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2 December 2016

Dear Sir/Madam

**Re: Application for a Variation of Premises Licence, Ali Babas, 50 London Road, Portsmouth**

On Behalf of the Chief Officer of Police, I make representations in relation to the application for a variation of premises licence at Ali Babas, 50 London Road, Portsmouth.

I make these representations under the grounds of:

- 1) The prevention of crime and disorder

This is due to the lack of engagement by the applicant with the Chief Officer of Police and also due to offences the Chief Officer of Police believes the applicant to have committed and continues to commit under the Licensing Act 2003 which have undermined the Licensing Objectives.

**Ali Babas**

Ali Babas is a late night takeaway premises in London Road, Portsmouth. It is licenced under the Licensing Act 2003 to provide late night refreshment between 23:00 and 00:30 hours Monday – Friday.

The licence was applied for and granted in Summer 2015 with no conditions placed onto the premises licence.

**Offences under Licensing Act 2003**

On Sunday 22<sup>nd</sup> November at 03:04 hours, PC 21945 Rackham, whilst on duty, drove past the premises and noted that it appeared open. Through the window could be seen a full selection of meats in the open chilled section and kebab spits were also up. PC Rackham also noted that two members of staff appeared to be making hot food within the premises and the door was open. On entering PC Rackham was sold a medium portion of chips which were seen to be cooked in hot oil for £1.99.

This sale clearly was unlicensed and as such an offence under Section 136 of the Licensing Act 2003.



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PC Rackham provided a statement and receipt for the hot food to Portsmouth City Councils Licensing Team where it is understood that the following week the councils licensing team interviewed the applicant and advised him to desist operating outside of his permitted hours. It is also understood that the applicant was advised that should he continue providing hot food and drink to members of the public after his permitted hours, he may be subject to prosecution for offences under the licensing act 2003.

### **Application**

Shortly after this meeting on 29<sup>th</sup> November 2016 the Chief Officer of Police received an application to extend the hours of the premises from 00:30 hours to 03:00 hours. The application did not specify how the premises would promote any of the licensing objectives.

As a result the Chief Officer of Police contacted the applicant and proposed a CCTV condition to be placed onto the premises licence should the licence be granted. As of the 20<sup>th</sup> December no further response was heard and so the Police Licensing Team re sent the email. So far the applicant has not responded to the Chief Officer of Police. These emails are provided in Annex A.

It should be noted that the applicant did not contact the Chief Officer of Police prior to submitting the application as per current Home Office Guidance.

### **Further suspicions of licensable activity after permitted hours**

On both 16<sup>th</sup> and 17<sup>th</sup> December 2016 PC Rackham drove by the premises at around 02:00 hours each night and noted that the front door was shut. However there was a bed sheet put up in the window and the inside light was on. On driving around to the rear of the premises cars were seen to be parked in the rear area of the premises. Whilst no hot food was seen to be provided to members of the public, it did seem odd.

The Chief Officer of Police has also seen takeaway websites in which the premises is advertised as selling hot food until 04:30 hours in the morning. Some 4 hours past their permitted licensable hours. This is despite being advised by the Council Licensing Team of what they can and cant do and being aware of the consequences of such actions. A screen shot of the two takeaway websites is provided in Annex B.

### **Refusal Recommendation**

The Chief Officer of Police has huge concerns about the applicants ability to operate a licensed premises in a way which promotes the licensing objectives. Not only has the applicant broken the law in opening way past the permitted hours stated on the premises licence but he has continued to do so once advised by Portsmouth City Councils Licensing Team. From the information on the takeaway websites and also PC Rackhams visit it appears that the applicant has decided to continue operating at a time when he has no lawful authority to do so.

What also concerns the Chief Officer of Police is the lack of contact from the applicant regarding the current application. It is important that persons operating licensed premises respond promptly to the Chief Officer of Police. It is disappointing that the applicant has not responded to the Chief Officer of Police and potentially indicates what will happen in the future when the Police request contact with the applicant over potential issues.

The final concern the Chief Officer of Police has with this application is that it is quite clear that the applicant wants to trade long past 03:00 hours. The applicant is advertising being able to be open to provide hot food and drink until 04:30 hours. This will undoubtedly lead to further



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offences being committed by the applicant under the licensing act 2003 and again shows how the applicant will undermine the licensing objectives.

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

Yours Sincerely

PC 21945 Rackham  
Licensing and Alcohol Harm Reduction Team  
Hampshire Constabulary



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