) is situated within the night time economy in Andover town centre.

The premises are licensed for late night refreshment;

Sunday – midnight

Monday-Wednesday – 01.00

Thursday – Saturday – 04.00

There are several other premises within close proximity to Chick-o-Land providing late night refreshment with similar conditions for door staff.

Andover town centre has 2 night clubs with late night finishing and several licensed bars.  
It is a populated town and at weekends enjoys the benefits of the local army barracks from Salisbury coming to visit.

Unfortunately this brings with it raised incidents of crime and disorder on the streets and for the businesses and local Police Officers.

Chick-o-land suffers from disorder inside and outside on a regular basis.  
Customers have been assaulted and received injuries as a result.

20 December 2014- Criminal Damage

Door staff called Police to attend for a drunk male on the premises that had kicked the glass door and broken it.

25 December 2014 – Public Order

Large scale fight outside premises. Police called by door staff stating that there was 15-20 persons

RESTRICTED



# HAMPSHIRE CONSTABULARY

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RESTRICTED

## NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

fighting outside. Aggrieved male was a customer inside the premises at the start of the fight.

19 April 2015- Public Order

Police received a 999 call from door staff stating that they had a male and female outside the premise that were arguing. Police dispersed both.

20 September 2015- ASB

Females outside the premises waiting for a taxi have been verbally abused by a drunk male from the premises.

4 October 2015- assault x 2

Females assaulted by unknown male whilst waiting outside the premises.

31 October 2015 – Assault

Police were flagged down in the street by door staff with a report of an unconscious male outside the premises. A fight had broken out inside the premises and continued outside.

21 November 2015 – Assault

Fight outside the premises – Aggrieved was found by Police officers on patrol.

NONE OF THE ABOVE INCIDENTS HAVE BEEN RECORDED IN THE DOOR STAFF INCIDENT LOG BOOK.

Licensing Officers attended the premises on 20th November 2015 at 23.00 hours.

The owner, Mt Taycur was not on the premise during this time.

None of the staff on site were able to operate the CCTV. Communication with the staff was difficult as English is not the first language.

I spoke with Mr Taycur, on the telephone and requested that he attend the premises, which he did so, arriving approx 30 minutes later.

There were no door staff on duty at the time of the visit as per the condition on the licence. Mr Taycur could not give a reason for this.

There was no summary of the licence on display and when requested the full licence could not be produced.

Throughout the visit several customers were being served by staff.

Approx midnight a door man arrived for his duty. He stated that he was working alone for the evening and was unable to produce reflective clothing as per the condition on the licence.

Mr Taycur was informed of all the breaches and was advised to close the shop in order to ensure compliance.

It was the door man and NOT Mr Taycur who called the security company in order to get another door man to attend the premises.

The door staff log book in operation was seized and can be produced as annex A.

This book shows that throughout 2015 the premises have continued to operate with insufficient door

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# HAMPSHIRE CONSTABULARY

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## NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

staff on duty. There is a section in this book marked "incident register" all of the pages in this book are not filled in despite door staff calling for Police assistance on several occasions. The book evidences that when door staff are on duty they are booking on from 01.00 – 03.30 hours. The condition states that door staff must be on duty from 23.00 – 04.00 hours Thursday – Saturday. Staff are not working on Thursday nights and there are inconsistencies in numbers for the rest of the records.

Following this visit, Police Officers reported on 21st November 2 door staff wearing florescent jackets were on duty throughout the evening.

A further Licensing visit was carried out on 17th December 2015. Despite guidance and education on the previous visit from the Licensing team to comply with the premises licence Mr Taycur was still operating other than in accordance with the licence. Attending officers identified the following breaches in the licence.

- Not displaying the summary of the licence.
- Not able to produce full licence.
- Staff on duty unable to operate CCTV.

Hampshire Constabulary has endeavoured to work with Mr Taycur. He has been given advice, guidance and documentation to assist in compliance to the Licensing Act 2003. Instead of taking this advice he has chosen to submit a minor variation to remove the condition for SIA door staff instead of complying with it.

This shows a complete disregard for the act.

State any conditions that the Police seek to negate the need for a hearing

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS REPRESENTATION

Part 3 – Signatures (please read guidance note 3)

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**HAMPSHIRE CONSTABULARY**

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**RESTRICTED**

**NEW GRANT OR VARIATION OF PREMISES LICENCE  
OR CLUB PREMISES CERTIFICATE  
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

**Recommendation of Police Officer**

Hampshire Constabulary respectfully request that the sub-committee reject this application in full.

**Signature of Police Officer Completing**

Signature: C.WANLESS

Date: 12/02/16

**Recommendation of Police Sergeant**

I fully support Mrs Wanless view. Having recently conducted night time patrols of Andover myself, it is clear that door staff are an integral part of upholding the licensing objectives. Failure to comply with conditions already in place is not a reason to remove them by variation.

**Signature of Police Sergeant**

Signature: Matthew Moss A/PS 3554

Date: 15/02/2016

**Decision of Police Licensing Inspector**

[Empty box for decision]

**Signature of Police Licensing Inspector**

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**HAMPSHIRE CONSTABULARY**

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**RESTRICTED**

**NEW GRANT OR VARIATION OF PREMISES LICENCE  
OR CLUB PREMISES CERTIFICATE  
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

Signature:

Date:

.....  
.....

**NOTES FOR GUIDANCE**

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
3. The representation form must be signed.

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## Witness Statement

**Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Court Act 1980. s.5B**

Statement Of: Stephen Parker

URN:

Age (If Under 18): Over 18

Occupation: Police Officer

1 14/02/2016 00:52:

I am Stephen George PARKER, Police Sergeant 1333 of the Hampshire Constabulary currently posted to the Neighbourhood Policing Team at Andover Police Station. I have completed 28 years of Police service, the majority of which, bar 10 months, has been in Andover. I have extensive knowledge of many aspects of Police work in the Town, licences premises, criminals and residents and their history.

5 I have been asked to comment on the suitability for a premises known as Chick-o-land, to have a licensing requirement for security staff, to be removed, and what impact that may have on the Town Centre trade and public order issues my officer and I have to deal with.

10 Andover was previously a small market town in North Hampshire. In recent years, substantial housing development has taken place, swelling the resident population. The town itself is situated reasonably locally to several large military establishments including Tidworth Garrison, The Army Air Corps Centre at Middle Wallop and Engineer regiments at Perham Down. It is common for a strong mix of military personnel and local residents to use licences premises in the Town centre for socialising. These premises are a mix of pubs, clubs, restaurants and late night refreshments houses, otherwise known as take-a-ways. The range of these businesses have diversified somewhat in recent years, as have the people using them.

15 In my experience, the introduction of SIA approved security staff at many of these establishments has been an unqualified success, helping to moderate behaviour amongst rowdy groups, prevent excessive consumption of alcohol and dealing with offenders. The SIA staff employed at premises locally have co-operated very well with the Police and I would say we enjoy a good and positive working relationship.

20 Chick-o-land, is a small take-a-way, situated in Winchester Street, Andover about a 100 meters from the Police station. The premises serves hot food to customers and currently enjoys a late night refreshment licence for seven days a week. On Thursday, Friday, Saturday and Sundays, the premises are permitted to stay open until 4 am provided two SIA approved security staff are present. The premises is located directly in the town centre, a few hundred metres from the local nightclubs and pubs. It is also directly next to a 24 hour taxi office and taxi rank. It is very common for many people to congregate at this location buying food and/or getting taxis home.

35

## Witness Statement

Statement Of: Stephen Parker

URN:

It is also common for there to be friction between these groups. Personally I have attended dozens of incidents in Winchester Street. It is fair to say that not all these incidents have occurred at Chick-o-land or because of its presence there but the location itself is a hot spot for public order problems. Previously door staff at Chick-o-land have prevented the escalation of disputes between customers or have ejected problematic persons, and assisted the Police with public order disputes outside.

Looking at Police records since 2004 the address location of Chick-o-land has been recorded for 24 recorded incidents of Anti Social Behaviour, 66 assaults, 6 assaults on Police Officers, 167 incidents of Rowdy and inconsiderate behaviour, drunkenness, theft and criminal damage. Without comment on who or what caused these matters, one can see that a significant amount of problems occur at the location.

In previous years, the location of the premises was subject to 24 hour a day CCTV monitored surveillance. This facility was withdrawn in 2014 following resource cuts from the local authority. The CCTV system now employed is no longer monitored and camera simply rotates on pre determined arcs recording footage. It cannot therefore be routinely and pro-actively used by trained operators to monitor situations and advise the Police.

My view is that any withdrawal of SIA approved door staff at this location would be extremely negative in terms of public safety. Not only do these door-staff prevent escalation they also reassure law abiding customers and members of the public and provide the Police with a trained and observant resource at times of tension. Whilst it would be unfair to say all problems at this location are caused by customers using the take-a-way, one can see that it is at the epi-centre of many issues which occur routinely, and the removal of SIA trained staff can only be detrimental to public order.

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true

Signature Witness: Digitally signed Date: 14/02/2016 01:47

Witness To Signature: N/A Date: N/A

Statement Started

14/02/2016 00:52

Statement Completed

14/02/2016 01:47