



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY, 12 JULY 2017 AT 9.30 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith, Democratic Services, Tel: 9283 4057
Email: Democratic@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 Lee Mason (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, David Fuller, Colin Galloway, Paul Godier, Scott Harris, Steve Hastings, Ian Lyon, Leo Madden, Stephen Morgan, Gemma New, Steve Pitt, David Tompkins and Gerald Vernon-Jackson.

The panel today consists of : Councillors Lee Mason, David Fuller & Steve Hastings

The reserve member is Cllr Dave Ashmore

(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 Election of Chair**
- 2 Declaration of Members' Interests**
- 3 Exclusion of Press & Public**

RECOMMENDED that the following motion be adopted:

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

Agenda item and paragraph numbers:

Item 4 - Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 - Consideration of Private Hire Driver Licence - Mr B
Under exemption paragraph numbers 1, 2 & 3

Exemption paragraph numbers 1, 2 & 3 relate to:

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

(Members are asked to hand in their confidential papers to the Democratic Services Officer at the end of the meeting)

4 Local Government (Miscellaneous Provisions) Act 1976 and/or Town Police Clauses Act 1847 - consideration of driver licence matter - Mr B

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

RECOMMENDED that the Sub-committee determine the matter.

The next item will start from approximately 10.30 onwards

5 Licensing Act 2003 - Application for variation of a premises licence - Gida Express, 12 Guildhall Walk, Portsmouth, PO1 2DD (Pages 3 - 68)

The purpose of the report by the Licensing Manager is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act"). The matter has been referred to the committee for determination following receipt of relevant representation(s) from two responsible authorities. Further detail about the representations received is shown at paragraph 4 of the report.

(Appendix D relates to a previous decision taken by Licensing Sub Committee on 18th January 2017, Minute 4)

The committee is requested to determine the application.

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 5

REPORT TO: LICENSING SUB-COMMITTEE 12 July 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

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

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representation(s) from two responsible authorities. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED VARIED OPERATING SCHEDULE

The variation application has been submitted on behalf of Mrs Minoo Sefidan and relates to premises known as Gida Express and situated at 12 Guildhall Walk, Portsmouth, PO1 2DD.

The proposed changes to the current authorisation are as follows:

An extension to Late Night Refreshment provision from 03:30 until 05:00 daily.

The applicant has detailed in the operating schedule the steps intended to support and promote the licensing objectives. These can be found in the redacted application form attached as **appendix A**.

The current licence is attached as **appendix B**.

This variation process *cannot be used* to extend a time limited licence or to vary substantially the premises to which it relates. Equally, there are separate and distinct provisions in the Act for minor variations, a change to the name or address of the licence holder and to specify and/or remove the Designated Premises Supervisor.

The updated statutory guidance¹ gives general advice about the steps to promote the licensing objectives as follows:

Paragraph 8.39 *"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*

the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."

¹ Revised Statutory Guidance April 2017

Paragraph 8.40 "Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."

Paragraph 8.41 "It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."

Paragraph 8.44 "Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."

Paragraph 8.47 "Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above."

3. BACKGROUND INFORMATION

The provisions relating to the variation of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Relevant representations have been received from PC P Rackham on behalf of Chief Officer of Police and Nickii Humphreys Licensing manager for Portsmouth City Council. These representations are attached at **appendix C**

Attached at **appendix D** is the decision of the licensing sub- committee on 18th January 2017 following an application to vary the premises licence.

The statutory guidance states:

Paragraph 9.11 "Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding

applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so."

Paragraph 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 representations can withstand the scrutiny to which they would be subject at a hearing."*

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the variation application, 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;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance² 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

² Revised statutory guidance April 2017

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 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:

Paragraph 9.37 *"As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation."*

Paragraph 9.42 *"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 representations made by the applicant or premises user as the case may be."*

Paragraph 9.43 *"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."*

Paragraph 9.44 *"Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no*

lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Paragraph 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."*

Paragraph 10.9 *"It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."*

Paragraph 10.13 *"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."*

Paragraph 10.14 *"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."*

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

Paragraph 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."*

Paragraph 11.2 *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any 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 14.20 to 14.41

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

Para 14:30 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."*

Determination of an application

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

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

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

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

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

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

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

Paragraph 13.10 *"It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."*

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been

supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

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

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

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

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

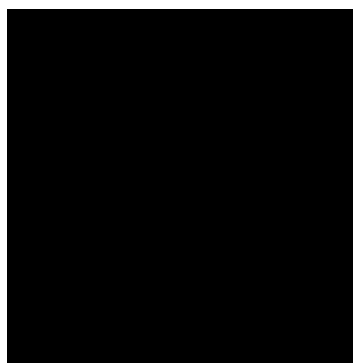
- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation of the premises licence together with a schedule of proposed changes to the licence conditions if necessary
- B.** Copy of the current premises licence
- C.** Copies of the redacted relevant representations received
- D.** Committee decision 18/01/17

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



For Licensing Manager
And on behalf of Head of Service

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* required information

Section 1 of 17

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

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

Continued from previous page...

Address

* Building number or name	<input type="text" value="7"/>
* Street	<input type="text" value="Queen's Grove"/>
District	<input type="text"/>
* City or town	<input type="text" value="Portsmouth"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="PO5 3HH"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Phil"/>
* Family name	<input type="text" value="Crier"/>
* E-mail	<input type="text" value="phil.crier@pbclicensing.co.uk"/>
Main telephone number	<input type="text" value="01344 566764"/>
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" value="8472407"/>
Business name	<input type="text" value="Phil Crier Licensing Ltd"/>
VAT number	<input type="text" value="GB"/> <input type="text" value="160552920"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Director"/>
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="Compton House"/>
Street	<input type="text" value="79 New Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Ascot"/>
County or administrative area	<input type="text" value="Berkshire"/>
Postcode	<input type="text" value="SL5 8PZ"/>
Country	<input type="text" value="United Kingdom"/>

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="Gida Express"/>
Street	<input type="text" value="12 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 2DD"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="8,800"/>

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VARIATION

Continued from previous page...

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

☒ Yes ☐ No

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

☐ Yes ☒ No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

To extend the hours for late night refreshment each day from 23.00 to 03.30 (existing) to 23.00 to 05.00 (proposed) and to extend the opening hours of the premises to 08.00 to 05.00

Section 4 of 17

PROVISION OF PLAYS

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

☐ Yes ☒ No

Section 5 of 17

PROVISION OF FILMS

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

☐ Yes ☒ No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

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

☐ Yes ☒ No

Continued from previous page...

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

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

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

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

☐ Yes ☒ No

Section 9 of 17

PROVISION OF RECORDED MUSIC

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

☐ Yes ☒ No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

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

☐ Yes ☒ No

Section 11 of 17

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

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

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

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

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

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 select 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.

N/A

State any seasonal variations.

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

N/A

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

N/A

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SUPPLY OF ALCOHOL

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

- ☐ Yes
- ☒ No

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ADULT ENTERTAINMENT

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

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

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

08:00

End

05:00

Start

End

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

TUESDAY

Start

08:00

End

05:00

Start

End

WEDNESDAY

Start

08:00

End

05:00

Start

End

THURSDAY

Start

08:00

End

05:00

Start

End

Continued from previous page...

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.

N/A

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

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

N/A

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

Existing CCTV condition to be amended to include the following additional wording:

"Staff shall be on site from 23.00 until the close of the premises who are able to operate the CCTV and provide a copy of any images or footage to the Police or Licensing Authority on reasonable request."

See section 16 for additional conditions proposed as part of the variation application

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

Continued from previous page...

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.

The applicant has operated the business at the premises for over 16 years and is very familiar with the local environment and the trading patterns and customer profile at different times of the day and at different times of the year. The applicant and her staff have considerable experience in dealing with difficult customers and adopting methods for preventing conflict and ensuring good behaviour.

The applicant is fully aware of the problems associated with customers leaving the nearby nightclubs and the crime and disorder and anti-social behaviour issues which have led to the implementation of a cumulative impact policy by the licensing authority. The applicant has been trading at the premises during the period before and since the implementation of the policy and her business has an exemplary record during the whole of this time with no incidents of disorder or anti-social behaviour associated with her premises. However, the applicant is very aware of the need to be constantly vigilant about the potential for any future incident and the importance of requiring good behaviour from her customers and avoiding conflict situations. As a proactive step although not required under her licence, the applicant employed a SIA door supervisor for the late hours on Friday 12th May 2017 and Saturday 13th May 2017 and will continue to do so for future weekends when the premises is open after 12 midnight.

The recent (2016) extended hours granted to three local nightclubs has placed additional pressures on her business at closing time in particular and has also led to a considerable loss of trade. The applicant recognises the need to support the Police in dealing with late night issues in the Guildhall Walk cumulative impact area and would propose the inclusion of a number of additional conditions on the premises licence if the application is granted with a view to promoting the licensing objectives. The proposed additional conditions are referred to in the following section.

b) The prevention of crime and disorder

As stated above, the applicant proposes the additional conditions to be imposed on the premises licence if the variation is granted:

1. There shall be a minimum of 3 staff on duty from 23.00 until the close of the premises
2. The tills will be switched off at 05.00 and the entrance door locked on any day when the premises is open until that time to prevent any sales of food or drink after the terminal hour under the licence.
3. 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 at the premises and made available for inspection on the request of a police officer or duly authorised officer of the local authority.
4. A minimum of one SIA licensed door supervisor shall be on duty from 12 midnight until the close of the premises on any day when the premises is open after 12 midnight.
5. The door supervisor shall wear a body camera and a fluorescent and/or reflective orange tabard clearly marked "door supervisor".
6. The applicant shall maintain a duty register giving details of any person employed as a door supervisor including times and dates on duty and the register shall be made available for inspection on request by a police officer or duly authorised officer of the local authority.

In addition, the applicant proposes the following amendment (additional wording) to the CCTV condition on the existing licence:

"Staff shall be on site from 23.00 until the close of the premises who are able to operate the CCTV and provide a copy of any images or footage to the Police or Licensing Authority on reasonable request."

c) Public safety

As above - no additional steps

d) The prevention of public nuisance

As above - no additional steps

Continued from previous page...

e) The protection of children from harm

As above - no additional steps

Section 17 of 17

PAYMENT DETAILS

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

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

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

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

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

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

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£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 (£) 190.00

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 PBC Licensing Solicitors

Continued from previous page...

* Capacity

Solicitors for and on behalf of the Applicant

* Date

18 / 05 / 2017
dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/change-1> to upload this file and continue with your application.

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

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

OFFICE USE ONLY

Applicant reference number PBC/115

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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Portsmouth City Council
Licensing service
Civic Office
Guildhall Square
Portsmouth
PO12AL

19-06-17
GIDA Express
17103099/LAPREM

To whom it may concern

This is the letter to confirm that I, Richard OSE Obasoyen badge number , was watching the door of GIDA Expres 12 Guildhall Walk PO12DD, from 12th, 13th,19th, 20th, 26th and 27th of May from the hours of 01:30 AM till 03:30 AM and 2nd, 9th, 16th and 17th of June also from the hours of 01:30 AM till 03:30 AM.

My duties were monitoring the queues, making sure there was no disturbing behaviour while the customers were waiting for their purchases. Another part of my duty was to close the door and not allow new entries to the queue at precisely 03:15 AM also to make sure the shop was empty by 03:30 AM every weekend. If you have any enquires please ring my personal phone number,

Kind regards

Richard Obasoyen

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RING4REPAIRS

Electronic Repairs, TV Repairs - Installation, PC - Laptop Repairs, Networking, CCTV/Alarm Installation and Servicing. Insurance Inspection Service, Aerial Installations.

All work Guaranteed

J.Seymour Eng Tech A.M.I.E.E

Email: [REDACTED]

Website: www.ring4repairs.com

Tasmin Catering
T/A Gida Express
12, Guildhall Walk
Portsmouth
Hants

12/6/2017

Ref: CCTV SYSTEM

Dear Minoo

Following your phone call I visited the above premises to establish why you had an issue with your CCTV system. I carried out diagnostic checks on the system and confirmed that the DVR unit was at fault as it would not boot up, the DVR was removed and another loan DVR was substituted. The faulty DVR was still under the suppliers guarantee so they were contacted the next day and I was able to raise the necessary returns paperwork and return the unit to QVIS at Havant, at the same time at your request I was asked to purchase a new DVR which would be kept as a backup unit if this scenario were to occur again I returned that evening and install the DVR so you could return the loan DVR back to its owner.

After speaking to QVIS on Friday 9th June I can confirm that the unit has been repaired with the problem being a failed motherboard assembly.

The unit underwent a soak test and I have received the unit back from QVIS via a courier service.

I have run up the unit and can confirm the unit is working as standard, due to firmware changes between the different motherboards QVIS have had to re-formatted the Hard Drive, this obviously loses all previous data held on that drive originally.

I have enclosed the Technicians report with this letter.

My intentions are to re-install the original DVR and setup accordingly and the Backup DVR removed and stored in a suitable location within the above premises.

Assuring you my best service at all times

[REDACTED]
John Seymour

Technician Report

Date 09/06/2017
Time 17:09

Customer Name	: John Seymour t/a Ring4Repairs.com	Call ID	: 33263
Customer Code	: C005100	Service Call Num.	: 48896
Contact Person	: John Seymour	Created on	: 31/05/2017
Phone No.	: [REDACTED]	Status	: 12 Job Sheet Printed
Item No.	: QUATTRO-8-3TB	Assigned to	: Taskcentre
Description	: 4 in 1 unit, Supports TVI, AHD, 960h, IP. HD. 8	Technician	: Neil [REDACTED]
Serial No.	:	Out of Terms	: N
Subject	: Power No Picture	Out of Warranty	: N
Origin	: Web	Problem Type	: Other
Call Type	: Repair / Replace		Power No Picture

Remarks

Resolution

RCV'D 1 X QUATTRO-8-3TB

CONFIRMED FAULTY NOT BOOTING REPLACED WITH NEW MOTHERBOARD AND REPAIRED FRONT PANEL 06/06/17
UNIT ON SOAK TEST 07/06/17

PASSED SOAK. 09/06/17

RTC
REPAIRED

LICENSING ACT 2003

PREMISES LICENCE

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

Premises Licence Number:	709
---------------------------------	-----

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:	
Mega Bite 12 Guildhall Walk	
Post town: Portsmouth	Post code: PO1 2DD
Telephone Number: XXXXXXXXXX	

Where the licence is time limited, the dates:

Licensable activities authorised by the licence:
Late night refreshment

The times the licence authorises the carrying out of licensable activities:
Late night refreshment Mon Tue Wed Thu Fri Sat Sun - 23:00 until 03:30

The opening hours of the premises:
Hours premises are open to the public Mon Tue Wed Thu Fri Sat Sun - 08:00 until 03:30

LICENSING ACT 2003

PREMISES LICENCE

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

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

Part 2

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

Mrs Minoo Sefidan
7 Queens Grove
Southsea

Post town: Portsmouth

Post code: PO5 3HH

Telephone number: [REDACTED]

Email:

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

LICENSING ACT 2003

PREMISES LICENCE

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

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

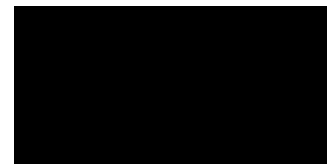
Not applicable

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

Personal licence Number: Not applicable

Issuing licensing authority: Not applicable

Date Licence Granted: 14/02/2006



Authorised Officer
Licensing Section

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 1 – Mandatory conditions

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 2 – Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

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

Operation and Storage.

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

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

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

The system should be regularly maintained and serviced.

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

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

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

Access

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

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

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

LICENSING ACT 2003

PREMISES LICENCE

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

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

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 4 - Plans

As attached

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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: 17/03099/LAPREM

Date: 15 June 2017

Dear Licensing Sub-Committee Members

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

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

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

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

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

This representation has been made on the basis that the applicant has failed to adequately demonstrate that the proposed variation will not have a negative cumulative impact on the promotion of the licensing objectives referred to above. Whilst the applicant has offered additional conditions to be imposed on the premises licence if the variation is granted it is the view of the Licensing Authority that these measures will be insufficient to prevent a negative cumulative impact on the licensing objectives should the premises be permitted to open until 05:00 hours.

I am also disappointed to have to alert the Licensing Sub-Committee's attention to the fact that the Police made a formal request to the applicant to provide information from the premises CCTV system which is a condition on the existing premises licence on 26 May 2017. Following further discussions between the police and the applicant on 1 June 2017, Mrs Sefidan admitted that, despite the premises licence having a CCTV condition which requires the system to be operational at all times that the premises are open for business, it was not working on the dates that the Police requested recordings. This constitutes a breach of the conditions of the licence contrary to section 136 of the Act.

Continued/.....

Given that the applicant has failed to comply with an existing condition on her licence, and it would appear that this has been over a sustained period of time, I am not reassured by the applicant's proposal to abide by further conditions that have put forward to justify the grant of the variation.

Most importantly, 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 a premises licence which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations".

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

- The applicant has not demonstrated to a satisfactory extent in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives;
- Recent evidence, and on the applicant's own admission, that the CCTV system required by way of condition on the existing premises licence was found not to be working and therefore the Police were unable to obtain the information that they requested; and
- The evidence submitted by the Chief Officer of Police clearly demonstrates that crime and disorder and public nuisance is prevalent in this area, particularly between the hours of 20:00 and 06:00 hours every day.

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

Yours sincerely



Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk



HAMPSHIRE
CONSTABULARY

Licensing and Alcohol Harm Reduction
Core 5, Lower Ground Floor
Civic Offices
Portsmouth
Hampshire
PO1 2AL

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

Telephone
101

Direct Dial

Fax
01962 874201

Text Relay
18001 101

Email Address

Our ref:
Your ref:

26th May 2017

Dear Sir/Madam

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

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

I make these representations under the grounds of:

- 1) The prevention of crime and disorder

Gida Express

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

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

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

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

The premises is located centrally in a Cumulative Impact Zone.

Licence Conditions

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



www.hampshire.police.uk

Deaf? Non-emergency text **07781 480999**

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General Working Relationship with the premises and history re previous application

In October 2016 the applicant was spoken to regarding one occasion where the premises was open past its permitted hours and continued trading and providing hot food and drink. The applicant apologised and stated that it was due to a mistake made by staff on the night and that once the applicant had noticed she had resolved the issue. As this incident was the first incident of its nature to come to Police attention no further action was taken. The premises licence holder and applicant for this variation was given words of advice.

Pre Application Contact November 2016, application and subsequent refusal

The applicant met with the Police prior to submitting a similar application at the premises in accordance with Home Office Guidance.

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

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

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

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

Following this meeting the applicant submitted the major variation to the Police Licensing Team. On receipt of the application it was noted that the advice provided by the Police had not been put in place. The application failed to offer up any of the conditions suggested and did not take into consideration of how the application would not cause an adverse affect on the cumulative impact zone.

As such the Chief Officer of Police made representations. A committee hearing was held and after hearing all relevant facts, the committee took the decision to refuse the grant of a variation to the premises licence.



March/April 2017 contact with Police

In March or April 2017 Police received contact from the applicants solicitor. Discussed was the potential for another application to extend hours at the premises. The applicants solicitor was advised that any application would need to reflect the advice provided back in November 2016 and also show how the premises would not cause an adverse effect on the cumulative impact zone.

As such the Chief Officer of Police is satisfied that the applicant has engaged with the Police as per Home Office guidance.

Proposed changes to the Premises Licence

In May 2017 the Chief Officer of Police received the application which requests a change of opening times from 03:30 hours to 05:00 hours each night 7 days a week.

The applicant has also offered a number of changes to the premises licence in order to uphold the licensing objectives and these do reflect the advice provided by the Police Licensing Team in November 2016.

These points include:

- Including a provision to ensure staff members have to provide Police with CCTV on request and that from 23:00 hours someone is on site who can operate the CCTV.
- Including a minimum of 3 staff on duty from 23:00 hours until the close of the premises.
- The tills being turned off at 05:00 hours and door locked to prevent any sales after this time.
- All staff to be trained with compliance of the licensing conditions to prevent breaches.
- A minimum of one SIA licensed door supervisor on duty from 00:00 until the close of the premises.
- Door staff to have body worn video when working and wear hi vis tabards.
- Maintaining a log of door staff working.

Recent History of the premises

Incidents at the premises are very few in number. However Police are currently investigating an offence under the licensing act 2003 where an officer from the Police licensing team has observed the provision of hot food after permitted hours. Potentially this means that the applicant has committed offences under Section 136 of the Licensing Act 2003. This matter is still under investigation at the time of writing.

Currently the applicant has been provided with advice regarding when she has to close. This is the same advice as provided previous when the applicant did the same.

I provide working sheets from PC Jackie Cherry who witnessed the provision of hot food after hours and subsequently made contact with the applicant to provide the advice as well as her statement re the incident as **Annex A**.

Cumulative Impact Zone



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**HAMPSHIRE
ALERT**



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

CIZ Figures

The main points for the 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 a recent 10 month period. 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 a recent 10 month period 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.
- 45% of the NTE violence relates to Sunday - Thursday.
- 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.

Gida Express

Police figures show that there are very few attributable incidents to the premises. However the premises sits centrally within the CIZ and whilst figures do not show an issue with the premises directly, there are incidents of crime and disorder which occur in the immediate vicinity of the premises. Therefore on the balance of probabilities should the premises remain open later there will be a very real chance that this will impact cumulatively on the area.

Summary

Following this information the Chief Officer of Police has concerns with regards to the application and from the information to hand, does not feel that the granting of the variation will promote the licensing objectives. The Chief Officer of Police also believes that the granting of the variation will adversely impact on the CIZ.

It is also of great concern to the Chief Officer of Police that despite advice provided in October 2016, it appears that the applicant is still on occasion providing hot food and drink after the permitted hours of 03:30 hours. This in itself is an offence under Section 136 of the Licensing Act 2003 and severely undermines the licensing objectives at the premises and calls into question the ability of the applicant to adhere to any conditions that the committee may choose to place onto the premises licence.

Portsmouth City Councils statement of licensing policy states that:

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

Given that the applicant wishes to open the premises during a time identified as being at higher risk of violence and given the current investigation into the applicants decision to continue to provide hot food and drink to customers after the permitted hours. The Chief Officer of Police is not satisfied the granting of this application will not have a negative cumulative impact on the area.

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

Yours Sincerely

PC 21945 Rackham
Licensing and Alcohol Harm Reduction Team
Hampshire Constabulary



www.hampshire.police.uk

Deaf? Non-emergency text 07781 480999

For crime and community information www.hampshirealert.co.uk

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Supplementary Occurrence Report

Hampshire Constabulary

Printed: 26/05/2017 17:26 by 21945

Occurrence: [REDACTED] Z Prem Licence (Management Occurrence)

Author: #24272 CHERRY, J.

Report time: 06/05/2017 19:54

Entered by: #24272 CHERRY, J.

Entered time: 06/05/2017 19:54

Remarks:

Attended premises at 0330

Report:

Attended premises, the main doors were closed at 0330hrs, however there were still 6 customers in the premises who were still being served. At 0340 as I was leaving customers were being let out with hot food with the door being closed behind each customer.

RESTRICTED

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 26/05/2017 17:27 by 21945

Occurrence: [REDACTED] Z Prem Licence (Management Occurrence)

Author: #24272 CHERRY, J.

Report time: 11/05/2017 18:14

Entered by: #24272 CHERRY, J.

Entered time: 11/05/2017 18:14

Remarks:

contacted owner Minoo

Report:

Explained to Minoo that her staff were breaching their licence on the weekend as they were still serving past 0330hrs. Minoo kept reiterating that the doors were closed at 0330 and that no new customers entered. I explained that the doors should be shut and all cooking equipment shut off, there should be no customers left in the premises. Minoo stated that customers come in at 0320 hrs and request orders that take upto 20 mins or 30 mins; I explained that these orders have to be refused at this time, the staff have to make informed decisions as to what they can realistically sale at this time.

I explained that this is a further breach, Minoo denied having breached before, I read out the letter from Pete regarding the last breach, she stated she couldn't remember; I advised that this was one of the reasons why she didn't get her extended hours.

She denied seeking extending hours, she denied being told by PC Rackham that she had breached previously.

She then stated that it is only on weekends when they have this problem. I advised that it shouldn't be anytime.

Police Annex A Cont'd

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

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

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: (witness) Date: 27th May 2017

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

I am PC 24272 Cherry of Hampshire Constabulary, currently employed within the Licensing Department as a Licensing Officer and stationed in Portsmouth, working out of the Portsmouth City Council Licensing Department.

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

These are as follows:

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

On the 6th and 7th May 2017 at 0340hrs I was in plain clothes and on patrol in Guildhall Walk. Whilst in Guildhall Walk I observed the premises Gida Express, 12 Guildhall Walk, Portsmouth, PO1 2DD, still serving late night refreshment to customers which is in breach of their premises licence which states that all sales of late night refreshment will cease at 0330hrs.

I attended the premises and asked some of the customers if their food was hot, they advised yes and allowed me to touch the outer packaging to confirm that it was indeed hot.

I entered the premises, albeit the door was initially closed, there was a member of staff monitoring the door, stopping further customers from entering and allowing customers once served to leave with their purchase.

Signature: Signature witnessed by:

I showed my warrant card to gain entry, once inside I was able to observe a queue of customers, approx 6 still waiting to be served. Members of staff were still behind the counter cooking and taking orders. I advised that they were currently breaching their premises licence and advised that at 0330hrs the premises should be empty of customers; the cooking facilities should be switched off so that the premises were closed for business.

The member of staff monitoring the door advised that he had shut the door at 0330hrs but there were still customers inside; I advised that this needs to be managed so that when the door closes there are no customers. The staff tried to advise that as long as the door was shut then they were not breaching; I advised that they were and advised that I would speak to their Premises Licence Holder regarding these breaches.

I left the premises at approx 0348hrs, there were still customers in the premises and the staff continued to meet their orders.

I have since contacted the Premises Licence Holder Minoo Sefadan to advise her about the breaches to her premises licence.

Signature: Signature witnessed by:

Not Disclosable

Witness contact details

Home Address:

Home Telephone No:

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact *(specify details)*:Best time of contact *(specify details)*:

Gender:

Date and Place of Birth:

Former name:

Ethnicity
Code:Religion /
Belief:**DATES OF WITNESS NON-AVAILABILITY:****Witness Care**

a) Is the witness willing and likely to attend court?

Yes ☐ No ☐

If 'No', include reason(s) on form MG6.

b) What can be done to ensure attendance?

c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file.

Yes ☐ No ☐

d) Does the witness have any particular needs?

Yes ☐ No ☐If 'Yes' what are they? *(Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)***Witness Consent (for witness completion)**

a) The Victim Personal Statement scheme (victims only) has been explained to me:

Yes ☐ No ☐

b) I have been given the Victim Personal Statement leaflet

Yes ☐ No ☐

c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?'

Yes ☐ No ☐d) I consent to police having access to my medical record(s) in relation to this matter
*(obtained in accordance with local practice):*Yes ☐ No ☐ N/A ☐

e) I consent to my medical record in relation to this matter being disclosed to the defence:

Yes ☐ No ☐ N/A ☐

f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA:

Yes ☐ No ☐ N/A ☐

Signature of witness:

PRINT NAME

Signature of parent/guardian/
appropriate adult:

PRINT NAME

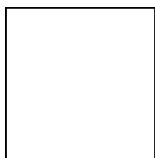
Address and telephone
number if different from above:

Statement taken by:

Station:

Time and place statement
taken:

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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, Octoberfest 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

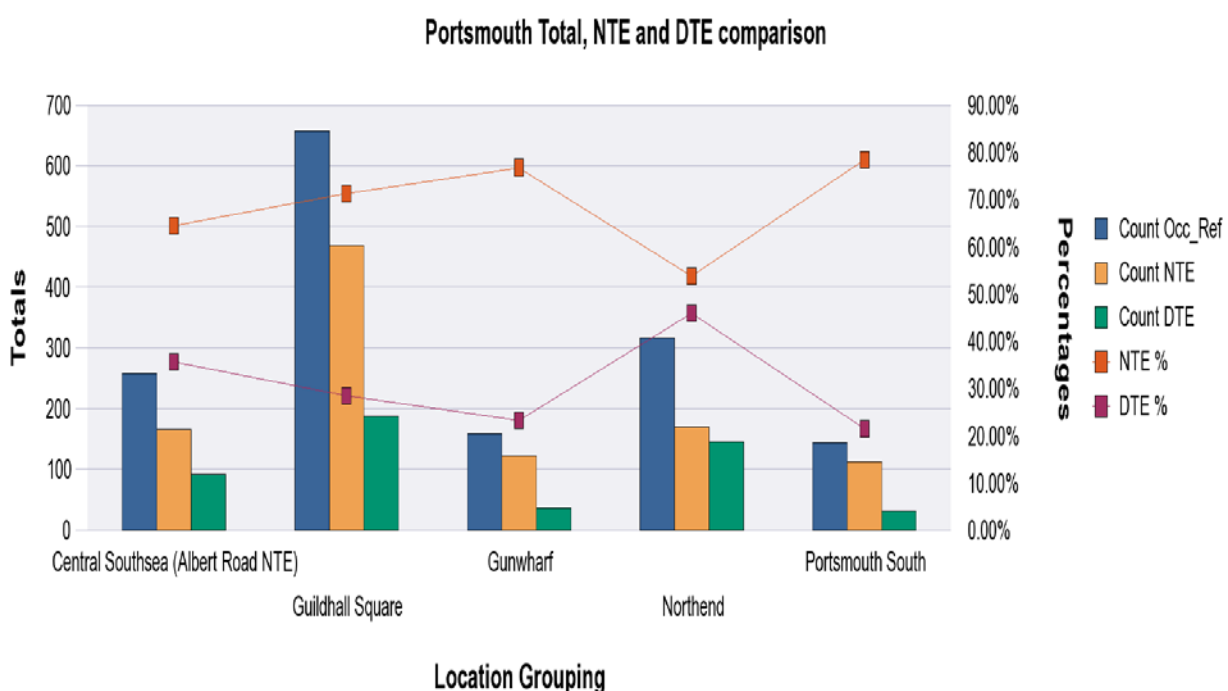
The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones

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.%
- 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;

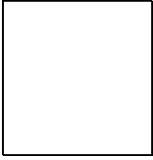
- The number of violence offences (purely NTE violence) has **increased** year on year
- The proportion of violence (purely NTE violence) compared against the whole Portsmouth district 'total violence' is **down** year on year
- The number of violence offences 'with injury' (purely NTE violence) has **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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Stone, Derek

From: Rackham, Peter [REDACTED]
Sent: 01 June 2017 13:17
To: 'phil.crier' [REDACTED]
Cc: Humphreys, Nickii
Subject: FW: Advice around CCTV non operation - Police Licensing

Dear Mr Crier

I hope you are well?

Please can you note the emails below regarding Gida Express.

FYI as you are representing the applicant.

Kind Regards

Pete

PC 21945 Pete Rackham
Licensing and Alcohol Harm Reduction Team
[REDACTED]
[REDACTED]
[REDACTED]

Rackham, Peter
June 2017 13:13
noo.sefidan [REDACTED]
Advice around CCTV non operation - Police Licensing

Dear Minoo

Thankyou for speaking with me today at your premises.

As discussed, you have a CCTV condition which requires the system to be operational at all times that you are open for business. On requesting CCTV and handing you my previous email containing the times requested you advised me that your CCTV system is not currently working.

As such I reiterate my advice provided in person and advise you that should you open past 23:00 hours and perform licensable activity without operational CCTV you run the risk of committing offences under the licensing act 2003. Should you commit any offences under the licensing act 2003 then you will put yourself at risk of being prosecuted. If convicted of an offence under the licensing act 2003 a court can impose an unlimited fine on you, impose a prison sentence of up to 12 months or both.

Please do not run this risk.

I look forward to hearing from you with regards to the CCTV request I have made once the CCTV has been mended.

Any issues then please do not hesitate to contact me via the below means.

Kind Regards

Pete

*PC 21945 Pete Rackham
Licensing and Alcohol Harm Reduction Team
Portsmouth Civic Offices*

[REDACTED]

From: Rackham, Peter
Sent: 26 May 2017 17:43
To: 'minoo.sefidari' [REDACTED]
Cc: Cherry, Jaqueline
Subject: Request from Police Licensing for CCTV in a viewable format

Dear Minoo

Following my colleagues attendance to your premises on the 06/05/2017 in the early hours of the morning.

I would like to be provided the following information from CCTV.

Footage in a viewable format for:

06/05/2017 03:20 - 04:00

13/05/2017 03:20 - 04:00

14/05/2017 03:20 - 04:00

20/05/2017 03:20 - 04:00

21/05/2017 03:20 - 04:00

This is so I can investigate a potential breach of the premises licence regarding sales past permitted hours

Kind Regards

Pete

*PC 21945 Pete Rackham
Licensing and Alcohol Harm Reduction Team
Portsmouth Civic Offices*

[REDACTED]

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Decision only

Licensing Act 2003 - Application for the variation of a premises licence at Gida Express, 12 Guildhall Walk, Portsmouth, PO1 2DD

Decision: the application for the variation of a premises licence was refused for the reasons listed below.

Reasons: The Committee heard the representations of the applicants, the relevant Responsible Authorities and considered all the papers put before them along with the annexes attached to each document.

The Committee is aware that the premises is located within an area of Special Policy and that when having regard to applications for licence grant or variation that the starting position is that any grant or variation which is likely to add to the existing cumulative impact will normally be refused or made subject to certain limitations unless and it is acknowledged that it is the applicant's burden to show, that the applicant can demonstrate that there will be no negative cumulative impact upon one or more of the licensing objectives.

The Responsible Authorities (Police and Licensing) assert that there are no proposed appropriate measures offered by the applicants' are sufficient to negate any cumulative impact upon the licensing objectives of: crime and disorder, prevention of public nuisance.

The Committee look to all the Responsible Authorities but mainly the Police for guidance and assistance in determining the effect 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 above stated the Committee have balanced within their consideration all representations made by the applicants through her advocate and by way of comments made by the current licensee/applicant. In considering the application the Committee is mindful of the following and considered that having heard all matters today could conclude that the following facts have been established:

1. That the area within the premise is situated is one of special policy and that it is clear that the advices as to mitigation of the presumed increase with respect to cumulated impact as suggested in the letter from the Police dated the 5th December 2016 have not been considered or dealt with, appropriately to assuage concerns and risk.
2. The Committee has not heard any (or appropriate) representations that would enable this Committee to conclude that this application within a special policy area is not likely to add to the existing cumulative impact.
3. The Committee having considered the Guidance (section 182) is aware that the burden to show no increase in cumulative impact rests upon the applicant and that this burden has not been shifted, to the satisfaction of this Committee.

4. It is accepted that the applicant has worked well with the Responsible Authorities and runs a successful business but that there is a lack of understanding as to the legal burden that the applicant retains and on balance when considering all factors this cannot shift.
5. The Committee have considered the Police representations as to the current levels of crime and disorder within the cumulative impact zone. They are entitled to accept on balance that there is higher risk of recorded violence within the night time economy within the cumulative impact zone.

With respect to this application the Committee are not satisfied that the applicants' have shifted their burden sufficiently to mitigate by way of their current operating schedule the negative cumulative impact on one or more of the licensing objectives in this case prevention of crime and disorder, prevention of public nuisance as such the application is refused.

The applicant has the right to appeal this decision to the Magistrates Court.