



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

MONDAY, 17 DECEMBER 2018 AT 2.30 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith 023 9283 4057
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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors David Fuller (Chair), Ian Lyon (Vice Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, George Fielding, Hannah Hockaday, Leo Madden, Gemma New, Scott Payter-Harris, Steve Pitt, Darren Sanders, Ben Swann, David Tompkins and Claire Udy.

The panel today consists of: Councillors Jason Fazackarley, Leo Madden and Scott Payter-Harris

The reserve member is Councillor David Tompkins

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 Appointment of Chair**
- 2 Declarations of Members' Interests**
- 3 Licensing Act 2003 - Application for variation of a premises licence - Best-One, 140-144 Fratton Road, Portsmouth, Hants (Pages 3 - 68)**

The purpose of the report by the Licensing Manager is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from two local residents.

The committee is requested to determine the variation application.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE

17th DECEMBER 2018

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for variation of a premises licence - Best-One, 140-144 Fratton Road, Portsmouth, Hants

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from two local residents.

2. THE APPLICATION AND PROPOSED VARIED OPERATING SCHEDULE

The variation application has been submitted seeking to make changes to the current authorisation by extending the hours of alcohol off sales by two hours as follows:

Monday to Sunday 08:00 to 02:00. (Currently terminating at 23:59) The premises are open 24 hours daily.

The applicant has detailed in the operating schedule the steps intended to support and promote the licensing objectives. These steps include a restriction on the sale of beers, ciders or lager over 6.5% abv excluding premium products as agreed in writing with the Police Licensing Officer, SIA licensed door supervisors on Friday and Saturday from 23:00 until 02:00, staff training and challenge 25 policy. These can be found in the redacted application form attached as **appendix A**.

The current licence is attached as **appendix B**.

The updated statutory guidance¹ gives general advice about the steps to promote the licensing objectives as follows:

Paragraph 8.42 *"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand: the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

Paragraph 8.43 *"Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."*

¹ Revised Statutory Guidance issued by the Home Office

Paragraph 8.44 *"It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."*

Paragraph 8.47 *"Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."*

Paragraph 8.50 *"Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above."*

3. BACKGROUND INFORMATION

The provisions relating to the variation of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

There are no representations from any responsible authorities but two representations have been received from local residents attached at **appendix C**

The statutory guidance states:

Paragraph 9.11 *"Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so."*

Paragraph 9.12 *"Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act*

may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing".

Officer note: In 2008 the premises was subject to a review by local residents as the premises licence was originally for 24 hours. On 3rd November 2010 a Licensing Sub-Committee hearing heard an application to vary the hours from 08:00 to 01:00. The 08:00 start time was granted but the later finish was refused. On the 16th November 2011 a Licensing Sub-Committee hearing refused a variation application for the extension of permitted alcohol sales until 01:00. On the 11th April 2014 a Licensing Sub-Committee hearing refused a variation application for the extension of permitted alcohol sales until 01:30. The notices of decision for these four hearings are attached at appendix D.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the variation application, 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;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance² issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.7 and 4.8 which are reproduced below:

² Revised statutory guidance issued by the Home Office

- 4.7** *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.8** *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.*

The Committee should also have regard to paragraphs 7.1 to 7.5 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Paragraph 9.37 "As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits".

Paragraph 9.42 "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."

Paragraph 9.43 "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."

Paragraph 9.44 "Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that

the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Paragraph 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."*

Paragraph 10.9 *"It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."*

Paragraph 10.13 *"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."*

Paragraph 10.14 *"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."*

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

Paragraph 11.1 *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates 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."*

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

Determination of an application

Where an application to vary a premises licence has been made in accordance with section 34 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

Paragraph 13.10 *"It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."*

A copy of the Statement of Licensing Policy, current 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.

6. APPEALS

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to vary a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal

against any decision to modify the conditions of the licence.

Where a person who made relevant representations in relation to the application contends that:

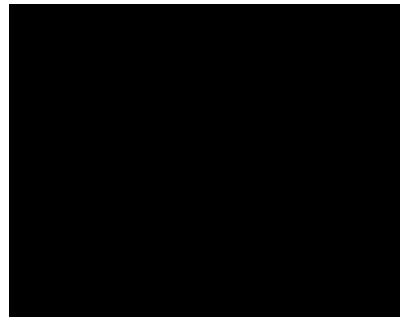
- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation of the premises licence together with a schedule of proposed changes to the licence conditions if necessary
- B.** Copy of the current premises licence
- C.** Copies of the redacted relevant representations received
- D.** Licensing Sub-Committee Notices of Decision x 4

THE COMMITTEE IS REQUESTED TO DETERMINE THE VARIATION APPLICATION



For Licensing Manager
And on behalf of Head of Service

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* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

JOSW

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Sebastiampillai

* Family name

Jeevanayagiam

* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

- Yes No

Note: completing the Applicant Business section is optional in this form.

Is the applicant's business registered outside the UK?

- Yes No

Business name

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To extend the sale of alcohol each day to 0200

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises
- Off the premises
- Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

No beers, ciders or lager over 6.5%abv shall be sold by retail excluding premium products as agreed in writing with the Police Licensing Officer.

b) The prevention of crime and disorder

On Friday and Saturdays from 2300 until 0200 an SIA licensed door supervisor shall be on duty at the premises. the door supervisor must wear a fluorescent/reflective orange tabard/jacket, clearly marked security.

The premises licence holder shall maintain a written record of the person employed as door supervisor to include their SIA licence number, name, date of birth and residential address. The record will confirm the time at which they commenced and ceased their employment. If they are not an employee of the licence holder the record will also include the name and address of the company with whom that person is employed. The record will be made available to the police or a local Authority officer upon request.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

All staff must receive training which incorporates a process of assessment before they are permitted to use the tills. refresher training will be carried out as a minimum once every 6 months. Records of the training must be maintained and produced upon request of a police officer or Local Authority officer.

A challenge 25 policy will be adopted and included in the training. Only ID which with a photograph and date of birth such as a passport, UK driving licence, PASS approved ID card or Military ID card will be accepted as proof of age. A refusal log will be maintained to record any instance when the sale of alcohol is refused. Such record will as a minimum state: the date and time of the refusal; the reason for the refusal and the name of the person who refused the sale. The record will be made available upon the request of a police officer of Local Authority Officer.

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

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:	10/04271/LAPREM
---------------------------------	-----------------

Part 1 - Premises details

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

Best-One 140 - 144 Fratton Road

Post town: Portsmouth

Post code: PO1 5DD

Telephone Number: 9282 6005

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

Licensable activities authorised by the licence:

Sale by retail of alcohol

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

Sale by retail of alcohol

Monday to Sunday: 08:00 - 23:59

The opening hours of the premises:

Monday to Sunday: 00:00 - 23:59

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

Alcohol is supplied for consumption off the premises
--

LICENSING ACT 2003

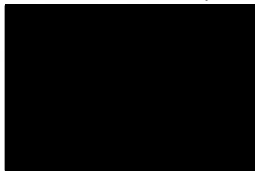
PREMISES LICENCE

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

Part 2

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

Mr Sebastiampillai Jeevanayagiam



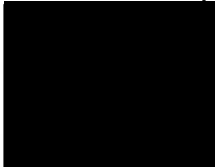
Telephone number: [REDACTED]

Email:

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

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

Mr Sebastiampillai Jeevanayagiam



Telephone Number: [REDACTED]

LICENSING ACT 2003

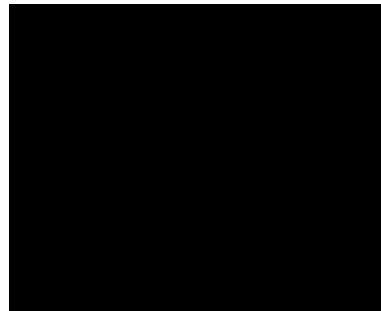
PREMISES LICENCE

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

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: 

Issuing licensing authority: Portsmouth City Council



Date Licence Granted: 04.10.2005

Authorised Officer
Licensing Section

Date last Amended: 3 November 2010
Type: Variation

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

01. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
02. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
03. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

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

Operation and Storage.

- A CCTV system will 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.
- Digital systems will have sufficient storage capacity for 31 days good quality pictures.
- Images produced will be date and time stamped.

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.
- All operators will receive training from the installer when equipment is installed and this training will be 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).

02. The premises licence will not come into effect until the CCTV System has been approved by the Police.

LICENSING ACT 2003

PREMISES LICENCE

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

03. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
04. In accordance with paragraphs 6(8) and 18 (5) of Schedule 8 of the Licensing Act 2003, the licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).
05. The licence holder shall ensure that additional staff are employed at all hours.

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

See attached.

Appendix C

Stone, Derek

From: Licensing Shared Email
Sent: 22 November 2018 08:13
To: Robson, Debra
Subject: FW: 18/03891/LAPREM Best One 140 to 144 Fratton Road, Portsmouth

Importance: High

From: Tim Barrow [REDACTED]
Sent: 22 November 2018 01:25
To: Licensing Shared Email
Subject: Ref: 18/03891/LAPREM Best One 140 to 144 Fratton Road, Portsmouth

28 Garnier Street
Portsmouth
PO1 1PD

Dear Debra Robson

Ref: 18/03891/LAPREM

I would like to object to the application by Best One 140 to 144 Fratton Road, Portsmouth, to vary their alcohol sales licence to 0800 to 0200, ref: 18/03891/LAPREM. This is because there have been antisocial problems in the past when Best One (formerly Brothers) had a 24hr licence to sell alcohol. The problems were mainly drunken people walking along Garnier Street through the night, with shouting, and gathering outside the shop. There were also activities which led to the police having to carry out undercover surveillance of the area around Brothers. Eventually their licencing hours were reduced with alcohol sales ending at midnight.

A gate was installed at the end of Garnier St which is locked from 10pm to 7am weekdays and Saturday, and 4pm to 7am Sunday to Monday. This has made a considerable difference to the local area.

If Best One is granted an extension to sell alcohol to 0200, this could eventually lead to a future application to sell alcohol for 24hrs which could see a return of antisocial problems.

Yours faithfully

Timothy Barrow

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51 Garnier street
Fratton
Portsmouth
PO1 1PD.

Dear Sir

I wish to object most strongly to the application to extend the licensing hours that the shop BEST ONE in Fratton Road has applied for.

As a close resident to this shop in life, and the lives of many other residents in the area, were made a misery before the hours were reduced to midnight. The noise, antisocial behavior, damage to cars and drunkenness were unbearable but since the hours were reduced to midnight things are much improved and I have no wish to return to those days. The quality of life

of residents must be considered especially in light of the many problems we had in the past,

Yours faithfully

MRS H. E. HARRIS.

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Appendix D

Review Decision 21/11/08

DECISION: the application for the review of a premises licence at Best-One, 140-144 Fratton Road, Portsmouth, PO1 5DD was granted and the licence modified so as to permit the sale and supply of alcohol to between 1000 hours and midnight daily.

REASONS: the committee took into account all the representations, both heard today and attached to the report. The committee took into account the human rights of the residents and the premises licence holder, and the comments from both Police officers. The committee was satisfied that there was sufficient evidence to modify the hours for the sale and supply of alcohol and was satisfied that the sale and supply of alcohol 24 hours daily is impacting detrimentally on all four of the licensing objectives as a direct result of the operation of the premises. The committee had complete disregard to the issue of sponsorship.

The Deputy Licensing Manager advised that all parties have the right of appeal to the Magistrate's Court within 21 days of the Notice of Decision being received by them.

The meeting concluded at 12.50pm.

.....
Signed by the chair of the meeting.

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LICENSING ACT 2003

LICENSING SUB-COMMITTEE MEETING

NOTIFICATION OF DECISION

Notice is hereby given to:

Name: «Name»
Address: «Address»
Status: «Status»

in accordance with the provisions of the Licensing Act 2003 ("the Act") and Regulations made thereunder, that a hearing was held on:

Date: 3 November 2010

to consider an application for the variation of a premises licence made in accordance with paragraph 34 of the Act. The details of the applicant and premises are:

Name of Applicant:	Sebastiampillai Jeevanayagiam
Premises and address:	Best One, 140-144 Fratton Road, Portsmouth PO1 5DD

Decision of Licensing Authority:

In considering the application, the Committee had regard to the promotion of the licensing objectives, the Act, its statement of licensing policy, the statutory guidance issued by the Secretary of State and the representations (including supporting information) presented by all the parties.

Decision: The application for the variation of a premises licence at Best One, 140-144 Fratton Road, Portsmouth, PO1 5DD was allowed in part so as to permit the following licensable activity, subject to a condition relating to CCTV, as suggested by the Police, to be imposed when alcohol is on sale:

- Supply of alcohol daily from 0800-1000 hours for the consumption off of the premises.

The application to permit the supply of alcohol daily from 2359–0300 hours was refused.

Reasons for decision:

The committee had regard to its Statement of Licensing Policy, statutory guidance, the promotion of the licensing objectives, judgements of the High Court and the representations submitted with the committee report and heard at the meeting today from a responsible authority, interested parties and a ward Councillor. The committee felt that the condition relating to CCTV was necessary and proportionate in the circumstances. The committee were satisfied from the evidence submitted by the Police and local residents that if the late night hours were to be granted there would be a negative impact on the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The human rights of the local residents were also taken into account, specifically Article 8 in relation to the right to a private and family life.

Where an application (or any part of an application) has been granted, the variation will take effect from¹:

3 November 2010

Appeal provisions:

In accordance with the provisions of Schedule 5, Part 1, Paragraphs 1 & 4 of the Act, appeal provisions exist in respect of this application. Those provisions are as follows:

The applicant:

Where the Licensing Authority rejects (in whole or in part) an application to vary a premises licence under section 35 of the Act, the applicant may appeal against the decision. (*Schedule 5, Part 1, Paragraph 1(b) of the Act*).

Where an application to vary a premises licence is granted (in whole or in part), the applicant may appeal against any decision to modify the conditions of the licence. (*Schedule 5, Part 1, Paragraph 4(2) of the Act*).

A person who made relevant representations:

Where a person who made relevant representations in relation to the application desires to contend:

- (a) that any variation made ought not to have been made, or
- (b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, he may appeal against the decision. (*Schedule 5, Part 1, Paragraph 4(3)(a) or (b) of the Act*).

General provisions about appeals under the Act:

An appeal must be made to the magistrates' court for the petty sessions area in which the premises concerned are situated.

¹ The time that the variation will take effect is the time specified in the application or, if that time is before the applicant is given this notice, such later time as the Licensing Authority specifies in this notice.

An appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of **21 days** beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.²

On an appeal under paragraph 4(3), the holder of the premises licence is to be the respondent in addition to the Licensing Authority.

Action that may be taken by the magistrates' court:

On an appeal against a decision of the Licensing Authority, a magistrates' court may:

- (a) dismiss the appeal;
- (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

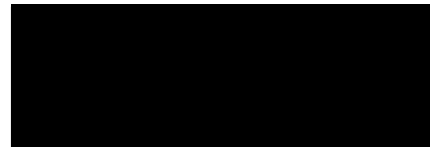
and may make such order as to costs as it thinks fit.

Should you have any questions relating to this Notification of Decision, please contact the Licensing Manager:

Tel No: 023 9283 4604
Fax No: 023 9283 4811
Email: licensing@portsmouthcc.gov.uk

Date of Notice: 19 November 2010

Signed:



Licensing Manager

² In the case of a hearing under section 35 of the Act which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 of the Act, the Licensing Authority must make its determination at the conclusion of the hearing and therefore the period of 21 days will commence from the date of the hearing.

In any other case of a hearing under section 35 of the Act, the period of 21 days will commence from the date on which written notice is given, or in the case of electronic transmission, when the text is received.

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**LICENSING ACT 2003
LICENSING SUB-COMMITTEE
NOTIFICATION OF DECISION**



Portsmouth
CITY COUNCIL

Notice is hereby given to:

Name: «Name»
Address: «Address»
Status: «Status»

in accordance with the provisions of the Licensing Act 2003 (“the Act”) and Regulations made thereunder, that a hearing was held on:

Date: 16 November 2011

to consider an application for the variation of a premises licence made in accordance with paragraph 34 of the Act. The details of the applicant and premises are:

Name of Applicant:	Sebastiampillai Jeevanayagiam
Premises and address:	Best One, 140-144 Fratton Road

Decision of Licensing Authority:

In considering the application, the Committee had regard to the promotion of the licensing objectives, the Act, its statement of licensing policy, the statutory guidance issued by the Secretary of State and the representations (including supporting information) presented by all the parties.

Decision: The decision for the variation of a premises licence at Best One, 140-144 Fratton Road, Portsmouth PO1 5DD was refused.

Reasons for decision:

In reaching this decision the committee carefully took into account all representations made to them, both written and verbal. In addition to this, they took into account the 4 licensing objectives as set out in the Licensing Act 2003, statutory guidance, the statement of licensing policy and the Human Rights of the applicant. The committee had heard that previously the store had a 24hour licence and as a direct result of public nuisance and crime and disorder occurring, the licence was reduced. Since then Best One has successfully increased its alcohol hours in the morning, to no apparent adverse effect in the local amenity. Nonetheless, the committee was also satisfied that on previous occasion when there was a late night licence, there was evidence that local residents suffered substantial disturbance in the early hours of the mornings from public nuisance and crime and disorder and that since the hours were reduced those problems have been substantially abated. As such the committee is not prepared to grant the extension of alcohol hours in the light of the licensing objectives.

Where an application (or any part of an application) has been granted, the variation will take effect from¹:

N/A

Appeal provisions:

In accordance with the provisions of Schedule 5, Part 1, Paragraphs 1 & 4 of the Act, appeal provisions exist in respect of this application. Those provisions are as follows:

The applicant:

Where the Licensing Authority rejects (in whole or in part) an application to vary a premises licence under section 35 of the Act, the applicant may appeal against the decision. (*Schedule 5, Part 1, Paragraph 1(b) of the Act*).

Where an application to vary a premises licence is granted (in whole or in part), the applicant may appeal against any decision to modify the conditions of the licence. (*Schedule 5, Part 1, Paragraph 4(2) of the Act*).

A person who made relevant representations:

Where a person who made relevant representations in relation to the application desires to contend:

- (a) that any variation made ought not to have been made, or
- (b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, he may appeal against the decision. (*Schedule 5, Part 1, Paragraph 4(3)(a) or (b) of the Act*).

General provisions about appeals under the Act:

An appeal must be made to the magistrates' court for the petty sessions area in which the premises concerned are situated.

An appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of **21 days** beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.²

On an appeal under paragraph 4(3), the holder of the premises licence is to be the respondent in addition to the Licensing Authority.

¹ The time that the variation will take effect is the time specified in the application or, if that time is before the applicant is given this notice, such later time as the Licensing Authority specifies in this notice.

² In the case of a hearing under section 35 of the Act which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 of the Act, the Licensing Authority must make its determination at the conclusion of the hearing and therefore the period of 21 days will commence from the date of the hearing.

In any other case of a hearing under section 35 of the Act, the period of 21 days will commence from the date on which written notice is given, or in the case of electronic transmission, when the text is received.

Action that may be taken by the magistrates' court:

On an appeal against a decision of the Licensing Authority, a magistrates' court may:

- (a) dismiss the appeal;
- (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

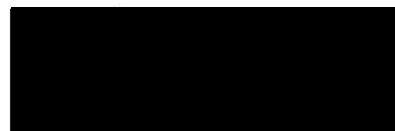
and may make such order as to costs as it thinks fit.

Should you have any questions relating to this Notification of Decision, please contact the Licensing Manager:

Tel No: 023 9283 4604
Fax No: 023 9283 4811
Email: licensing@portsmouthcc.gov.uk

Date of Notice: 2 December 2011

Signed:



Licensing Manager



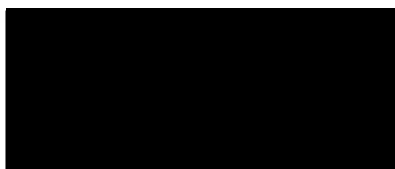
NOTIFICATION OF DECISION

Licensing Act 2003 - Licensing Sub-Committee

PORTSMOUTH CITY COUNCIL as licensing authority in accordance with the Licensing Act 2003 ("the act") and regulations made thereunder, hereby give notice pursuant to section 36 of the act to:

Name:

Address:



Status:

Other Person

That a hearing was held on:

Date:

11 March 2014

To consider an application for the **VARIATION of a premises licence** made in accordance with Section 34 of the Act. The details of the applicant and premises are:

Name of Applicant:

Mr Sebastiampillai Jeevanayagam

Premises and address:

**Best-One
140 - 144 Fratton Road
Portsmouth
Hants
PO1 5DD**

Decision of Licensing Authority:

In determining and considering the application pursuant to section 35 of the act, the Committee had regard to:

- The Licensing Act 2003
- The promotion of the licensing objectives
- The council's adopted statement of licensing policy for the time being in force
- The statutory guidance issued by the Secretary of State for the time being in force
- Any relevant case law
- The representations (including supporting information) presented by all the parties

Decision:

Refuse

Reasons For Decision:

The committee carefully considered all the representations received, both oral and written. It noted that although the police did not make any representations, it did not make any positive comments in support of the application either.

The committee noted that the licence was previously held on a 24 hours basis and as a direct result of a residents' requested review, there was sufficient evidence before the previous committee to modify the licensing hours as there was a negative impact on the community and the licensing objectives were being undermined. This decision was then upheld on review by the Magistrates Court.

The committee noted that since the original reduction in the hours, the applicant has successfully applied to open earlier in the morning and that there has been no detrimental impact upon the community. In fact [REDACTED] commented that the last few years had been 'bliss'.

However, this application seeks to increase the evening licensing hours. As already stated The committee had evidence before it that showed that previously the late night licence breached the licensing objectives and the committee had heard no reassurance or evidential basis that the applicant could now proactively address the issues that occurred previously.

Therefore, the application for the variation of the current premise licence was refused.

Appeal Provisions:

In accordance with the provisions of Schedule 5 of the Act, appeal provisions exist in respect of applications made to the Licensing Authority. Those provisions are outlined as follows:

The applicant:

Where the Licensing Authority rejects (in whole or in part) an application to vary a premises licence, the applicant may appeal against the decision - *Part 1, paragraph 1(b) of the Act*.

Where the Licensing Authority grants (in whole or part) an application to vary a premises licence, the applicant may appeal against any decision:

to modify the conditions of the licence - *Part 1, paragraph 4(2) of the Act*.

A person who made relevant representations:

Where a person who made relevant representations in relation to the application desires to contend:

- that any variation ought not to have been made, or
- that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way,

he may appeal against the decision – *Part 1, paragraph 4(3) of the Act.*

Note: The applicant for the licence is to be the respondent in addition to the Licensing Authority in relation to any appeal lodged by a person(s) who made relevant representations.

General Provisions About Appeals:

An appeal must be made to the Magistrates' court for the petty sessions area in which the premises concerned are situated.

An appeal must be commenced by notice of appeal given by the appellant to the designated officer for the Magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.¹¹

Action that may be taken by the Magistrates' Court:

On an appeal against a decision of the Licensing Authority, a Magistrates' court may:

- dismiss the appeal;
- substitute for the decision appealed against, any other decision which could have been made by the Licensing Authority; or
- remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

and may make such order as to costs as it thinks fit.

Date of Notice: **12 March 2014**



Signed on behalf of the head of Service
(Authorised Officer)

¹¹ The period of 21 days will commence from the date on which written notice is given, or in the case of electronic transmission, when the text is received.

John Gaunt & Partners papers

Stone, Derek

From: Jon Wallsgrove [REDACTED]
Sent: 05 December 2018 13:31
To: Stone, Derek
Subject: Best One Fratton
Attachments: FW: Best One Fratton Road; FW: Variation of premises licence - Best One, Fratton Road; FW: Best one Fratton

Dear Derek

I would be grateful if the attached emails and crime states are included in the Committee papers as documents to be adduced by the applicant.

I would be grateful if in due course you would confirm whether either or both of the residents have notified you of their intention to attend the hearing on the 17th December.

Many thanks

Jon

Jon Wallsgrove
Partner

[REDACTED]



Units 39-41 Haslar Marine Technology Park Haslar Road Gosport Hampshire PO12 2AG

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For more details on our services please click on the links above.

Partners: Tim Shield (569713) | Michelle Hazlewood (569714) | Christopher Grunert | Jon Wallsgrove
Associates: Paul Henocq | Patrick Robson
Consultants: John Gaunt | Katharine Redford
Practice Manager: Jonathan Pupius

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John Gaunt & Partners papers

Stone, Derek

From: Jon Wallsgrove [REDACTED]
Sent: 05 December 2018 13:25
To: Jon Wallsgrove
Subject: FW: Best One Fratton Road

From: peter.rackham [REDACTED]
Sent: 15 October 2018 11:40
To: Jon Wallsgrove <JWallsgrove> [REDACTED]
Subject: RE: Best One Fratton Road

Hi Jon

Thanks for the email.

Can I start by apologising to both yourself and Seb around the lack of contact from the local Neighbourhood Policing Team. I have on a number of occasions requested that they make contact with Seb around this matter. I was advised that they had allocated an officer to make contact and liaise around this issue which Seb is facing. I will follow this up and ensure that someone does indeed speak with Seb so that the most appropriate course of action can be taken and they can work with Seb to manage this issue.

With regards to the extension of hours. Given that the time frame is half an hour I would have no issue with Seb applying until 02:00 hours. I note that Seb has considered the need for SIA at the weekend. This assessment is something I agree with.

Regarding the other shops I am unable to go into detail due to competition law but premises in the area that have been identified as problematic have been visited and action taken against them. This has resulted in some changes to licences. This work is also still ongoing within the area.

I hope this answers some of the questions you have regarding this matter.

Kind Regards

Pete

PC 21945 Rackham
Force Licensing Team
Portsmouth
[REDACTED]

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John Gaunt & Partners papers

Stone, Derek

From: Jon Wallsgrove [REDACTED]
Sent: 05 December 2018 13:29
To: Jon Wallsgrove
Subject: FW: Variation of premises licence - Best One, Fratton Road

From: peter.rackham [REDACTED]
Sent: 07 November 2018 15:26
To: Jon Wallsgrove
Subject: RE: Variation of premises licence - Best One, Fratton Road

Hi Jon,

Thanks for the email. My apologies for not being clear in my previous email. I can confirm that the Chief Officer of Police is not making any representation against the application for the grant of a variation at Best One, Fratton Road, Portsmouth.

You make reference to an email of the 26th September attaching crime stats. My records show this email as being sent on the 22nd September 2018. This is the email I am assuming you are making reference to:

Regarding your points I will hope to answer them as follows:

My position regarding previous emails between ourselves regarding this application (in particular 22th September 2018) has not changed. As such the points you raise (a-c) are as per my email on 22nd September. I agree with these points following my looking at the evidence and what your client has decided to place on the premises licence in order to promote the licensing objectives.

Regarding the process for decision making around licensing applications within Portsmouth I am on behalf of the Chief Officer of Police the Single Point of Contact. This process is around looking at an application and its contents, crime figures for the premises itself and the immediate surrounding areas and applying the licensing act 2003 to these matters. I also as part of this process make contact with local Police Inspector for the beat area to gain their view point and see if there are issues which I need to raise as part of the application process. I can confirm that this was performed and that I did not receive any comments from the beat team which required me to raise anything.

I hope that this answers your questions sufficiently

Kind Regards

Pete

PC 21945 Rackham
Force Licensing Team
Portsmouth
[REDACTED]

From: Licensing & Alcohol Harm Reduction Team Mailbox
Sent: 07 November 2018 12:36

To: Rackham, Peter [REDACTED]
Subject: FW: Variation of premises licence - Best One, Fratton Road

From: Jon Wallsgrove [REDACTED]
Sent: 07 November 2018 10:13
To: Licensing & Alcohol Harm Reduction Team Mailbox [REDACTED]
Subject: RE: Variation of premises licence - Best One, Fratton Road

Pete,

I assume that the with the email below the police are not making any representation against the application.

In an earlier email to me you confirmed that a variation would have a minimal risk of an adverse impact on the licensing objectives and the police would not object (26th September attaching the crime stats). Mrs [REDACTED] at the last hearing said she had spoken to an Inspector who had disagreed with the police licensing officers view that there wasn't going to be a negative impact. The Committee took the view that although the police hadn't objected they hadn't expressed any positive view and accordingly seemed to attach no weight to the fact the police did not object. Unfortunately Seb could not afford to appeal the decision taken by the Committee. The email below is going to leave the Committee with the same dilemma.

I am not asking you to assist my client in any way but to assist the Committee and have clear evidence from the police that:

- a. Crime and disorder has not decreased since the licensing hours for this store were changed.
- b. Crime and disorder locally is not attributed to this store selling alcohol
- c. Increasing the hours to 2am will have a minimal risk on having a negative impact on the licensing objectives and anti-social behaviour, crime, or nuisance.

Just to give you the heads up I am intending to adduce the crime stats you provided me and also that email of the 26th September – because clearly on the last 2 occasions the Committee were not prepared to accept my account of the conversations I had with the police and were happy to take the word of a local resident who I had proved had lied when she reported Seb for selling alcohol after hours and his CCTV clearly proved he had not – that too fell on the deaf ears of the Committee.

Thanks Pete.

Jon Wallsgrove
Partner

[REDACTED]



Units 39-41 Haslar Marine Technology Park Haslar Road Gosport Hampshire PO12 2AG

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From: licensing@hampshire.pnn.police.uk <licensing@hampshire.pnn.police.uk>

Sent: 06 November 2018 13:32

To: licensing@portsmouthcc.gov.uk

Cc: Jon Wallsgrove [REDACTED] >

Subject: FW: Variation of premises licence - Best One, Fratton Road

Dear Sir/Madam

Please note that the Chief Officer of Police has been in contact with the applicant regarding the application to vary a premises licence at Best One, Fratton Road.

Should the licence variation be granted then please can the steps documented in the operating schedule be added to the licence as conditions

Kind Regards

Pete

PC 21945 Rackham
Force Licensing Team
Portsmouth
[REDACTED]

From: Jon Wallsgrove [REDACTED]

Sent: 03 November 2018 08:58

To: Licensing & Alcohol Harm Reduction Team Mailbox <licensing@hampshire.pnn.police.uk>

Subject: Re: Variation of premises licence - Best One, Fratton Road

Dear PC Rackham

I can confirm that my client expects all the steps set out to be imposed as licence conditions if the licence is variation is granted.

Yours Sincerely

Jon Wallsgrove
Partner

John Gaunt & Partners

sent from my iphone
[REDACTED]

On 3 Nov 2018, at 08:52, "licensing@hampshire.pnn.police.uk" <licensing@hampshire.pnn.police.uk> wrote:

Dear Mr Wallsgrove

I can confirm that the Chief Officer of Police has received the application to vary a premises licence at Best One, Fratton Road.

Please could I confirm that in the event of the grant of the variation you intend for the conditions set out in the operating schedule to be applied to the premises licence?

Kind regards

Pete

PC 21945 Rackham
Force Licensing Team
Portsmouth
[REDACTED]

From: Robson, Debra [[mailto:\[REDACTED\]](mailto:[REDACTED])]

Sent: 02 November 2018 11:38

To: [REDACTED]

Subject: Variation of premises licence - Best One, Fratton Road

Dear all

Please find attached application to vary the premises licence for Best One, Fratton Road. The variation is to sell alcohol, Monday to Sunday from 08:00 until 02:00, the current licence is from 08:00 until midnight.

Representations by 28 November 2018.

Jason - can you check the notice, uniform ref: 18/03891/LAPREM, thanks.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture and City Development
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

[REDACTED]

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**Partners: Tim Shield (569713) | Michelle Hazlewood (569714) | Christopher Grunert | Jon Wallsgrove
Associates: Paul Henocq | Patrick Robson
Consultants: John Gaunt | Katharine Redford
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John Gaunt & Partners papers

Stone, Derek

From: Jon Wallsgrove [REDACTED]
Sent: 05 December 2018 13:23
To: Jon Wallsgrove
Subject: FW: Best one Fratton
Attachments: crime stats.pdf; Fratton Road Police Incident Figures 2007 - 2008.docx; Fratton Road Police Incident Figures 2016 - 2017.docx; Fratton Road Police Incident Figures 2009 - 2010.docx

From: peter.rackham [REDACTED]
Sent: 22 September 2018 17:11
To: Jon Wallsgrove [REDACTED]
Subject: FW: Best one Fratton

Hi Jon

Thanks for your emails and once again my apologies for the delay in response.

With regards to your clients considerations I attach three documents as per the request for statistics on the particular dates. I hope this is to your satisfaction. With regards to keeping the information until "After Midnight" – I have kept it to between 00:00 – 01:30. I was unsure as to how far you wanted the information to back back. Given that your client is considering applying for a variation to extend from 00:00 – 01:30 I thought this would suffice initially. Should you wish to have any further information past 01:30 then please do not hesitate to contact me.

With regards to the point your client makes about crime remaining the same, I would have to agree. The figures show that over 10 years incidents remain steady throughout. This remains the same for both all figures and those between 00:00 – 01:30. I'm sure you will also note that between 00:00 – 01:30 incidents also remain steady with limited increase or decrease. This is despite the significant changes in Police crime recording over the last ten years which are well documented.

I have also noted the incidents at the premises which are open 24 hours and the ongoing work Seb is performing in tackling the issue of vagrancy in the area and his support for the Reducing the Strength campaign. These are limited year on year and do not at present give me cause for concern from a Police Licensing perspective. As such if we were able to agree conditions to be placed on the premises licence which would minimise the risk of crime and disorder, the Police would have no objections to make regarding any application to 01:30 hours as in our eyes the risk of any negative impact would be minimal.

Should you wish to discuss this further or require any further information then please do not hesitate to contact me

Kind Regards

Pete

PC 21945 Rackham
Force Licensing Team
Portsmouth
[REDACTED]

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Fratton Road crime Figures 01/11/2011 – 31/10/2013

Total of 862 incidents over last 24 month period

ASB – 182
Assault – 108
Assault Police – 9
Public Order – 34
Threats to Kill – 3
GBH – 1
Rape – 1
Sexual Offences – 1
Criminal Damage – 21
Offensive Weapons – 7
Fraud - 12
Theft Incidents – 227
Robbery – 7
Motor Vehicle Tampering -1
Receiving Stolen Goods - 1
Section 27 Dispersals - 2
Burglary - 23
Concern for Safety – 26
Disputes – 28
Domestics – 30
Driving Complaints – 5
Drugs – 37
Going Equipped – 2
Harrasment – 5
Impairment – 10
Making Off Without Payment – 2
Mental Health – 32
Section 165 vehicle seizure – 24
Telephone call – 4
Other Crime - 9

01/11/2011 – 31/10/2012

Total of 449 incidents in this period:

ASB – 96
Assault – 65

Assault Police – 5
Burglary in a Dwelling – 2
Burglary other than a Dwelling – 8
Collapse Illness Injury – 1
Concern for Safety – 13
Criminal Damage – 12
Dispute Other – 15
Domestic Dispute – 19
Driving Complaint – 0
Drugs – 15
Going Equipped – 2
Harrasment – 5
Impairment – 5
Making Off Without Payment – 1
Mental Health – 13
Obtaining By Deception – 9
Offensive Weapon – 5
Other Crime – 2
Public Order – 19
Rape – 1
Receiving Stolen Goods – 1
Robbery Business – 0
Robbery Personal – 3
S27 Dispersal – 0
Sex Offender Offences – 0
Tampering with motor vehicles – 1
Telephone Call (Threatening and Obscene) – 1
Theft – 84
Theft From Vehicle – 4
Theft of Pedal Cycle – 13
Theft Of Vehicle – 1
Threat to Life – 2
Unathorised taking of a motor vehicle – 0
Vehicle Prohibition – 1
Vehicle Seizure Section 165 – 14
Warrant - 0
Wounding – 1

01/11/2012 – 31/10/2013

Total of 413 incidents during this timeframe:

ASB – 76
Assault – 44
Assault Police – 4
Burglary in a Dwelling – 2
Burglary other than a dwelling – 12
Collapse Illness Injury – 2
Concern for Safety – 11
Criminal Damage – 10
Dispute Other – 14
Domestic Dispute – 12
Driving Complaint – 5
Drugs – 23
Going Equipped – 0
Harrasment – 0
Impairment – 5
Making Off Without Payment – 1
Mental Health – 20
Obtaining by Deception – 3
Offensive Weapon – 2
Other Crime – 6
Public Order – 15
Rape – 0
Robbery Business – 1
Robbery Personal – 3
S27 Dispersal Notice – 2
Sex Offender Offences – 1
Tampering with motor vehicles - 0
Telephone Call (Threatening and Obscene) – 3
Theft – 115
Theft from vehicle – 2
Theft of Pedal Cycle – 9
Theft of Vehicle – 0
Threat to Life – 1
Unauthorised Taking of a motor vehicle – 1
Vehicle Prohibition – 0
Vehicle Seizure Section 165 – 7
Warrant – 1
Wounding - 0

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Fratton Road Police Incident Figures 01/11/2007 – 31/10/2008

Arson – 1
ASB - 97
Assault – 29
Assault on Police – 1
Burglary – 21
Concern for Safety – 3
Criminal Damage – 28
Dispute – 12
Domestic Incident – 14
Drugs – 2
Drunkenness – 1
Harassment – 3
Hate Incident – 2
Immigration – 1
Impairment – 3
Fraud – 6
Offensive Weapon – 2
Other Crime – 10
Public Order – 16
Driving Complaint – 3
Robbery – 3
Suspicious Incident – 15
Theft – 35

Total – 318

Incidents between 00:00 – 01:30

Arson – 0
ASB - 11
Assault – 3
Assault on Police – 0
Burglary – 3
Concern for Safety – 0
Criminal Damage – 0
Dispute – 4
Domestic Incident – 2
Drugs – 0
Drunkenness – 0
Harassment – 1
Hate Incident – 0
Immigration – 0
Impairment – 1
Fraud – 0
Offensive Weapon – 1
Other Crime – 0
Public Order – 2
Driving Complaint – 0

Robbery – 1
Suspicious Incident – 0
Theft – 0

Total - 29

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Fratton Road Police Incident Figures 01/11/2009 – 31/10/2010

Arson – 1
ASB – 65
Assault – 22
Burglary – 8
Concern for Safety – 8
Criminal Damage – 13
Dispute – 5
Domestic Incident – 18
Drugs – 3
Harrasment – 1
Impairment – 1
Sex Offences – 3
Making off without payment – 1
Fraud – 5
Other Crime – 4
Rape – 1
Driving Complaint – 11
Robbery – 2
Suspicious Incident – 20
Theft – 40

Total – 259

Incidents between 00:00 – 01:30

Arson – 0
ASB – 6
Assault – 3
Burglary – 0
Concern for Safety – 0
Criminal Damage – 1
Dispute – 0
Domestic Incident – 2
Drugs – 0
Harrasment – 0
Impairment – 0
Sex Offences – 0
Making off without payment – 0
Fraud – 0
Other Crime – 0
Rape – 0
Driving Complaint – 0
Robbery – 0
Suspicious Incident – 0
Theft – 0

Total - 12

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John Gaunt & Partners papers

Fratton Road Police Incident Figures 01/11/2016 – 31/10/2017

Arson – 1
ASB - 53
Assault on Police – 1
Assault – 66
Burglary – 11
Concern for safety - 4
Criminal Damage – 21
Dispute Other – 4
Domestic Incident – 15
Driving Complaint - 11
Drugs – 4
Firearms offences – 1
Going Equipped – 1
Harassment - 5
Fraud – 6
Impairment – 6
Indecency - 2
Making off without payment – 2
Mental Health – 15
Other Crime – 4
Public Order - 22
Driving Complaint – 23
Robbery – 4
Suspicious Incident – 27
Theft – 53
Threat to Life – 1
Wounding – 3

Total - 360

Incidents between 00:00 – 01:30

Arson – 0
ASB - 5
Assault on Police – 0
Assault – 2
Burglary – 0
Concern for safety - 0
Criminal Damage – 1
Dispute Other – 0
Domestic Incident – 2
Driving Complaint - 0
Drugs – 0
Firearms offences – 0
Going Equipped – 0
Harassment - 2
Fraud – 1
Impairment – 1

Indecency - 0
Making off without payment – 0
Mental Health – 1
Other Crime – 0
Public Order - 1
Driving Complaint – 0
Robbery – 1
Suspicious Incident – 1
Theft – 1
Threat to Life – 0
Wounding – 0

Total - 19