

Licensing Sub-Committee
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Culture, Leisure and Regulatory Services

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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



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