



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY, 18 JANUARY 2017 AT 9.30 AM

EXCECUTIVE MEETING ROOM, FLOOR 3 OF THE GUILDHALL,
PORTSMOUTH

Telephone enquiries to Lucy Wingham 02392 834662

Email: lucy.wingham@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors Julie Bird (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, Jennie Brent, Ken Ellcome, Paul Godier, Scott Harris, Steve Hastings, Suzy Horton, Leo Madden, Lee Mason, Stephen Morgan, Steve Pitt, David Tompkins and Gerald Vernon-Jackson.

The panel today consists of : Councillors Julie Bird, Ken Ellcome and Leo Madden

The reserve member is Councillor Steve Hastings.

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 **Appointment of Chair**
- 2 **Declaration of Members' Interests**
- 3 **Licensing Act 2003 - Application for a review of a premises licence - Ken's Kebab House, 35 Guildhall Walk, Portsmouth, PO1 2RY (Pages 5 - 54)**

Purpose

The purpose of this report is for the committee to consider the application by the Chief Officer of Police, Hampshire Constabulary for the review of a premises licence for Ken's Kebab House, 35 Guildhall Walk under Section 51 of the Licensing Act 2003 ("the Act").

Recommendation

The committee is requested to determine the application.

The next application has been timed to be heard at 11.30am, or at the conclusion of the above item.

4 Licensing Act 2003 - Application for variation of a premises licence at Gida Express, 12 Guildhall Walk, Portsmouth, PO1 2DD (Pages 55 - 108)

Purpose

The purpose of this report is for the Sub-committee to consider an application for the variation of a premises licence under the Licensing Act 2003 ("the Act"). The matter has been referred to the Sub-committee for determination following formal representations being made by responsible authorities namely the Chief Officer of Police and the Licensing Authority.

Recommendation

The sub-committee is requested to determine the matter.

5 Exclusion of the Press and Public

RECOMMENDED that the following motion be adopted:

"under the provisions of Section 100A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded for the consideration of the following item on the grounds that the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972."

Agenda item and paragraph numbers:

Item 5 - Local Government (Miscellaneous Provisions) Act 1976 and/or Town Police Clauses Act 1847 - Consideration of Private Hire Driver Licence - Mr T (under exemption paragraph numbers 1, 2 & 3)

Exemption paragraph numbers 1, 2 & 3:

1. Information relating to any individual
2. Information that is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

6 Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 - Consideration of Private Hire Driver Licence - Mr T

An exempt report has been circulated to the members of the Sub-committee only.

RECOMMENDED that the Sub-committee determine the matter.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 18th JANUARY 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 – Application for a review of a premises licence – Ken's Kebab House, 35, Guildhall Walk, Portsmouth PO1 2RY

1. PURPOSE OF REPORT

The purpose of this report is for the Committee to consider an application by the Chief Officer of Police, Hampshire Constabulary, for the review of the premises licence at Ken's Kebab House, 35 Guildhall Walk, Portsmouth, under section 51 of the Licensing Act 2003 ("the Act").

The premises licence is held by Mr Naseem Ahmed.

2. STATUTORY PROVISIONS

The steps set out in the Act for reviewing premises licences and club premises certificates are intended to represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

At any stage following the grant of a licence or certificate, a responsible authority or any other person may make an application for the review of a licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

3. THE APPLICATION

The application and grounds for the review are attached as **Appendix A** to this report and relate to the following licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance

It is the concern of the Chief Officer of Police that there has been a recent increase in incidents at the premises, together with a number of incidents where the premises have opened beyond their permitted hours. This has seriously undermined the licensing objectives at the premises.

Officer Note:

Full details of police concerns are presented in the review application together with supporting documents provided by the police. (Police Annex A to H.)

A prosecution file has been submitted to legal services with a view to prosecuting Mr Naseem Ahmed for five counts of carrying on a licensable activity on premises otherwise than under and in accordance with an authorisation.

4. BACKGROUND INFORMATION

Ken's Kebab House is located in Guildhall Walk within the Cumulative Impact Zone between Astoria and Lyberry. In October 2014 Lyberry varied the premises licence permitting the sale of alcohol until 04:00 on Friday and Saturdays with a closing time of 04:45 on these days. In September 2016 Astoria varied the premises licence permitting the sale of alcohol until 04:00 Friday and Saturday with a closing time of 04:30 on these days.

Ken's Kebab House is currently licensed for the provision of the following licensable activities:

- **Late night refreshment**
Monday to Sunday 23:00 until 03:00
- **Opening hours of the premises**
Monday to Sunday 11:00 until 03:00

A copy of the premises licence is attached as **Appendix B**.

In accordance with the procedure laid down in the Licensing Act 2003 ("the Act"), a public notice of the application for the review of the licence was advertised at the premises concerned and also in a prominent position at the Civic Offices. In addition a notice of the application was posted on the website of Portsmouth City Council together with the grounds for the review. A copy of the application was also served on all of the responsible authorities.

5. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

This review on behalf of the Chief Officer of Police, Hampshire Constabulary will be presented by PC 21945 Pete Rackham.

Following receipt of this review Nickii Humphreys, Licensing Manager for Portsmouth City Council on behalf of the Licensing Authority has made a formal representation in relation to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. A copy of this representation and supporting documentation is attached as **Appendix C**.

Attached at **Appendix D** is Mr Naseem Ahmed's legal representation to the licensing sub-committee regarding this review.

6. POLICY AND STATUTORY CONSIDERATIONS

When determining the application for review of the premises licence, the Committee must have regard to:

- Promotion of the licensing objectives which are;
 - prevention of crime and disorder
 - public safety
 - prevention of public nuisance
 - protection of children from harm

- The Licensing Act 2003;
- Its Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The representations, including supporting information, presented by all the parties.
- The Statutory Guidance (revised in October 2014) provides advice in relation to the consideration of review applications.

In particular, members should have regard to the following advice:

Paragraph 11.1 - *“The proceedings set out in the Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.”*

Paragraph 11.2 – *“ At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.”*

Paragraph 11.10 - *“Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.*

Paragraph 11.16 - *“The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.”*

Paragraph 11.17 – *“The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence.*

Paragraph 11.18 - *However, where responsible authorities such as the Police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate”.*

Paragraph 11.19 - *Where the licensing authority considers that action under its statutory*

powers is appropriate, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

Paragraph 11.20 – “In deciding which of these powers to invoke, it is expected that licensing authorities should so far possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response”.

Paragraph 11.21 – “For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual”.

Paragraph 11.22 – “Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives”.

Paragraph 11.23 - “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 an appropriate 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 appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence”.

7. APPEAL PROVISIONS

An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- the Chief Officer of Police;
- the holder of the premises licence; or
- any other person who made relevant representations in relation to the application.

The decision of the Committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

A copy of the Statement of Licensing Policy, statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

8. APPENDICES

- A. Review application from Hampshire Constabulary (plus supporting documents)
- B. Copy of the premises licence.
- C. Representation from Nickii Humphreys Licensing Manager.
- D. Mr Naseem Ahmed's legal representation to sub-committee.

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



Principal Licensing Officer



Reference No

		/						/						
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Application for the review of a premises licence or club premises certificate 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 or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC 21945 Rackham

.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Kens, 35 Guildhall Walk,

Post town

Portsmouth

Post code

PO1 2RY

Name of premises licence holder or club holding club premises certificate (if known)

Naseem Ahmed

Number of premises licence or club premises certificate (if known)

LAPREM/10516

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Part 2 – Applicant details	
I am	Please tick <input checked="" type="checkbox"/> yes
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	
2) a responsible authority (please complete (C) below)	x
3) a member of the club to which this application relates (please complete (A) below)	

(A) INDIVIDUAL APPLICANTS (fill in as applicable)									
Please tick <input checked="" type="checkbox"/> yes									
Mr		Mrs		Miss		Ms		Other title (for example, Rev)	
Surname					First names				
I am 18 years old or over							(Please tick <input checked="" type="checkbox"/> yes)		
Current postal address if different from premises address									
Post town						Post code			
Daytime contact telephone number									
Email address (optional)									
Post Town					Post Code				

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

PC 21945 Rackham – Hampshire Constabulary
 Alcohol Harm Reduction and Licensing Team
 Licensing Office
 Guildhall Square
 Portsmouth
 Hampshire
 PO1 2AL

Telephone number (if any) 02392 688754

E-mail address (optional) peter.rackham@hampshire.pnn.police.uk

This application to review relates to the following licensing objective(s)Please tick one or more boxes

1) the prevention of crime and disorder

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The Chief Officer Of Police has applied for a review of the Premises Licence currently held by
 Kens Kebabs, 35 Guildhall Walk, Portsmouth on the following grounds:

- Prevention of Crime and Disorder
- Prevention of a Public Nuisance
- Public Safety

This is following a recent increase in incidents at the premises, along side a number of incidents where the premises have opened beyond their permitted hours and as such committed offences under the Licensing Act 2003. This has seriously undermined the licensing objectives at the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

Kens Kebabs, 35 Guildhall Walk, Portsmouth is a fast food convenience outlet situated within a busy night time economy environment. It is situated between two licensed premises which have a combined capacity of around 1500 persons and are the busiest licensed premises within the area.

The Premises has a licence to provide late night refreshment until 03:00 hours 7 days a week. The premises licence has a number of conditions concerning, CCTV, SIA provision and capacity numbers etc.

The Premises also sits within a Cumulative Impact Zone. This CIZ is in place due to a disproportionate amount of alcohol related violent crime and disorder which take place predominantly in the evening. The Chief Officer of Police has looked at its own figures and can state that during the hours of 20:00 – 05:00 there is roughly a 50% increase in violence incidents within this area, compared with the rest of the day time hours.

Kens is owned and operated by Naseem Ahmed who is shown as the Premises Licence Holder. As such it is his responsibility to operate the premises in a way which is compliant with what the Licensing Act 2003 allows. It is also his responsibility to operate the premises in a way which fully supports the Licensing Objectives.

Mr Ahmed has previously worked with the Police when there have been issues. However recently the Police have noted an increase in incidents, and also incidents where the premises have been open beyond their permitted hours. This has led to Mr Ahmed being investigated by both the Police and Portsmouth City Councils licensing team for offences under the Licensing Act 2003. This investigation is currently ongoing.

Mr Ahmed also worked with the Police following an incident at the end of 2014 when there was a GBH at the premises. This was when a group of staff members, including the SIA door supervisor at the premise assaulted a customer leaving them with GBH injuries. Mr Ahmed assisted Police with their enquiries and at the time a decision was made that it was an isolated incident. The offenders including the SIA door supervisor were given prison sentences following being convicted for GBH. The sentences following a conviction at the end of 2015 were given in early 2016.

The Chief Officer of Police produces a summary of the incidents at the premises over the last three months. This is attached in Annex A. The information in Annex A shows that there have been a number of incidents of violent crime and disorder which are linked to the premises. A number of these incidents are shown as occurring after 03:00 hours, a time when the premises was still open and providing late night refreshment after their permitted hours.

On Friday 11th March 2016 at 23:20 hours Police attended the premises in order to perform a licensing check. Police noted that the premises had no SIA working the premises, there was no manager present and only 3 members of staff working the premises. This was a breach of the premises licence conditions and a potential offence under S136 of the

Licensing Act 2003.

Mr Ahmed was contacted and advised of the breaches. He was also advised of the consequences of such breaches. Mr Ahmed apologised for the breaches and stated that he would in future comply with the licence conditions and adhere to them. Annex B is attached detailing the initial email and following conversations with Mr Ahmed regarding this matter.

Following Mr Ahmed being contacted Police visited the premises a number of times over the next two weeks. No breaches on these occasions were noted.

Since March no further incidents were recorded as occurring at the premises. However on 28th August 2016 at 04:00 hours an incident of assault was reported. This is shown in Annex A. The incident occurs after the premises was meant to be closed. Attached in Annex C is a redacted statement from the victim in the case stating that after 04:00 hours he orders hot food from the premises which is open.

On Sunday 2nd October 2016 at 04:25 hours an incident of assault was reported at the premises. Police attended the premises and observed the premises still open and serving hot food. Annex D is attached showing a statement from the Police Constable who attended.

On Thursday 13th October 2016 Police Licensing noted that the SIA door supervisor who had been sentenced to 8 months in prison was working as an SIA door supervisor at the premises following his release from prison. This was despite causing GBH injuries to someone previously at the premises in an unprovoked attack. It transpired that the SIA had not been alerted to this matter. The SIA were contacted and appraised of the previous issues. They took the decision to suspend his SIA Licence pending an investigation.

Mr Ahmed was alerted to this decision and removed the SIA door supervisor from his security duties. This person was later seen working in the kitchen of the premises. Attached in Annex E is the email trail detailing contact between Mr Ahmed and Police Licensing regarding this.

On Saturday 5th November 2016 Police Licensing attended the premises at 00:00 hours. It was observed that a male was working in the role of an SIA door supervisor. He was not wearing any Hi Vis tabard or jacket marked security, a condition of his premises licence. It was also noted that the SIA door supervisor was also cleaning tables and making drinks. This was in contravention of the mandatory conditions which state that anyone performing the role of Security must perform that role only. The manager was asked for and the SIA door supervisor working stated that he was the manager. I asked to see the CCTV and was advised that this could not be operated at the time. This was due to no one being present at the time being able to access the upstairs office and work the CCTV system. As a result of these breaches of the premises licence Mr Ahmed was made aware via email. This is attached in Annex F.

On Sunday 6th November 2016 at 03:23 Police were called to an incident where a male was detained for an assault in Guildhall Walk by door staff from another venue. Whilst door staff were waiting for Police with the male, the SIA door supervisor working at Kens became involved and attempted to remove the male from the door staff. This incident is captured on Body Worn Video used by the door staff at the other venue and can be produced at any hearing in relation to this review application.

Again for the incident on Sunday 6th November 2016 at 03:23 hours, it was clear that the premises was still fully operational, selling hot food and drink and attracting customers.

As a result CCTV was requested from Mr Ahmed for the 5th and 6th of November 2016 from 03:00 – 05:00. These were provided by Mr Ahmed. This footage is available and shows numerous transactions of money in exchange for food to members of the public for up to two hours after the premises ceased to have any authority to perform licensable activities. This CCTV can be provided at any hearing relating to this review.

On Sunday 13th November 2016 at 04:00 hours Police Licensing also saw the premises open for trade. Again when there was no authority in place to perform licensable activity. Attached in Annex G is a statement from a Police Constable detailing this.

On the 14th November 2016 Portsmouth City Council emailed Mr Ahmed to advise him of the opening past permitted hours and ask him to desist. This is attached in Annex H.

On the 15th November 2016 a solicitor working on behalf of Mr Ahmed contacted Portsmouth City Council in order to extend his hours further.

Checks have been made with Portsmouth City Councils Licensing department. They have confirmed that the premises has not applied for any Temporary Event Notices to extend their hours. The only authorisation to provide late night refreshment is the current premises licence.

The Chief Officer of Police prides itself on working in partnership with premises to resolve issues as they arise. This approach has worked very successfully in reducing incidents and making the night time economy safer for members of the public. However it can only work in partnership when premises comply with the law and adhere to their premises licence hours and conditions.

It is the view of the Chief Officer of Police that Mr Ahmed has failed to comply with this premises licence conditions and adhere to his permitted hours. As such he has broken the law and committed offences under the Licensing Act 2003. In tandem with this failure to operate in accordance with the law; the premises has seen an increase in violence incidents. It is the view of the Chief Officer of Police that the premises continuing to provide late night refreshment after its permitted hours has directly led to the increase of incidents.

The Chief Officer of Police has considered what measures could be put in place to resolve this matter and reduce incidents. However given the level of non compliance and the offences being committed under the Licensing Act 2003, the Chief Officer of Police believes that what ever conditions are placed on the licence will just be breached.

As such it is the view of the Chief Officer of Police that the only realistic measure to prevent crime and disorder at the premises is to revoke the premises licence. This will prevent the premises being open later in the evening, reducing the likelihood of crime and disorder and will reduce the likelihood of offences under the Licensing Act 2003 being committed repeatedly.

The Chief Officer of Police respectfully requests that the licence be revoked.

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Please tick <input checked="" type="checkbox"/> yes							
Have you made an application for review relating to the premises before?							<input type="checkbox"/>
If yes, please state the date of that application							
	Day		Month		Year		

<p>If you have made representations before relating to the premises please state what they were and when you made them</p>

--

Please tick <input checked="" type="checkbox"/> yes	
<ul style="list-style-type: none"> I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate. 	<input type="checkbox"/>
<ul style="list-style-type: none"> I understand that if I do not comply with the above requirements my application will be rejected. 	<input type="checkbox"/>

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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	22 nd November 2016
Capacity	Police Constable on behalf of the Chief Officer of Police for Hampshire Constabulary

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by email, your email address (optional)			

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.

3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Annex A

Kens Fried Chicken Guildhall Walk Incidents 3 months

**44160323330/44160323728 28/08/2016 04:00 – Assault – (Saturday – Sunday) –
Licensing Offences Also**

Female alleging she had been assaulted by a person unknown to her inside the premises.

No door staff appear to be involved in the investigation and incident has happened whilst premises is unlicensed for trade.

44160384005 05/09/2016 02:17 – Public Order (Sunday – Monday)

Male seen in the premises to become involved in a dispute with another male. He takes his shirt off and begins to make threats to others.

Male is arrested and later issued with a penalty notice for disorder.

**44160371855 02/10/2016 04:25 – Common Assault (Sunday – Monday) –
Licensing Offences Also**

Informant reporting that as he is leaving the premises another person kicks some food out of his hands. The foot connected with his hands causing no injury but shocking the victim.

Police attend and speak with the male who does not wish to progress the matter.

44160387902 14/10/2016 02:57 – Common Assault (Friday – Saturday)

Males become involved in an argument at the premises. This spills out onto the street and both males are aggressive towards each other. Police attend and disperse both parties.

**44160404007 26/10/2016 02:48 – ABH (Wednesday – Thursday) – Licensing
Offences Also**

Female has a can of drink thrown at her by an unknown male causing injuries to her.

44160409639 30/10/2016 02:36 – ABH (Sunday – Monday)

Two females argue within the premises and then begin fighting. Police attend. No one wishes to make any complaint. Both parties are dispersed by Police.

44160423383 06/11/2016 03:30 – Licensing Offences (Saturday into Sunday)

On 6th November 2016 Police attend an incident at Kens and note that the premises is still open for trade at 03:40 hours long after they should be.

POLICE ANNEX B

ANNEX B

Working sheet re conversation with Mr Ahmed on 13th March 2016

Contact by telephone from Mr Ahmed.

He apologised for the issues around the store. He advised me that his SIA had a family emergency he needed to attend to which is why he had failed to attend on time. Mr Ahmed stated that this was an isolated incident and not the norm. Mr Ahmed stated that he regularly did not have the full compliment of staff on site until around 00:00 hours which was when he got busy.

I advised Mr Ahmed that he needed to ensure that he complied with his Premises Licence conditions and advised that failing to do so could leave him liable to prosecution for offences under the licensing act 2003 or instigation of the review process. I advised Mr Ahmed that he needed to ensure that each condition on his licence was adhered to.

I advised Mr Ahmed that further checks would be performed at the premises. I also advised Mr Ahmed that if he had issues at the store re compliance to speak with me re them so I could assist.

Mr Ahmed stated that he did not have any issues and that he understood clearly what was required of him. He stated that he would put the measures in place to ensure that the premises complied with their premises licence conditions.

21945

Annex B

Email to Mr Ahmed on 13th March 2016

Dear Mr Ahmed

I would like to draw to your attention to a visit by Police to your premises "Kens" in Guildhall Walk, Portsmouth last night, at around 23:20 hours.

Police attended and noted at this time that only 3 members of staff were working, there was no manager present and there were no door staff present.

I must remind you that your premises licence is conditioned for the following:

A minimum of one SIA licensed door supervisor will be on duty on Thursday Friday and Saturdays from 2200 hours until 0330 hours.

In addition to the door supervisor up to six staff will be on duty including the manager.

These conditions on your premises licence are conditions you are required by law to adhere to. Failure to adhere to these conditions may result in you being prosecuted for offences under the Licensing Act 2003 or implementation of the review process or both.

I am also aware of two incidents in the last year where persons who have attended your premises have received GBH level injuries. One incident was due to the actions of persons you have employed at the premises and who have recently received custodial sentences for their actions, another more recently where door staff were not employed on the night.

Mr Ahmed you must adhere to your licensing conditions.

Please can you advise me what happened on this occasion and why when officers attended at 23:20 hours last night (11/03/2015) there were no door persons, no manager and only 3 members of staff working.

Kind Regards

Pete

PC 21945 Rackham

Violent Crime Reduction and Licensing Team

Portsmouth



Annex B

From: Wakefield, Michael

Sent: 12 March 2016 07:06

To: Moss, Matthew

Cc: Rackham, Peter

Subject: Kens Kebabs , Guildhall Walk Licensing Check 11/03/2016

Gents,

I attended the above location for a Licensing Check.

At 2320 hours there was no SIA person on the door, the Manager was not present and there were only 3 members of staff behind the counter.

I did go in at approximately 2345 hours again and the Manager was present along with the SIA person with a 'story' of a domestic emergency.....

All of it is on BWV and downloaded at Southsea for your viewing pleasure....

Mike

24297

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Unemployed

This statement (consisting of [] page(s) each signed by me) 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)

Date: 06/09/2016

I am the above named person and my address is shown overleaf. I am completing this statement in relation to and incident whereby I was assaulted by a group of females when I was on a night in Guildhall Walk, Portsmouth.

On the early hours of Sunday 8th August 2016 at approximately 0400 hours I was with my friend [REDACTED] in Guildhall Walk, Portsmouth. We had been out for the night but I wasn't drinking because of a tooth infection so I was taking anti-biotics. We had been out and about most of the evening and had spent most of our time in the Zanybar nightclub. [REDACTED] has trouble with epilepsy and she gets fits regular, on this night she happened to have a fit outside the club and I had to make sure she was ok. After she had come around from her fit she put on glasses that are photo sensitive glasses. Anyway we decided to go to the kebab shop which is near the train station called Alis, we got our food but it wasn't enough and the portion was really small so we went down towards the Astoria Nightclub to Kens Fried Chicken.

When we got to the kebab shop we both went into the shop and ordered our food and I noticed there was a group of girls and a guy all eating. As we walked past the group they started to take the mick of [REDACTED] saying "WHY IS SHE WEARING GLASSES IN THE DARK", "YOU CUNT WHY ARE YOU WEARING THE GLASSES". I was very upset by this because there was no need for them to start abusing [REDACTED] I asked them to stop and asked why they had been saying these things. The girls carried on being abusive towards me and [REDACTED] and then the male that was with them got involved.

The male kept saying that he wanted to fight me so I asked [REDACTED] to go outside so I could protect her from the trouble. My intention wasn't to fight the man I was just not happy that he and the girls had been saying nasty things about [REDACTED] Anyway the girls also continued to be abusive so I went out of the shop to diffuse the situation but the girls followed me.

When I was outside with [REDACTED] I could see a girl in particular trying to get out of the shop passed the security guard. All I can remember about her is that she had long blond hair, I would definitely recognise her if I saw her again. This woman was drunk and all she wanted to do was fight me for some reason screaming and shouting. I can remember being up against the wall just outside the shop and [REDACTED] was very scared about what was going on. The next thing that happened was the blond threw a punch that hit me side on in the face I didn't retaliate or punch her back and that's when the other girls just started piling on top of me hitting me, clawing at me I saw one girl take her shoe off and aim it towards me. It was going crazy with the girls trying to attack me I was just trying to fend them off from doing any serious damage to me. My arms were up by my head protecting it, it was out of control. That's when the doormen started running towards me, one of the girls fell to the floor in the chaos of it all and I heard the guy who wanted to fight me shout " YOU JUST DRAGGED THAT GIRL TO THE FLOOR BY HER HAIR", which I didn't of course I was trying to protect myself.

The doorman then grabbed hold of me because they must have just seen the girl on the floor I'm not sure they actually saw what happened but the girls were shouting that I had dragged this girl on the floor.

Signed : _____

Signature witnessed by : _____

The police then arrived and grabbed hold me of me and handcuffed me when there was really no need to. I was compliant and knew that I had done nothing wrong and that the girls had started all of this. The incident lasted for about 20-25 minuets, I was close to all the girls at all times especially in the shop where it was well lit with lights. I could see them all clearly and had no obstructions to impede my view, although on the outside of the shop it was dark there were lights around and you could see everyone clearly. I would like to pursue a complaint against the girl that hit me first, I cannot remember any detail about the other girls but I'm sure it is on CCTV. This woman had no right to start the fight or insult [REDACTED] I will support police in the prosecution of the offender and I am willing to attend court if required.

At this time I do not wish to make a victim personal statement I'm just making this statement to make the girl aware that she cannot do what she did to me. If it's a case of an apology then so be it but I want her to see the CCTV and show her actions.

Signed :

Signature witnessed by :

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: PC Sarah Catton

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police service

This statement (consisting of 1 page(s) each signed by me) 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)

Date: 10/11/2016

I am PC 22078 CATTON of Hampshire Constabulary currently based at Cosham Police Station. This statement is in relation to an incident I attended on Sunday 2nd October 2016 at approximately 04:30hrs. I was deployed to the Guildhall Area in Portsmouth to speak with a male who had been assaulted by another and needed to be spoken with.

The male was located in Kens Fried Chicken, Guildhall Walk where I spoke with him about the alleged incident. Whilst in the store I observed staff behind the counter serve food to the male I was talking to, although I did not see any monies change hands. There was a male standing to my left who was also waiting for food.

I can confirm that I did not see any monies change hands. There were people sat inside the store eating at tables. Staff were busy behind the counter wiping down but food was still being served.

Signed :

Signature witnessed by :

POLICE ANNEX E

Annex E

Hi Naseem

I noted that [REDACTED] was working the door to your premises last night.

I was unaware that he had been released from Prison following his conviction for Affray back in March. This was the Affray where he was involved in an incident at your premises in Guildhall Walk which gave the victim a fractured jaw and severe anxiety issues and in which [REDACTED] was seen to stamp and kick at the victim on CCTV.

As a result I have passed the information to the SIA and they have made the decision to suspend [REDACTED] licence pending their own investigation.

Kind Regards

Pete

From: Naseem Ahmed ([REDACTED])
Sent: 14 October 2016 19:00
To: Rackham, Peter <peter.rackham@hampshire.pnn.police.uk>
Subject: Re: Police Licensing information re Door Supervisor who is suspended

His Pete,

Hope you are well.

Can I ask why?

Look forward to hearing back from you.

Naseem

Sent from my Samsung device

----- Original message -----

From: peter.rackham@hampshire.pnn.police.uk
Date: 14/10/2016 18:40 (GMT+00:00)
To: naseem [REDACTED]
Subject: Police Licensing information re Door Supervisor who is suspended

Dear Mr Ahmed

I need to urgently bring to your attention a decision made by the SIA to suspend Mr [REDACTED] SIA Licence from today.

As such he will not be able to perform any form of door supervisor duties until the SIA have reinstated the Licence.

Should he continue to work in this capacity then Mr [REDACTED] and his employer could leave themselves open to prosecution for offences under the Security Industry Act.

Kind Regards

Pete

PC 21945 Rackham

Alcohol Harm Reduction and Licensing

Portsmouth



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POLICE ANNEX F

Annex F

From: Rackham, Peter
Sent: 05 November 2016 02:02
To: 'Naseem Ahmed' [REDACTED]
Cc: Snow, Stuart [REDACTED]
Subject: Police Licensing Visit to Kens - Guildhall Walk

Dear Naseem

I hope you are well?

I attended your premises in Guildhall Walk today at around 00:00 hours to perform a licence check and spoke with Walid who I understand is your SIA operative at the store and also is your manager when Saleem is not present.

From a compliance aspect I noted a couple of issues with compliance of the licence conditions:

- CCTV was unable to be operated at the time as Saleem was not on site - Someone needs to be onsite to work the CCTV when the store is open for licensable activity.
- SIA was not wearing a Hi-Vis Tabard as per licence conditions – I asked Walid if he had one and he stated that he did. I advised him to wear it so that the premises did not breach its conditions.
- SIA was also working in the kitchen and behind the counter and not solely on SIA duty. The mandatory conditions present on every licence state that anyone who is working as security must be employed solely in that function. As such SIA working on site cannot perform a dual role and must only be employed in the security function.

I have also noted that this month there has been an increase in incidents compared to last year and previous months at the premises. I would like to meet with you at a mutually convenient time in order to discuss these matters and see if there is anything that can be tweaked, changed or implemented at your premises in Guildhall Walk to rectify this and reduce the risk of incidents occurring.

Please can you let me know when you are free to discuss this.

Could you also please advise me if you are able to burn off a copy of the CCTV for an hour between 03:45 – 04:45 hours on 02/10/2016. If so I would like a copy please.

Kind Regards

Pete

PC 21945 Rackham

Alcohol Harm Reduction and Licensing Team

Portsmouth

[REDACTED]

POLICE ANNEX G

ANNEX G

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

Statement of: PC 24272 Cherry URN
 Age if under 18: O18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of page(s) each signed by me) 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) Date: 18th November 16

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC 24272 Cherry of Hampshire Constabulary currently stationed at Portsmouth Civic Offices employed within the Licensing Department.

I am a Licensing Officer for the Portsmouth area and I have held this position since June 16, previously I was a Licensing Officer based in Southampton.

As a Licensing Officer I have a responsibility within my policing area to ensure that the Licensed Premises are promoting and upholding the four licensing objectives.

These are as follows:

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Last weekend I was working what is known as a Lates Plus, this means that on both Friday and Saturday nights I start work at 1800hrs and finish at 0400hrs. On both mornings on Saturday the 12th November and Sunday 13th November 2016 I was in plain clothes patrolling Guildhall Walk area of Portsmouth, I was conducting my Licensing responsibilities which is to monitor the night time economy, I was single crewed either walking or in my police vehicle, a pool car which is an unmarked vehicle.

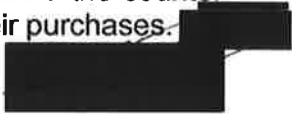
As I was patrolling around Guildhall Walk keeping an eye on night time activities, I observed Kens Kebabs trading as it is immediately next to Astoria a night time economy night club.

I first observed Kens Kebabs open and trading on Saturday morning after 0300hrs. I didn't take much notice at this time, however after speaking to my colleague who has operated in this area

Signature:  Signature witnessed by:

for approx 3 years he advised that this take away should have closed at 0300hrs.

I therefore took more notice the following morning, ie Sunday. I walked past and drove past numerous times watching and waiting for them to close. At 0350hrs (I know this time is correct as I was due off 10 minutes later at 0400hrs so I made a point of having one last observation before retiring for the night). At 0350hrs I observed customers from my car, (there is a road directly outside the premises) still entering and purchasing food. I observed the staff behind the counter busily serving and saw customers who had been served loitering inside eating their purchases.



Signature:  Signature witnessed by:

POLICE ANNEX H

Annex H

From: Stone, Derek
Sent: 14 November 2016 15:37
To: 'naseem.' [REDACTED]
Subject: Ken's Kebab

Dear Mr Naseem Ahmed

I am writing to you as the Premises Licence holder for the late night refreshment at Ken's Kebab House, 35 Guildhall Walk Portsmouth

It has come to my attention that you are trading after the latest permitted hour of 03:00 and I bring this to your attention as this must stop with immediate effect.

Should there be any further breaches of the conditions of this licence we will take formal action against you.

Kind regards

Derek Stone

Principal Licensing Officer

Directorate of Culture and City Development

Licensing Service

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

Hants

PO1 2AL

—
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First draw 5 November www.portsmouthlottery.co.uk

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Premises Licence Number:	813
---------------------------------	-----

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:
--

Ken's Kebab House 35 Guildhall Walk
--

Post town: Portsmouth

Post code: PO1 2RY

Telephone Number:

Where the licence is time limited, the dates:
--

Licensable activities authorised by the licence:

Late night refreshment

The times the licence authorises the carrying out of licensable activities:
--

Late night refreshment

Mon Tue Wed Thu Fri Sat Sun - 23:00 until 03:00

The opening hours of the premises:

Hours premises are open to the public

Mon Tue Wed Thu Fri Sat Sun - 11:00 until 03:00

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Naseem Ahmed



Post town: [REDACTED]

Post code: [REDACTED]

Telephone number: [REDACTED]

Email: [REDACTED]

Registered number of holder, for example company number, charity number (where applicable):

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Not applicable

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal licence Number: Not applicable

Issuing licensing authority: Not applicable

Date Licence Granted: 11/11/2008



Authorised Officer
Licensing Section

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 1 - Mandatory conditions

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

- 1 The licence holder will comply with the following requirements concerning the use of CCTV at the premises.

Operation and Storage.

The CCTV system must be installed and fully operational whilst the venue is open to the public.

The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

A record will be kept of any access made to information held on the system.

The system will be regularly maintained and serviced.

The system clock will be checked regularly for accuracy taking account of GMT and BST.

Tapes will be changed daily and kept for 31 days before being re used. Tapes should be replaced after 12 usages i.e. annually.

Digital systems will have sufficient storage capacity for 31 days good quality pictures.

The images produced will be date and time stamped.

The CCTV system will be approved by the Police prior to the venue operating under a premises licence.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment.

Ensure all operators receive training from the installer when equipment is

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

installed and that this is cascaded down to new members of staff.

A simple operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems).

- 2 A minimum of one SIA licensed door supervisor will be on duty on Thursday Friday and Saturdays from 2200 hours until 0330 hours.

The door supervisor will wear a fluorescent and/or reflective orange tabard, clearly marked "door supervisor". The tabard should also be fitted with a clear plastic window on the chest area in which to satisfactorily display the licence issued to the door supervisor by the security industry authority. This condition may be disapplied at the discretion of the police.

- 3 The Licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door supervisor and shall provide upon request by any Police Officer or Council Officer the following details:-

- (i) The licence number, name, date of birth and residential address of that person;
- (ii) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
- (iii) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
- (iv) Any times during the period of duty when he/she was not on duty;
- (v) If that person is not an employee of the Licence holder, the name of the person by whom that person is employed or through whom the services of that person were engaged;
- (vi) The register shall be so kept that it can be readily inspected by an authorised officer of the Council or Police Officer;
- (vii) The duty register shall comprise of a bound, consecutively page-numbered book and the Licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

- 4 In addition to the door supervisor up to six staff will be on duty including the manager.

Protection of Children from Harm

- 1 Children will not be admitted on the premises after 22:00. In case of doubt photographic documentary evidence will be required.

Public Safety

- 1 No more than 35 customers will be allowed on the premises.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 3 - Conditions attached after a hearing by the licensing authority

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 4 - Plans

As attached

Licensing Sub-Committee
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4604

Our Ref: 16/04286/LAREVI

Date: 20 December 2016

Dear Members of the Licensing Sub-Committee

**Re: Licensing Act 2003 - Application for the Review of a Premises Licence -
Ken's Kebab House 35 Guildhall Walk Portsmouth PO1 2RY**

I refer to the recent application for the review of a premises licence instigated by the Chief Officer of Police in respect of the premises known as Ken's Kebab House and situated at 35 Guildhall Walk, Portsmouth, PO1 2RY.

On behalf of the Licensing Authority, I would wish to make formal representations in relation to the application on the following grounds:

- Prevention of crime and disorder; and
- Prevention of public nuisance.

The premises licence is held in the name of Mr Naseem Ahmed and a premises licence for these premises has been in force under the Licensing Act 2003 since 11 November 2008.

In addition, Mr Ahmed is also the current premises licence holder for the following late night refreshment premises in Portsmouth:

- Ken's Fried Chicken, 104 Commercial Road, Portsmouth, PO1 1EL;
- Ken's Kebabs House, 14 Edinburgh Road, Portsmouth, PO1 1DE;
- Speedy Pizza, 80 - 82 Albert Road, Southsea, PO5 2SN.

Members should be aware that Mr Ahmed submitted an application to extend the provision of late night refreshment to the Licensing Authority in December 2011 under the minor variation application process.

This application was refused having regard to the comments of the Chief Officer of Police and the likely detrimental effects upon the licensing objectives in relation to the prevention of crime and disorder and public safety.

Continued/.....

Mr Ahmed has operated these premises for a considerable period of time and has also interests in other late night refreshment premises under the names of Ken's Fried Chicken and Speedy Pizza. Whilst Mr Ahmed is the sole licence holder in respect of these premises, he has two brothers Naeem Ahmed and Saleem Ahmed who are also involved with the running of the takeaway businesses and who are all company directors of Amercourt Ltd. Mr Naeem Ahmed was successfully prosecuted by the Licensing Authority on two separate occasions in January 2001 and January 2003 for trading beyond his permitted opening hours under the Late Night Refreshment Houses Act 1969 (which predated the Licensing Act 2003) in respect of the Speedy Pizza premises. He was subject to a significant financial penalty and was also disqualified from holding a licence under the 69 Act for 6 months. In addition, Speedy Pizza was also disqualified from holding a licence for the same time period for the 2003 offence.

Whilst Mr Ahmed was not personally prosecuted for those offences, my records show that he was aware of the investigation and subsequent prosecutions and was actively involved with the running of those premises at the time of the offences.

In addition the Chief Officer of Police had cause to write to Mr Ahmed on 16 February 2009 in relation to concerns about potential breaches of the premises licence conditions in respect of the following premises:

- Kens Kebab House, 14 Edinburgh Road Portsmouth
- Kens Fried Chicken, 104 Commercial Road, Portsmouth
- Kens Kebab House, 35 Guildhall Walk Portsmouth

A copy of this letter is attached.

These premises are located within the Cumulative Impact Area for Guildhall Walk and its environs and as the Police have evidenced in the review application, there have been a number of breaches of the premises licence conditions including opening beyond the permitted hours for the provision of late night refreshment; failure to operate the CCTV upon request of a police officer; and employment of door supervisors contrary to the conditions of the licence.

Most significantly the Police have identified that there has been an increase in incidents related to violent crime and disorder which are linked to the premises over the last three months, a number of which are shown as occurring after 03:00 hours and it can be evidenced that the premises was still open and providing late night refreshment beyond the authorised times for such licensable activities.

The most recent breaches of the opening hours may well be linked to the recent extension of hours for Astoria and Zanzi until 04:00 hours which was approved the Licensing Sub-Committee on 6 September 2016.

In conclusion, in making this representation, I have had regard to the following:

- the evidence submitted by the Chief Officer of Police to support the application to review the premises licence;
- the current investigation by the Licensing Authority of those breaches which is likely to lead to a prosecution file being prepared for consideration by Legal Services; and
- previous formal proceedings and warnings for similar offences, the unsuccessful application to vary the premises licence in 2011 and recent warnings from the Police which would reasonably suggest that Mr Ahmed had sufficient knowledge to prevent such offences from occurring;

On the basis of the above information and the extent of the detrimental effect upon the prevention of crime and disorder and public nuisance licensing objectives linked to these premises, I would ask that the Sub-Committee give consideration to revocation of the premises licence.

Yours sincerely

A black rectangular redaction box covering the signature of Nickii Humphreys.

Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk



Hampshire Constabulary
Chief Constable Alex Marshall

Licensing Department
Fratton Police Station
Kingston Crescent
North End
Portsmouth
PO2 8BU

Our ref:
Your ref:

Telephone: 0845 045 45 45
Direct dial: 02392 899080
Fax No: 023 9289 1579
Deaf/speech impaired minicom: 01962 875000
Email: portsmouth.licensing@hampshire.pnn.police.uk

16th February 2009

Dear Mr Ahmed,

At 1400 hours on Thursday 12th February 2009, a meeting was held at Kingston Crescent Police Station, Kingston Crescent Portsmouth. Present at the Meeting were Police Constable 3696 Montague, Licensing Officer, Police Constable 2465 Mike O'Malley, Licensing Officer, and yourself.

During the meeting the Police advised you that concerns had arisen from both the Police and Portsmouth City Council Licensing Department around the following venues:

Kens Kebab House, 14 Edinburgh Road, Portsmouth. PO1 1DE.
Kens Fried Chicken, 104 Commercial Road, Portsmouth. PO1 1EL.
Kens Kebab House, 35 Guildhall Walk, Portsmouth. PO1 2RY.

It was confirmed during the meeting that you are the Premises Licence Holder for all of the above venues.

I explained to you that visits to the above venues highlighted potential breaches of the Premises Licence conditions pertaining to each of those venues.

With regards to "**Kens Kebab House**", 14 Edinburgh Road, Portsmouth.-

Condition two on page six of the Premises Licence states,



Hampshire Constabulary
Chief Constable Alex Marshall

"The licence holder shall ensure that on Friday, Saturday and Sundays from 22:00 hrs until the closing time of the venue, a door supervisor will be on duty at the door of the shop premises.

The door supervisor will be employed solely on door supervisor duties, i.e. safety and security.

Where a premises employs door supervisors for security purposes both within the premises and for the purposes of monitoring the entrance and exits, those staff should wear a fluorescent and/or reflective orange tabard, clearly marked, "door supervisor". The tabard should also be fitted with a clear plastic window on the chest area in which to satisfactorily display the licence issued to the door supervisor by the Security Industry Authority. This condition may be disapplied at the discretion of the Police."

At 2258 Hours on Friday 30th January 2009 I stood outside of the venue and saw no sign of any "Door Supervisor" working on the door of the venue. At 2311 hours on that day I entered the venue and saw no sign of any door supervisor. I spoke to a man who stated that he was the manager and gave his name as Ali-Abdullah. Mr Abdullah informed me that the door supervisor commenced duty at Midnight.

At 2300 hours On Saturday 31st January 2009, Police Sergeant Vardy was stood in the vicinity and saw no sign of any "Door supervisor". At 2305 hours that day he entered the venue and was informed by a member of staff that the door supervisor was not needed as it was "too quiet". Police Sergeant Vardy then spoke to you on the phone from the venue.

At approximately 2325 hours on Sunday 1st February 2009, Mr Ross LEE, a Licensing Officer from Portsmouth City Council Licensing Department was outside of the venue and saw no sign of any door supervisor within the venue. At 2331 hours on that day Mr Lee took a photograph of the venue and has produced the same in a witness statement.

With regards to "**Kens Fried Chicken**", 104 Commercial Road, Portsmouth. PO1 1EL.

Condition two on page six of the Premises Licence states,

The licence holder shall ensure that on Thursday, Friday, Saturday and Sunday from 22:00 hours until the closing time of the premises, a door supervisor will be on duty at the door of the shop premises.

The door supervisor will be employed solely on door supervisor duties, ie safety and security.

Where a premises employs door supervisors for security purposes both within the premises and for the purposes of monitoring the entrance and exits, those staff should wear a fluorescent and/or reflective orange tabard, clearly marked "door supervisor". The tabard should also be fitted with a clear plastic window on the chest area in which to satisfactorily display the licence issued to the door supervisor by the Security Industry Authority. This



Hampshire Constabulary
Chief Constable Alex Marshall

condition may be disapplied at the discretion of the police.

At 2330 hours, on Sunday 1st February 2009, Mr Lee visited the above venue and in his statement he states that there was no door supervisor evident.

With regards to **"Kens Kebab House", 35 Guildhall Walk, Portsmouth. PO1 2RY.**

At 2227 hours on Friday 30th January 2009, I was standing in the vicinity of the above venue when I had cause to speak to a man who informed me that he was to commence work at 2300 hours as a door supervisor for the venue. On looking at the mans SIA badge, I noticed that it expired in June of 2008. I advised the man that he could not work as a door supervisor without a valid SIA badge.

During our meeting I explained the consequences of employing unlicensed door supervisors.

The Police informed you that the concerns highlighted needed to be addressed. It was also pointed out that the Police intended to address the concerns.

Suggested measures to address those concerns included a review of the Premises Licence under section 51 of the Licensing Act 2003.

If the Police were to review the Premises Licence , consideration would be given to putting before the Licensing Committee suggested measures, these would be likely to include the following:-

- 1) Revoke the Premises Licence in its entirety.
- 2) Suspend the licence for a period not exceeding three months.

With regards to the apparent breaches of the Premises Licence conditions, outlined above. The Police on this occasion would warn you regarding the offences in question.

We would also remind you that if the concerns outlined during the meeting that was held on Thursday 12th February are not addressed, then the Police will not hesitate to review the Premises Licence of the venues in question.

Yours sincerely,

Mike O'Malley.
Licensing Officer

Appendix D

Representations for licensing review:

Mr Naseem Ahmed would like to express his sincere apologies to the Police and to Portsmouth City Council that it has been necessary to make an application to review his premises licence. He would like to assure the Committee that there will be no repeat of his error in judgement in trading longer hours than were permitted by his premises licence. Naseem is a man of good character and has never done anything like this before and will never do so again.

Naseem has been operating late night refreshment premises in the City since 1990. He works in partnership with his brother Saleem and they have 8 premises in Portsmouth, one in Waterlooville and one in Fareham. Their brother Naeem was also involved in the business but he has had no active role since 2011.

As has been stated in the application Naseem has always had a good working relationship with the police. One recent example of that is his willingness to voluntarily employ a second SIA doorman at premises in Commercial Road when the police expressed some concerns about the state of the customers coming to his premises from other licensed premises nearby.

In relation to the investigation into the opening of the premises after hours he produced the CCTV footage requested by the police even though the condition on the premises licence does not require him to do so. He has since provided a statement to accept he breached the licence.

He has been responsible for the premises in Guildhall Walk for a number of years and there has never been any issued raised over his management of those premises. A premise open in the early hours of the morning, serving customers who have come from licensed premises in various levels of intoxication, inevitably means there will be issues to deal with for the management and SIA doorman employed.

Without seeking to diminish the seriousness of providing late night refreshment after the permitted hours, it is the respectful view of Naseem that in every other respect he has managed the venue extremely well. He has always responded in a proactive way when the police have raised any concerns with him. There were no earlier warnings to him of the issues identified in the review.

Two of the licensed premises in Guildhall Walk had varied their hours to open later and this had a consequent effect on the trade at Ken's Kebab's as they did not have the usual number of customers at the end of the trading hours. Naseem decided to open until those premises had closed. He was anxious only to maintain the same level of trade he had experienced beforehand. He was not making any additional profit but maintaining the status quo, securing the employment of members of staff.

He did not consider the premises licence and the possible consequences he faced in taking the decision. It was therefore an entirely irrational decision and he accepts will make it difficult for either the Police or Council to trust him again to make the correct decisions in promoting the licensing objectives.


The criminal investigation and the review of the premises licence are a salutary lesson. Revocation of the licence would almost certainly lead to a failure of the business and the loss of employment of all the staff who work there. A food premises which can only stay open until 11pm cannot succeed. Facing this possibility has strengthened his resolve to ensure compliance in every regard and he knows that if he were allowed to keep the licence, a future breach must only have one outcome.

Both he and Saleem have booked themselves onto the Award For Personal Licence Holders course, NVQ Level 2. Whilst of course there is no requirement to hold a personal licence in such an establishment the course does cover in depth the licensing objectives and compliance. He will also install onto the tills software which does not allow the tills to operate after 3am.

In relation to the suggestion that the number of incidents have increased recently Naseem has employed a security company, Citrus Service Group, to provide the SIA security. The condition on the licence requires one SIA door supervisor on from 10pm on Thursday, Friday and Saturdays. He

now employs one SIA door supervisor on Monday to Wednesdays and two on Thursday, Friday and Saturdays.

Naseem invites the Committee not to revoke the premises licence. The role of the Licensing Authority is not to punish licence holders but to seek a redress which promotes the licensing objectives. In accordance with s182 guidance issued by the Secretary of State the action taken on a review should be no more than is necessary and proportionate to promote the licensing objectives. Given the fact that Naseem has operated premises in the City for over 26 years, has worked well with the police and Council in the past and has taken some positive steps to reduce any risk of a repetition of the "cause" of the review, revocation of the licence is with respect, disproportionate. There is absolutely no likelihood of a repetition of the "cause."


Blake Morgan LLP solicitors for the premises licence holder.

19th December 2016

Agenda Item 4

REPORT TO: LICENSING SUB-COMMITTEE 18th JANUARY 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR DEREK STONE

**Licensing Act 2003 – Application for variation of a premises licence
Gida, 12 Guildhall Walk, Portsmouth PO1 2DD**

1. PURPOSE OF REPORT

The purpose of this report is for the Committee to consider an application for the variation of a premises licence under the Licensing Act 2003 ("the Act"). The matter has been referred to the Committee for determination following formal representations being made by responsible authorities namely the Chief Officer of Police and the Licensing Authority.

2. THE APPLICATION

The variation application has been made by the current licence holder Mrs Minoo Sefidan for the premises situated in Guildhall Walk, which is within the special policy area (See Paragraph 13.1 to 13.6 together with supporting information at appendix B page 33 of Portsmouth City Council's Statement of licensing policy.)

The applicant has requested that the licence be varied in respect of the above premises so as to permit the extension of opening hours. Currently the premises open Monday to Sunday from 08:00 to 03:30 with late night refreshment authorised from 23:00 until 03:30 daily. The applicant wishes to extend the late night refreshment hour and opening hour until 05:00 daily.

3. BACKGROUND INFORMATION

This application has been submitted in accordance with the provisions of Part 3 of the Act and associated Regulations.

A copy of the variation application is attached as **appendix A**.
A copy of the current premises licence is attached at **appendix B**.

I can confirm that public notice has been given by way of press notice, premises notice and local ward councillors have been informed. There are no grounds therefore for the committee to reject the application for non-compliance with the advertising requirements prescribed by the act and regulations.

Gida has operated in Guildhall Walk since 2000 with little concern apart from an environmental prosecution in 2015 (See officer note below) and a recent breach of the premises licence in October 2016, where the venue was operating after its authorised hour for trading. Having been advised regarding their operating hours, an application for a change in operating hours was submitted. Both the Licensing Authority and the Chief Officer of Police say this has failed to adequately demonstrate that the proposed variation will not have a negative impact on the promotion of the licensing objectives in particular the prevention of crime and disorder and the prevention of public nuisance.

4. OPERATING SCHEDULE – PROMOTION OF LICENSING OBJECTIVES

The applicant has completed their operating schedule at page 16 A and 16 B of the application. However the representations made by the two responsible authorities object to the application on the grounds that the applicant has failed to adequately demonstrate that the proposed measures are sufficient to negate any cumulative impact. These objections are on the grounds of prevention of crime and disorder and the prevention of public nuisance, as evidenced by the Chief Officer of Police in relation to incidents recorded within the cumulative impact zone.

Officer note:

At page 16 A point 2 in the application, this is factually incorrect, as on 13th October 2015 at South East Hampshire Magistrates Court Minoo Sefidan was prosecuted by Portsmouth City Council Environmental Health department for a number of food hygiene and environmental pollution matters and was fined in excess of £10,000 and prohibited from operating the then business namely Megabite Limited.

5. RELEVANT REPRESENTATIONS BY RESPONSIBLE AUTHORITIES

There are two representations submitted by statutory responsible authorities namely PC Rackham on behalf of the Chief Officer of Police and Nickii Humphreys Licensing Manager, Portsmouth City Council. Attached to the police representation (police appendix A) is data showing recorded incidents within the SPA between 24/07/15 to 24/07/16

All representations are attached at **appendix C**.

Para 9:11

Responsible authorities under the 2003 act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

Para 9:12

In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However it remains incumbent on the police to ensure that their representation can withstand the scrutiny to which they would be subject at a hearing.

Para 9:20

Where a local authority's Director of Public Health in England exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.

Para 9:21

Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

Para 9:22

Health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so.

As a consequence, both responsible authorities and the committee should consider what appropriate steps need to be taken in such cases to promote the licensing objectives. It may be that no extra steps are required.

6. RELEVANT REPRESENTATIONS BY OTHER PERSONS

There are no other representations.

7. POLICY AND STATUTORY CONSIDERATIONS

When determining the application to vary the premises licence the Committee must have regard to:

- Promotion of the licensing objectives which are;
 - prevention of crime and disorder
 - public safety
 - prevention of public nuisance
 - protection of children from harm
- The Licensing Act 2003;

- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary).
- Its Statement of Licensing Policy;
- The statutory guidance issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.6 and 4.7 which are reproduced below:

- 4.6 *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.7 *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.*

The Committee should also have regard to paragraphs 7.1 to 7.6 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act, which came into force in March 2015, refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Para 9.36

"... As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representations. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation..."

Para 9.41

"Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representation made by the applicant or premises user as the case may be".

Para 9.42

"The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve"

Para 9.43

"Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.

As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business.

Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Para 10:13 (Hours of Trading)

The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

Para 10.14

"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested".

Members may also wish to consider Chapter 11 of the statutory guidance in respect of reviews of premises licences. Paragraphs 11.1 and 11.2 of the guidance states:

Para 11.1

"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate".

Para 11.2

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

Para 13.20 to 13.41

These paragraphs will assist members with regard to the cumulative impact of a concentration of licensed premises.

Para 13:30 in particular states

The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

A copy of the Statement of Licensing Policy, statutory guidance, the Act and the pool of model conditions has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

Determination of an application

Where an application to vary a premises licence has been made in accordance with section 34 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Appeal Provisions

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to vary a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence.

Where a person who made relevant representations in relation to the application contends that:

- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

8. APPENDICES

- A.** Copy of the application form for the variation of a premises licence together with schedule of proposed changes to licence conditions
- B.** Copy of current premises licence
- C.** Copies of representations received

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



For Licensing Manager
And on Behalf of Head of Service

16/04319/LAP/LEM

Licensing Service
 Portsmouth City Council
 Civic Offices
 Guildhall Square
 Portsmouth
 Hants
 PO1 2AL

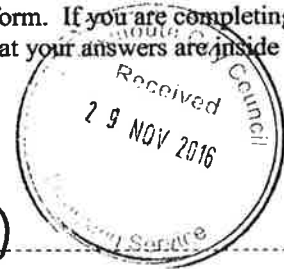
[Insert name and address of relevant licensing authority and its reference

Application to vary a premises licence under the Licens...

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.



I/We MINOOSSEFIDAN (GIDA EXPRESS)
 (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	709
-------------------------	-----

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
12 GUILD HALL WALK			
Post town	PORTSMOUTH	Postcode	PO12DD
Telephone number at premises (if any)	02392360500		
Non-domestic rateable value of premises	£		

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	[REDACTED]
Post town	[REDACTED]
Postcode	[REDACTED]

Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO EXTEND THE OPENING HOURS OF GIDA EXPRESS. THE EXISTING PERMITTED HOURS ARE FROM THE HOURS OF 8:00 AM UNTIL 3:30 AM. I SEEK A VARIATION TO EXTEND THE OPENING HOURS TO 8:00 AM UNTIL 5:00 AM (21 HOURS IN EVERY 24 HOURS) ON THE BASIS OF THE REASONS I OUTLINE ON PAGES 16A - 16B

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:

N/A

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 all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

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					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Tue					
			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)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live 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			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<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)		
Sat					
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			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)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance 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			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

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

I

+

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	05:00	Please give further details here (please read guidance note 3) COLLECTION BY CUSTOMERS OF TAKE AWAY FOOD		
Tue	23:00	05:00			
Wed	23:00	05:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	05:00	N/A		
Fri	23:00	05:00	<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)		
Sat	23:00	05:00	N/A		
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (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						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)		
Fri								
Sat								
Sun								

K

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).

None .

L

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	00:00	23:59	<p>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)</p>
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	
Sun	00:00	23:59	

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.

REMOVAL OF LIMITATION REQUIRING US TO CLOSE AT 3:30 AM

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

M

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 and e) (please read guidance note 9)

SEE PAGES 16A-16B

b) The prevention of crime and disorder

SEE PAGES 16A-16B

c) Public safety

SEE PAGES 16A-16B

d) The prevention of public nuisance

SEE PAGES 16A-16B

e) The protection of children from harm

WE DO NOT SERVE ANY CHILDREN UNDER THE AGE OF 16 AFTER 11:30 PM AS A MATTER OF COMPANY POLICY

GIDA EXPRESS

BASIS AND REASONS FOR SEEKING EXTENSION OF HOURS OF OPENING

1. This business has been operating from the same address (12 Guildhall Walk) continuously since 2000 between the hours of 8.30am and 3.30am. daily, seven days a week except for a 12 week total refurbishment period in Summer 2016.
2. Throughout this 16 year period I have received no complaints or warnings or sanctions from the police or the Council or any official body and no complaints from customers, the public, or nearby residents as to any aspect of the operation of this business.
3. There has been a persisting and growing demand from our customers to continue our service between 3.30am and 5a.m. The reasons for this is that some of our customers need an early breakfast during that time, while others who have worked or are still working a night-shift or have attended a night-club need a late supper.
4. Given the lack of any problems at or from our premises between midnight and 3.30a.m. on the existing opening hours, there is no reason to believe that any problems would be caused by changing our closing time from 3.30am to 5am. We keep good control in terms of order and good behaviour of our staff and customers and there is no reason why there would be any disturbance in the two hours after 3.30a.m. when there is none at 3.30am. or in the previous two hours.
5. My staff are well trained including in ensuring good customer behaviour, good conduct themselves and ensuring everything is legal and in good order. My Manager has been in post at the Premises for the last 7 years so is very experienced in the business, well known to the customers, and familiar with the premises and location. I personally attend at the premises daily and I have over 20 years experience in this business, more than 16 years at this location. The business and premises are therefore well supervised.
6. The premises is served by clearly-visible and well-signed top-of-the-range CCTV. This deters any misbehaviour and provides a reliable record of everything that happens at the premises.

7. We do not serve any alcohol at these premises and have no intention of doing so.
8. There is an additional need for provision of food in Guildhall Walk between 3.30am and 5am following recent extensions to club hours in that area. If people are going to drink at the clubs at that time it is safer and better for them not to do so on an empty stomach.
9. Our establishment does not lead to large congregations or queues outside the premises between midnight and 3.30a.m. but a steady and modest traffic of people. The proposed extension will maintain this and avoid bunching or crowding around 3.30am so that people will not have to hurry or queue at that time to be served before closing time.
10. We have a very good long established relationship with the police and the Council and always work in co-operation with them and we are therefore reliable in that regard.

Checklist:

Please tick to indicate agreement

- 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 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.

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		
Date	27-11-16	
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	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
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 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.

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Portsmouth
CITY COUNCIL

PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Address: Gida Express
12 Guildhall Walk
Portsmouth
PO1 2DD

Map Ref (E) : 464028
Map Ref (N): 100079
UPRN: 001775033971

Telephone [REDACTED]

Where the licence is time limited the dates

This licence is **NOT** time limited

Licensable activities authorised by the licence

▶ Late night refreshment

The times the licence authorises the carrying out of licensable activities

▶ Late night refreshment
Monday to Sunday 23:00 until 03:30

The opening hours of the premises

▶ Monday to Sunday 08:00 until 03:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Mrs Minoo Sefidan

Address: [REDACTED]
[REDACTED]
[REDACTED]

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: N/A

Address:

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence No: N/A

Issuing Authority: N/A

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 14 February 2006

Date last amended: 14 February 2006

Type:



Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council is committed to complying with the Freedom of Information Act 2000 (FOIA) which applies to all recorded information that it holds or is held on its behalf. Information that is provided to or held by the City Council will be processed and disclosed strictly in accordance with the FOIA, the Data Protection Act 1998 or other appropriate legislation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information go to www.portsmouth.gov.uk and search for 'National Fraud Initiative'.

Annex 1 – Mandatory Conditions

-- END --



Annex 2 – Conditions consistent with the operating schedule

01 The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

Operation and Storage.

The CCTV system must be fully operational whilst the venue is open to the public.

The recording equipment should be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. A record should be kept of any access made to information held on the system.

The system should be regularly maintained and serviced.

The system clock should be checked regularly for accuracy taking account of GMT and BST.

Tapes should be changed daily and kept for 31 days before being re used. Tapes should be replaced after 12 usages i.e. annually.

Digital systems should have sufficient storage capacity for 31 days good quality pictures.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision should be made for someone to have access to the secure area and also be able to operate the equipment.

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

-- END --

Annex 3 – Conditions attached after a hearing by the licensing authority

-- END --



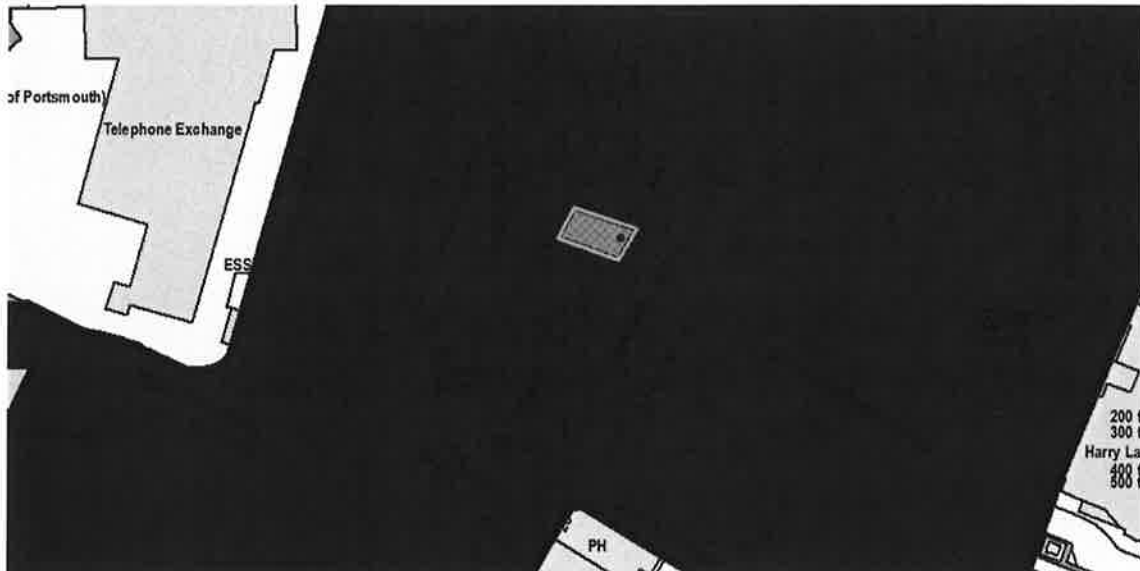
Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: 12 Guildhall Walk Portsmouth



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Licensing Sub-Committee
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4604

Our Ref: 16/04319/LAPREM

Date: 6 December 2016

Dear Licensing Sub-Committee Members

**Re: Licensing Act 2003 - Application to vary premises licence
Gida Express 12 Guildhall Walk Portsmouth PO1 2DD**

I refer to the recent application by Mrs Minoo Sefidan for the variation of the premises licence in respect of Gida Express situated at 12 Guildhall Walk, Portsmouth, Hants, PO1 2DD.

The applicant seeks, by way of variation, to extend the hours for the provision of late night refreshment to 05:00 hours every day for the sale of takeaway food. (The premises are currently licensed to provide late night refreshment until 03:30 hours every day).

On behalf of the Licensing Authority, I would wish to make formal representations in respect of this application on the following grounds:

- Prevention of crime and disorder;
- Prevention of public nuisance.

This representation has been made on the basis that the applicant has failed to adequately demonstrate that the proposed variation will not have a negative cumulative impact on the promotion of the licensing objectives referred to above. In fact, the applicant has made no reference whatsoever in the application to the existence of the cumulative impact policy and has asserted that **"there is no reason why there would be any disturbance in the two hours after 03:30 hours when there is none at 03:30 hours"**

The applicant's summary of the problems with alcohol related disorder, violence and public nuisance directly conflicts with the evidence of the Chief Officer of Police and the Licensing Authority having regard to the adoption of the cumulative impact policy for this particular area.

Continued/.....

As members will be aware, the Licensing Authority has adopted a special policy in relation to cumulative impact and these premises are located within that specific area. As the Statutory Guidance issued by the Home Office under section 182 of the Licensing Act 2003 states:

"the effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licence which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations".

I have given consideration to the circumstances of this particular application on behalf of the Licensing Authority and, specifically, whether there is any justification for departure from the special policy presumption in this case. Those matters taken into account are as follows:

- The applicant has not demonstrated to any extent in the operating schedule that there will be no negative impact cumulative impact on one or more of the licensing objectives;
- The evidence submitted by the chief officer of police clearly demonstrates that crime and disorder and public nuisance is prevalent in this area, particularly between the hours of 20:00 and 06:00 every day;
- The Licensing Authority is currently in the process of considering an application for the review of a premises licence for the provision of late night refreshment in the vicinity of the applicant's premises which, by opening without the necessary authorisation after 03:00 hours, has given rise to incidents of violence and disorder in the vicinity of the premises which has had a detrimental impact on the general area.

Given the above considerations and the existence of the special policy area, I have concerns that the grant of this application will have a negative effect upon the promotion of the licensing objectives and would therefore request that the application to vary the premises licence is refused.

Yours sincerely



Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk



Portsmouth City Council Licensing Service
Core 5, Lower Ground Floor
Civic Offices
Portsmouth
Hampshire
PO1 2AL

Telephone 101 **Direct Dial** 02392 688314

Fax 01962 874201 **Text Relay** 18001 101

Email Address
peter.rackham@hampshire.pnn.police.uk

Our ref:
Your ref:

5 December 2016

Dear Sir/Madam

Re: Application for a Variation of Premises Licence, Gida Express, 12 Guildhall Walk, Portsmouth, PO1 2DD

On Behalf of the Chief Officer of Police, I make representations in relation to the application for a variation of premises licence at Gida Express, Guildhall Walk, Portsmouth.

I make these representations under the grounds of:

- 1) The prevention of crime and disorder

Gida Express

Gida Express is a late night takeaway premises in Guildhall Walk. It is licensed under the Licensing Act 2003 to provide late night refreshment between 23:00 – 03:30 hours Monday – Friday.

The premises has been open for a number of years and the premises licence holder and applicant for this variation is Minoo Sefidan.

Entry is via a single door from Guildhall Walk. Inside is a small customer waiting area, behind which is a kitchen area where hot food is prepared by staff.

Due to its location the premises is popular with persons leaving licensed premises in the area to obtain hot food prior to going home.

The premises is located centrally in a Cumulative Impact Zone.

Licence Conditions

Gida Express currently has very few meaningful conditions on its premises licence. The only condition attached to the premises licence refers to CCTV.



www.hampshire.police.uk

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General Working Relationship with the premises

Historically there has been a positive working relationship with the premises. However this is partly due to the lack of reported incidents to the Police.

In October 2016 the applicant was spoken to regarding one occasion where the premises was open past its permitted hours and continued trading and providing hot food and drink. The applicant apologised and stated that it was due to a mistake made by staff on the night and that once the applicant had noticed she had resolved the issue.

No further incidents of this nature have been noted by the Police.

Pre Application Contact November 2016

The applicant has met with the Police prior to submitting this application in accordance with Home Office Guidance.

During this meeting it was explained to the applicant that the premises was in a cumulative impact zone and that due to this it would be incumbent on the applicant to show that by opening there would be no negative cumulative impact on the area. It was also explained that this was due to historically there being a large amount of violent crime and disorder incidents within this area which were disproportionate to the day time and which were at their peak during the time the applicant wished to open.

Due to the increase in incidents within the CIZ it was suggested that the applicant consider the following to be placed onto the licence:

- Changing the CCTV conditions to bring them up to date and include a condition to ensure that staff were on site after 23:00 hours till close who could operate the CCTV and supply a copy of it to Police or the licensing authority.
- Provision of door staff from 23:00 hours until close of the premises.
- Use of Body Worn Camera by door staff
- Having a set number of staff on site to cope with demand including a manager to ensure the premises operate in a way which supports the licensing objectives

It was impressed on the applicant during this meeting that it was essential these measures were considered in order to show to the Licensing Authority the measures the applicant was willing to take to prevent crime and disorder at the premises and not contribute cumulatively to crime and disorder in the area.

Application submitted in November 2016

In November 2016 the applicant submitted the major variation to the Police Licensing Team.

Main Changes

- Changing of hours to open until 05:00 hours from 03:30 hours.

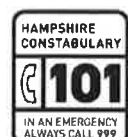
Proposed changes to the premises licence



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The applicant does not appear to have proposed any changes to the premises licence which will demonstrate how they will support the licensing objectives in an area with a disproportionate higher incident level of violent crime in the night time compared to the day.

Cumulative Impact Zone

Set up in 2010 to combat the increase in violence in the NTE in the Guildhall Walk area which culminated in two tragic deaths as a direct result of violent incidents within licensed premises.

The Cumulative Impact Zone restricts the application for new licensed premises within the area and also restricts the application for an extension of hours for existing premises. It does this by putting the onus on the applicant to show that any application will not impact negatively on the licensing objectives rather than the usual process of the onus being on the person who makes the representation.

Following a successful application by another premises in the immediate area to extend their opening hours, a decision was made to revisit the figures and continue with the CIZ. This was performed in 2014.

It is also important to note that over the next two years a number of student living accommodations are to be opened within walking distance of the premises. This will undoubtedly increase the foot fall to the CIZ and potentially as a result increase the likelihood of crime and disorder. This risk is increased where a premises will trade later without any measures in place to prevent crime and disorder.

Annex A

This details the crime statistics within the CIZ , those directly attributable to the applicants premises and those which are directly attributable to similar type premises (Late night refreshment).

CIZ Figures

The main points for the CIZ figures are as follows:

- Distinct increase in violent crimes between the day time and night time economies within the same area with the NTE showing higher levels of violence by almost 50% in some cases. This indicates that there is a clear issue with violence between 20:00 and 06:00 hours being more than the day time, every single day of the week in the area.
- Violence is at its peak between 20:00 – 06:00 hours Friday and Saturday (when the applicant wishes to extend their own hours for an extra 2 hours until 04:00 hours in the morning)
- Police figures also show that violent crime has been reduced since the implementation of the CIZ. However these figures also show that violent crime is still an issue within the CIZ, particularly within the late night/early morning hours.
- In the last year violent crime has risen a small amount. Currently it is not known whether this is due to an increase in footfall as the economy begins to pick up, a change in reporting crime by the Police or both.



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Gida Express

Police figures show that there are no directly attributable incidents to the premises. However the premises sits centrally within the CIZ and whilst figures do not show incidents occurring at the premises, there are incidents of crime and disorder which occur in the immediate vicinity of the premises. Therefore on the balance of probabilities should the premises remain open later and with no real measures imposed to minimise the risk of crime and disorder, there will be a very real chance that this will impact cumulatively on the area.

When taking into account the incidents attributed to the CIZ by other premises open late and providing late night refreshments the following is noted:

- Similar premises to the applicant have incidents of crime and disorder.
- These incidents are predominantly after 23:00 hours with almost none prior to this.
- These incidents account for 0.60% of all incidents within the CIZ over a 24 hour period.
- The incidents account for around 1.4% of all incident within the CIZ during the night time economy hours.

Summary

Following this information the Chief Officer of Police has concerns with regards to the application and from the information to hand, does not feel that the granting of the variation, as it stands, will promote the licensing objectives. The Chief Officer of Police also believes that the application as it stands fails to adequately demonstrate that there will be no negative cumulative impact on the area. This is for the following reasons:

- The figures provided in Annex A show a higher proportion of violent crime at the time the applicant wishes to increase their hours. The figures show that there is a clear issue with violence between 20:00 – 06:00 hours every day of the week and that this is higher than the day time hours. Should this application be granted then there is a very real risk that there will continue to be further incidents of violence between these times.
- Whilst incidents relating to the premises itself over the last 12 months are non existent the incidents attributable to similar premises within the CIZ are responsible for 1.4% of all incidents during the night time hours. This shows that there is more likely to be incidents of crime and disorder during the hours the applicant wishes to extend to.
- The applicant wishes to trade after other premises are closing. This will cause more footfall at the premises than currently is now as there will be around 2000+ persons theoretically leaving premises to seek hot food prior to going home. As such one can argue that this will result in more incidents at the premises causing a negative cumulative impact.

The Chief Officer of Police also has concerns around the distinct lack of information offered by the applicant as to what measures will be taken to prevent a negative cumulative impact on the area.

The Chief Officer of Police cannot see any of the measures advised to the applicant in the pre application stage. This is concerning as the applicant does not appear to have taken on board the advice of the Chief Officer of Police. Not providing door staff will in the opinion of the Chief Officer of Police lead to a negative cumulative impact as there will be no one to identify issues and then deal with them. The fact that from 03:00 hours many of the premises begin to close will



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lead to a large portion of persons attending the premises, this will lead to issues as people queue for food and there will be no one to monitor customers and ensure that they are safe.

Portsmouth City Councils statement of licensing policy states that:

“The Licensing Authority, therefore, will normally refuse the grant of new premises licences or club premises certificates or variations whenever it receives relevant representations about the cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to refusal”

Given that the applicant wishes to open the premises during a time identified as being at higher risk of violence and that the applicant has not stated what measures they will take to minimise the risk of violent incidents from occurring at the premises (other than trading with no change to its current operating schedule), The Chief Officer of Police is not satisfied that in its current format, the granting of this application will not have a negative cumulative impact on the area.

As such the Chief Officer of Police respectfully recommends that this application is refused.

Yours Sincerely

PC 21945 Rackham
Licensing and Alcohol Harm Reduction Team
Hampshire Constabulary



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Data relating to Application from Gida Express to extend hours from 03:30 – 05:00 Friday and Saturday

Figures Relate to Incidents reported to Police within the SPA between 24/07/2015 and 24/07/2016 which are likely to be offences committed under the influence of alcohol

SPA Figures

Total Number of Incidents recorded on RMS

3729

Total Number between 06:00 – 20:00 (Day time)

1762

Total Number between 20:00 – 06:00 (Night time)

1967

Breakdown of Incidents between 06:00 – 20:00

Abduction – 1
Arson – 1
ASB – 299
Assault – 146
Assault Police – 17
Collapse Illness/Injury – 2
Concern for Safety – 10
Criminal Damage – 63
Dispute – 46
Drug Offences – 39
False Imprisonment – 1
Firearms Offences – 2
Going Equipped – 7
Harrasment – 10
Impairment – 2
Indecency – 5
Mental Health – 38
Rape – 4
Not Stated – 128
Offensive Weapon – 10
Other Crime – 43
Public Order – 106
Receiving Stolen Goods – 4
Robbery (Personal) – 4
Sex Offender Offences – 3
Suspicious Incidents – 132
Threatening Telephone Calls – 7

Theft – 627
Threats to Life – 5

Breakdown of Incidents between 20:00 – 06:00

Arson – 1
ASB – 260
Assault – 525
Assault Police – 28
Blackmail – 1
Concern for Safety – 10
Criminal Damage – 78
Dispute Incidents – 34
Driving Complaint – 27
Drug Offences – 120
Firearms Offences – 1
Harrasment – 7
Impairment – 11
Indecency – 18
Kidnapping – 1
Mental Health – 21
Rape – 7
Not Stated – 425
Offensive Weapon – 7
Other Crime – 43
Public Order – 71
Robbery – 4
Dispersals – 5
Sex Offender Offences – 13
Suspicious Incidents – 64
Threatening Telephone Calls – 2
Theft – 175
Threat to Life – 2
Wounding – 6

Break Down of Incidents Monday 06:00 – 20:00 Day

ASB – 45
Assault – 25
Assault Police – 7
Concern for Safety – 1
Criminal Damage – 7
Dispute – 8
Drug Offences – 9
Firearms Offences – 1
Harrasment – 3
Making Off without Payment – 1
Mental Health – 3
Missing Persons – 4
Not Stated – 19

Offensive Weapon – 3
Other Crime – 7
Public Order – 19
Rape – 1
Road Related Incidents – 5
Suspicious Incidents – 14
Threatening Telephone Calls – 2
Theft – 98

Break Down of Incidents Monday 20:00 – 06:00 Night

ASB – 20
Assault – 28
Concern for Safety – 1
Criminal Damage – 7
Dispute – 1
Drug Offences – 6
Impairment – 1
Mental Health – 1
Not Stated – 11
Other Crime – 4
Public Order – 6
Rape – 1
Suspicious Incidents – 7
Theft – 15

Break Down of Incidents Tuesday 06:00 – 20:00 Day

ASB – 45
Assault – 24
Assault Police – 1
Collapse Illness Injury - 1
Concern for Safety – 2
Criminal Damage – 6
Dispute – 8
Driving Complaint – 2
Drug Offences – 5
False Imprisonment – 1
Going Equipped – 1
Harrassment - 1
Indecency – 2
Making off without payment - 1
Mental Health – 7
Missing Persons – 2
Not Stated – 30
Other Crime – 4
Obtaining by Deception – 1
Offensive Weapon – 2
Other Crime – 9

Public Order – 18
Suspicious Incidents – 23
Theft – 92

Break Down of Incidents Tuesday 20:00 – 06:00 night

ASB – 22
Assault – 34
Assault Police – 5
Concern for Safety – 1
Criminal Damage – 5
Dispute – 2
Drug Offences – 8
Indecency – 1
Mental Health – 3
Missing Persons – 1
Not Stated – 12
Other Crime – 4
Obtaining by Deception – 1
Other Crime – 1
Public Order – 11
Road Related Incidents – 1
Suspicious Incidents – 5
Threatening Telephone Calls - 1
Theft – 6

Break Down of Incidents Wednesday 06:00 – 20:00 Day

ASB – 41
Assault – 18
Concern for Safety – 4
Criminal Damage – 12
Custodial – 1
Dispute – 5
Drug Offences – 7
Going Equipped for Stealing – 2
Harassment - 2
Impairment - 1
Indecency – 1
Mental Health – 4
Missing Persons – 3
Not Stated – 20
Other Crime – 4
Offensive Weapon - 2
Other Crime – 6
Public Order – 15
Rape - 1
Road Related Incidents – 4
Robbery - 1

Suspicious Incidents – 15
Threatening Telephone Calls - 1
Theft – 97
Threats to Life – 1

Break Down of Incidents Wednesday 20:00 – 06:00 Night

ASB – 20
Assault – 36
Assault Police - 2
Concern for Safety – 4
Criminal Damage – 8
Dispute – 2
Drug Offences – 6
Impairment – 2
Indecency – 3
Mental Health – 2
Not Stated – 11
Offensive Weapon - 2
Other Crime – 1
Public Order – 4
Robbery – 1
Sex Offender Offences - 1
Suspicious Incidents – 5
Theft – 18
Wounding - 1

Break Down of Incidents Thursday 06:00 – 20:00 Day

Abduction - 1
Action Fraud – 2
Arson – 1
ASB – 55
Assault – 23
Assault Police - 1
Concern for Safety – 2
Criminal Damage – 7
Dispute – 9
Drug Offences – 4
Going Equipped – 2
Firearms Offences – 1
Harassment - 2
Mental Health – 9
Not Stated – 19
Obtaining by Deception – 1
Offensive Weapon - 2
Other Crime – 11
Public Order – 14
Sex Offender Offences – 1
Suspicious Incidents – 21

Threatening Telephone Calls - 3
Theft - 98
Threats to Life - 2

Break Down of Incidents Thursday 20:00 – 06:00Night

ASB - 21
Assault - 34
Assault Police - 5
Concern for Safety - 1
Criminal Damage - 7
Dispute - 3
Drug Offences - 1
Firearms Offences - 1
Indecency - 3
Mental Health - 2
Missing Persons - 1
Not Stated - 5
Other Crime - 4
Public Order - 4
Rape - 2
Robbery - 1
Sex Offender Offences - 1
Suspicious Incidents - 5
Threatening Telephone Calls - 1
Theft - 21

Break Down of Incidents Friday 06:00 – 20:00 Day

ASB - 40
Assault - 25
Assault Police - 4
Concern for Safety - 2
Criminal Damage - 17
Dispute - 7
Driving Complaint - 1
Going Equipped - 1
Harassment - 2
Mental Health - 5
Not Stated - 14
Other Crime - 4
Offensive Weapon - 2
Public Order - 18
Sex Offender Offences - 1
Suspicious Incidents - 22
Threatening Telephone Calls - 1
Theft - 112
Threats to Life - 1

Break Down of Incidents Friday 20:00 – 06:00Night

ASB – 42
Assault – 74
Assault Police - 1
Concern for Safety – 1
Criminal Damage – 18
Dispute – 4
Drug Offences - 20
Harassment – 1
Impairment – 3
Indecent Assault – 6
Mental Health – 1
Missing Persons – 2
Not Stated – 48
Offensive Weapon - 1
Other Crime – 4
Public Order – 11
Rape – 1
Robbery - 1
Dispersals – 1
Sex Offender Offences – 2
Suspicious Incidents – 9
Theft – 34
Wounding - 1

Break Down of Incidents Saturday 06:00 – 20:00 Day

ASB – 38
Assault – 15
Assault Police – 1
Burglary Dwelling - 1
Concern for Safety – 1
Collapse Illness – 1
Concern for Safety - 1
Criminal Damage – 9
Dispute – 5
Drug Offences - 7
Mental Health – 5
Missing Persons – 4
Not Stated – 14
Offensive Weapon – 1
Other Crime – 1
Public Order – 14
Road Related Incidents - 3
Robbery - 1
Suspicious Incidents – 24
Theft – 66
Threats to Life – 1

Break Down of Incidents Saturday 20:00 – 06:00 Night

ASB – 65
Assault – 163
Assault Police - 9
Concern for Safety – 2
Criminal Damage – 17
Dispute – 10
Drug Offences - 50
Harassment – 3
Impairment – 1
Indecent Assault – 3
Mental Health – 2
Not Stated – 111
Offensive Weapon - 2
Other Crime – 17
Public Order – 16
Rape – 2
Robbery - 1
Dispersals – 4
Sex Offender Offences – 3
Suspicious Incidents – 8
Theft – 37
Wounding - 3

Break Down of Incidents Sunday 06:00 – 20:00 Day

ASB – 35
Assault – 15
Assault Police – 3
Criminal Damage – 5
Custodial - 2
Dispute – 4
Drug Offences – 7
Going Equipped– 3
Impairment – 1
Indecent Assault – 2
Mental Health – 5
Missing Persons – 1
Not Stated – 12
Offensive Weapon - 1
Other Crime – 4
Public Order – 8
Rape – 2
Robbery – 1
Sex Offender Offences – 1
Suspicious Incidents – 13
Theft – 63

Break Down of Incidents Sunday 20:00 – 06:00 Night

ASB – 47
Assault – 134
Assault Police – 6
Blackmail - 1
Concern for Safety - 2
Criminal Damage – 10
Dispute – 7
Drug Offences – 27
Harrasment - 1
Impairment – 4
Indecent Assault – 1
Kidnapping - 1
Mental Health – 8
Not Stated – 85
Offensive Weapon - 2
Other Crime – 11
Public Order – 15
Robbery – 1
Sex Offender Offences – 1
Suspicious Incidents – 14
Theft – 27
Threat to Kill – 1
Wounding – 1

Total Number of Reported Incidents at Gida Express over 12 Month Period

0

Percentage of which compared to rest of SPA over 24 hours period

0.0%

Percentage of which compared to rest of SPA over NTE period

0.0%

Total Number of Reported Incidents at similar premises within the CIZ over 12 month period

Assault – 13
ASB – 5
Criminal Damage – 1
Verbal Dispute – 1
Public Order – 2
Robbery – 1

Total – 23

Percentage of which compared to rest of SPA over 24 Hours Period

0.6%

Percentage of which compared to rest of SPA over NTE period

1.4%