

Licensing Sub-Committee
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Licensing Service

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Our Ref: 17/03099/LAPREM

Date: 15 June 2017

Dear Licensing Sub-Committee Members

**Re: Licensing Act 2003 - Application to vary premises licence
Gida Express 12 Guildhall Walk Portsmouth PO1 2DD**

I refer to the recent application by Mrs Minoo Sefidan for the variation of the premises licence in respect of Gida Express situated at 12 Guildhall Walk, Portsmouth, Hants, PO1 2DD.

The applicant seeks, by way of variation, to extend the hours for the provision of late night refreshment to 05:00 hours every day for the sale of takeaway food. (The premises are currently licensed to provide late night refreshment until 03:30 hours every day).

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

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

This representation has been made on the basis that the applicant has failed to adequately demonstrate that the proposed variation will not have a negative cumulative impact on the promotion of the licensing objectives referred to above. Whilst the applicant has offered additional conditions to be imposed on the premises licence if the variation is granted it is the view of the Licensing Authority that these measures will be insufficient to prevent a negative cumulative impact on the licensing objectives should the premises be permitted to open until 05:00 hours.

I am also disappointed to have to alert the Licensing Sub-Committee's attention to the fact that the Police made a formal request to the applicant to provide information from the premises CCTV system which is a condition on the existing premises licence on 26 May 2017. Following further discussions between the police and the applicant on 1 June 2017, Mrs Sefidan admitted that, despite the premises licence having a CCTV condition which requires the system to be operational at all times that the premises are open for business, it was not working on the dates that the Police requested recordings. This constitutes a breach of the conditions of the licence contrary to section 136 of the Act.

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Given that the applicant has failed to comply with an existing condition on her licence, and it would appear that this has been over a sustained period of time, I am not reassured by the applicant's proposal to abide by further conditions that have put forward to justify the grant of the variation.

Most importantly, 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 a premises licence which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations".

I have given 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. Those matters taken into account are as follows:

- The applicant has not demonstrated to a satisfactory extent in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives;
- Recent evidence, and on the applicant's own admission, that the CCTV system required by way of condition on the existing premises licence was found not to be working and therefore the Police were unable to obtain the information that they requested; and
- The evidence submitted by the Chief Officer of Police clearly demonstrates that crime and disorder and public nuisance is prevalent in this area, particularly between the hours of 20:00 and 06:00 hours every day.

Given the above considerations and the existence of the special policy area, I have concerns that the grant of this application will have a negative effect upon the promotion of the licensing objections and would therefore request that the application to vary the premises licence is refused.

Yours sincerely



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Licensing Manager

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