



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

THURSDAY, 11 NOVEMBER 2021 AT 10.00 AM

COUNCIL CHAMBER - SECOND FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher, Democratic Services 02392 834056
Email: Democratic@Portsmouthcc.gov.uk

Information with regard to public access due to Covid precautions:

- Attendees will be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting.
- We strongly recommend that all attendees should be double vaccinated.
- If symptomatic you must not attend and self-isolate following the stay at home guidance issued by Public Health England.
- All attendees are required to wear a face covering while moving around within the Guildhall (requirement of the venue)
- Although it will no longer be a requirement attendees may choose to keep a social distance and take opportunities to prevent the spread of infection
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall and are requested to follow the one way system in place.
- Attendees are encouraged book in to the venue (QR code). An NHS test and trace log will be retained and maintained for 21 days for those that cannot or have not downloaded the app.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

Committee Members Councillors Claire Udy (Chair), Scott Payter-Harris (Vice Chair), Dave Ashmore, Kimberly Barrett, Stuart Brown, Tom Coles, Jason Fazackarley, Charlotte Gerada, Hannah Hockaday, Ian Holder, George Madgwick, Lee Mason, Robert New, Benedict Swann and Daniel Wemyss.

The panel today consists of: Councillors Claire Udy, Ian Holder and Lee Mason
The reserve member is Councillor George Madgwick

(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

AGENDA

- 1 **Appointment of Chair**
- 2 **Declaration of Interests**
- 3 **Licensing Act 2003 - Review Application - Kwiki Mart Food n Tipple, 111-113 Albert Road, Southsea, Hants (Pages 3 - 76)**

Purpose

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Kwiki Mart Food n Tipple, 111-113 Albert Road, Southsea, Hants.

The holder of the authorisation is recorded as Mr Panchalingam Aranan.

The Sub Committee is requested to determine the review 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.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 11th NOVEMBER 2021

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Review Application - Kwiki Mart Food n Tipple, 111-113 Albert Road, Southsea, Hants

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Kwiki Mart Food n Tipple, 111-113 Albert Road, Southsea, Hants.

The holder of the authorisation is recorded as Mr Panchalingam Aranan.

2. THE REVIEW APPLICANT

The application and grounds for the review are attached as **Appendix A** and has been submitted by Karen Whiteaway a local resident and relates to the following licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

The concerns centre around the activities and behaviour of people frequenting the premises and hanging around outside late at night and through the early hours of the morning. There is drunkenness, disorderly behaviour, people shouting, singing, fighting and other offensive activities.

3. BACKGROUND INFORMATION

Kwiki Mart at 111-113 Albert Road benefits from a premises licence permitting the sale of alcohol 24 hours a day 7 days a week. These hours are consistent with the opening hours for the store.

In January 2006 an application to vary the premises licence to permit 24/7 alcohol sales was approved after negotiation between the applicant and the Chief officer of Police.

Conditions including a requirement that 3 members of staff (one to hold a personal licence) be on permanent duty between the hours of 2300 and 0600 daily were imposed. This represents the current situation.

Kwiki Mart is situated on the north side of Albert Road at the junction with Wish Place. Heron House is opposite.

Albert Road has a number of bars, pubs, restaurants and shops catering for both residents and visitors to the area. The evening and late night economy can be very busy especially on Friday and Saturday evenings.

A copy of the current authorisation is attached as **Appendix B**.

This is the second review of this premises licence the first being in June 2014 when a local resident (not connected to this application) applied for a review for identical reason as this review.

In accordance with the act and prescribed regulations, public notice of the review application was given both at the premises and also at the Civic Offices. In addition, a notice of the review application was posted on the council website.

The review application was also served on the responsible authorities.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Further representations have been received from one responsible authority Nickii Humphries Licensing Services manager, who has detailed incidents occurring at the premises and outside.

Additionally, ward Councillor H. Mason, and several local residents:- Dr Lee Sartain, Mr Patrycjusz Kamionka, Alyciette Edwards and Mr Jamie Simpkins (a regular visitor to the area), have submitted representations. A representation from Estefania Dogan a nearby resident raises a concern that the premises will suffer consequences due to the actions of a few individuals, but also details the nuisance generated by the presence of these people outside the premises. One representation supporting the business and how it operates, has been received from Mr J Ahmed at the Akash Restaurant.

All of these representations are attached as **Appendix C**.

At **Appendix D** is the representation from Mr Jon Wallsgrove, solicitor, who is acting on behalf of Mr Aranan. This representation includes details of the 2014 review and the Licensing Sub-Committee's decision.

Officer note: Mobile phone footage and photographs have been submitted as part of this review by two residents but at the request of Mr Wallsgrove these have not been shared with the panel prior to this hearing.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the review 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;
- Judgments of the High Court,- (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance issued by the Home Secretary in accordance with section 182 of the Act;
- The representations, including supporting information, presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to ensure any action is proportionate;
- The public sector equality duty (Equality Act 2010) requiring public bodies to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share protected characteristic and people who do not share it; and
 - Foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are as follows:
 - I) age, ii) disability, iii) gender reassignment, iv) pregnancy and maternity v) race - this includes ethnic or national origins, colour or nationality, vi) religion or belief - this includes lack of belief, vii) sex and viii) sexual orientation.

The Statutory Guidance provides advice in relation to the consideration of review applications. In particular, members should have regard to the following advice:

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."*

Paragraph 11.10 - *"Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they*

need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."

Paragraph 11.16 - *"The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."*

In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

Paragraph 11.17 - *"The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."*

Paragraph 11.18 - *"However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."*

Paragraph 11.19 - *"Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence."*

Paragraph 11.20 - *"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*

Paragraph 11.21 - *"For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."*

Paragraph 11.22 - *"Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."*

Paragraph 11.23 - *"Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again."*

However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

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

An appeal against any punitive sanctions may be made within 21 days of the authorisation holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

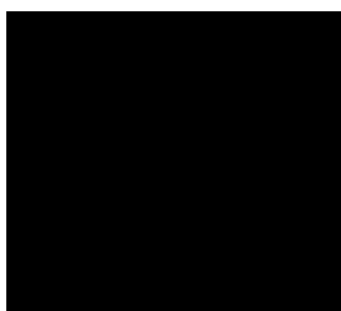
- The applicant for the review;
- the holder of the premises licence or club premises authorisation; or
- any other person who made relevant representations in relation to the application.

The decision of the committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until any submitted appeal is disposed of.

7. APPENDICES

- A.** Copy of the redacted review application together with any supporting documents
- B.** Copy of the current authorisation to include location plan
- C.** Copies of any other relevant representations received
- D.** Representation from Mr Wallsgrove on behalf of Mr Aranan and supporting documents

THE COMMITTEE IS REQUESTED TO DETERMINE THE REVIEW APPLICATION



For Licensing Manager
And on behalf of Head of Service

APPENDIX A



Portsmouth
CITY COUNCIL

Reference No

		/						/						
--	--	---	--	--	--	--	--	---	--	--	--	--	--	--

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Karen Whiteaway

I
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details			
Postal address of premises or, if none, ordnance survey map reference or description			
111-113 Albert Road, Southsea			
Post town	Portsmouth	Post code	PO5 2SQ

Name of premises licence holder or club holding club premises certificate (if known) Kwiki Mart

Number of premises licence or club premises certificate (if known) Unknown
--

Part 2 – Applicant details	
In what capacity are you applying for the premises licence to be transferred to you?	
I am	
Please tick <input checked="" type="checkbox"/> yes	
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	<input type="checkbox"/>
2) a responsible authority (please complete (C) below)	<input type="checkbox"/>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>

(A) INDIVIDUAL APPLICANTS (fill in as applicable)									
Please tick <input checked="" type="checkbox"/> yes									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input checked="" type="checkbox"/>	Other title (for example, Rev)	<input type="checkbox"/>
Surname				First names					
<u>Whiteaway</u>				Karen					
I am 18 years old or over							(Please tick <input checked="" type="checkbox"/> yes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current postal address if different from premises address									
4 Heron House, Southsea									
Post town		Portsmouth			Post code		PO5 2SW		
Daytime contact telephone number				[REDACTED]					
Email address									
[REDACTED]									
Post Town Portsmouth					Post Code PO5 2SW				

(B) DETAILS OF OTHER APPLICANT
Name and address
Telephone number (if any)
Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT
Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)	
	Please tick one or more boxes <input checked="" type="checkbox"/>
1) the prevention of crime and disorder	X
2) public safety	X
3) the prevention of public nuisance	X
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2)
All night noise and drunken behavior

Please provide as much information as possible to support the application (please read guidance note 3)

The Kwiki Mart has attracted all night gatherings on the street outside the store. It starts any time from 10 o'clock at night going round to 8am the following morning. Starting with 2 or 3 adults, mostly male, growing up to a dozen some evenings.

They are drinking alcohol on the street bought from the store leaving their empty can, bottles and plastic cups all over the pavement and in the gutter. Also takeaway food containers from local food outlets are left lying around. They end up drunk, shouting, singing, fighting, using the side road and my gateway as a public toilet. Often playing music which they dance and sing along to. Beg and hassle people as they go into the store.

This is not just happening at the week-ends but during the week as well.

I have called the police and logged online complaints on various occasions.

This is obviously known by the council because each morning the road sweeper comes round to clear the gutters and the litter pickers arrive to sweep the pavement and pick up the remaining rubbish outside the store.

The pavements are filthy, smell and an embarrassment to the local area and residents. This must have a reflection on the young school children who have to walk by these people/mess.

As a woman living on my own, I don't feel comfortable approaching them to ask them to move on. I have contacted the police on several occasions and they have informed me they are going to look into this.

This complaint has no reflection on the Royal Albert Pub next door.

I get this is a convenience store and someone's living but this is only convenient for the drunks and a big inconvenience for the residents living in the area who shouldn't have to live with this anti-social behaviour.

Please tick yes

Have you made an application for review relating to the premises before?

If yes, please state the date of that application

Day

Month

Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.

- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature K Whiteaway

Date 20/09/2021

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

As above

Post town Portsmouth Post code PO5 2 SW

Telephone number (if any) [REDACTED]

If you would prefer us to correspond with you by email, your email address (optional)

[REDACTED]

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



**Portsmouth
CITY COUNCIL**

PREMISES LICENCE
Licensing Act 2003

Part 1 – Premises Details

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

Address: Kwiki Mart Food n Tipple 111-113 Albert Road Southsea Hants PO5 2SQ	Map Ref (E) : 465073 Map Ref (N): 99005 UPRN: 001775000946
---	---

Telephone

Where the licence is time limited the dates

This licence is **NOT** time limited

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 00:00 until 23:59

The opening hours of the premises

▶ Monday to Sunday 00:00 until 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

Part 2

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

Name: Mr Panchalingam Aranan Mrs Shivanthini Aranan

Address:



Telephone:

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

Name: Mrs Shivanthini Aranan

Address:



Telephone:

Email:

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 No: 172

Issuing Authority: Portsmouth City Council

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

Date Licence granted: 10 October 2005

Date last amended: 30 October 2014

Type: Variation



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

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 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

04 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

- (2) For the purposes of the condition set out in [REDACTED]
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --



Annex 2 – Conditions consistent with the operating schedule

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

Operation and Storage.

The CCTV system must be fully operational whilst the venue is open to the public.

The recording equipment should 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 should be kept of any access made to information held on the system.

The system should be regularly maintained and serviced.

The system clock should be checked regularly for accuracy taking account of GMT and BST.

Tapes should be changed daily and kept for 31 days before being re used. Tapes should be replaced after 12 usages i.e. annually.

Digital systems should have sufficient storage capacity for 31 days good quality pictures.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision should be made for someone to have access to the secure area and also be able to operate the equipment.

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

02 There will be three members of staff on duty [REDACTED] between the hours of 23:00 and 06:00 and at least one of these staff shall hold [REDACTED] relevant training accreditation to be agreed in advance in writing by Portsmouth's police licensing department.

03 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Such identification may include photo-driving licence, passport, PASS (Proof of Age Standards Scheme).

04 Alcohol shall not be sold or supplied on Good Friday and Christmas Day except during permitted hours. In this condition permitted hours means:

Good Friday from 08:00 until 22:30 hours;

Christmas Day from 12:00 until 15:00 and 19:00 until 22:30 hours.

05 The permitted hours restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

06 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

07 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).

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

-- END --



Annex 3 – Conditions attached after a hearing by the licensing authority

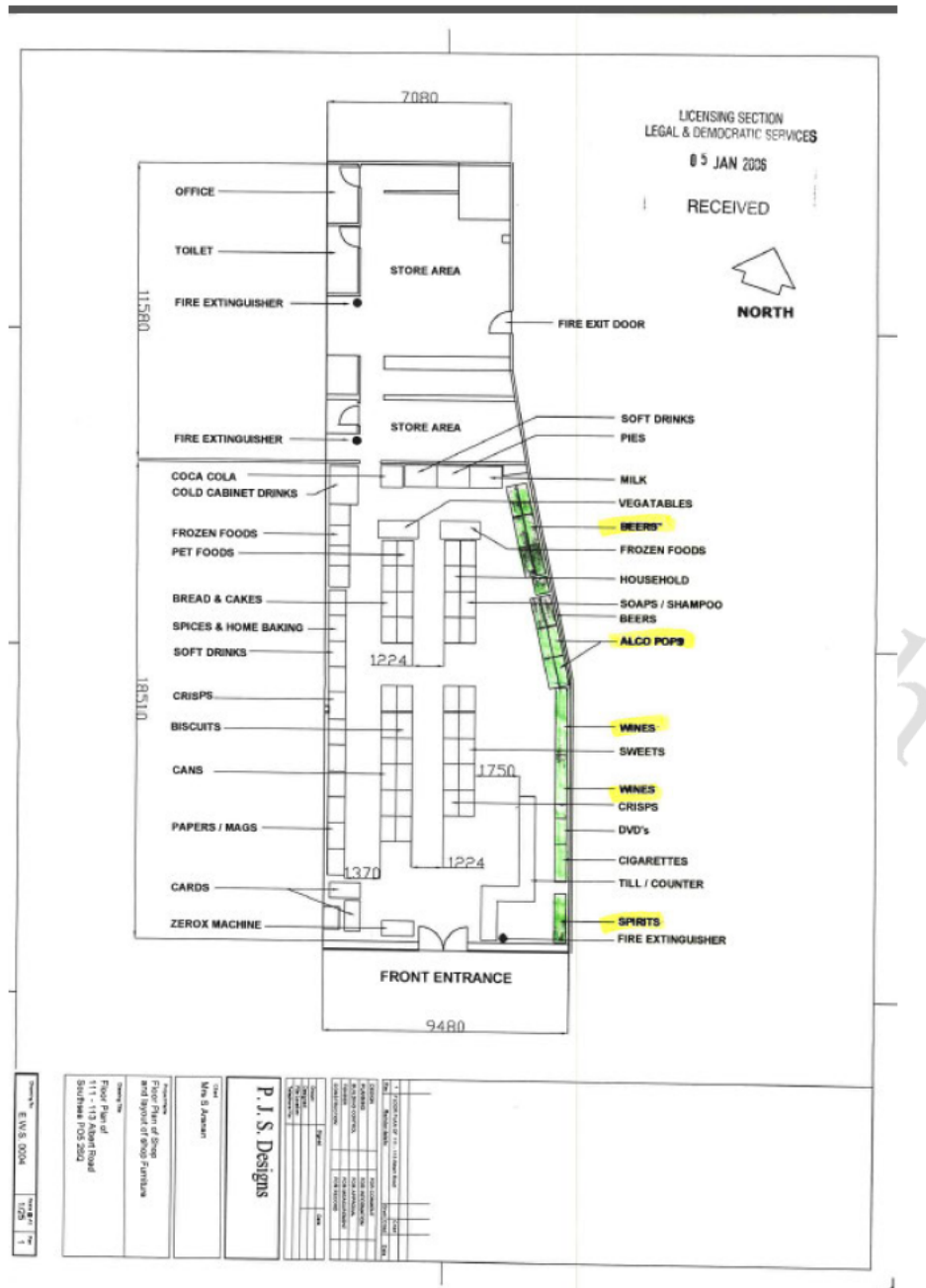
-- END --



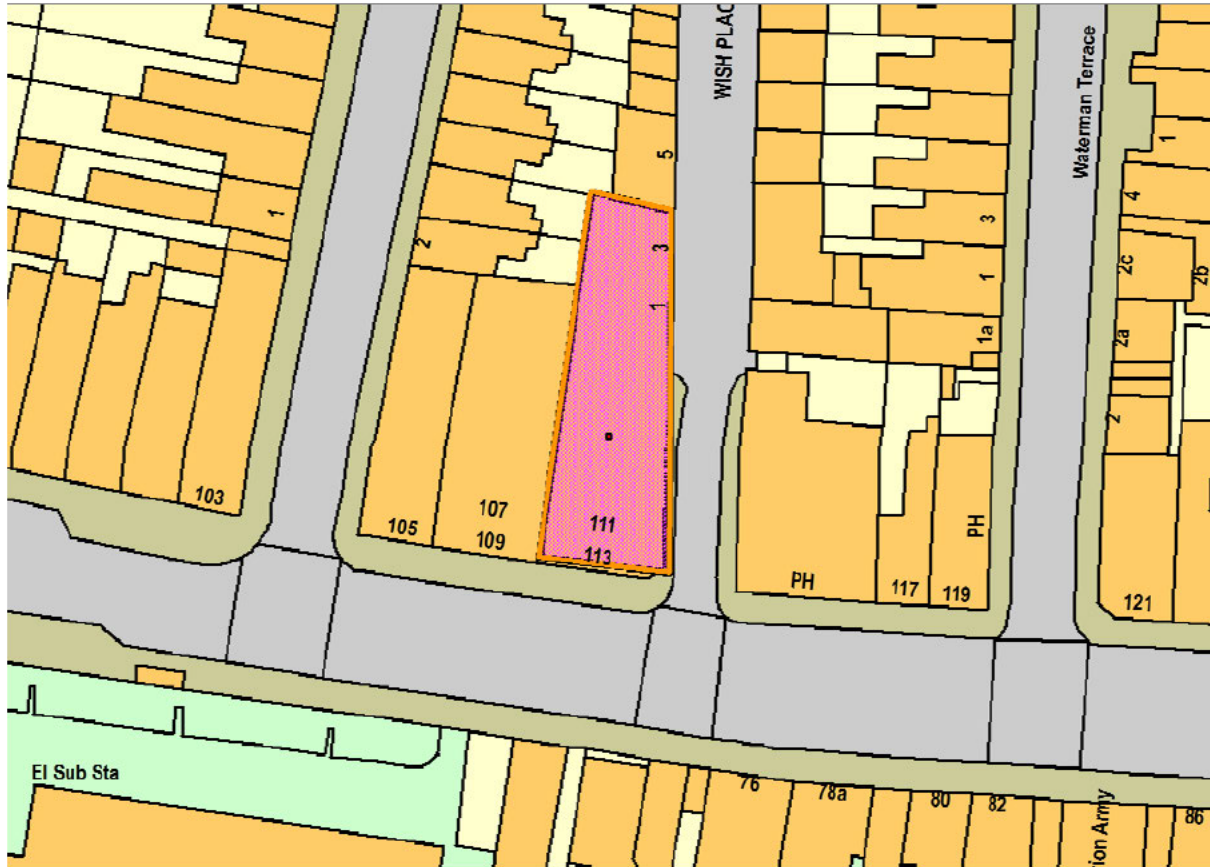
Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: 111-113 Albert Road Southsea



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER LA100019671- PORTSMOUTH CITY COUNCIL

This page is intentionally left blank

Licensing Sub-Committee
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

Culture, Leisure and Regulatory Services

Licensing Service
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4604

Our Ref: NH/21/02666/LAREVI

Date: 14 October 2021

Dear Licensing Sub-Committee

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE KWIKI MART FOOD N TIPPLE - 111-113 ALBERT ROAD SOUTHSEA PO5 2SQ REFERENCE - 21/02666/LAREVI

I refer to the recent application for the review of the premises licence in respect of Kwiki Mart Food n Tipple, situated at 111-113 Albert Road Southsea.

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

- Prevention of crime and disorder
- Prevention of public nuisance

As members of the Sub-Committee will be aware, any application for a review must relate to particular premises and must be relevant to the promotion of one or more of the licensing objectives. The statutory guidance issued in accordance with section 182 of the Licensing Act 2003 expressly provides at paragraph 11.7 that:

"....Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house"

It is the view of the Licensing Authority that the incidents that have led to the application for the review of this premises licence can be positively tied and linked by a causal connection to the Kwiki Mart premises.

Further information has been made available to the Licensing Authority by the Police Licensing Unit in terms of incidents that can either be directly attributable to these premises or are occurring directly outside these premises. Whilst it is accepted that the Police will not be making representations as regards this application, this does not negate the role of other responsible authorities to make representations in relation to the licensing objectives. The information provided below seeks to demonstrate and evidence that there have been reports made to the Police concerning crime and disorder, public nuisance and anti-social behavior linked to these premises or directly outside which is having a negative impact on the applicant for the review and potentially other residents living close to these premises.

1. Incidents directly attributable to the licensed premises

44210000296/44210000304 01/01/2021 04:20 Theft/Assault

Three males enter the store and select a crate of Strongbow worth £15 and leave without making any attempt to pay. Staff member challenges the group and is punched in the face.

44210001002 01/01/2021 23:36 Theft

Male has entered the store, selected a crate of beer and leaves without making any effort to pay. Police in the area see the male running, stop him and identify him as stealing the item. Community Resolution issued to the offender.

44210214516 29/05/2021 00:00 ABH

Male has entered the store, seen two females who he believes are friends of his ex partner and becomes aggressive to them. Staff and customers ask them to leave and the male becomes aggressive to them and the females, females drag the male out assaulting him.

Unable to positively identify the offenders so matter is filed.

44210218757 05/06/2021 02:20 Racially Aggravated Public Order

Male has entered the store and become aggressive, believing he has lost his keys. Male has then become racially abusive to customers inside the store and staff. Security working contain the male and Police arrive and arrest the male.

Investigation ongoing and awaiting a charging decision.

44210330253 19/08/2021 06:46 Public Order

Staff member refuses service to customers who become aggressive. Staff member fears he will be assaulted and calls the Police. Customers leave prior to Police arrival and unable to be identified.

2. Incidents not directly attributable to the store:

In addition to 1 above, there have been a number of incidents which are not directly attributable to the licensed premises but have occurred in the vicinity of the

premises, the details of which are as follows:

44210046491 07/02/2021 00:25 ASB

Person reporting an aggressive male outside the premises consuming alcohol hitting cars with his leg.

44210085015 07/03/2021 04:18 Robbery

Person reporting that whilst outside of the store they bumped into someone they knew who assaulted them and demanded money from them before leaving the area empty handed.

Investigation undertaken where the victim who has severe MH issues did not wish to progress an investigation.

44210172613 05/05/2021 23:20 Criminal Damage

Unknown male has walked past the store and damaged the window. Staff member attempts to detain the male but is threatened by the male and he leaves the area.

Unable to identify the offender so incident filed

44210209769 29/05/2021 23:25 ASB

Report of persons outside the premises in Albert Road fighting. Police attend, no persons fighting.

Incident filed

44210217676 04/06/2021 01:30 ASB

Report that persons are in Albert Road in Wish Place using the area as a toilet and shouting. They have also attempted to get into a taxi and been refused becoming aggressive to the taxi driver.

Police attend but persons have left prior to attendance.

44210220024 06/06/2021 00:10 ASB

Informant reporting a drunk male in the street outside of the Kwiki Mart shouting abuse.

Police follow up with informant and informant does not want further contact from Police.

44210294477 25/07/2021 05:47 Assault

Report from SCAS that a homeless man has been kicked in the face outside in the street.

No further information.

44210317130 10/08/2021 08:06 ASB

Report from SCAS that a male is outside in the street being aggressive and in drink.

No further information.

44210330439/44210330162 19/08/2021 00:00 ASB

Informant reporting that persons regularly congregating outside in the street between their address and the Kwiki Mart drinking alcohol, causing noise and causing them to lose sleep

44210335842 23/08/2021 07:53 ASB

Informant lives opposite the premises and is reporting ongoing ASB from vagrants in the street outside.

This is the trigger incident for Police engagement with the applicant for the review and work is ongoing to attempt to resolve the concerns around these individuals.

44210335855 23/08/2021 01:00 ASB

Informant reporting further issues in the street with vagrants who are urinating in doorways, shouting and being abusive leaving mess in the street.

44210395724 02/10/2021 02:00 ASSAULT

Female reporting that her and a friend were assaulted by a group of persons outside the Kwiki Mart

On going investigation

44210395479 02/10/2021 02:07 PUBLIC ORDER

6 persons fighting outside the Kwiki Mart

Incident filed

In summary, out of 18 reported incidents since 1 January 2021, 5 are attributable to occurring within the store and the remaining 13 incidents have occurred outside the premises.

3. Previous review of premises licence - 2014

In June 2014, another resident living in close proximity made an application for the review of the premises licence due to late night noise, disturbance and anti-social behaviour. The licensing sub-committee considered the application on 4 September 2014 and determined that there was insufficient evidence presented to them at that time to change or amend the premises licence.

The committee may now wish to consider whether this current application offers more substantiated evidence to consider whether modifications to the licence are necessary to promote the licensing objectives.

4. Previous Licensing History

I would also wish to bring to the licensing sub-committee's attention, information that is held by the licensing service in relation to these premises as follows:

- a) August 2014 the licence holder, Mr Aranan, was formally interviewed by the licensing authority in connection with an allegation that a condition of the premises licence was breached on two occasions, namely that no personal licence holder was on duty at the premises which was in contravention of a condition on the premises licence. Given Mr Aranan's willingness to engage with the Police and other responsible authorities to promote the licensing objectives the matter was resolved by way of formal written warning. A copy of the warning letter is attached as **Appendix A** to this representation.
- b) June 2014 - Complaint received from a resident complaining about late night noise and disturbance arising from persons congregating outside the premises
- c) November 2014 - Complaint received from a resident concerning late night noise and disturbance arising from persons congregating outside the premises (different complainant to b) above).

5. Relevant Case Law

With assistance and guidance from the Committee's legal advisor, the licensing sub-committee may wish to consider relevant case law relating to the consideration of whether crime and disorder and public nuisance away from the premises is a relevant consideration when determining an application. The following cases may be of use to the sub-committee when considering this application.

LIDSTER & ANOR v OWEN (1983) 1 WLR 517 : (1983) 1 All ER 1012 : Times, February 26, 1983

The refusal of renewal of a licence for public music, singing & dancing was justified if it was established that however well run the establishment might be, the effect of extending the normal hours was to affect some of the customers in such a way as to cause them to behave atrociously after leaving the premises.

LUMINAR LEISURE v WAKEFIELD DC [2008] EWJC 1002

It was held in this judgement that it was open to the court to take into account issues relating to crime and disorder away from the proposed premises and beyond the direct control of the licensee.

Given the history of ongoing nuisance arising in the immediate environs of these premises it is requested that the Licensing Sub-Committee give consideration to the modification of the licensing conditions in respect of these premises with a view to reducing the hours that the premises are permitted to sell alcohol from 24 hours a day to ceasing at 01:00 hours.

Whilst it is accepted that the reduction in hours for the sale of alcohol will not prevent the premises from trading generally for a 24 hour period, it may assist in the reduction of late night crime and disorder and public nuisance if alcohol is not available for sale by retail after 01:00 hours.

Yours sincerely



Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk

APPENDIX C

From:
To: [Licensing Shared Email](#)
Subject: Review Reference Number 21/02666/LAREVI
Date: 10 October 2021 18:49:59

Review Reference Number 21/02666/LAREVI

Kwiki Mart Food n Tipple 111-113 Albert Road Southsea Hants PO5 2SQ

Dear Sirs,

I have tried to submit my comment through the council website but I keep being met with an error box which reads – Your comments could not be submitted due to an error in the system. Please may this be looked into so it does not prevent comments being registered.

My details are as follows;

Position - Neighbour

I fully support this application to review the alcohol licence at the Kwiki Mart on Albert Road. I have personally witnessed disorder, nuisance and drunkenness occur outside of the Kwiki Mart. I have witnessed gatherings take place outside the Kwiki Mart from 10pm - 6am in the morning. The people who are spending the night outside of the Kwiki Mart are clearly intoxicated and have used drugs. I have witnessed them go into the Kwiki Mart and buy alcohol and then sit down outside the Kwiki Mart and then once it is empty they will again find more money and go back in to purchase more alcohol all night.

I have been woken up throughout the night due to the noise, as well as have struggled to get to sleep on many occasions due to the excessive noise.

I am fully aware that my property is situated on a road that has a lot of shops, bars and pubs and with that I expect a level of noise. The noise and disturbance that come from outside of the Kwiki Mart is beyond any usual acceptable noise. Due to the level of noise I can never sleep with any windows open, despite my flat not being directly on the street. Furthermore I have spent many nights sleeping in my lounge where the noise is quieter due to being situated further away from the Kwiki Mart than my bedroom.

I have received abuse from intoxicated individuals outside of the Kwiki Mart in the evening. This can occur from simply not giving them money when they ask.

When the individuals congregate outside the Kwiki Mart a mess is often left, including beer cans, general littering and urine on the pavements.

I have heard fights take place outside of the Kwiki Mart and at times I have heard bottles smash. Often there will be glass outside of our property from broken bottles.

I have previously lodged a noise complaint with the council and police.

I fully support the review of the licence as measures need to be put in place such as preventing alcohol being sold 24/7 or having a security guard at night.

Kind regards

Alyciette Edwards

10.10.2021

This page is intentionally left blank

APPENDIX A

Mr Panchalingam Aranan



BY EMAIL: To Blake Morgan

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4830

Our Ref: LAPREM/6622

Date: 31 October 2014

Dear Sir

LICENSING ACT 2003 - KWIKI MART 111-113 ALBERT ROAD, SOUTHSEA BREACH OF PREMISES LICENCE

I am writing to you in your capacity as the joint premises licence holder for the Kwiki Mart premises at 111-113 Albert Road and following your interview, under caution on 07 August 2014. The attendance of Mr Jon Wallsgrove was noted.

You were interviewed in connection with an allegation that a condition of the premises licence was breached on two occasions - namely on the evening of 30 May 2014 and during the early morning of 04 July 2014 in that no personal licence holder was on duty (and there were only 2 staff in the store on 04 July 2014) at 111-113 Albert Road, Southsea. These offences are contrary to section 136 of the act.

There were other matters of concern relating to the production (or otherwise) of the premises licence and the absence of any tangible authorisation to staff for the sale of alcohol when the premises were visited on the evening of 30 May 2014. Mr Wallsgrove had previously provided a due diligence explanation on your behalf for the events on the evening of 30 May 2014 and this has been accepted.

The PACE interview on 07 August 2014 therefore concentrated on the alleged breaches observed from the early morning of 04 July 2014.

Having considered your representations under caution, together with the comments of your legal advisor, it is clear that you did not take reasonable precautions or exercise due diligence to avoid the commission of the offence under investigation and conceded that you left the premises at 0312 on the morning of 04 July 2014 for no other reason than "it looked very quiet so I thought I don't need to be there".

You did however tell us the following during interview:

- You had arranged for more staff training across your stores
- You were arranging for DPS variations in order to relieve some of the pressure from yourself as a "multiple DPS" within the city
- You would seek, via your solicitor, a minor variation to clarify the condition re staff and the requirement of a personal licence holder to be present at 111-113 Albert Road between 2300 and 0600 daily

Since the PACE interview (and following a test purchase failure at one of your stores) you have also held a number of meetings with PC Rackham from the Police Licensing Unit. He tells me that significant improvements have been made in developing clear staff training and the retention of "licensing manuals" at each store. I also understand that a number of minor variations have recently been approved and more are likely to follow via your solicitor and as a result of PC Rackham's advice.

Equally, recent high profile visits to all off licence premises in the city have highlighted no further problems with stores operated under the Kwiki Mart banner and under the control of yourself and your wife, Shivanthini Aranan.

This is of some significance to the council and demonstrates that despite your previous clear admission of guilt for the offence on 04 July 2014, you have been prepared to engage with the Police and other responsible authorities to both promote the licensing objectives and support local initiatives such as the "reducing the strength" campaign.

For the above reasons, and after discussion with the Licensing Manager, this matter will not be referred to Legal Services for prosecution.

You should treat this letter as a formal written warning as to your future conduct as both the joint holder of the premises licence for 111 - 113 Albert Road and in your capacity as a personal licence holder.

This letter has been sent to your solicitor, Mr Jon Wallsgrove and copied to PC Rackham for information purposes.

Yours faithfully



Mr Ross C Lee

Email: ross.lee@portsmouthcc.gov.uk

APPENDIX C

NEW KWIKI MART - 111-113 ALBERT ROAD, SOUTHSEA PO5 2SQ PREMISES LICENCE 14/04345/LAPRMV SATURDAY 16 OCTOBER 2021

Commentary

Visit made pursuant to section 59 of the Licensing Act 2003 and in connection with an application to review the premises licence for New Kwiki Mart. Weather was dry and mild.

Notes as follows:

0311 Premises open and parked opposite, facing east. x 4 cars parked outside. Cash machine in use. SCAS vehicle parked further up. White male aimlessly walking in road ("arm cast man"). Enters premises? - appears to be drunk - staggering in road before entering shop. Wearing football top and cast on arm.

Ken's Kebabs busy as well with x 4 persons outside.

Drunk male approaches my car, leans down at front nearside and asks if I am an Uber? - advised to go away.

Now 2 SCAS vehicles on site further down road.

0316 Kens still busy.

0318 Steady footfall in Kwiki Mart - "people noise" clearly evident over road. Drunk white male in white t shirt, shorts and slippers goes into Kwiki Mart then comes out again ("slipper man").

0319 5 persons come out and group of 7 standing outside. Male drinking from bottle outside and one male in drink walking in road.

x 6 persons outside "loud" and in drink.

0323 5 persons outside still - laughing and shouting. One shouting "I really, really love you!"

0326 I enter premises. **0330** ID myself to 2 male staff at counter. Persons in drink inside. "Bearded man" on phone looking at alcohol - asking person on phone what he wants and then asks "where am I?"

4 staff ID on premises including Mr Aranan who is taking a comfort break. He is WARNED when back on the shop floor for not having his personal licence on his possession and advised that a black and white copy in a folder is not acceptable.

He is further WARNED not to permit sales of alcohol to group now inside and by the till, one girl in group with arm in the air is shouting "I'm fucking fucked up!".

He is further WARNED for not producing current premises licence and summary but proffers licence 14/03528/LAREVI.

No evidence of alcohol above 6.5% ABV on site.

0344 I left premises. Large group now seated outside on pavement. Video taken.

Very busy premises which "draws" persons to area with some in drink and causing a noise nuisance.

Ross

Picture 1 - 0313



Picture 2 - 0314



Picture 3 - 0316



Picture 4 - 0320



Picture 5 - 0322



Picture 6 - 0324



Picture 7 - 0347



Ross Lee
16 October 2021

This page is intentionally left blank

APPENDIX C

Stone, Derek

From: Humphreys, Nickii
Sent: 22 September 2021 10:00
To: Mason, Hugh (Cllr)
Cc: Stone, Derek; Robson, Debra
Subject: RE: Re Kwiki-Mart, 111-113 Albert Road

Dear Councillor Mason

Many thanks for the confirmation - we will be in further contact with you in due course with dates and times of the future hearing should you wish to attend and make these representations in person.

Kind regards
Nickii

Nickii Humphreys
Licensing Manager

Portsmouth City Council
Directorate of Culture, Leisure and Regulatory Services
Licensing Service
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AJ



[Report a business that is operating unsafely](#)



From: Mason, Hugh (Cllr) [REDACTED]
Sent: 22 September 2021 09:16
To: Humphreys, Nickii [REDACTED]
Subject: RE: Re Kwiki-Mart, 111-113 Albert Road

Dear Nickii,

I am content that my observations can be considered a representation.

Hugh Mason

From: Humphreys, Nickii [REDACTED]
Sent: 21 September 2021 15:51
To: Mason, Hugh (Cllr) [REDACTED]
Cc: Stone, Derek [REDACTED] Robson, Debra [REDACTED]
Subject: RE: Re Kwiki-Mart, 111-113 Albert Road

Dear Councillor Mason

Many thanks for your comments in relation to these premises.

Can I confirm that you wish your comments to form a representation in respect of this review application and be considered by the Licensing Sub-Committee in due course when a hearing is held?

Kind regards
Nickii

Nickii Humphreys
Licensing Manager

Portsmouth City Council
Directorate of Culture, Leisure and Regulatory Services
Licensing Service
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

[REDACTED]



[Report a business that is operating unsafely](#)

We're part of the Hidden Disabilities Sunflower Scheme



From: Mason, Hugh (Cllr) [REDACTED]

Sent: 21 September 2021 14:57

To: Humphreys, Nickii [REDACTED]

Subject: Re Kwiki-Mart, 111-113 Albert Road

Dear Nickii,

The problem with Kwiki Mart is not so much the staff serving in the store but a) the clientele they attract, especially later in the evening and in the early hours, some of whom are inebriate before they arrive, b) the fact that there is very frequently a professional beggar sitting close to the cash machine outside and c) that the door staff, when on, do not seem to be as well trained as in the Co-op along the road. I do not think that the management can be blamed for the early hours drinking fraternity using the bus stop opposite as a lounge bar. I think that it would help were the hours of the shop licence to have an end time at the same time as the bars in Albert Road.

Hugh Mason (Cllr)

This page is intentionally left blank

APPENDIX C

From: [Robson, Debra](#)
To: [Robson, Debra](#)
Subject: FW: Ref 21/022666/LAREVI
Date: 11 October 2021 14:37:52

From: Goly Natural [REDACTED]
Sent: 11 October 2021 14:20
To: Licensing Shared Email [REDACTED]
Subject: Ref 21/022666/LAREVI

Dear Sir/Madam,

I have received through the post the above referenced letter.

I am highly concerned that in fact this supermarket will suffer severe consequences due to the actions of a few individuals that have no relation whatsoever with the establishment. These are a few groups of people, that varies depending on the day and the week. The supermarket is one of few 24 hour supermarkets available in town. These places are great support to night workers, amongst those are first responders, I am sure I don't need to explain that further.

The people that cause the racket, are unfortunately known alcoholics and drug addicts, a couple of them claim to be homeless L, so you see, I believe the issue at hand here is rather, how to deal with these people, that have lost all self respect, let alone respect the residents, that like myself wake up at 6 am every day to go to work.

These people defecate on Oxford Road, between the cars, they break bottles, they shout, fight amongst themselves and even assault and insult passers by, I have hear this several times. The shop workers have in fact called the Police several times and were never sent any help.

So I ask, is it really the supermarket's licence that is in question here?

Or how to deal with and help these people that are causing the actual problem?

I do not support at all this enquiry into Kiwky mart at all.

I would like to see Police present when they're called to resolve the issue at hand when it does happen.

Kindest regards
Estefania Dogan
5 Oxford Road
PO51NP

Please don't hesitate emailing me if you have any further questions.

This page is intentionally left blank

APPENDIX C

From:
To: [Licensing Shared Email](#)
Subject: Review Reference Number 21/02666/LAREVI
Date: 10 October 2021 18:49:59

Review Reference Number 21/02666/LAREVI
Kwiki Mart Food n Tipple 111-113 Albert Road Southsea Hants PO5 2SQ

Dear Sirs,

I have tried to submit my comment through the council website but I keep being met with an error box which reads – Your comments could not be submitted due to an error in the system. Please may this be looked into so it does not prevent comments being registered.

My details are as follows;

Position - Neighbour

I fully support this application to review the alcohol licence at the Kwiki Mart on Albert Road. I have personally witnessed disorder, nuisance and drunkenness occur outside of the Kwiki Mart. I have witnessed gatherings take place outside the Kwiki Mart from 10pm - 6am in the morning. The people who are spending the night outside of the Kwiki Mart are clearly intoxicated and have used drugs. I have witnessed them go into the Kwiki Mart and buy alcohol and then sit down outside the Kwiki Mart and then once it is empty they will again find more money and go back in to purchase more alcohol all night.

I have been woken up throughout the night due to the noise, as well as have struggled to get to sleep on many occasions due to the excessive noise.

I am fully aware that my property is situated on a road that has a lot of shops, bars and pubs and with that I expect a level of noise. The noise and disturbance that come from outside of the Kwiki Mart is beyond any usual acceptable noise. Due to the level of noise I can never sleep with any windows open, despite my flat not being directly on the street. Furthermore I have spent many nights sleeping in my lounge where the noise is quieter due to being situated further away from the Kwiki Mart than my bedroom.

I have received abuse from intoxicated individuals outside of the Kwiki Mart in the evening. This can occur from simply not giving them money when they ask.

When the individuals congregate outside the Kwiki Mart a mess is often left, including beer cans, general littering and urine on the pavements.

I have heard fights take place outside of the Kwiki Mart and at times I have heard bottles smash. Often there will be glass outside of our property from broken bottles.

I have previously lodged a noise complaint with the council and police.

I fully support the review of the licence as measures need to be put in place such as preventing alcohol being sold 24/7 or having a security guard at night.

Kind regards

10.10.2021

This page is intentionally left blank

APPENDIX C

From: Lee Sartain [REDACTED]

Sent: 05 October 2021 08:50

To: Licensing Shared Email [REDACTED]

Subject: re: 21/02666/larevi

Hello - I am submitting a statement in relation to Kwiki Mart Food n Tipple 111-113 Albert Road, Southsea, PO5 2SQ (ref: 21/02666/LAREVI).

I would support Karen Whiteaway's review of the licence for the above establishment. Her remarks are well-balanced and goes some way to conveying the disruption that occurs on Albert Road in the vicinity of the Kwiki Mart.

I live at 4 Oxford Road, PO5 1NR which is just around the corner of the Kwiki Mart. I moved in on the 2 August 2021. While my quality of life has suffered greatly from all night disruption on Albert Road, I can only imagine how it must be to live opposite the shop.

In August and September the noise and social disruption was occurring a majority of each week (sometimes 4 or 5 times a week). The majority of the disruption occurred from 12 midnight and went on until 5 or 6 in the morning. The noise included shouting, threats, very loud music, and general threatening and anti-social behaviour.

I would not venture out to confront or observe this anti-social behaviour as I would genuinely fear for my own safety. I also have two daughters who I am very much concerned about. My elder daughter has said that she is fearful of the behaviour and has been threatened by people outside the Kwiki Mart (one had a broken bottle). If she returns from work late then I ensure that I meet her to walk her home in case of threatening behaviour.

This does need to get resolved. The quality of life of people living in this area suffers greatly and the lack of sleep impacts more broadly on people and their working lives. The threat to women and men needs to be taken account of - but if Southsea cannot be made safe then it is a very sad state of affairs. Where are the police? This, no doubt, will become a local election issue at some point. If not resolved I do hope people with young families are able to shield their children from the noise, disruption, and violent language. It is like living in a gang-dominated area.

The pubs along Albert Road are very respectful and close at reasonable times and their customers tend to then go home. The Kwiki Mart needs to close at a reasonable time like other convenience stores in the area - and they need to take responsibility for those people who shop there and congregate in front of their establishment that is making life hell for many of us.

Dr Lee Sartain
4 Oxford Road
PO5 1NR

APPENDIX C

From: [jamie.simpkins](#)
To: [Licensing Shared Email](#)
Subject: Review Reference Number 21/02666/LAREVI
Date: 10 October 2021 19:14:30

Review Reference Number 21/02666/LAREVI
Kwiki Mart Food n Tipple 111-113 Albert Road Southsea Hants PO5 2SQ

Dear Sirs,

I write to support the licence review of the Kwiki Mart on Albert Road.

My details are as follows;

Mr James Simpkins

[REDACTED]

My home address is 97 Tarrant Road, Bournemouth, BH9 3PX

I do not live full time in the area that is affected by the constant disturbance outside of the Kwiki Mart but I do regularly visit as my partner lives in Heron House.

I fully support this application to review the alcohol licence at the Kwiki Mart on Albert Road.

I have seen the disturbances that take place outside of the Kwiki Mart. Due to the disorder that takes place outside of the Kwiki Mart I make sure I do not park in the spaces outside the Kwiki Mart, or anywhere close to it as I am concerned damage would be done to my car. I have witnessed fights which have resulted in people being pushed where there are parked cars as well as bottles being smashed.

Many individuals are taking advantage of the 24/7 alcohol which causes many drunk people using the Kwiki Mart as a spot to congregate. The gatherings often go through the whole night as you can hear constant shouting, arguments and general disorder. The noise is excessive as it is so loud that it can wake you up despite it being across the road.

I actively avoid going near the Kwiki Mart at night due to the intoxication and drug use. I feel it is not safe. There is often glass, alcohol bottles, cigarettes and general mess on the pavement outside of the Kwiki Mart.

Despite the loud gatherings, public nuisance, alcohol and drug use through the night there is never any police presence. I have never seen any police dealing with the congregations, however I have witnessed ambulances the next morning trying to wake up and care for individuals who have passed out drunk on the pavement.

James Simpkins

This page is intentionally left blank

APPENDIX C

From: [Licensing Shared Email](#)
To: [Stone, Derek](#); [Humphreys, Nicki](#)
Subject: FW: Ref:21/02666/LAREVI
Date: 18 October 2021 16:17:46

Will index and add to reps and email to Jon?

-----Original Message-----

From: Akash Restaurant [REDACTED]
Sent: 18 October 2021 16:00
To: Licensing Shared Email [REDACTED]
Subject: Ref:21/02666/LAREVI

Dear Sir/Madam

It has been brought to our attention that there has been an application to review the license of Kwiki Mart for selling alcohol hours to be reduced.

As a long-serving established family-run business we have been operating next to Kwiki Mart for many years and as such never encountered any problems or concerns about the way it operates. We find that it is run professionally and efficiently respecting their license and the neighbouring community and taking their responsibilities seriously. Furthermore we have found the staff and management approachable at all times.

We understand the complaint has been raised on the grounds of the prevention of crime and disorder public safety and the prevention of public nuisance relating to allegations of noise late-night gatherings drunkenness and general disorder, with Albert Road being a night-time oriented business zone we feel the concerns are due to happen with or without any relation to Kwiki Mart's business.

Taking all that has been said into consideration we believe this complaint is unfounded and are hopeful the council should not take any further action as Kwiki Mart has proved to be a significant benefit to the local economy.

Yours Faithfully

J.Ahmed
The Akash Restaurant
99 Albert Road
Southsea
PO5 2SG

This page is intentionally left blank

APPENDIX D

Representations following an application to review the premises licence for Kwiki Mart.

All the information contained in the application and the representations' from interested parties is refuted. The applicant and interested parties will be required to prove the facts they have stated with credible evidence. The burden of proof rests with the applicant for the review and not the premises licence holder.

Within the application and representations there are no specific dates or times mentioned when issues are said to have arisen and this is severely prejudicial to the Premise Licence Holder.

An unsubstantiated review of the premises licence was submitted in 2014 alleging similar issues. No action was taken by the Committee. The minutes of the meeting are attached to this submission. There was no evidence then and there is no evidence now that the sale of alcohol from Kwiki Mart is the cause of anti-social behaviour in the vicinity of the shop.

It is extremely disappointing that the applicant has made no attempt to engage with Aranan, the licence holder, prior to submitting the review. The applicant has not once contacted him and expressed any concerns. Further, having submitted a review which was procedurally defective, she then refused the offer to meet Aranan and talk through her concerns before submitting the second review. None of the interested parties, nor for that matter anyone else since 2014, has contacted the premises licence holder to express their concerns.

Mr Aranan has owned the premises for over 20 years. It has always operated as a 24 hour convenience store. Before the Licensing Act 2003 the hours for the sale of alcohol were fixed by the Licensing Act 1964 but in 2005 the new premises licence was granted with the sale of alcohol 24 hours a day. As such the sale of alcohol has been 24 hours a day for the last 16 years.

Whatever decision the Committee reaches in relation to the premises licence on this review the shop will trade 24 hours a day, as the Committee has no power to regulate the opening hours of a convenience store for the sale of all other products. It would appear the applicant for the review and the interested parties making representations may have misunderstood this.

Albert Road is a very busy road and particularly on Friday and Saturday nights there is a high footfall of pedestrians. There are a number of licensed premises along Albert Road which close at different times, including restaurants and bars. There is also another convenience store nearby which opens until the early hours of the morning, The Rainbow Stores. Even if Kwiki Mart were not there at all there would still be a significant number of people in the area during the early hours of the morning.

Those "persons" referred to in the application and in the representations from interested parties, and shown on mobile phone footage are not customers of Kwiki Mart. The owner and staff work tirelessly to move those individuals away from the premises. They are not purchasing alcohol, or any other products for that matter, from Kwiki Mart. The issues they cause in Albert Road are not isolated to the Kwiki Mart. Aranan would like not to have to deal with these individuals as they damage his business, as people will often bypass the store if they are outside. It is a broader social issue which is within the remit of the Council and Police and Aranan has at all times work in Partnership with the Responsible Authorities, even when as in this case it has nothing to do with selling alcohol. He and the staff have no power to move the individuals on other than to ensure they do not enter the shop and are requested to move away from the frontage of the shop.

The applicant and interested parties must prove that those individuals causing anti-social behaviour have purchased alcohol from Kwiki Mart. It is accepted by Aranan that on occasions individuals outside his premises are consuming alcohol but they have not purchased it from his shop. He has extensive CCTV and had any incident been referred to him he could have proved, with the use of his internal and external CCTV, that they are not purchasing the alcohol from his store. Hence the severe prejudice to him in having had no prior complaint and no specific dates or evidence mentioned in the application or representations.

He and his staff are doing a good job in difficult circumstances. It is not their responsibility to police Albert Road all they can do is attempt to move people away from the shopfront, as most, if not all, of

the businesses in Albert Road do.

I have discussed the application with the Police, Acting Sergeant Rackham, who confirmed they would not be making a representation. They confirmed Aranan is a responsible licence holder who has always worked alongside them. For example, he was one of the first licence holders in Portsmouth to adopt the reduce the strength campaign across his many conveniences stores in the city. Acting Sergeant Rackham confirmed the issues with individuals outside the shop has nothing whatsoever to do with the sale of alcohol from Kwiki Mart.

The Committee is invited to take no action in this matter.

Jon Wallsgrove
Partner

John Gaunt and Partners
On behalf of the Premises Licence Holder.

APPENDIX D

REPORT TO: LICENSING SUB-COMMITTEE 04 SEPTEMBER 2014

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR ROSS C LEE

**Licensing Act 2003 – Application for a review of a premises licence
Kwiki Mart, 111-113 Albert Road, Southsea PO5 2SQ**

1. PURPOSE OF REPORT

The purpose of this report is for the Committee to consider an application submitted by a local resident for the review of a premises licence in respect of the above Kwiki Mart premises and pursuant to section 51 of the Licensing Act 2003 ("the Act").

2. STATUTORY PROVISIONS

The steps set out in the act for reviewing premises licences and club premises certificates are intended to 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.

At any stage following the grant of a licence or certificate, a responsible authority or any other person may make an application for the review of a licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

3. THE APPLICATION

The application and grounds for review have been submitted by Mr P Leworthy who lives at 105c Albert Road which is a first floor flat almost directly above the Kwiki Mart premises situated at 111-113 Albert Road, Southsea.

The review is attached as Appendix A to this report and relates to the four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm.

The grounds for the review relate to the premises having permission to sell alcohol on a 24/7 basis and an alleged concern of late night noise, disturbance and fighting in the immediate environs of both Kwiki Mart and Mr Leworthy's property. He says that he can see customers coming and going with "the distinctive blue bags".

The resident has requested that the committee consider reducing the hours for the sale of alcohol.

The allegations are strongly refuted by the licence holders and their legal representative - see appendix C.

4. BACKGROUND INFORMATION

Kwiki Mart at 111-113 Albert Road benefits from a premises licence permitting the sale of alcohol 24 hours a day 7 days a week. These hours are consistent with the opening hours for the store.

The licence holders are Mr & Mrs Aranan who have an extensive interest in licensed premises within the city. Mrs Aranan is the current designated premises supervisor.

Under the previous licensing regime, Kwiki Mart held a Justices' licence permitting off sales of alcohol between 0800 and 2300 Mondays to Saturdays. These hours continued under the auspices of the first premises licence granted by the council pursuant to the 2003 act and at the second appointed day ("SAD") in November 2005.

In January 2006 an application to vary the premises licence to permit 24/7 alcohol sales was approved after negotiation between the applicant and the Chief officer of Police.

Conditions including a requirement that 3 members of staff (one to hold a personal licence) be on permanent duty between the hours of 2300 and 0600 daily were imposed. This represents the current situation.

Kwiki Mart is situated on the north side of Albert Road at the junction with Wish Place. The Royal Albert pub and Ken's Kebab House are immediately nearby. Southsea Infant School and Heron House are opposite.

Albert Road is an extremely busy vehicular thoroughfare with a vibrant and established late night economy including proliferation of late night/early morning eating houses.

A copy of the premises licence is attached as Appendix **B**. This includes both a plan of the premises interior trading area and a location plan.

In accordance with the prescribed legal requirements, a public notice of the application for the review of the licence was advertised both at the premises and also at the Civic Offices. In addition, a notice of the application was also posted on the website of Portsmouth City Council together with the grounds for the review.

A copy of the review application was also served on the responsible authorities.

5. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

No representations have been made by any of the responsible authorities in respect of the review application.

Two letters of support for Kwiki Mart (from a local landlord and business premises) have been received and are attached as Appendix **C**.

6. POLICY AND STATUTORY CONSIDERATIONS

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

The Statutory Guidance (revised in June 2014) provides advice in relation to the consideration of review applications. In particular, members should have regard to the following advice:

Paragraph 11.1 - *"The proceedings set out in the Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence."*

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

Paragraph 11.10 - *"Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."*

Paragraph 11.16 - *"The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."*

In reaching a decision upon a review application, the Statutory Guidance offers assistance to the Licensing Authority as follows:

Paragraph 11.17 – *"The licensing authority may decide that the review does not require it to take any steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence."*

Paragraph 11.18 - *However, where responsible authorities like the Police or environmental health officers have already issued warnings requiring improvement – either orally or in writing*

– that have failed as part of their stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate”.

In cases where the Licensing Authority considers that action under its statutory powers are appropriate;

Paragraph 11.19 - *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- *to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *to suspend the licence for a period not exceeding three months;*
- *to revoke the licence.*

Paragraph 11.20 – *“In deciding which of these powers to invoke, it is expected that licensing authorities should so far possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response”.*

Paragraph 11.21 – *“For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual”.*

Paragraph 11.22 – *“Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives”.*

Paragraph 11.23 - *“Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again.*

However, it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence”.

Paragraph 11.24 - A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.

Paragraph 11.25 – Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

7. APPEAL PROVISIONS

An appeal against any punitive sanctions imposed may be made within 21 days of the licence holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- the applicant for the review;
- the holder of the premises licence; or
- any other person who made relevant representations in relation to the application.

The decision of the Committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

A copy of the Statement of Licensing Policy, 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.

8. APPENDICES

- A.** Copy of the review application submitted by Mr P Leworthy
- B.** Copy of the current premises licence to include a location plan
- C.** Copies of relevant supporting representations received including a submission by Blake Morgan solicitors on behalf of the licence holders

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION

For Licensing Manager
And on behalf of Head of Health, Safety and Licensing

Agenda item

Agenda item

Licensing Act 2003 - Application for a review of a premises licence for Kwiki Mart, 111-113 Albert Road, Southsea PO5 2SQ

- [Meeting of Licensing Sub-committee, Thursday, 4th September, 2014 9.30 am \(Item 76.\)](#)

The purpose of this report is for the committee to consider an application submitted by a local resident for the review of a premises licence in respect of the above Kwiki Mart premises and pursuant to section 51 of the Licensing Act 2003 ("the Act").

Decision:

The application for the review of a premises licence at Kwiki Mart, 111-113 Albert Road, Southsea was considered by the sub-committee, however, there was insufficient substantiated evidence to change or amend the licence as it stands.

REASONS: The sub-committee carefully considered the application, including the representations made at the hearing and attached to the committee report. Whilst they had sympathy for the problems faced by the applicant, there was insufficient substantiated evidence before the sub-committee to change or amend the licence as it stands. This is because the sub-committee was not satisfied that the nuisance encountered is limited to the Kwiki Mart. The sub-committee encouraged the applicant and the store owner to liaise in order to address any issues which may arise in future. Equally though, if the applicant does encounter future issues the sub-committee would urge him to keep a diary of issues, and liaise with

[Calendar](#)

[Committees](#)

[Forward plans](#)

[Election results](#)

[Library](#)

[Meetings](#)

[Outside bodies](#)

[Search documents](#)

[Subscribe to updates](#)

[What's New](#)

[Councillors](#)

[MPs](#)

Environmental Health in order for them to evidence the noise experienced and link it directly to the premises.

Minutes:

Mr Leworthy, the applicant and Councillor Vernon-Jackson, representing Mr Leworthy were in attendance.

Mr Jon Wallsgrove, solicitor and Mr Aranan, the premises licence holder, were also in attendance.

The review hearing procedure was followed.

The principal licensing officer introduced the report and explained that the applicant, Mr Leworthy lives above the premises and paints a gloomy picture. Mr Aranan disputes this.

Councillor Vernon-Jackson, on behalf of Mr Leworthy, included the following points in his representations:

- Mr Leworthy lives almost above the Kwiki Mart.
- There is no dispute that Albert Road is a busy road.
- Also recognise that we all have a right to sleep at night.
- Only 24hour store and patrons are easily recognised by the distinctive blue bags.
- Mr Leworthy is asking for the hours for the sale of alcohol to be reduced.
- Beggars consistently sit outside the premises drinking alcohol and begging.
- The council recognises there are significant anti-social behaviour in this area with drug users from Waverley Road using the park.
- Would ask for conditions regarding deliveries.
- Clearly public nuisance is an issue.
- Mr Leworthy had to stay at his girlfriends home just to get some sleep.
- Would ask for door staff to employed at night so they can disperse the beggars and patrons.
- Should also ban deliveries from midnight up to 7am.
- Would ask that no alcohol be sold after midnight.

It was at this point in the hearing that Mr Leworthy produced some photographs which he wished to submit to the sub-committee as further evidence. Mr Wallsgrove refused to allow the photographs to be submitted. The legal advisor explained that under the hearing

regulations all parties must be in agreement to the submission of late representations to enable them to be taken into consideration.

Councillor Vernon-Jackson and Mr Leworthy continued with their representations:

- There is a bus stop opposite and people go from the Kwiki Mart with their bags of cans/bottles to sit and drink.
- Have raised concerns with the manager on numerous occasions.
- When pubs close in Albert Road, people tend to congregate for 10-15 minutes and then move on.
- With Kwiki Mart people congregate all through the night as the store is open.
- Kwiki Mart causes a nuisance to Mr Leworthy and contravenes the licensing objectives.
- When people are in drink or drunk they are noisy and fights can occur.
- This is a clear case of nuisance and a clear case that Kwiki Mart attracts people late at night.
- Door staff need to be visible on the street to move people on.

Mr Jon Wallsgrove included the following points in his representations:




- Mr Aranan does employ door staff daily from midnight but it depends on trade as to whether they work until 4am.
- It is not a requirement of the premises licence to employ door staff.
- The premises are well run.
- It is not Kwiki Mart which creates the beggars.
- The burden is on Mr Leworthy to provide credible evidence in his application. He hasn't been able to prove that.
- The licensing officer reported that it is a busy area.
- Customers of Kwiki Mart are not responsible.
- The criminal damage was not witnessed so cannot be taken into account.
- Mr Aranan has tried to meet with Mr Leworthy but he refused.
- Mr Aranan didn't know Mr Leworthy's issues.
- His staff have not mentioned that Mr Leworthy has been in and spoken with them.
- Beggars on the public highway outside Kwiki Mart are not Mr Aranan's responsibility.
- The problems are not being created by Kwiki Mart.
- Mr Aranan meets regularly with the Police and Trading Standards.
- Police have confirmed that they have no problems and that crime is reducing in the area.

- Police have not made any representations today.
- Letter of support for Mr Aranan from a local business.
- Would have received representations from the tenants of the flats above. To say they are fearful of repercussions is not true.
- No action should be taken.
- Have been selling alcohol for eight years.
- Changed the deliveries for milk and papers to after 6am after Mr Leworthy complained.
- Mr Aranan ensures that his customers behave in a well-mannered way.
- He has taken it upon himself to employ door staff at considerable expense.
- Mr Aranan has done his best to meet with Mr Leworthy to discuss issues but he has refused. He can do no more.

DECISION: The application for the review of a premises licence at Kwiki Mart, 111-113 Albert Road, Southsea was considered by the sub-committee, however, there was insufficient substantiated evidence to change or amend the licence as it stands.

REASONS: The sub-committee carefully considered the application, including the representations made at the hearing and attached to the committee report. Whilst they had sympathy for the problems faced by the applicant, there was insufficient substantiated evidence before the sub-committee to change or amend the licence as it stands. This is because the sub-committee was not satisfied that the nuisance encountered is limited to the Kwiki Mart. The sub-committee encouraged the applicant and the store owner to liaise in order to address any issues which may arise in future. Equally though, if the applicant does encounter future issues the sub-committee would urge him to keep a diary of issues, and liaise with Environmental Health in order for them to evidence the noise experienced and link it directly to the premises.

Supporting documents:

- [4Sep14licsub item 3 report, item 76.](#)  PDF 279 KB
- [4Sep14licsub item 3 - appendix A application, item 76.](#)  PDF 492 KB
- [4Sep14licsub item 3 - appendix B premises licence, item 76.](#)  PDF 715 KB

Representations following an application to review the premises licence for Kwikimart.

The application for a review of the premises licence has not come as a surprise to Mr Aranan the premises licence holder for Kwikimart. Not because he was aware of his shop causing any issues of crime and disorder or public nuisance in the area but because the applicant had warned him some weeks ago that he was going to try and get the shop closed down.

All the information contained in the application is refuted. The applicant will be required to prove those facts he has stated with credible evidence as they appear entirely unsubstantiated in the way they have been set out in the application. All the allegations are without detail, particularly as to date and time and accordingly mean the premises licence holder is unable to make any proper enquiry into the allegations. Mr Aranan has however, done all he possibly could do as a responsible licence holder, to do just that, as set out herein.

Mr Aranan has owned the premises for approximately 11 years. It has always operated as a 24 hour convenience store. Before the Licensing Act 2003 the hours for the sale of alcohol were fixed by the Licensing Act 1964 but in 2005 the new premises licence was granted with the sale of alcohol 24 hours a day. As such the sale of alcohol has been 24 hours a day for the last 9 years.

He has never had a complaint from any of the local residents or businesses in those 11 years until now. He has spoken to the landlord of the flats immediately above his shop about this application and the landlord has confirmed that none of the tenants have ever complained about the way in which Kwikimart operates. He has spoken to a number of the business locally and again they have confirmed they have no issues with the shop being open 24 hours a day.

Albert Road is a very busy road and particularly on Friday and Saturday nights there is a high footfall of pedestrians. There are a number of licensed premises along Albert Road which close at different times, including restaurants and bars. There is also another convenience store nearby which opens until the early hours of the morning, The Rainbow Stores. Even if Kwikimart were not there at all there would be a significant number of people in the area during the early hours of the morning.

Mr Aranan became aware in May 2014 that one of the residents in the flats above the neighbouring commercial premises was unhappy about his shop and that the resident was making allegations that the customers of the shop were causing substantial disturbance.

On the 16th May he called a staff meeting to discuss the rumour he had heard. One of his staff confirmed the name of the resident who was making the complaints, as the resident had been in the shop and complained to the manager some months before, although not since. The manager in question had left the business at the end of March and accordingly Mr Aranan could not establish what the complaint was or what response his manager gave. The resident who had complained is the applicant for the review.

He contacted the applicant that day by telephone and asked to meet him. The applicant refused and said that he was going to shut the shop down and then he would meet with him to discuss it. The applicant said the problems were with the shouting, beggars outside the shop and that the door staff were not doing anything about it.

Mr Aranan then asked the police and trading standards to a meeting with the staff. At that meeting the police confirmed they had not received any complaints about anti-social behaviour in that area or noise and disturbance. The police officer confirmed that crime had decreased in the area over recent months. This they said may have been helped by the fact that Mr Aranan had been the first retailer in Portsmouth to sign up to the "reduce the strength campaign" for this shop.

On the 17th May Mr Aranan was contacted by the door security company as their door staff had witnessed members of the public having water thrown over them from a window of the flats in the same block where the applicant resides. The applicant was then seen to remonstrate with the people and the police attended the scene sometime later. The people were not customers of Kwikimart.

It is Mr Aranan's position that the applicant is attributing all noise and nuisance in Albert Road to his shop which is simply not the case.

J.S.Khatkar
116 Havant Road
Cosham
Hampshire
P06 2JF



Dear Sirs

Re: Review of Premises Licence for Kwikimart.

I understand that a resident has applied to review the licence and wants the hours to be cut back for selling alcohol. I believe he is suggesting that noise and anti-social behaviour in the area is down to the customers of Kwikimart.

I am the Landlord of Wish Place which are the 6 flats immediately above the Kwikimart. I have spoken to my tenants and none has raised any concern with *me* about the way Kwikimart operates. I am sure if there were problems being caused by the shop I would be the first to know as they would want me to try and sort it out for them. Kwikimart appears professionally run and is a significant benefit to the local community. Late at night at the weekends the area can be busy with people leaving the bars in the area as well as returning home from a night out in Guildhall Walk or Gunwharf. Many of those people won't even be customers of the Kwikimart. I don't see how stopping selling alcohol but staying open to sell everything else is going to have any effect.

I think the Council should take no action as the complaint is unfounded and this is a well run shop which sells alcohol responsibly.

Yours Faithfully

J.S.Khatkar



Dear Sirs

Re: Review of Premises Licence for Kwikimart Albert rd.

I understand that a resident has applied to review the licence and wants the hours to be cut back for selling alcohol. I understand they are suggesting that noise and anti-social behaviour in the area is down to the customers of Kwikimart being able to shop late for Alcohol.

I'm a business owner and resident in Albert rd number 89 only a few doors up from the Kwikkimart. As a resident and a business owner being there almost 24/7 myself ..!!!! I have experienced no issues with the Kwikkimart being open 24/7 to sell alcohol. It is far noisier outside the pubs and takeaways, of which I have no issue with either.

I think the Council should take no action to this complaint as I believe the Kwikimart only goes to enhance Albert rd providing a descent responsible place to buy food drink and alcohol.

Yours Faithfully

David Alexander

MD

