

REPORT TO: LICENSING SUB-COMMITTEE

18th JANUARY 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

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

1. PURPOSE OF REPORT

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

The premises licence is held by Mr Naseem Ahmed.

2. STATUTORY PROVISIONS

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

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

3. THE APPLICATION

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

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

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

Officer Note:

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

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

4. BACKGROUND INFORMATION

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

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

- **Late night refreshment**

Monday to Sunday 23:00 until 03:00

- **Opening hours of the premises**

Monday to Sunday 11:00 until 03:00

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

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

5. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

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

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

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

6. POLICY AND STATUTORY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 11.23 - “Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence”.

7. APPEAL PROVISIONS

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

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

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

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

8. APPENDICES

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

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



Principal Licensing Officer



Reference No

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC 21945 Rackham

.....
(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Kens, 35 Guildhall Walk,

Post town

Portsmouth

Post code

PO1 2RY

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

Naseem Ahmed

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

LAPREM/10516

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

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

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

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

Telephone number (if any) 02392 688754

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

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

1) the prevention of crime and disorder

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

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

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

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

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

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

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

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

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

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

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

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

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

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

Licensing Act 2003.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Please tick <input checked="" type="checkbox"/> yes	
<ul style="list-style-type: none"> I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate. 	<input type="checkbox"/>
<ul style="list-style-type: none"> I understand that if I do not comply with the above requirements my application will be rejected. 	<input type="checkbox"/>
<p>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</p>	
<p>Part 3 – Signatures (please read guidance note 4)</p>	
<p>Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 5). If signing on behalf of the applicant please state in what capacity.</p>	
Signature	
Date	22 nd November 2016
Capacity	Police Constable on behalf of the Chief Officer of Police for Hampshire Constabulary

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</p>		
Post town		Post code
Telephone number (if any)		
If you would prefer us to correspond with you by email, your email address (optional)		

Notes for Guidance

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

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

Annex A

Kens Fried Chicken Guildhall Walk Incidents 3 months

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICE ANNEX B

ANNEX B

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

Contact by telephone from Mr Ahmed.

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

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

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

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

21945

Annex B

Email to Mr Ahmed on 13th March 2016

Dear Mr Ahmed

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

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

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

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

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

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

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

Mr Ahmed you must adhere to your licensing conditions.

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

Kind Regards

Pete

PC 21945 Rackham

Violent Crime Reduction and Licensing Team

Portsmouth



Annex B

From: Wakefield, Michael

Sent: 12 March 2016 07:06

To: Moss, Matthew

Cc: Rackham, Peter

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

Gents,

I attended the above location for a Licensing Check.

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

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

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

Mike

24297

WITNESS STATEMENT

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

URN [] [] [] []

Statement of: [REDACTED]

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

Occupation: Unemployed

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

Signature: _____ (witness)

Date: 06/09/2016

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

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

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

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

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

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

Signed : _____

Signature witnessed by : _____

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

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

Signed :

Signature witnessed by :

WITNESS STATEMENT

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

URN

--	--	--	--

Statement of: PC Sarah Catton

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

Occupation: Police service

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: _____ (witness)

Date: 10/11/2016

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

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

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

Signed :

Signature witnessed by :

POLICE ANNEX E

Annex E

Hi Naseem

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

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

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

Kind Regards

Pete

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

His Pete,

Hope you are well.

Can I ask why?

Look forward to hearing back from you.

Naseem

Sent from my Samsung device

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

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

Dear Mr Ahmed

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

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

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

Kind Regards

Pete

PC 21945 Rackham

Alcohol Harm Reduction and Licensing

Portsmouth



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POLICE ANNEX F

Annex F

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

Dear Naseem

I hope you are well?

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

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

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

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

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

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

Kind Regards

Pete

PC 21945 Rackham

Alcohol Harm Reduction and Licensing Team

Portsmouth

[REDACTED]

POLICE ANNEX G

ANNEX G

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

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

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

Signature:  (witness) Date: 18th November 16

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

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

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

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

These are as follows:

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

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

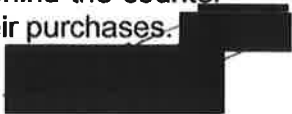
As I was patrolling around Guildhall Walk keeping an eye on night time activities, I observed Kens Kebabs trading as it is immediately next to Astoria a night time economy night club.

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

Signature:  Signature witnessed by:

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

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



Signature:  Signature witnessed by:

POLICE ANNEX H

Annex H

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

Dear Mr Naseem Ahmed

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

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

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

Kind regards

Derek Stone

Principal Licensing Officer

Directorate of Culture and City Development

Licensing Service

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

Hants

PO1 2AL

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LICENSING ACT 2003

PREMISES LICENCE

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

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

Part 1 - Premises details

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

Ken's Kebab House 35 Guildhall Walk
--

Post town: Portsmouth

Post code: PO1 2RY

Telephone Number:

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

Licensable activities authorised by the licence:

Late night refreshment

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

Late night refreshment

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

The opening hours of the premises:

Hours premises are open to the public

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

LICENSING ACT 2003

PREMISES LICENCE

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

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

Part 2

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

Mr Naseem Ahmed



Post town: [REDACTED]

Post code: [REDACTED]

Telephone number: [REDACTED]

Email: [REDACTED]

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

LICENSING ACT 2003

PREMISES LICENCE

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

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

Not applicable

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

Personal licence Number: Not applicable

Issuing licensing authority: Not applicable

Date Licence Granted: 11/11/2008



Authorised Officer
Licensing Section

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 1 - Mandatory conditions

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

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

Operation and Storage.

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

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

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

The system will be regularly maintained and serviced.

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

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

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

The images produced will be date and time stamped.

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

Access

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

Ensure all operators receive training from the installer when equipment is

LICENSING ACT 2003

PREMISES LICENCE

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

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

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

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

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

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

(i) The licence number, name, date of birth and residential address of that person;

(ii) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;

(iii) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;

(iv) Any times during the period of duty when he/she was not on duty;

(v) If that person is not an employee of the Licence holder, the name of the person by whom that person is employed or through whom the services of that person were engaged;

(vi) The register shall be so kept that it can be readily inspected by an authorised officer of the Council or Police Officer;

(vii) The duty register shall comprise of a bound, consecutively page-numbered book and the Licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.

LICENSING ACT 2003

PREMISES LICENCE

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

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

Protection of Children from Harm

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

Public Safety

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

LICENSING ACT 2003

PREMISES LICENCE

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

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

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 4 - Plans

As attached

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

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4604

Our Ref: 16/04286/LAREVI

Date: 20 December 2016

Dear Members of the Licensing Sub-Committee

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

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

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

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

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

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

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

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

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

Continued/.....

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

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

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

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

A copy of this letter is attached.

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

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

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

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

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

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

Yours sincerely

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

Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk



Hampshire Constabulary
Chief Constable Alex Marshall

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

Our ref:
Your ref:

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

16th February 2009

Dear Mr Ahmed,

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

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

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

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

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

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

Condition two on page six of the Premises Licence states,



Hampshire Constabulary
Chief Constable Alex Marshall

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

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

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

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

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

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

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

Condition two on page six of the Premises Licence states,

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

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

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



Hampshire Constabulary
Chief Constable Alex Marshall

condition may be disapplied at the discretion of the police.

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

Mike O'Malley.
Licensing Officer

Appendix D

Representations for licensing review:

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

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

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

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

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

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

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

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

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


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

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



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

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


Blake Morgan LLP solicitors for the premises licence holder.

19th December 2016

