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26th May 2017

Dear Sir/Madam

Re: Application for a Variation of Premises Licence, Gida Express, 12 Guildhall Walk, Portsmouth, PO1 2DD

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

I make these representations under the grounds of:

- 1) The prevention of crime and disorder

Gida Express

Gida Express is a late night takeaway premises in Guildhall Walk. It is licensed under the Licensing Act 2003 to provide late night refreshment between 23:00 – 03:30 hours Monday – Friday.

The premises has been open for a number of years and the premises licence holder and applicant for this variation is Minoo Sefidan.

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.

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.

Licence Conditions

Gida Express currently has very few conditions currently on its premises licence. The only condition attached to the premises licence refers to having fully operational CCTV.



General Working Relationship with the premises and history re previous application

In October 2016 the applicant was spoken to regarding one occasion where the premises was open past its permitted hours and continued trading and providing hot food and drink. The applicant apologised and stated that it was due to a mistake made by staff on the night and that once the applicant had noticed she had resolved the issue. As this incident was the first incident of its nature to come to Police attention no further action was taken. The premises licence holder and applicant for this variation was given words of advice.

Pre Application Contact November 2016, application and subsequent refusal

The applicant met with the Police prior to submitting a similar application at the premises in accordance with Home Office Guidance.

During this meeting it was explained to the applicant that the premises was in a cumulative impact zone and that due to this it would be incumbent on the applicant to show that by opening there would be no negative cumulative impact on the area. It was also explained that this was due to historically there being a large amount of violent crime and disorder incidents within this area which were disproportionate to the day time and which were at their peak during the time the applicant wished to open.

Due to the increase in incidents within the CIZ it was suggested that the applicant consider the following to be placed onto the licence:

- Changing the CCTV conditions to bring them up to date and include a condition to ensure that staff were on site after 23:00 hours till close who could operate the CCTV and supply a copy of it to Police or the licensing authority.
- Provision of door staff from 23:00 hours until close of the premises.
- Use of Body Worn Camera by door staff.
- Having a set number of staff on site to cope with demand including a manager to ensure the premises operate in a way which supports the licensing objectives.

It was impressed on the applicant during this meeting that it was essential these measures were considered in order to show to the Licensing Authority the measures the applicant was willing to take to prevent crime and disorder at the premises and not contribute cumulatively to crime and disorder in the area.

Following this meeting the applicant submitted the major variation to the Police Licensing Team. On receipt of the application it was noted that the advice provided by the Police had not been put in place. The application failed to offer up any of the conditions suggested and did not take into consideration of how the application would not cause an adverse affect on the cumulative impact zone.

As such the Chief Officer of Police made representations. A committee hearing was held and after hearing all relevant facts, the committee took the decision to refuse the grant of a variation to the premises licence.



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March/April 2017 contact with Police

In March or April 2017 Police received contact from the applicants solicitor. Discussed was the potential for another application to extend hours at the premises. The applicants solicitor was advised that any application would need to reflect the advice provided back in November 2016 and also show how the premises would not cause an adverse effect on the cumulative impact zone.

As such the Chief Officer of Police is satisfied that the applicant has engaged with the Police as per Home Office guidance.

Proposed changes to the Premises Licence

In May 2017 the Chief Officer of Police received the application which requests a change of opening times from 03:30 hours to 05:00 hours each night 7 days a week.

The applicant has also offered a number of changes to the premises licence in order to uphold the licensing objectives and these do reflect the advice provided by the Police Licensing Team in November 2016.

These points include:

- Including a provision to ensure staff members have to provide Police with CCTV on request and that from 23:00 hours someone is on site who can operate the CCTV.
- Including a minimum of 3 staff on duty from 23:00 hours until the close of the premises.
- The tills being turned off at 05:00 hours and door locked to prevent any sales after this time.
- All staff to be trained with compliance of the licensing conditions to prevent breaches.
- A minimum of one SIA licensed door supervisor on duty from 00:00 until the close of the premises.
- Door staff to have body worn video when working and wear hi vis tabards.
- Maintaining a log of door staff working.

Recent History of the premises

Incidents at the premises are very few in number. However Police are currently investigating an offence under the licensing act 2003 where an officer from the Police licensing team has observed the provision of hot food after permitted hours. Potentially this means that the applicant has committed offences under Section 136 of the Licensing Act 2003. This matter is still under investigation at the time of writing.

Currently the applicant has been provided with advice regarding when she has to close. This is the same advice as provided previous when the applicant did the same.

I provide working sheets from PC Jackie Cherry who witnessed the provision of hot food after hours and subsequently made contact with the applicant to provide the advice as well as her statement re the incident as **Annex A**.

Cumulative Impact Zone



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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 in 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 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 crime statistics within the CIZ, those directly attributable to the applicants premises and those which are directly attributable to similar type premises (Late night refreshment).

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 a recent 10 month period. 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 a recent 10 month period 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.
- 45% of the NTE violence relates to Sunday - Thursday.
- It has been identified that the peak times for violence incidents are between 20:00 – 05:00 hours.



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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.

Gida Express

Police figures show that there are very few attributable incidents to the premises. However the premises sits centrally within the CIZ and whilst figures do not show an issue with the premises directly, there are incidents of crime and disorder which occur in the immediate vicinity of the premises. Therefore on the balance of probabilities should the premises remain open later there will be a very real chance that this will impact cumulatively on the area.

Summary

Following this information the Chief Officer of Police has concerns with regards to the application and from the information to hand, does not feel that the granting of the variation will promote the licensing objectives. The Chief Officer of Police also believes that the granting of the variation will adversely impact on the CIZ.

It is also of great concern to the Chief Officer of Police that despite advice provided in October 2016, it appears that the applicant is still on occasion providing hot food and drink after the permitted hours of 03:30 hours. This in itself is an offence under Section 136 of the Licensing Act 2003 and severely undermines the licensing objectives at the premises and calls into question the ability of the applicant to adhere to any conditions that the committee may choose to place onto the premises licence.

Portsmouth City Councils statement of licensing policy states that:

“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”

Given that the applicant wishes to open the premises during a time identified as being at higher risk of violence and given the current investigation into the applicants decision to continue to provide hot food and drink to customers after the permitted hours. The Chief Officer of Police is not satisfied the granting of this application will not have a negative cumulative impact on the area.

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

Yours Sincerely

PC 21945 Rackham
Licensing and Alcohol Harm Reduction Team
Hampshire Constabulary



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