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Our ref:  
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24<sup>th</sup> February 2017

Dear Sir/Madam

**Re: Application for a Variation of Premises Licence, Kens Kebabs, 35 Guildhall Walk, Portsmouth**

On Behalf of the Chief Officer of Police, I make representations in relation to the application for a variation of premises licence at Kens Kebabs, 35 Guildhall Walk, Portsmouth.

I make these representations under the grounds of:

- 1) The prevention of crime and disorder

**Kens Kebabs Background leading to this application**

Kens Kebabs is a late night takeaway situated in Guildhall Walk, Portsmouth. At the time of writing the premises licence has been revoked by the Licensing Sub committee following a review bought by the Chief Officer of Police which took place in January 2017. The Chief Officer of Police raised concerns regarding the current Premises Licence Holder, Naseem Ahmed opening the premises after its permitted hours, incidents of violence linked to the premises when open beyond its permitted hours and a number of issues with compliance with the conditions of its premises licence.

The Licensing Subcommittee took the decision to revoke the premises licence after listening to evidence from the Police, Portsmouth City Councils Licensing Service and the Premises Licence Holder. It is understood that this decision is currently being appealed by the current Premises Licence Holder and as such the premises is still able to operate under its current premises licence.

Currently the premises is licensed to provide late night refreshment between 23:00 and 03:00 hours 7 days a week. This situation will continue until such a time that the appeal is heard (dependant on the decision of the appeal hearing).

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.



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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.

### **Incidents at the premises over the last 10 months**

A number of incidents have occurred at the premises over the last 10 months which are attached to this document and are shown as **Annex A** in the Police Bundle.

These incidents show that the premises has contributed to the cumulative impact in Portsmouth and also show that crime and disorder do occur at the premises.

### **Concerns raised with both applicant and current management following revocation of the licence**

Police have shared concerns with Naseem, Saleem and Usman Ahmed regarding the following at a meeting held on 13<sup>th</sup> February 2017:

- Incident 44170037117 29<sup>th</sup> January 2017 23:39 – Staff member who was assaulted is seen initially to move from the kitchen area to the customer area and to push the offender. Both parties seen to move to the rear of the premises where the alleged assault takes place. Staff member is found to be one of the members of staff involved in an incident where staff members at the premises are involved in an assault on customers for which they receive custodial sentences on conviction. The staff member in this case had been convicted of Affray and spent time in prison for this. He was then re employed by the current Premises Licence Holder.
- Incident 44170053775 11<sup>th</sup> February 2017 02:25 – Female with a group of friends is asked to leave the premises. Door staff from a local premises assist as they believe that the door staff employed are struggling to communicate effectively with the group. On being ejected one of the females alleges that she has been sexually assaulted by one of the door persons assisting. This is later found to be an unfortunate placement of hands rather than an offence.
- Incident 44170054885 12<sup>th</sup> February 2017 00:30 – Male begins throwing chips around and is asked to leave the premises by door staff. On leaving he punches a door person from another premises assisting in the face.

Saleem Ahmed has stated that regarding the staff member who pushed the offender. He has had his employment terminated by the premises. There are now no longer any staff members who were imprisoned now working at the premises. Regarding the two incidents where door staff from other premises have assisted, Saleem stated that he was working at the premises on the night and was happy with the door staff the company employed and also that they were happy that the door staff used were able to communicate effectively with customers and were able to deal with issues. Saleem also stated that his door team worked with those in the vicinity and vice versa when issues arose so it was normal for door staff from other premises to assist as they were one large team.

During the same meeting Naseem Ahmed stated that his intention would be to leave the business and have no involvement whatsoever in it. He stated that he intended to hand over sole control of



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the business to the applicant Usman Ahmed his son. This has been confirmed by the solicitor representing the applicant.

Naseem Ahmed also advised that the intention with the application was two fold. Should the appeal be unsuccessful then the application with a completely new person in charge could go ahead. If the appeal was successful then the application would be withdrawn and Osman Ahmed would still take over and be in control of the premises. Naseem Ahmed reiterated this point.

### **Pre Application contact with Police**

During the same meeting it was also discussed with the applicant the CIZ area and the concerns around this, the incidents which had been attributed to the premises and the importance of adhering to the hours authorised on the licence and also the conditions. It was also made clear to the applicant that any application should detail the measures they would take to minimise the impact of the premises on the CIZ.

Following the meeting discussion was had with applicants solicitor and the Police Licensing Team. During this further advice was offered and representations listened to from the applicants solicitor.

The Chief Officer of Police is satisfied that the applicant has engaged with them as per the latest Home Office guidance and where possible taken on board this advice provided.

### **Application**

The application was received by the Chief Officer of Police on 14<sup>th</sup> February 2017. In it contains reference to CCTV, staff training, SIA registered door staff working most nights as well as children not being allowed on the premises after 22:00 hours and also capacity numbers.

The hours the premises wishes to operate until are also the same as the current licence which is appealing its revocation. 03:00 hours 7 days a week.

### **Cumulative Impact Zone**

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 more recently this year, 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



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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 violent crime statistics within the CIZ and within Portsmouth and can be found attached as **Annex B** of the Police bundle.

### **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 the last 10 months. 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 the last 10 months 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. The other 45% being spread over the other 5 days of the week.
- 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.

### **Summary**

This application and subsequent objection comes to the committee in unusual circumstances. There is currently a licence in place which the licensing sub-committee has made the decision to revoke on the grounds of crime and disorder and also due to the management of the premises which committed offences under the licensing act and undermined the licensing objectives as a result.

The current management have appealed this decision and during this time a new applicant (the son of the premises licence holder for the revoked licence) has applied for the grant of a licence with the same hours and conditions as previously.



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The Chief Officer of Police raises a number of concerns and will deal with each one separately:

### **New Applicant**

The applicant for this particular licence Usman Ahmed has no previous convictions and there is no information which the Police hold which would suggest that his appointment as Premises Licence Holder would undermine the licensing objectives.

The applicant, the holder of the current premises licence and their legal representative have all stated that the intention is for Usman Ahmed to have control of the business and have also all stated that Naseem Ahmed will no longer be involved in the business in any capacity whatsoever. They have all stated that they understand the concerns previously raised by the Chief Officer of Police and that they have all stated that they hope to demonstrate that by removing Naseem Ahmed from the operation of the premises, that this will assuage the concerns of the Chief Officer of Police.

The Chief Officer of Police has no way of knowing if this will be the case and would urge the committee that if they decide to grant this licence, one of the things they must satisfy themselves is that Usman Ahmed will be the person in control and not merely a front for his father.

### **CIZ and incidents at the premises**

The area within which the premises sits is in a CIZ. You have heard the evidence that the CIZ is an area where there is a disproportionate amount of violence, late at night, around the times the applicant wishes to open.

The current Portsmouth City Councils, statement of licensing policy relating to applications within a CIZ states:

“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”

The statement also refers to all licensed premises in the area and not just premises licensed to sell alcohol.

It is the opinion of the Chief Officer of Police that should the licence be granted it will lead to a cumulative impact on the licensing objectives. This is supported by the fact that the premises, despite having the same measures in place as the applicant is requesting has still had a number of violence incidents which can be attributed to it.

If, after considering all the evidence placed before it the committee are:

- Not satisfied that the applicant can demonstrate that they will have full control of the premises and that the current premises licence holder Naseem Ahmed will have nothing to do with the operation of the premises.
- Not satisfied that the application as it stands will not have a cumulative impact on the licensing objectives.

Then the Chief Officer of Police would urge the committee to not grant this licence.



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Should the Committee be satisfied with the above points then the Chief Officer of Police would urge the committee to, at the very minimum, place the conditions included in the application onto the premises licence. However with a small change to the days of the SIA required to 7 days a week.

Yours Sincerely

PC 21945 Rackham  
Licensing and Alcohol Harm Reduction Team  
Hampshire Constabulary



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