

Licensing Sub-Committee  
Portsmouth City Council  
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**Licensing Service**

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Our Ref: 17/02081/LAPREM

Date: 2 March 2017

Dear Licensing Sub-Committee Members

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

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

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

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

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

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

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

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

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

The reasons for this representation are set out below:

#### **Applicant's relationship with existing licence holder**

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

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

#### **Further incidents since the revocation of the current premises licence**

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

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## Cumulative Impact Policy

As members will be aware the Licensing Authority has adopted a special policy in relation to cumulative impact and these premises are located within that specific area. As the Statutory Guidance issued by the Home Office under section 182 of the Licensing Act 2003 states; **the effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licence which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations.**

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

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

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

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

Yours sincerely



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**Licensing Manager**

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