

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.