



RESTRICTED

ANNEX 1G90

**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

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Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I Sharon Conway, on behalf of the Chief Officer of Hampshire Constabulary,  
(Insert name of applicant)

☒ Apply for the review of a premises licence.

☐ Apply for the review of a club premises certificate.

(Select as applicable)

☐ Make a representation about a premises licence/club premises certificate

**Premises or Club Premises details**

Postal address of premises:	Naz's Cuisine 48 The Hundred Romsey Hampshire
Postcode (if known):	SO51 8BX

Name of premises licence holder or club holding club premises certificate (if known)  
Naz's (UK) Limited

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

**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname:	CONWAY
First Names:	SHARON
Current postal address:	Southampton Central Neighbourhood Police Southampton Civic Centre Southampton Hampshire
Postcode:	SO14 7LY
Daytime telephone number:	02380478373
E-mail address: (optional)	licensing@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

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**This application to review relates to the following licensing objective(s)**

*Select one or more  
boxes*

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

☒☐☒☐

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

Hampshire Constabulary are applying for a review of the premises licence of the grounds of:

- prevention of crime and disorder
- prevention of public nuisance.

Hampshire Constabulary are requesting that serious consideration is given to revocation of the premises licence. Despite continued efforts of Hampshire Constabulary, the decision from the Sub-Committee made on 30th August 2017 has not been taken seriously. Within days of the decision coming into effect, Naz's (UK) Ltd have not made the appropriate changes, leading to Licensing Act 2003 offences being committed on at least two occasions. Anti-social behaviour and drunkenness continues to be shown by customers of Naz's Cuisine.

Police are gravely concerned that the premises licence holder, Naz's (UK) Ltd is not suitable to hold the premises licence.

Naz's Cuisine is a small Indian Restaurant in the town of Romsey. It is situated along The Hundred, in an area of mixed businesses and residential properties.

The premises licence holder is Naz's (UK) Limited.

A search on the UKGov website, Companies House, on 16th October 2017, lists the sole trader to be:

Ms Luthfun Nessa KHANOM.

The registered correspondence address for Ms KHANON is the premises address of 48 The Hundred, Romsey SO51 8BX

There is no current DPS named on the premises licence. Mr Nazrul ISLAM was removed as DPS following the hearing on 30th August 2017.

A subsequent application to vary the DPS was withdrawn.

An application to review the premises licence was submitted to Test Valley Licensing Authority on 4th July 2017. This was following input from Hampshire Constabulary over a period from 2015 to 2017 to work with the premises to improve the promotion of the licensing objectives.



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During the consultation period and immediately prior to the hearing on 30th August 2017, police received no contact or communication from the premises licence holder in order to discuss the concerns. No one attended the hearing to represent Naz's (UK) Ltd.

The decision notice is included as Annex A. One of the decisions made by the sub-committee was to remove ISLAM as the DPS. The changes prescribed by the Sub-Committee came into effect on 20th September 2017, following a period of 3 weeks, during which an appeal could be lodged. During this period, no application was made to appeal the decision. No communication was forthcoming from Naz's (UK) Ltd as to their intentions. No application to vary the DPS was received by Test Valley Borough Council or Hampshire Constabulary.

Following confirmation that there was no longer a DPS named on the premises licence (Annex B), PC 22237 Conway attended Naz's Cuisine at 2145hrs on 22nd September 2017. Mr ISLAM was present at the restaurant, albeit he was in the kitchen. Annex C is a statement from PC Conway, covering this visit.

Alcohol was seen to be on display at the premises, and was continuing to be sold to customers at the premises.

Mr ISLAM was spoken to, and confirmed that the decision notice had been received, but an application had not been made to put in place a DPS in his replacement. Crucially, Mr ISLAM suggested that, as he was the personal licence holder, alcohol could still be sold under the premises licence. This shows a complete lack of knowledge of the basic principles of Licensing Act 2003.

A closure notice was issued under S19 Criminal Justice and Police Act 2001. This notice was to serve as an official notice that offences were being committed under Licensing Act 2003, and allows Naz's (UK) Ltd the opportunity to rectify any issues to prevent further offences being committed.

Hampshire Constabulary received an application to vary the DPS on 2nd October 2017. Contact was made with the proposed DPS as part of the due diligence checks police conduct. During the conversation, the expectations of police was outlined, as well as the serious position that Naz's (UK) Ltd had found itself. The responsibilities under Licensing Act 2003, and penalties for any offences were also outlined. The initial conversation was positive, although it was apparent that the proposed DPS was not going to be working at the restaurant at the key times to prevent offences occurring. The DPS stated that she would be having regular meetings with Mr ISLAM.

Following this conversation, on 3rd October 2017, PC Conway received an email from the proposed DPS advising that consent to be the DPS had been withdrawn. (Annex D)

As no further application had been received to Test Valley Licensing Authority or Hampshire Constabulary to vary the DPS under S37 Licensing Act 2003, police licensing officers PC Conway and PC Swallow attended the restaurant on 6th October 2017. Alcohol was again on display. All three tables of customers had alcohol. The staff member present confirmed that the customers had not brought their own alcohol, and payment was expected for the



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food and alcohol. During the course of the visit, at least one table was seen to pay their bill, which included wine.

The staff member present was very non-committal about who was in charge at the premises, repeatedly stating that he was not in charge, but reluctant to contact any person to attend the premises who would be 'in charge'. Neither Mr ISLAM nor Ms KHANOM were present. The member of staff at one point cited that the proposed DPS would be attending the premises, and she was in charge. However, the staff member did not have anyway of contacting who he suggested was DPS.

As well as the three tables already at the premises, the amount of empty pint and wine glasses suggested that it was highly likely alcoholic drinks had been served throughout the evening, and the premises had been busy.

During the visit, a group of visibly drunk men came into the premises. The staff member did speak to them, as by this time, the situation regarding the sale of alcohol had been accepted. The group did leave. However, officers were left with the distinct impression that this group would have been allowed to remain, and would have been served further alcohol.

On 13/10/17, PCSO 16144 Biggs was on duty and patrolling Romsey Town Centre. Due to issues of anti-social behaviour in the town, a S34 dispersal authority under the Anti-Social Behaviour, Crime and Policing Act 2014 was in place. This provides officers and PCSO's the ability to direct a person who has committed, or about to commit, anti-social behaviour to leave a specified area and not return for a specified period of up to 48 hours under S35 of the Act.

At about 2040hrs, PCSO Biggs sees a group of known males gathering outside Naz's Cuisine. She describes the group as being 'very loud'. An attempt is made to issue a S35 direction to leave to one of the group. However, this male walks away.

Later in the evening, at about 2200hrs, PCSO Biggs and PCSO Perrott are walking again in the town centre. They come across the same group of males outside of Naz's Cuisine. This group are still being loud, and are throwing glasses into the road. These glasses have come from Naz's Cuisine, PCSO Biggs has watched the group drinking both inside and outside of the premises. One of the group is particularly drunk. PCSO Biggs speaks to one of the group, who confirms that the group have been drinking at Naz's Cuisine, celebrating a birthday, but the group would be moving on. This male is seen to be drinking from a bottle of whiskey both inside and outside of the premises. PCSO Biggs has seen two members of staff present. However, the behaviour of the group has remained unchallenged.

At about 2300hrs, PCSO Biggs is joined by PCSO Allen. They continue to monitor the same group as earlier outside of Naz's Cuisine. One male is seen to urinate outside and then shout at the rest of the group who are inside Naz's Cuisine. The behaviour of the group has deteriorated to an extent that PCSO Biggs describes the group as 'intimidating' and the assistance of police officers are now required to disperse them.

PS White attends to assist his team. The male seen urinating becomes abusive, aggressive and argumentative towards him. PS White stated in his statement 'it was clear to me that he was heavily in drink...' This male is arrested for being drunk and disorderly.

The male is taken to Southampton Custody, where again the custody officer describes the male as 'heavily intoxicated'.



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Whilst the alcohol consumed by the arrested male or the rest of the group cannot be confirmed at this stage to have been sold by Naz's Cuisine, the licensing objectives have been, and continue to be severely undermined. There has been no regard by staff, or the premises licence holder to prevent other offences such as allowing disorderly conduct on a licensed premises, being drunk and disorderly, or to prevent nuisance in the immediate vicinity of the premises.

Annex E provides further evidence related to this public order incident.

The current operation and management of Naz's Cuisine is of grave concern to Hampshire Constabulary. The levels of drunkenness exhibited by customers remains unchallenged. No effort has been made to provide staff with the training to be robust and make refusals. There has been no change from the operation which brought about the review application dated 4th July 2017. The premises licence holder continues to avoid any interaction with police as a responsible authority.

The role of the premises licence holder, be that an individual or a company, should not be underestimated. The premises licence holder, in this case, Naz's (UK) Ltd, under the Licensing Act 2003, 'is the person who is carrying on or who proposes to carry on which involves the use of the premises for licensable activities. The premises licence holders has a statutory obligation to promote the licensing objectives, and to make sure that any DPS, management and staff are conducting the day to day operation of a business in line with expectations set out by Licensing Act 2003.

The premises licence holder is, in many cases, equally liable for prosecution of offences committed under Licensing Act 2003, whether present or not.

The Guidance issued under S182 Licensing Act (11.22) states that it may emerge that the poor management at a premises is a direct reflection of poor company practices and policies.

There has been a complete lack of communication from Naz's (UK) Ltd and its director, and a total lack of improvement and compliance with the Licensing Act 2003. The conduct and control of customers has not improved, and continues to undermine the licensing objectives.

On 23<sup>rd</sup> October 2017, a home address for the director of Naz's (UK) Ltd was confirmed. PC Conway has attended the address, and spoken in person to KHANOM. During the conversation, it became clear that KHANOM has no input in the business. In the opinion of PC Conway, KHANOM is not able to fulfil her role as premises licence holder, make the appropriate changes, ensure that offences are not committed at the premises.

Hampshire Constabulary have no faith that Naz's (UK) Ltd is a suitable company to be able to promote the licensing objectives or prevent offences, even at the most basic level. As such, Hampshire Constabulary are requesting that the premises licence is revoked.

Have you made an application for review relating to these premises before: ☒ Yes | ☐ No



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If yes please state the date of that  
application:

04 / 07 / 2017

Day Month Year

If you have made representations before relating to this premises please state what they were

Review application made on 04/07/17 due to police concerns of:

- 1) Excessive levels of drunkenness and associated crime, disorder and public nuisance
- 2) Immigration offences
- 3) Lack of management from the premises licence holder and DPS

The application was heard by Test Valley Licensing Sub-Committee on 30<sup>th</sup> August 2017.  
The decision was to:

- 1) reduce the sale of alcohol, with the sale of alcohol being ancillary to the purchase of food
- 2) Remove the DPS
- 3) The addition of conditions, to be implemented within 28 days.

**Please tick**

☒ 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 have sent a copy of this representation to the principal licensing officer of Test Valley Borough Council

**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**

Signature of Officer Completing

Name S Conway

Collar Number: 22237

Signature: \_\_\_\_\_

Date: 20/10/17

Signature of Authorising Officer (Inspector or above)

Name Inspector Justin ROBERTS

Collar Number: 2841

Signature: \_\_\_\_\_

Date: 24/10/17

There is a distinct and persistent lack of cooperation and compliance by the Venue and its key personnel, this despite a graduated engagement process by police and partner agencies to work together to improve compliance. I authorise this review as the venue is flagrantly NOT complying with the licensing objectives