

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

**Licensing Service**

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Our Ref: 16/04325/LAPREM

Date: 21 December 2016

Dear Members of the Licensing Sub-Committee

**Re: Licensing Act 2003 - Application for the Variation of a Premises Licence -  
Alibaba Kebab House 50 London Road Portsmouth PO2 0LN**

I refer to the recent application for the variation of a premises licence in respect of the premises known as Alibaba's and situated at 50 London Road, Portsmouth, PO2 0LN. The application is to extend the hours for the provision of late night refreshment every day.

Currently, the licence permits late night refreshment everyday between the hours of 23:00 and 00:30 hours but the applicant wishes to extend those hours to 03:00 every day.

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

- Prevention of crime and disorder

As per the representation made by the Chief Officer of Police, I have concerns that the premises licence holder has been providing licensable activities, namely the provision of late night refreshment, beyond the hours the premises are currently authorised for which is an offence in accordance with section 136 of the Licensing Act 2003.

PC Rackham, in his representation, evidenced a visit to the premises on 22 November 2016 when the premises were found to be open to members of the public and providing late night refreshment at 03:04 hours. As a result of this information being given to the Licensing Authority, Mr Yaqubi, the premises licence holder was interviewed by licensing staff and was advised in no uncertain terms that to continue to provide late night refreshment beyond 00:30 hours would constitute an offence under the 2003 Act and he could be liable for legal proceedings to be instigated.

It is of concern to the Licensing Authority that despite this advice and warning, the information submitted by the Chief Officer of Police would suggest that the premises licence holder is knowingly continuing to trade beyond 00:30 hours and is in fact making deliberate efforts to disguise those activities.

It is also submitted that the applicant has only requested to trade until 03:00 hours on the application under consideration but advertises the provision of late night refreshment until 04:30 hours.

At the time that this representation was prepared, investigations were still ongoing in terms of potential offences being committed contrary to section 136 of the Act. If it is established that this is indeed the case then the Licensing Authority will be seeking to instigate legal proceedings against the licence holder.

Given that the applicant has knowingly traded beyond his permitted hours under the terms of the premises licence and there is evidence to suggest that this is ongoing, the Licensing Authority is not satisfied that the applicant has demonstrated sufficient commitment to promoting the prevention of crime and disorder licensing objective and on that basis it is requested that the Licensing Sub-Committee refuse the application.

Yours sincerely



**Nickii Humphreys**  
**Licensing Manager**

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