



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

TUESDAY, 4 APRIL 2017 AT 9.30AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060

Email: jane.didino@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 Hannah Hockaday, Dave Ashmore and Steve Pitt
The reserve member is Councillor Jennie Brent.

(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** **Declarations of Members' Interests.**
- 2** **Appointment of Chair.**
- 3** **Licensing Act 2003 - Application for grant of a premises licence Ken's Kebab House, 35 Guildhall Walk, Portsmouth PO1 2RY. (Pages 3 - 58)**

Purpose.

The purpose of this report is for the committee to consider an application for the grant of a premises licence under the Licensing Act 2003 ("the Act"). The matter has been referred to the committee for determination following the receipt of two representations from responsible authorities.

The committee is asked to 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.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE

4th April 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR DEREK STONE

**Licensing Act 2003 – Application for grant 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 for the grant of a premises licence under the Licensing Act 2003 (“the Act”). The matter has been referred to the Committee for determination following the receipt of two representations from responsible authorities.

2. THE APPLICATION

The application has been submitted by Mr Jon Wallsgrove, partner in Blake Morgan LLP on behalf of the applicant Mr Usman Ahmed. This application is attached at **appendix A**

Attached at **appendix B** is the plan

The applicant has requested that a licence be granted so as to permit the following licensable activities:

- Provision of Late Night Refreshment from 23:00 to 03:00 Monday to Sunday
- Hours premises open to the public from 11:00 to 03:00 Monday to Sunday

3. BACKGROUND INFORMATION

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

I can confirm that proper public notice has been given by way of press notice and premises notice. Local councillors have also been notified. 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.

This venue was subject to a review of its licence with a licensing sub-committee hearing being held on the 18th January 2017 where the existing licence was revoked. The review was as a result of the Chief Officer of Police, Hampshire Constabulary having concerns following a recent increase in incidents at the premises, together with a number of incidents where the premises have opened beyond their permitted hours. The police view was that this had seriously undermined the licensing objectives at the premises, particularly under the prevention of crime and disorder, public safety and the prevention of public nuisance. The premises licence holder at this time was Mr Naseem Ahmed. On receipt of the review, Nickii Humphreys, Licensing Manager for Portsmouth City

Council on behalf of the Licensing Authority made a formal representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

Attached at **appendix C** is the notice of decision for this hearing.

Following this hearing, Mr Naseem Ahmed has exercised his right of appeal against the revocation of the licence and this appeal is processing through the magistrates courts at this time. This new application is applied for by Mr Usman Ahmed who is the son of Mr Naseem Ahmed who effectively is handing over the business to his son.

4. OPERATING SCHEDULE – PROMOTION OF LICENSING OBJECTIVES

The applicant has detailed in the operating schedule the steps intended to be taken to promote the licensing objectives. These can be found in the application form at section 18.(Appendix A)

5. RELEVANT REPRESENTATIONS BY RESPONSIBLE AUTHORITIES

Hampshire Constabulary and the Licensing Authority have made representations against this application on the grounds of the prevention of crime and disorder.

These representations are attached at **appendix D**

6. RELEVANT REPRESENTATIONS BY OTHER PERSONS

There are no other representations.

7. POLICY AND STATUTORY CONSIDERATIONS

When determining the application to grant 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 9.12

"...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 the 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 9.36

"... As a matter of practice, licensing authorities should seek to focus the hearing on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other persons 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 9.37

"... In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives*
- The representations (including supporting information) presented by all the parties*
- This Guidance*
- Its own statement of licensing policy "*

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. Whilst 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 10.8

The licensing authority may not impose any conditions unless it's discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Para 10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

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 grant a premises licence has been made in accordance with section 17 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:

- grant the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions.
- exclude from the licence any of the licensable activities applied for.
- refuse to specify a person in the licence as the premises supervisor (if the application relates to the sale of alcohol).
- reject the application.

In discharging its duty in accordance with the above, the Committee may grant 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 grant 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. Equally appeal provisions apply against the exclusion of licensable activities and/or refusal to specify a person as a premises supervisor.

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

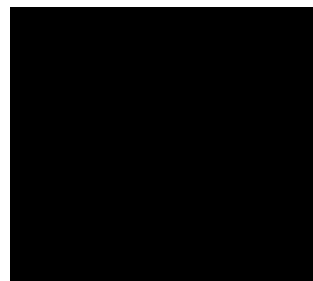
- a) that the licence ought not to have been granted, or
- b) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded activities and/or the premises supervisor,

He may appeal against the decision.

8. APPENDICES

- A. Copy of the application form
- B. Copy of plan
- C. Copy of the decision notice from Licensing Sub-Committee hearing
- D. Copy of representations

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



For Licensing Manager
And on Behalf of Head of Service

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Portsmouth
Application for a premises licence
Licensing Act 2003

For help contact
Licensing@portsmouthcc.gov.uk
 Telephone: 023 9283 4572

* required information

Section 1 of 19

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

System reference

Not Currently In Use

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

Your reference

LIC/JOSW

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

Usman Naseem

* Family name

Ahmed

* E-mail

jon.wallsgrove [REDACTED]

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Jon"/>
* Family name	<input type="text" value="Wallsgrove"/>
* E-mail	<input type="text" value="jon.wallsgrove"/>
Main telephone number	<input type="text" value="023"/>
Other telephone number	<input type="text"/>

Include country code.

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

Are you:

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

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

Agent Business

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

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text"/>
Business name	<input type="text" value="Blake Morgan LLP"/>
VAT number	<input type="text" value="-"/> <input type="text" value="N/A"/>
Legal status	<input type="text" value="Partnership"/>
Your position in the business	<input type="text" value="Partner"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text" value="New Kings Court"/>
Street	<input type="text" value="Tollgate"/>
District	<input type="text" value="Chandlers Ford"/>
City or town	<input type="text" value="Eastleigh"/>
County or administrative area	<input type="text" value="Hants"/>
Postcode	<input type="text" value="SO53 3LG"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Ken's Kebab House"/>
Street	<input type="text" value="35 Guildhall Walk"/>
District	<input type="text"/>
City or town	<input type="text" value="Portsmouth"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="PO1 2RY"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value=""/>

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name	<input type="text" value="█"/>
Street	<input type="text" value="████████"/>
District	<input type="text" value="██████"/>
City or town	<input type="text" value="██████████"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="██████"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail	<input type="text" value="jon.wallsgrove████████"/>
Telephone number	<input type="text" value="023██████"/>
Other telephone number	<input type="text"/>

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

Fast food restaurant/takeaway on one floor with internal seating

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

For hot food and drinks to be consumed both on and off the premises

Continued from previous page...

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

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

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

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

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 etc gambling machines etc.

N/A

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

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 to 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 (ie 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 the equipment is 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 from midnight until at least 0300 on Monday to Thursdays and a minimum of 2 on Friday and Saturdays from 2300 hours until at least 0300 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.

This condition will not apply on Mondays to Thursdays between 1st July and 15th September in any calendar year. During that period of time the premises licence holder will carry out a risk assessment to determine whether there is a need for door supervisors

3. The Licence holder shall maintain a duty register giving the name of each and every person employed in the role of a

Continued from previous page...

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 the same.

b) The prevention of crime and disorder

All members of staff will be trained in their responsibilities under the Licensing Act 2003 including reference to compliance with the premises licence conditions. Records of their training shall be kept and made available for inspection on the request of a police officer or duly authorised officer of the Local Authority.

The tills will automatically switch off at 0300 each day to prevent any further sales of food or drink

c) Public safety

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

d) The prevention of public nuisance

See a) above. No further measures identified.

e) The protection of children from harm

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

Section 19 of 19

PAYMENT DETAILS

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

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

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

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

Continued from previous page...

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/apply-1> to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="LIC/JOSW"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
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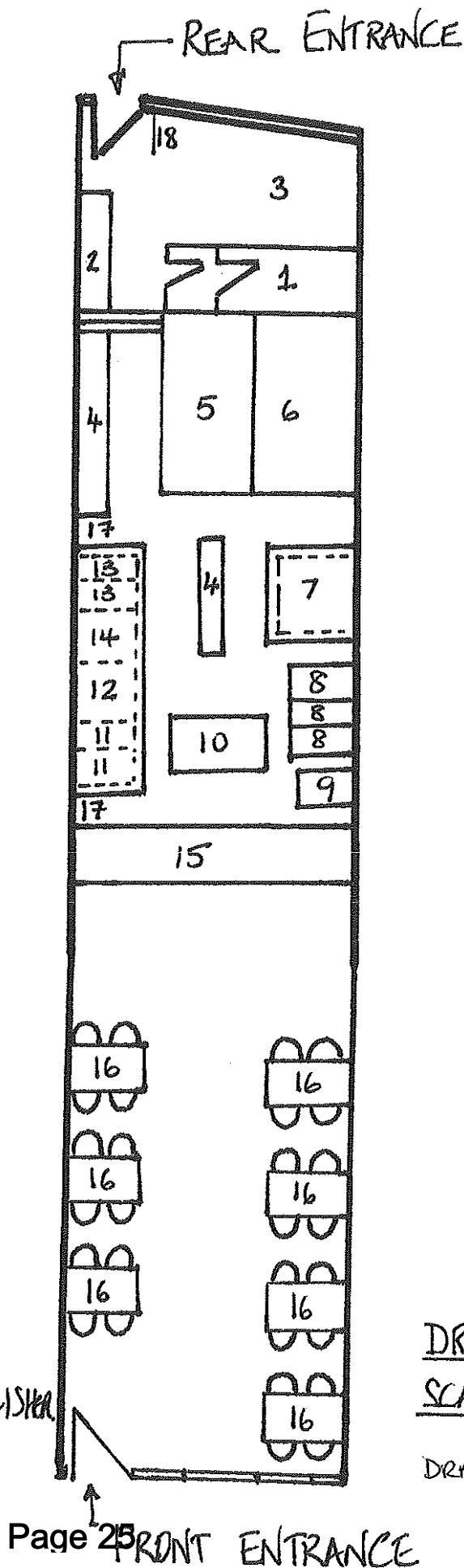
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GROUND FLOOR LAYOUT PLAN FOR KENS FRIED CHICKEN. 35 GUILDHALL WALK. PORTSMOUTH.

KEY:-

- 1) STAFF TOILET + LOBBY
- 2) WASHING UP SINK
- 3) STORAGE AREA
- 4) PREP TABLES
- 5) FREEZER ROOM
- 6) COLD ROOM
- 7) PIZZA OVEN
- 8) CHIP FRYERS
- 9) CHIP DUMP
- 10) HOT CHICKEN SERVERY
- 11) KEBAB MACHINES
- 12) HOT PLATE (GRIDDLE)
- 13) HENNY PENNY FRYERS
- 14) MICROWAVE OVEN
- 15) COUNTER / SERVEOVER.
- 16) CUSTOMER SEATING
- 17) FIRE BLANKETS
- 18) CARBON MONOXIDE FIRE EXTINGUISHER X2.



DRAWING
SCALE 1:100

DRAWING REF: KKI

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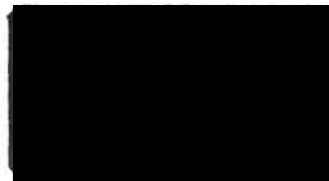


NOTIFICATION OF DECISION

Licensing Act 2003 - Licensing Sub-Committee

PORTSMOUTH CITY COUNCIL as licensing authority in accordance with the Licensing Act 2003 ("the act") and regulations made thereunder, hereby give notice pursuant to section 52 (10) of the act to:

Name: **Mr Naseem Ahmed**
Address:



Status: **Holder**

That a hearing was held on: **18 January 2017**

To consider an application for the **REVIEW of a premises licence** made in accordance with Section 51 of the Act. The details of the licence holder and premises are:

Name of Licence Holder: **Mr Naseem Ahmed**
Premises and address: **Ken's Kebab House
35 Guildhall Walk
Portsmouth
PO1 2RY**

Decision of The Licensing Authority:

In determining and considering the application pursuant to section 52 of the act, the Committee had regard to:

- The Licensing Act 2003
- The promotion of the licensing objectives
- The council's adopted statement of licensing policy for the time being in force
- The statutory guidance issued by the Secretary of State for the time being in force
- Any relevant case law
- The representations (including supporting information) presented by all the parties

Decision:

Revoke

Reasons For Decision:

The premises licence be revoked with immediate effect for the reasons listed below.

Reasons: The committee heard the representations of the licence holder, the relevant Responsible Authorities and the advocate acting upon behalf of the licence holder in addition the committee considered all the papers put before them along with the annexes attached to each document.

The committee was aware that the premise is located within an area of Special Policy. This committee was engaged by reason of referral back to the committee by the relevant Responsible Authorities, namely the Police and Licensing seeking a review of the current licence.

The Responsible Authorities (Police and Licensing) assert that the licensee has failed in the administration of the licence failed to promote the licensing objectives with particular regard to the licensing objectives of crime and disorder, prevention of public nuisance and public safety.

The committee look to all the Responsible Authorities but mainly the Police for guidance and assistance in determining the effect of a licensing activity in terms of all the licensing objectives, but principally in terms of the Police, prevention of crime and disorder - the committee should but are not obliged to accept all reasonable and proportionate representations made by the Police. The committee take a similar view with respect to the representations made by the Licensing Manager.

The committee have balanced within their consideration all representations made by the licence holder through their advocate and by way of comments made by through his advocate.

In considering the application for review the committee is mindful of the following facts as having been established upon a balance of probability and further that they have been specifically taken to the relevant parts of the Statutory Guidance under section 182 of the Licensing Act 2003.

1. It has been established that a previous employee who served a prison sentence (GBH re a customer) having been the SIA door supervisor (a condition of the original licence grant) was upon release re-employed by the licence holder. The committee were of the view that this of itself is capable of being an imprudent decision on the part of the licence holder that is not concomitant with promotion of the relevant licensing objective in that there is a risk that a repeat response could occur if similar circumstances arose. This said it is accepted that the licence holder could re-employ an ex member of staff but are concerned about how appropriate management of the employer could be dealt with.

2. The Licensing Committee are entitled to conclude that on the 11th March 2016 there was no SIA presence at the premise for a period of time. A material breach of the licensing conditions of original grant occurred. Further given the licence holders previous high level of engagement with all the responsible authorities that it is fair and reasonable conclusion that the licence holder knew of the material failure and deliberately acquiesced or that if he did not know that the systems in place were such that upon attendance at the premise the failure would have been obvious and thereafter capable of rectification by way of forward planning or back up option.
3. The committee are cognizant of a range of incidents occurring in March, October and November 2016, the common theme being crime and disorder, these material breaches coinciding with the continued inability of the licence holder to correctly adhere to the closing times set out in the original licence. The Licensing Committee had seen the email train dealing with the warnings provided by the Police and are entitled to conclude that the assurance of the licence holder were either ignored or that the management in place at the establishment was lacking to the extent that breaches were not dealt with and the primary conditions of the licence complied with.
4. The Committee had heard the clear admission by the licence holder that on five separate (known) occasions he opened his premises beyond his permitted trading hours. It is not accepted that the behaviour is isolated and that the behaviour was not concomitant with promotion of the licensing objectives.
5. The Committee are also clear that the above material failings undermine the promotion of the licensing objective to the extent that they are when viewed individually or as a range of failings (late opening, no SIA none compliance with primary obligations in the original licence) all being capable of being a public nuisance or raising issues as to maintaining safety.

Whilst the premises licence holders' put forward a range of conditions in an attempt to assuage the Committee, having considered the factual evidence produced by the Police when coupled with additional factual evidence produced by other Responsible Authorities and having reviewed all aspects of the case on balance and having paid due regard to all the circumstance of the case the Committee are entitled to revoke the licence with immediate effect. Again the Committee have looked at the statutory guidance with regard to paragraph 11.20 (cause) and 11.23 (an appropriate and proportionate response) and balanced this with the clear and resolute admission that the licence holder did deliberately breach the licence. It is further stated that the Committee considered the applicability and relevance of paragraph 11.26 but were not persuaded that the sanction of revocation with immediate effect would not be proportionate.

It is only through this this course of action that the licensing objectives will be maintained in a special policy area. The Committee state that each application

for a review shall be considered on merit and with due consideration as to the specific facts of each case.

The premises licence holder has a right to appeal this decision.

Appeal Provisions:

In accordance with the provisions of Schedule 5 of the Act, appeal provisions exist in respect of applications made to the Licensing Authority. Those provisions are outlined as follows:

Where an application for a review of a premises licence is decided under section 52, an appeal may be made against that decision by:

- **The applicant for the review;**
- **The holder of the premises licence; or**
- **Any other person who made relevant representations in relation to the application**

Note: The holder of the licence is to be the respondent in addition to the Licensing Authority in relation to any appeal lodged by the applicant for the review or any other person who made relevant representations in relation to the application.

In accordance with section 52(11) of the Act, a determination under section 52 does not have effect:

- **Until the end of the period given for appealing against the decision, or**
- **If the decision is appealed against, until the appeal is disposed of**

General Provisions About Appeals:

An appeal must be made to the Magistrates' court for the petty sessions area in which the premises concerned are situated.

An appeal must be commenced by notice of appeal given by the appellant to the designated officer for the Magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.¹

Action that may be taken by the Magistrates' Court:

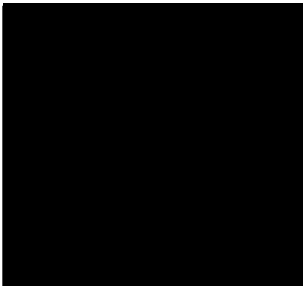
On an appeal against a decision of the Licensing Authority, a Magistrates' court may:

¹ The period of 21 days will commence from the date on which written notice is given, or in the case of electronic transmission, when the text is received.

- dismiss the appeal;
- substitute for the decision appealed against, any other decision which could have been made by the Licensing Authority; or
- remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

and may make such order as to costs as it thinks fit.

Date of Notice: **23 January 2017**



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

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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: 17/02081/LAPREM

Date: 2 March 2017

Dear Licensing Sub-Committee Members

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

I refer to the recent application by Mr Usman Ahmed for the grant of a premises licence in respect of Ken's Kebab House situated at 35 Guildhall Walk Portsmouth.

The applicant wishes to provide late night refreshment every day from 23:00 until 03:00 hours.

On behalf of the Licensing Authority, I would wish to make formal representations in respect of this application on the grounds of the prevention of crime and disorder. It may assist members if I provide some background information in relation to these premises prior to setting out the reasons for this representation.

Members are advised that on 18 January 2017, the Licensing Sub-Committee considered an application for the review of a premises licence which was made by the Chief Officer of Police in respect of these premises. The licence holder was (and currently remains) Mr Naseem Ahmed. Mr Naseem Ahmed is the father of the current applicant, Mr Usman Ahmed.

The grounds of the review were on the basis that there had been an increase in incidents at the premises, together with a number of incidents where the premises had opened beyond their permitted hours which had, as a consequence, undermined the licensing objectives relating to the prevention of crime and disorder; public safety and the prevention of public nuisance.

Continued/.....

After hearing the representations of the licence holder, the relevant responsible authorities and giving careful consideration to all the papers put before them, the Licensing Sub-Committee decided to revoke the licence with immediate effect. I have attached a copy of the minutes of that meeting for consideration by this sub-committee.

The licence holder has exercised his right to appeal this decision and a formal complaint has been made to Portsmouth Magistrates' Court. By virtue of the appeal, the licensing sub-committee's decision to revoke the licence is set aside pending the outcome of the appeal which therefore enables the premises to continue to provide late night refreshment until the Court reaches a decision.

In addition, separate legal proceedings are currently being instigated against Mr Naseem Ahmed by the Licensing Authority for offences of providing licensable activities otherwise than in accordance with an authorisation, contrary to section 136 of the Licensing Act 2003. At the time of making this representation the matter has not yet been considered by Portsmouth Magistrates' Court.

The reasons for this representation are set out below:

Applicant's relationship with existing licence holder

The applicant for the licence is Mr Usman Ahmed who is the son of Mr Naseem Ahmed (the licence holder for these premises prior to the revocation of the Licence by the Licensing Sub-Committee). There have been reassurances given to the Licensing Authority that Mr Naseem Ahmed is intending to relinquish his control of these premises to Mr Usman Ahmed and he will no longer play a part in the management and overall control of the business.

It would be fair to say that there are concerns that this may simply be a device to enable the premises to continue trading and that Mr Naseem Ahmed will still have overall control of how the business is operated. Members may wish to satisfy themselves that the applicant will indeed be responsible for the premises and also that he has sufficient experience of managing similar premises, particularly as this site is located within the cumulative impact area where high levels of alcohol related crime and disorder are prevalent.

Further incidents since the revocation of the current premises licence

Since the hearing on 18 January 2017, there have been further incidents which are directly attributable to these premises. The Chief Officer of Police has referred to these matters in his representation.

Continued/.....

Cumulative Impact Policy

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 careful 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 and in doing so I have taken the following matters into account:

- Review of the measures that the applicant has put forward in the application and associated operating schedule to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives;
- The family relationship between the current licence holder and the applicant;
- Further incidents arising at the premises since the revocation of the licence; and
- The likelihood of incidents arising which will add to the existing cumulative impact.

Unfortunately, having regard to the above I am not satisfied that the proposals are sufficient to negate any cumulative impact and I would therefore request that the application for the grant of a premises licence is refused.

If Members are satisfied at the hearing that there will not be any negative cumulative impact and wish to consider the grant of the licence then I would wish to see the conditions relating to the provision of door staff to apply whenever the premises is open and trading and not, as is suggested in the operating schedule, to dis-apply that requirement for door staff on Mondays to Thursdays between 1 July and 15 September in any calendar year, subject to risk assessment by the premises licence holder.

Yours sincerely



Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk

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

Telephone
 101

Direct Dial
 [REDACTED]

Fax
 [REDACTED]

Text Relay
 18001 101

Email Address
 [REDACTED]

Our ref:
Your ref:

 24th February 2017

Dear Sir/Madam

Re: Application for a Variation of Premises Licence, Kens Kebabs, 35 Guildhall Walk, Portsmouth

On Behalf of the Chief Officer of Police, I make representations in relation to the application for a variation of premises licence at Kens Kebabs, 35 Guildhall Walk, Portsmouth.

I make these representations under the grounds of:

- 1) The prevention of crime and disorder

Kens Kebabs Background leading to this application

Kens Kebabs is a late night takeaway situated in Guildhall Walk, Portsmouth. At the time of writing the premises licence has been revoked by the Licensing Sub committee following a review bought by the Chief Officer of Police which took place in January 2017. The Chief Officer of Police raised concerns regarding the current Premises Licence Holder, Naseem Ahmed opening the premises after its permitted hours, incidents of violence linked to the premises when open beyond its permitted hours and a number of issues with compliance with the conditions of its premises licence.

The Licensing Subcommittee took the decision to revoke the premises licence after listening to evidence from the Police, Portsmouth City Councils Licensing Service and the Premises Licence Holder. It is understood that this decision is currently being appealed by the current Premises Licence Holder and as such the premises is still able to operate under its current premises licence.

Currently the premises is licensed to provide late night refreshment between 23:00 and 03:00 hours 7 days a week. This situation will continue until such a time that the appeal is heard (dependant on the decision of the appeal hearing).

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.

Incidents at the premises over the last 10 months

A number of incidents have occurred at the premises over the last 10 months which are attached to this document and are shown as **Annex A** in the Police Bundle.

These incidents show that the premises has contributed to the cumulative impact in Portsmouth and also show that crime and disorder do occur at the premises.

Concerns raised with both applicant and current management following revocation of the licence

Police have shared concerns with Naseem, Saleem and Usman Ahmed regarding the following at a meeting held on 13th February 2017:

- Incident 44170037117 29th January 2017 23:39 – Staff member who was assaulted is seen initially to move from the kitchen area to the customer area and to push the offender. Both parties seen to move to the rear of the premises where the alleged assault takes place. Staff member is found to be one of the members of staff involved in an incident where staff members at the premises are involved in an assault on customers for which they receive custodial sentences on conviction. The staff member in this case had been convicted of Affray and spent time in prison for this. He was then re employed by the current Premises Licence Holder.
- Incident 44170053775 11th February 2017 02:25 – Female with a group of friends is asked to leave the premises. Door staff from a local premises assist as they believe that the door staff employed are struggling to communicate effectively with the group. On being ejected one of the females alleges that she has been sexually assaulted by one of the door persons assisting. This is later found to be an unfortunate placement of hands rather than an offence.
- Incident 44170054885 12th February 2017 00:30 – Male begins throwing chips around and is asked to leave the premises by door staff. On leaving he punches a door person from another premises assisting in the face.

Saleem Ahmed has stated that regarding the staff member who pushed the offender. He has had his employment terminated by the premises. There are now no longer any staff members who were imprisoned now working at the premises. Regarding the two incidents where door staff from other premises have assisted, Saleem stated that he was working at the premises on the night and was happy with the door staff the company employed and also that they were happy that the door staff used were able to communicate effectively with customers and were able to deal with issues. Saleem also stated that his door team worked with those in the vicinity and vice versa when issues arose so it was normal for door staff from other premises to assist as they were one large team.

During the same meeting Naseem Ahmed stated that his intention would be to leave the business and have no involvement whatsoever in it. He stated that he intended to hand over sole control of



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Page 38

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the business to the applicant Usman Ahmed his son. This has been confirmed by the solicitor representing the applicant.

Naseem Ahmed also advised that the intention with the application was two fold. Should the appeal be unsuccessful then the application with a completely new person in charge could go ahead. If the appeal was successful then the application would be withdrawn and Osman Ahmed would still take over and be in control of the premises. Naseem Ahmed reiterated this point.

Pre Application contact with Police

During the same meeting it was also discussed with the applicant the CIZ area and the concerns around this, the incidents which had been attributed to the premises and the importance of adhering to the hours authorised on the licence and also the conditions. It was also made clear to the applicant that any application should detail the measures they would take to minimise the impact of the premises on the CIZ.

Following the meeting discussion was had with applicants solicitor and the Police Licensing Team. During this further advice was offered and representations listened to from the applicants solicitor.

The Chief Officer of Police is satisfied that the applicant has engaged with them as per the latest Home Office guidance and where possible taken on board this advice provided.

Application

The application was received by the Chief Officer of Police on 14th February 2017. In it contains reference to CCTV, staff training, SIA registered door staff working most nights as well as children not being allowed on the premises after 22:00 hours and also capacity numbers.

The hours the premises wishes to operate until are also the same as the current licence which is appealing its revocation. 03:00 hours 7 days a week.

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 and again more recently this year, 2017.

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.

Violence Report Portsmouth NTE areas and CIZ

This details the violent crime statistics within the CIZ and within Portsmouth and can be found attached as **Annex B** of the Police bundle.

CIZ Figures

The main points for the most recent CIZ figures found in the report in **Annex B** are as follows:

- Distinct increase in violent crimes between the day time and night time economies within the CIZ, with the NTE showing higher levels of violence. Currently the NTE contributes a figure of 471 violence incidents over the last 10 months. This represents 71.36% of all violence in the CIZ. This indicates that there is very real issue with violence in the NTE within the CIZ which is completely disproportionate compared to that of the day time. It must also be noted that this trend appears to be on the rise a small amount for the second time in as many years.
- The amount of violence within the CIZ is disproportionate to the rest of similar NTE areas within Portsmouth. Violence incidents over the last 10 months within the CIZ represent 6.56% of all violence incidents within the Portsmouth district. Other NTE areas with a much larger area, a higher proportion and density of licensed premises, do not go above contributing 2.39% of violence incidents.
- Between 19:00 – 07:00 hours, the CIZ, on a Thursday, Friday and Saturday, accounts for 67-70% of all NTE area violence within Portsmouth.
- 55.69% of the NTE violence relates to Friday and Saturdays. The other 45% being spread over the other 5 days of the week.
- It has been identified that the peak times for violence incidents are between 20:00 – 05:00 hours.

It is the belief of the Chief Officer of Police that these facts show that there is a very real and prevalent issue with violence in the CIZ, particularly during the times the applicant wishes to operate and would strongly urge the committee to be minded of this information when forming their decision.

Summary

This application and subsequent objection comes to the committee in unusual circumstances. There is currently a licence in place which the licensing sub-committee has made the decision to revoke on the grounds of crime and disorder and also due to the management of the premises which committed offences under the licensing act and undermined the licensing objectives as a result.

The current management have appealed this decision and during this time a new applicant (the son of the premises licence holder for the revoked licence) has applied for the grant of a licence with the same hours and conditions as previously.



The Chief Officer of Police raises a number of concerns and will deal with each one separately:

New Applicant

The applicant for this particular licence Usman Ahmed has no previous convictions and there is no information which the Police hold which would suggest that his appointment as Premises Licence Holder would undermine the licensing objectives.

The applicant, the holder of the current premises licence and their legal representative have all stated that the intention is for Usman Ahmed to have control of the business and have also all stated that Naseem Ahmed will no longer be involved in the business in any capacity whatsoever. They have all stated that they understand the concerns previously raised by the Chief Officer of Police and that they have all stated that they hope to demonstrate that by removing Naseem Ahmed from the operation of the premises, that this will assuage the concerns of the Chief Officer of Police.

The Chief Officer of Police has no way of knowing if this will be the case and would urge the committee that if they decide to grant this licence, one of the things they must satisfy themselves is that Usman Ahmed will be the person in control and not merely a front for his father.

CIZ and incidents at the premises

The area within which the premises sits is in a CIZ. You have heard the evidence that the CIZ is an area where there is a disproportionate amount of violence, late at night, around the times the applicant wishes to open.

The current Portsmouth City Councils, statement of licensing policy relating to applications within a CIZ states:

“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”

The statement also refers to all licensed premises in the area and not just premises licensed to sell alcohol.

It is the opinion of the Chief Officer of Police that should the licence be granted it will lead to a cumulative impact on the licensing objectives. This is supported by the fact that the premises, despite having the same measures in place as the applicant is requesting has still had a number of violence incidents which can be attributed to it.

If, after considering all the evidence placed before it the committee are:

- Not satisfied that the applicant can demonstrate that they will have full control of the premises and that the current premises licence holder Naseem Ahmed will have nothing to do with the operation of the premises.
- Not satisfied that the application as it stands will not have a cumulative impact on the licensing objectives.

Then the Chief Officer of Police would urge the committee to not grant this licence.



Should the Committee be satisfied with the above points then the Chief Officer of Police would urge the committee to, at the very minimum, place the conditions included in the application onto the premises licence. However with a small change to the days of the SIA required to 7 days a week.

Yours Sincerely

PC 21945 Rackham
Licensing and Alcohol Harm Reduction Team
Hampshire Constabulary



www.hampshire.police.uk

Deaf? Non-emergency text [07781 480999](tel:07781480999)

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ANNEX A

Kens Objection

44160323728 - 44160323330 28/08/2016 04:00 – Assault – (Saturday – Sunday)

Male walks into licensed premises and is involved in a dispute which escalates into a fight.

Both parties are interviewed and later no further action is taken following an investigation into the incident.

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)

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.

This is the incident potentially past hours.

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)

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

Police are investigating the matter. Currently the venue have lost the initial CCTV recording of the incident.

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.

44170025615 21/01/2017 00:46 – ASB – (Friday – Saturday)

Informant is a staff member and has reported that male has attended the premises, been argumentative and aggressive towards staff. Police attend but the male has left prior to any Police attendance.

44170037117 29/01/2017 23:39 - Assault – (Sunday- Monday)

Staff member assaulted at the premises by offender. Offender enters the premises and begins an argument with the staff member. The staff member comes from behind the counter and is seen to push the offender. Both go to the rear of the premises where the staff member is assaulted by the offender.

On investigation into this matter it transpires that the staff member had been convicted of Affray and sentenced to Prison following the incident where staff attacked two customers leaving one with GBH level injuries.

44170053775 - 11/02/2017 02:25 – Assault (Friday – Saturday)

Female with group of friends asked to leave the premises. Door staff from a local premises assist as they believe that the door staff employed are struggling to communicate effectively with the group. On being ejected one of the females alleges that she has been sexually assaulted by the door persons assisting. The is later found to be the unfortunate placement of hands rather than an offence and no further action is taken.

44170054885 – 12/02/2017 00:30 – Assault (Saturday – Sunday)

Male begins throwing chips around and is asked to leave by door staff. On leaving the male punches a door person from another premises assisting, in the face.

Hampshire Constabulary

RESTRICTED

Station : **Force Licensing & Alcohol Harm Reduction Team** Area : **P&N (Strategic Partnerships)**
 Department : **Force Licensing** Date : **01 February 2017**

Subject : **Hampshire Constabulary evidence to PCC consultation stages of the Statement of Licensing Policy (Cumulative Impact Policy)**

FAO:

Nickii Humphreys (Manager, PCC Licensing Dept)
 Supt Schofield (Portsmouth District Commander)
 Chief Inspector Pegler (Deputy District Commander)

To all

Background

Portsmouth district has a mixed use city centre surrounded by a densely populated residential areas. Operationally this imposes significant demands upon emergency services and the wider partnership

The demands of policing the Night Time Economy (NTE) within Portsmouth place a heavy demand on the police and Portsmouth City Council (PCC). This in terms of resources to minimise the effects of drink related crime and disorder and ensure public safety

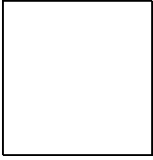
There is an ongoing campaign to cut alcohol fuelled crime and disorder in Portsmouth and reduce the burden on public health, it is supported by Portsmouth Safe City Partnership covering a wide spectrum of partners, stakeholders and voluntary services.

There are a significant number of persons who live outside the city, visiting attractions such as the Guildhall, Gunwharf, theatres, restaurants and shopping complexes beyond the NTE in Portsmouth. The city also hosts headline events such as Victorious Festival, Portsmouth Summer Show, Mutiny, Oktoberfest and the Admirals Cup to list a few

The successful and vibrant NTE in Portsmouth attracts tourists, local residents and students into the licensed venues. There are 4 distinct Night Time Economy (NTE) zones;

- *Guildhall Walk (cumulative impact policy zone)*
- *Gunwharf*
- *Central Southsea (Albert Road NTE zone)*
- *Portsmouth South (Palmerston Road NTE)*

A further area is also monitored for NTE related violence, this being North End. The principal area is a small section of London Road with a concentration of mixed use licensed premises,



these include fast food establishments, restaurants, on and off licences. The levels of residential crime is also captured, this to monitor if this is an emerging NTE hotspot

The impact of the NTE has historically imposed a disproportionately negative impact on crime and disorder levels within the Portsmouth district and those 4 NTE zones. Post 2008 a vast investment from police and partners in resources has significantly reduced these levels, including the introduction of the Cumulative Impact Policy (CIP) zone within the PCC Statement of Licensing policy.

The introduction of the CIP areas for Guildhall Walk and surrounding vicinity has had a significant impact reducing crime and disorder, helping to promote the licensing objectives within licensed premises captured within this policy

The key signal crime types are assaults, sexual offences, robberies and alcohol related ASB, however, for the purposes of this report I have focussed on purely violence offences under the HMIC tree group 9. Those that relate to both violence '*with injury*' and '*without injury*'.

I have inspected the Record Management System (RMS) used by Hampshire Constabulary to record all occurrences whether crime or non-crime. A further IT system known as 'business objects' provides a tool to analyse this data

I have used recorded crime data rather than 'calls for service' incidents reported to the Force Control Room, although demand data is valuable it will not capture all 'hidden demand'

Crime Data

[1] Geographical data (Portsmouth district)

The level of crime and disorder within Portsmouth, particularly its NTE zones has largely reduced year on year since 2008, this has mirrored local and national crime trends. There are a number of contributory factors particularly; smarter partnership approach around alcohol harm reduction, regulatory enforcement (including the CIP) and the economy recession world wide

In the period since 2008 the Hampshire Constabulary has adapted to the crime recording and classification changes introduced by the Home Office, this makes comparative interpretation of police crime data throughout this period more difficult. There has also been a greater drive to ensure crime data integrity by police forces nationally, this accounts for an increase 2015-2016 which is evident in Hampshire and across all force areas nationally ***(Refer Annexe 1 - Key guidance on crime data integrity)***

The police and Portsmouth Safe City Partnership have used data, known colloquially as LNEP. This data set was only formed of the key arterial streets and roads in the 4 NTE zones, however, failed to have the interconnecting streets (particularly the Guildhall Walk NTE zone) which fails to give a fully accurate insight into violence levels within the NTE zones

A business objects search process has been built, the intention is to provide the most accurate crime data integrity for each NTE zone. The process involved agreeing the outer perimeter and those streets and roads within the NTE zone, the existing CIP zone for Guildhall Walk was used.

The limitations of the police reporting system known as RMS does not facilitate geo post coding, at present, so will capture some residential crime (non NTE related violence offences) on certain streets that form the outer perimeter of a zone. Conversely there may be NTE related violence that occurred outside of the NTE zones but not captured in search function

Comparison of violence within Portsmouth District

HMIC Crime Tree (9 group) - Violence	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	Portsmouth District 'Total Violence' % of force violence
2014-15	4	2294	2557	4855	17.27% (4855 / 28108)
2015-16	3	3210	4118	7331	17.03% (7331 / 43047)
2016-17 (jan)	3	2910	4271	7184	17.36% (7184 / 41388)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The Portsmouth district has steadily accounted for around 17% of the whole Hampshire Constabulary 'Total Violence' for each of the last 3 performance year periods

The Portsmouth district has been transformed administratively from 4 into 3 sectors, in the last 18 months. The 4 NTE zones are predominantly in two of those sectors, an analysis of the distinct NTE zones is the focus for this report rather than those neighbourhood sectors

Comparison of violence within Portsmouth District sectors

HMIC Crime Tree (9 group) - Violence NTE related violence both DTE & NTE	Homicide	NTE Violence (with injury)	NTE Violence (w/out injury)	NTE Total Violence	NTE violence as % of Portsmouth District 'Total Violence'
Portsmouth District	0	711	833	1544	21.50% (1544 / 7184)
Portsmouth Central Sector	0	428	496	924	12.86% (924 / 7184)
Portsmouth North Sector	0	23	26	49	0.68% (49 / 7184)
Portsmouth South Sector	0	260	311	571	7.94% (571 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The NTE accounts for 21.49% of the 'Total Violence' absorbed within the whole Portsmouth district total in the last performance year, this has reduced year on year from 26.38% in 2014/15. This figure covers both DTE and NTE violence data, this proportion actually mirrors the proportion of NTE violence within Southampton District

The proportion of violence (both DTE and NTE) compared against the whole Portsmouth district is **down** year on year, whereas the number of violence offences (both DTE and NTE) has **increased** year on year

Comparison of violence within Portsmouth District NTE zones (both DTE and NTE)

NTE Zones (Portsmouth) both DTE & NTE violence	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	659	622	1281	26.38% (1281 / 4855)
2015-2016	0	821	777	1598	21.80% (1598 / 7331)
2016-2017 (Jan)	0	711	833	1544	21.49% (1544 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

In the current performance year 2016/17 (jan) the proportion of violence offences within the NTE zones (both DTE and NTE) represents 3.73% (1544 / 41388) of the whole Hampshire Constabulary 'Total Violence'

Comparison of violence within Portsmouth District NTE zones (NTE violence only)

NTE Zones (Portsmouth) NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	507	412	919	18.93% (919 / 4855)
2015-2016	0	655	478	1133	15.45% (1133 / 7331)
2016-2017 (Jan)	0	564	485	1047	14.57% (1047 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

A further analysis purely on NTE violence (1900 and 0700 hours) shows the actual number of crimes has increased, however, there is a downward trajectory in terms of the NTE having a less disproportionate impact on the 'Total Violence' for the Portsmouth district.,

The general trend following national changes to drive up crime data integrity and recording standards was an increase in all crime types, including violence offences.

A further trend evident just in the figures above show the proportion of NTE violence offences 'with injury' are increasing, as are those 'without injury' are increasing

[2] NTE Zones (Portsmouth district)**Comparison of violence within Guildhall NTE****Guildhall Square**

NTE Zones Location Grouping (violence only)	Count Occ_Ref	Count NTE	NTE %	Count DTE	DTE %	% of district Violence (NTE only)
2014-2015	544	420	77.21%	122	22.43%	8.65% (420 / 4855)
2015-2016	647	499	77.13%	148	22.87%	6.80% (499 / 7331)
2016-17 (Jan)	660	471	71.36%	187	28.33%	6.56% (471 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The NTE for the Guildhall Walk covers the surrounding vicinity, including commercial road and streets where prominent nightclubs and licensed premises are located. This is the principal NTE zone and has the highest footfall, it has a 'Cumulative Impact Policy' in place.

The general trend for the last 3 years shows the proportion of NTE violence offences occurring in this zone from 1900 to 0700 hours has reduced, likewise it represents a reducing proportion (currently at 6.56%) of the 'Total Violence' for the Portsmouth district

The actual occurrence count reference spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards

Comparison of NTE violence only within Guildhall NTE

Guildhall Square (incl Commercial Rd) NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	232	188	420	8.65% (420 / 4855)
2015-2016	0	295	204	499	6.80% (499 / 7331)
2016-2017 (Jan)	0	269	204	471	6.56% (471 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

An emerging trend evident is the number of violence offences '*with injury*' are increasing in this zone, as are those '*without injury*'. This suggests that although the proportion of violence offences are reducing, the severity of the **violence is increasing**

Comparison of other NTE zones within Portsmouth District

Central Southsea (Albert Road NTE) <i>NTE violence only</i>	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	68	79	147	3.01% (147 / 4855)
2015-2016	0	75	73	148	2.01% (148 / 7331)
2016-2017 (Jan)	0	84	83	167	2.32% (167 / 7184)
Gunwharf <i>NTE violence only</i>	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	75	37	112	2.30% (112 / 4855)
2015-2016	0	141	70	211	2.88% (211 / 7331)
2016-2017 (Jan)	0	68	55	123	1.71% (123 / 7184)
North End / London Road <i>NTE & residential violence</i>	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	73	56	129	2.66% (129 / 4855)
2015-2016	0	72	79	151	2.06% (151 / 7331)
2016-2017 (Jan)	0	89	83	172	2.39% (172 / 7184)
Portsmouth South (Palmerston Road NTE) <i>NTE violence only</i>	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	58	51	109	2.25% (109 / 4855)
2015-2016	0	71	49	120	1.64% (120 / 7331)
2016-2017 (Jan)	0	54	60	114	1.59% (114 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The data for the last 3 years shows all the NTE zones have shown a slight increase in number of violence offences, this increase is mirrored for all relating to violence '*without injury*' offences.

Conversely, despite this numerical increase, there is a universal downward trend in the proportion as measured against 'Total Violence' for the Portsmouth district.

The number of more serious violence 'with injury' offences has increased in Albert Road and North End, the latter is not an NTE zone and its figures cover NTE and other residential location violence offences.

The NTE zones of Gunwharf and Palmerston Road (and surrounding areas) have shown a slight decrease in this classification of offences

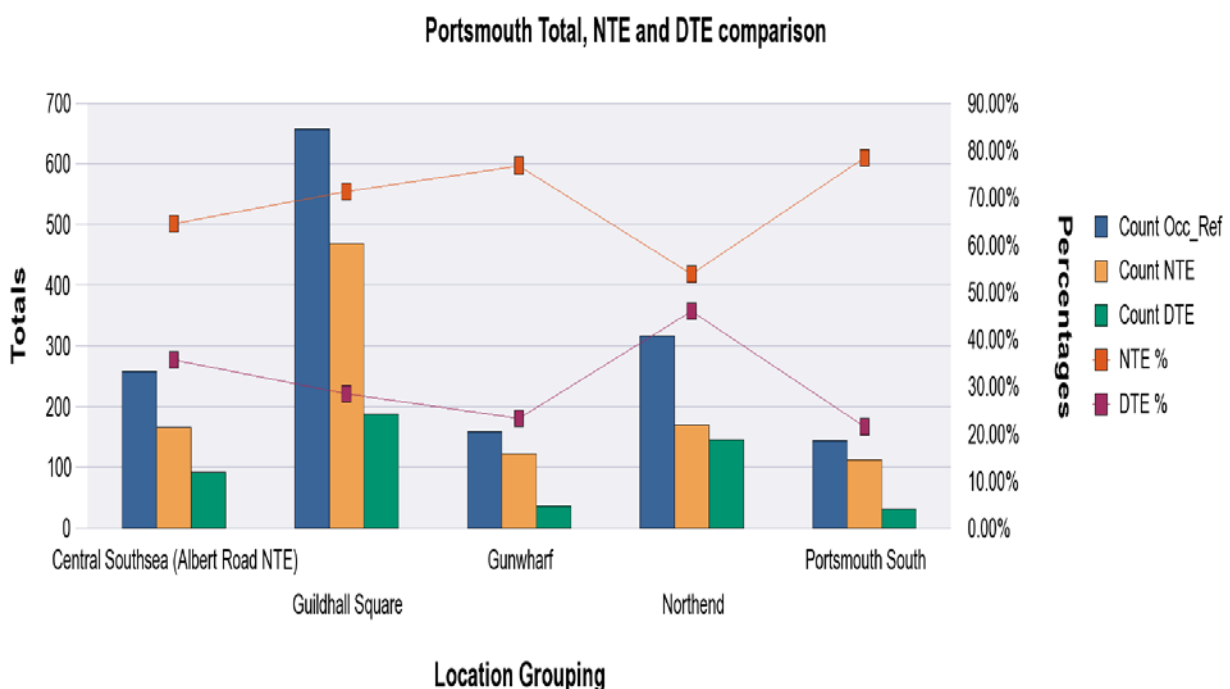
The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones

The actual occurrence count reference spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards

This proportion and number of DTE crime compared to the NTE have both increased (refer below). The data set measured the times the offence occurred, rather than when it was recorded.

This would tend to support the hypothesis that generally NTE crime levels are falling, rather than DTE crime levels escalating or due to recording anomalies. This is an area to monitor and analyse in greater depth if the trends remain

Comparison of NTE & DTE violence in the Portsmouth District NTE zones 2016/17 (Jan)



Figures and graph from Hampshire Constabulary RMS business objects 01/04/2016-31/01/2017

[3] Temporal trends within the NTE Zones (Portsmouth district)**Temporal comparison of NTE violence only within Portsmouth District (weekends)**

2014-15

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	5	3	4	4	11	10	9	16	3				65
Tues/Wed	5	2	7	8	3	14	9	8		1	1	1	59
Wed/Thur	7	4	5	8	13	14	18	8	1	2	2		82
Thur/Fri	5	5	5	13	12	17	12	17	6	2	5	1	100
Fri/Sat	4	11	13	18	31	55	55	49	24	19	4		283
Sat/Sun	8	7	11	19	26	55	49	49	23	5	2		254
Sun/Mon	3	4	3	14	8	16	11	6	3	1		2	71
Blank						1							1
Total	37	36	48	84	104	182	163	153	60	30	14	4	915

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2015

2015-16

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	3	3	5	11	8	15	11	13	5	2		1	77
Tues/Wed	4	6	11	4	8	7	9	13	4		3	1	70
Wed/Thur	9	3	13	3	12	18	16	6		3		4	87
Thur/Fri	7	9	6	17	11	18	22	34	6	6	3		139
Fri/Sat	8	7	9	14	29	52	48	60	52	17	3	3	302
Sat/Sun	10	14	19	29	61	87	53	43	33	9	2		360
Sun/Mon	8	9	7	4	17	24	11	5	1	1	2	2	91
Total	49	51	70	82	146	221	170	174	101	38	13	11	1126

Figures from Hampshire Constabulary RMS business objects 01/04/2015-31/01/2016

2016-17 (Jan)

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	12	8	13	9	2	12	7	10	5	3	2	4	87
Tues/Wed	6	12	1	8	8	18	8	8	2		2	1	74
Wed/Thur	7	5	4	10	6	11	10	6	9	3	1		72
Thur/Fri	5	11	4	10	10	20	14	20	17	8		2	121
Fri/Sat	4	10	17	13	37	39	47	34	19	7	3	2	232
Sat/Sun	8	12	13	36	36	64	65	41	46	19	2	4	346
Sun/Mon	8	11	12	10	16	19	12	10	2	1	3		104
Blank						2							2
Total	50	69	64	96	115	185	163	129	100	41	13	13	1038

Figures from Hampshire Constabulary RMS business objects 01/04/2016-31/01/2017

2014/15

- 58.69% of NTE Violence data relates to purely Fridays and Saturdays (537/915)
- Friday data (283) represents 30.93% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours
- Saturday data (254) represents 27.76% of total occurring between 1900 to 0700 hrs, peak times being 2100 to 0400 hours
- Thursday data (100) represents 10.93% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours
- Wednesday data (82) represents 8.96% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours (student society day)
- Small peaks on Sunday (2200 to 0200 hours) and Monday (2300 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events

2015/16

- 58.79% of NTE Violence data relates to purely Fridays and Saturdays (662 / 1126)
- Friday data (302) represents 26.82% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0500 hours
- Saturday data (360) represents 31.97% of total occurring between 1900 to 0700 hrs, peak times being 1900 to 0500 hours
- Thursday data (139) represents 12.34% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours
- Small peaks on Sunday (2300 to 0200 hours) and Monday (2200 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events

2016/17 (Jan)

- 55.69% of NTE Violence data relates to purely Fridays and Saturdays (578 / 1038).
- Friday data (232) represents 22.35% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours
- Saturday data (346) represents 33.33% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours
- Thursday data (121) represents 11.61% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0400 hours
- Small peaks on Sunday (2000 to 0300 hours) and Monday (1900 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events

Trends

- The NTE violence spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards, this represented a 23% increase from 2014/15 (915 to 1126)

- The NTE violence has slightly reduced in 2016-17, at present it is 7.83% reduction than the previous year (1126 down to 1038). However there are still 2 months of the reporting year that **will** change this aspect
- Comparing the years 2014/15 and just this current incomplete year 2016/17 (Jan) shows a 13.44% increase in NTE violence (915 up to 1038), the greater crime data integrity will have a factor in this increase but the true extent is not easy to determine
- The proportion of NTE violence from Friday and Saturday evenings has reduced slightly in the last reporting year by 3.10%, when measured against whole NTE violence when the previous 2 years it was a constant proportion at 58-59.0%
- The trends have remained; Thursday (11.61%) and Sunday (10.02%) are the next busiest nights for NTE violence. There is a vibrant student population in the NTE, this does account for peaks on Sundays, including spikes on Monday nights
- The peak night is Saturday night, the proportion of NTE violence occurring on this night has risen year on year from 27% to 33 % , a concerning trend is that the peak times have widened from 2100 to 0400 hours. This is now 2000 to 0500 hours
- The second busiest night is Friday, however, proportion of NTE violence occurring on this night has reduced year on year from 30% to 22 % , its peak times being 2000 to 0500 hours have remained constant throughout

Comparison of the proportion of NTE violence on weekends

NTE	2014/15 (%) of NTE violence that year)	2014/15 (%) of NTE violence that year)	2014/15 (%) of NTE violence that year)
Thu	10.93%	12.34%	11.61%
Fri	30.93%	26.82%	22.35%
Sat	27.76%	31.97%	33.33%
Yr Total	915	1128	1038
	Variance	(+) 23%	(-) 7.83%

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

[4] Zones, venues & locations (Portsmouth district)

There are a number of premises that recorded more than 10 violence offences linked to their venue incidents in the calendar year, the majority of incidents that occurred between nights of Thursday and Sunday

The scope of this report is not to drill into those key venues, ongoing licensing engagement with those venues is 'business as usual' as part of a partnership approach. Where any venue experiences higher levels of violence or disorder linked to that venue, there is proportionate, graduated escalation with enforcement the ultimate action

Conclusion

The presence of 4 NTE zones, in Portsmouth, places a disproportionate burden on police and partnership resources. This despite there being a downward trend in NTE related violence within Portsmouth since 2008, a trend replicated across Hampshire and Nationally

The main body of this report demonstrates that the analytical data shows the peak impact times for demand on the Night Time Economy of Portsmouth, the statistics clearly show that there are definite peaks in crime at these times linked to the licensed venues operating in the city centre beyond midnight and also linked to NTE zones

The actual violent crime occurrence count spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards. This was evident in Hampshire and across all forces nationally. This current year has witnessed a recalibration, the enhanced crime reporting standards are becoming embedded. Accordingly any comparison of the last 3 years violence performance data must account for these factors

The final key point is that the geography of Portsmouth is densely populated within a 2 square mile area. The ease of mobility (whether on foot or vehicle) occasionally makes it difficult to discern whether alcohol related violence or disorder, on any given road or street, is directly attributable to a NTE zone let alone individual venues. Notwithstanding improving standards of crime recording, the existing crime data methods and technology need to be assessed against these constraints

[A] Existing CIP area Guildhall Walk NTE (and surrounding vicinity)

The NTE continues to draw Police resources into the city centre (Guildhall Walk NTE and surrounding vicinity) to deal with violence and alcohol related disorder, this is evidenced within the geographical, temporal and location trends.

These show that Portsmouth Guildhall Walk NTE (and surrounding vicinity) has the highest 'total violence' levels. The Portsmouth Central sector contains this NTE and Gunwharf NTE zone, consequently it suffers 'total violence' levels in excess of other sectors within the Portsmouth district

The Portsmouth South sector contains the NTE zones of Albert Road and Palmerston Road so also experiences relative increased levels of 'total violence', **in direct contrast** to the Portsmouth North sector which has no discernible NTE zones so benefits from lower levels of 'total violence'

While the NTE continues to exist, there will remain a need for police to resource the crime and disorder that results, the introduction of a cumulative impact policy has clearly helped to sustain the existing partnership resources that underpin the NTE infrastructure.

The venues within the Guildhall Walk NTE have clearly worked in unison with this partnership approach. They have raised their compliance with the licensing objectives, the influence and benefits of the CIP zone is a significant, contributory factor to this success

The retention of the existing CIP will sustain improved standards of compliance and encourage best practice, in the last 12 months there have been occasions where the police have objected to applications for later hours.

The merits of each application have to be judged, however, the determination to grant later hours did not support the Portsmouth City Council own CIP policy. The extent of these determinations on NTE related violence and disorder levels will need to be monitored accordingly

The headline trends from this report for Guildhall Walk NTE in the last 3 years show;

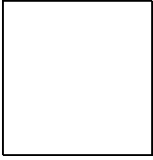
- The number of violence offences (purely NTE violence) has **increased** year on year
- The proportion of violence (purely NTE violence) compared against the whole Portsmouth district 'total violence' is **down** year on year
- The number of violence offences 'with injury' (purely NTE violence) has **increased** year on year
- The number of violence offences 'without injury' (purely NTE violence) has **increased** year on year
- The proportion of violence (both DTE and NTE) compared against the whole Portsmouth district is **down** year on year
- The number of violence offences (both DTE and NTE) has **increased** year on year
- Saturday remains the peak evening, the proportion of NTE violence that occurs on this day has increased year on year compared to other nights
- Friday remains the second busiest evening, the proportion of NTE violence that occurs on this day has actually decreased year on year (*the decrease appears to correlate to same amounts as the increase to Saturday's proportion of NTE violence*)
- The proportion of Guildhall Walk NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours
- The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones

Recommend: This is persuasive argument to justify the existing CIP areas being maintained

[2] Other NTE Zones

The body of this report demonstrates that the impact of the other NTE zones within the Portsmouth district in terms of NTE violence is not as disproportionate as Guildhall NTE, this strengthens the persuasive argument to maintain the existing CIP in that zone

There are natural levels of displacement based around the diversity of venues and NTE zones across the whole Portsmouth district. The benefits of a vibrant, Multiple, smaller and widespread NTE zones should be encouraged



The proportion of NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours

Recommend: This is persuasive argument to justify retaining the existing CIP

This will support wider strategic objectives to encourage a safe, vibrant, diverse and financially successful DTE and NTE across the whole Portsmouth district.

This will benefit those living, working and visiting the city

Submitted for your consideration



Dated 03/02/2017

Inspector 2841 Justin Roberts,
Force Licensing & Alcohol Harm Reduction Team, Hampshire Constabulary

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