

LICENSING ACT 2003 SUB-COMMITTEE

FRIDAY 21 MARCH 2014
1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Application for a Personal Licence - Mr Vakkas Ciftepala**

3 - 18



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Committee Members:

Councillors: P Thacker (Chairman), J Peach (Vice Chairman) and B Saltmarsh

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

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LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No 3
21 MARCH 2014		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Regulatory Officer Licensing	Tel: 454437 Tel. 453561

APPLICATION:	Personal Licence
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APPLICANT:	Mr Vakkas Ciftepala
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REFERENCE NUMBER:	MAU : 068881
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GLOSSARY OF TERMS: Attached at Appendix A on Page 6
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1. PURPOSE OF REPORT

1.1 To consider and determine an application for a personal licence under Section 117 of the Licensing Act 2003 for the above person, taking into account the objection notice made by Cambridgeshire Constabulary.

2. BACKGROUND INFORMATION

2.1 For the purposes of the Licensing Act 2003 (“the Act”) Peterborough City Council is a Licensing Authority. Under Section 4 of the Act, a Licensing Authority must carry out its licensing functions under the Act with a view to promoting the licensing objectives, which are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

In addition, a Licensing Authority must also have regard to its own licensing policy statement and any guidance published by the Secretary of State under section 182 of the Act.

2.2 Section 111 of the Act defines a ‘personal licence’ as a licence which is granted by a Licensing Authority to an individual, and authorises that individual to supply alcohol, or authorise the sale of alcohol, in accordance with a premises licence. A personal licence has effect for an initial ten year period, unless surrendered, revoked, suspended or forfeited. At the expiry of the ten year period an application for renewal is required.

2.3 In accordance with the Licensing Act 2003 (Personal Licence) Regulations 2005, all personal licence applicants are required to submit with their application either:

- a) a criminal conviction certificate issued under section 112 of the Police Act 1997;
- b) a criminal record certificate issued under section 113A of the Police Act 1997; and
- c) the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service.

- 2.4 Where an application for a personal licence is made to the Licensing Authority in accordance with section 117 of the Act, the Licensing Authority must grant the licence if it appears to it that:
- a) the applicant is aged over 18;
 - b) he / she possesses a licensing qualification or is a person of a prescribed description;
 - c) no personal licence held by him (her) has been forfeited in the period of five years ending with the day the application was made; and
 - d) he / she has not been convicted of any relevant offence or foreign offence.
- 2.5 The Licensing Authority must reject the application if it appears to it that the applicant fails to meet the conditions in paragraph a, b or c above. Further, if it appears that the application meets the conditions in paragraphs a, b and c above but fails to meet the condition in paragraph d above the Licensing Authority must give the chief officer of Police for the area a notice to that effect.
- 2.6 Schedule 4 of the Act provides a list of offences classed as relevant offences for the purposes of an application for a personal licence. Where, having regard to any conviction of the applicant for a relevant offence, and any conviction of his (or hers) for a foreign offence which the chief officer of Police considers to be comparable to a relevant offence, the chief officer of Police is satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice, give the Licensing Authority a notice stating the reasons which he is so satisfied (an 'objection notice').
- 2.7 Where an objection notice is received the Licensing Authority must hold a hearing to consider the objection notice, and having regard to the objection notice, must either :
- reject the application if it considers it necessary for the promotion of the crime prevention objective to do so; or
 - grant the application in any other case.
- 2.8 Under section 17 of the Crime and Disorder Act 1998, the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder in its area.

3. APPLICATION

- 3.1 An application for a personal licence has been received from Mr Vakkas Ciftepala in accordance with section 117 of the Act, a copy of which is attached at **Appendix B Page 9**.
- 3.2 As required, the applicant submitted a criminal record certificate with his application issued by Disclosure Scotland. The certificate confirmed the conviction disclosed by the applicant, namely:
- Conviction date :** 27/7/11
Court : Peterborough Magistrates
Offence : Using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence.
- 3.3 The conviction is a relevant offence in accordance with Schedule 4 of the Act and, in accordance with section 120 of the Act, a notice to that effect was given to the Chief officer of Police by the Licensing Authority.
- 3.4 The Chief Officer of Police has served the Licensing Authority with an objection notice stating that Mr Ciftepala should not be issued with a personal licence due to the disclosed conviction, a summary of which is attached at **Appendix B Page 17**.

4. POLICY & GUIDANCE IMPLICATIONS

4.1 The following sections/paragraphs are applicable to this application:

4.2 Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation : *section 7 page 7*
- Delegation / Decision Making / Administration: *Section 17 page 16 and 17*

4.3 Guidance Issued under Section 182 of the Licensing Act 2003 (June 2013)

- Personal Licences: *Section 4 pages 21 to 22*

5. LEGAL OFFICER'S COMMENTS

5.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a new personal licence and a subsequent objection notice received by the Police under Section 117 of the Licensing Act 2003.

5.2 In this case, the application was received at these offices on 7 February 2013.

5.3 The application before this Committee will consider –

- (i) The application for the personal licence; and
- (ii) The objection notice issued by the Police.

5.4 The Committee will take such of the steps as it considers that action is necessary for the promotion of the licensing objectives. The steps are:

- (a) To grant the personal licence application; or
- (b) To reject the personal licence application.

LICENSING ACT 2003 GLOSSARY OF TERMS

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Child’

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

‘Other Persons’:

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensing Authority’: - is the licensing function of Peterborough City Council

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Licensing Objectives’

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises

- The steps being taken to promote the Licensing Objectives

'Rateable Value': as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

'Regulated Entertainment' (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

'Relevant Licensing Authority': is the Authority in the area the premises are situated.

'Responsible Authority' means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

'Supply of alcohol':

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

'Temporary Event Notice' means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;

- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

‘the Act’: means the Licensing Act 2003

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for a personal licence

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.

1. Your personal details	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state) <u>MR</u>	
Surname	<u>CIFTEPALA</u>
Forenames	<u>UAKKAS</u>
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	
Forenames	
I am 18 years old or over. Please tick <input checked="" type="checkbox"/>	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).	
<u>51 HIGH STREET</u> <u>EYE</u> <u>PETERBOROUGH CITY COUNCIL</u> <u>07 FEB 2014</u> <u>LICENSING</u>	
Post town	Post code
<u>PETERBOROUGH</u>	<u>PE6 7LX</u>
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	<u>(</u>
FAX NUMBER	<u>-</u>
EMAIL ADDRESS (if you would prefer us to correspond with you by e mail)	
<u>-</u>	

[Insert name and address of relevant licensing authority and its reference number (optional)]


Address for correspondence associated with this application (if different to the address above)	
BUSINESS TRAINING LINE (UK) LTD 3 WINDSOR CLOSE, CHESHUNT WALTHAM CROSS, HERTS	
Post town	Post code
LONDON	EN7 5LW
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
EMAIL ADDRESS (if you would prefer us to correspond with you by e mail)	
btline @ btline.co.uk	

2. Your licensing qualifications		
Read Note 1	Please tick ✓ yes	
Please indicate below which one of these statements applies to you:		
1. I hold an accredited licensing qualification		<input checked="" type="checkbox"/>
2. I hold a certified qualification		<input type="checkbox"/>
3. I hold an equivalent qualification		<input type="checkbox"/>
4. I am a person of prescribed description		<input type="checkbox"/>
If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application. If you have ticked statement 4, please provide evidence that you are a person of prescribed description.		
<p>HABC LEVEL 2 AWARD FOR PERSONAL LICENCE HOLDERS</p>		
3. Previous or outstanding applications for a personal licence		
Note: You may only hold one personal licence at a time.	Please tick ✓	
Do you currently hold a personal licence?	Yes	No <input checked="" type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	Yes	No <input checked="" type="checkbox"/>
Has any personal licence held by you been forfeited in the last 5 years?	Yes	No <input checked="" type="checkbox"/>

[Insert name and address of relevant licensing authority and its reference number (optional)]

Licensing Authority	
Licence number	
Date of issue	
Date of expiry	
Any further details	

4. CHECKLIST:	
I have	Please tick <input checked="" type="checkbox"/> yes
<ul style="list-style-type: none"> enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification. 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> enclosed any licensing qualification I hold or proof that I am a person of prescribed description 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Intelligence Service 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3) 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> made or enclosed payment of the fee for the application 	<input checked="" type="checkbox"/>

5. Declaration	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale [£5000].</p>	
SIGNATURE	
DATE	03.02.2014

NOTES

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

1. Licensing qualifications

Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003.

[Insert name and address of relevant licensing authority and its reference number (optional)]

Disclosure of convictions and declaration

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.

1. Your personal details			
TITLE (delete as appropriate) (Mr Mrs Miss Ms Other (please state)) MR			
Surname	CIFTEPALA		
Forenames	VAKKAS		
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname			
Forenames			
2. Forfeiture of a personal licence in the last 5 years			
Do not answer this question if you are applying under regulation 8 of the Licensing Act (Personal licences) Regulations 2005			
Please tick <input checked="" type="checkbox"/>			
Has any personal licence held by you been forfeited in the last 5 years? if yes, please provide details below:	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>		
Name of court			
Address of court			
Date of forfeiture			
Offence which resulted in the forfeiture			
Any additional details			
3. Relevant or foreign offences			
Please tick <input checked="" type="checkbox"/>			
Read Note 1			
Have you been convicted of any relevant offence or foreign offence?	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>		
If you have been convicted of any relevant offences you must provide details for each conviction, the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:			
<u>DATE</u>	<u>COURT</u>	<u>OFFENCE</u>	<u>DISPOSAL</u>
27/07/2011	PETERBOROUGH MAGISTRATES	USING THREATENING, ABUSIVE, INSULTING WORDS OR BEHAVIOUR W/I TO CAUSE FEAR OR PROVOCATION OF VIOLENCE	COMMUNITY ORDER 26.07.12 COSTS 85.00 COMPENSATION 50.00 UNPAID WORK REQUIREMENT 100 HRS.

[Insert name and address of relevant licensing authority and its reference number (optional)]

If you have been convicted of any foreign offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

4. Declaration

I declare that I have not been convicted of any relevant offence or any foreign offence

SIGNATURE



DATE

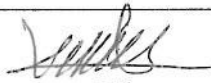
03.02.2014

5. Declaration

The information contained in this form is correct to the best of my knowledge and belief.

It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale [£5000].

SIGNATURE



DATE

03.02.2014

NOTES

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

1.Relevant or foreign offences

Relevant offences are the offences listed in Schedule 4 to the Licensing Act 2003:

The meaning of foreign offence is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 8 of the Licensing Act (Personal licence) Regulations 2005 see paragraphs 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

If you are convicted of any relevant or foreign offence during the period between when your application is made and when your application is determined or withdrawn, you must notify the authority to which your application was made. Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale [£2,500].



Highfield
awarding body for compliance

Highfield Awarding Body for Compliance

Certifies that

Vakkas Ciftepala

has successfully passed an assessment in

**HABC Level 2 Award for Personal
Licence Holders (QCF)**

Date of assessment 15 January 2014

Date of award 17 January 2014

Certificate number 1375468

Course Director

The Business Training Line (UK) Ltd

Training Organisation



Qualification examined in Turkish

Jason Sprenger - Chief Executive
Highfield Awarding Body for Compliance

Regulated by

Ofqual

For more information see <http://register.ofqual.gov.uk>



Llywodraeth Cymru
Welsh Government

Qualification number

500/9974/7

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Highfield Awarding Body for Compliance (HABC) contact details:

HABC UK

Highfield House, Heavens Walk, Lakeside, Doncaster, South Yorkshire DN4 5HZ UK
Telephone: 0845 2260350 Website: www.highfieldabc.com

HABC MEA

P.O. Box 505172, Office 306, Building No 49, Healthcare City, Dubai, UAE
Telephone: 00 9714 449 4042 Website: www.highfieldabc.ae

Please keep your certificate in a safe place as it is an important document recognising your achievement.

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BUSINESS TRAINING LINE (UK)LTD
LICENSING-FOOD HYGIENE-HEALTH&SAFETY
TRAINING & CONSULTANCY

3 Windsor Close, Cheshunt
Waltham Cross, Hertfordshire,
EN7 5LW

Licensing-Alcohol and Entertainment
Growth and Regeneration
Bayard Place, Broadway
Peterborough
PE1 1AY

03 FEBRUARY 2014
Ref: V.CIFTEPALA/PL/2014

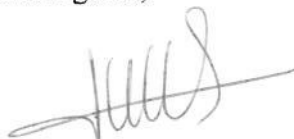
Dear Sir / Madam,

Please find enclosed our client's (Mr. VAKKAS CIFTEPALA) Personal License Application Documents as listed below;

1. Application for a personal licence
 2. Disclosure of convictions and declaration
 3. HABC Level 2 , APLH Certificate (Original)
 4. Disclosure Certificate (Original dated 29/01/2014),
 5. Two photographs (one of the photo is endorsed)
 6. Application fee. £37.00 cheque made payable to" Peterborough City Council".
7. Please provide the receipt to the Business Training Line (UK) Ltd for £37 pounds payment made to the " Peterborough City Council".

For further information please contact us at any time.

Kind regards,



Mrs. Nursever Arabaci ER
Centre Director

SUMMARY OF POLICE OBJECTION TO THE GRANTING OF A PERSONAL
LICENCE (SECTION 120 LA 2003)

1. VAKKAS CIFTEPALA (“the Applicant”) was convicted on 27/07/2011 with an offence under section 4 of the Public Order Act 1986.
2. The Applicant was involved in a serious disorder at a licensed premises. He assaulted a licensee by punching him. The Applicant then called his brother who attended the premises and a further affray took place involving the two men on the premises.
3. The Applicant was sentenced to a community order of 100 hours unpaid work, costs of £85.00 and compensation of £50.00.

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