

LC1

APPENDIX C

**Peterborough City Council, Licensing Section, Bayard Place,
Broadway, Peterborough, PE1 1HZ**

**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 in black ink. Use additional sheets if
necessary.
You may wish to keep a copy of the completed form for your records.

**I, Simon Parr, Chief Constable of Cambridgeshire Constabulary apply
for the review of a premises licence under section 51 of the Licensing
Act 2003 for the premises described in Part 1 below**

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description SHALIMAR GARDENS (ZAIKA), 34 New Road	
Post town PETERBOROUGH	Post code (if known) PE1 1FH

Name of premises licence holder or club holding club premises certificate (if known) Mohammed Khubaib, 47 Cambridge Avenue, Peterborough, Cambridgeshire, PE1 2JB.

Number of premises licence or club premises certificate (if known) 065114 – Peterborough City Council

Part 2 - Applicant details

Please tick ✓ yes

I am

- | | | |
|----|---|-------------------------------------|
| 1) | an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) | a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) | a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) | a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) | a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3) | a member of the club to which this application relates
(please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current address

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Cambridgeshire Constabulary Hinchingsbrooke Park Huntingdon Cambridgeshire PE29 6NP
Telephone number (if any) 01733 42 4438
E-mail (optional) grahame.robinson@cambs.pnn.police.uk

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

Please tick 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 ground(s) for review (please read guidance note1)

This application to review the premises license for SHALIMAR GARDENS is based on evidence which shows consistent breaches to the Premises License conditions and the licensing objectives of:

- Crime & Disorder – Numerous Operating Conditions are not being upheld which will give rise to crime and disorder.
- Public Safety – Numerous Operating Conditions are not being upheld which will give rise to crime and disorder.
- Public Nuisance – Numerous breaches to Operating Conditions which have led the premises to become a public nuisance with consistent noise complaints.
- Protection of Children from Harm - Numerous Operating Conditions are not being upheld which will give rise to potential harm to children and young people.

Please provide as much information as possible to support the application (please read guidance note 2)

Re: License Review – SHALIMAR GARDENS, 34 NEW ROAD, PETERBOROUGH.

On Saturday 26th January 2013 at 23:55 hours I conducted a Licensing Inspection of SHALIMAR GARDENS, 34 NEW ROAD, PETERBOROUGH, PE1 1FH, in the company of Sgt1699 HOUGHTON. The inspection was as a direct result of a significant increase in activity at the venue which is believed to be detrimental to the licensing objectives – namely the prevention of crime and disorder, public safety, preventing public nuisance and the protection of children from harm.

SHALIMAR GARDENS is a restaurant operating on a full Premises License in accordance with the Licensing Act 2003, license No: 065114 refers. The premises license holder is MOHAMMED KHUBAIB, 47 CAMBRIDGE AVENUE, PETERBOROUGH, CAMBRIDGESHIRE, PE1 2JB. The designated premises supervisor was Mrs. LENKE STUMF, 43 AUDLEY GATE, PETERBOROUGH, CAMBRIDGESHIRE, PE3 9PE. The premises are situated within the busy street of NEW ROAD. According to the issued license the premises is open Monday to Sunday 11:00 hours to 05:00 hours allowing the sale of alcohol between 11:00 hours and 05:00 hours daily. The license has adopted all the provisions of licensing activity in accordance with the Licensing Act 2003, including 'Live music' between the hours of 11:00 hours and 05:00 hours; 'Recorded music' between the hours of 11:00 hours and 05:00 hours; 'Dancing' between 11:00 hours and 05:00 hours; and the provision of 'Late night refreshment' between 23:00 hours and 05:00 hours.

The premises have been the subject of a Licensing Sub-Committee Hearing on 26th July 2010 following a Review application submitted by Cambridgeshire Constabulary. This was due to substantiated and consistent reports of the venue being responsible for violent crime and disorder at the venue and public nuisance (noise disturbance) towards Travelodge guests accommodated above the premises. As a result of the Sub-Committee Hearing several important and valuable conditions were added to the license which included:

- A personal licence holder to be on the premises during all licensable activities between the hours of 11pm and 5am.
- A certified first aider to be on the premises during all licensable activities between the hours of 11pm and 5am.
- That all bar staff are aware of their responsibilities under the Licensing Act 2003 and training on the Act to be evidenced in writing.
- Security door staff to be employed during the hours of 23.00 hrs and closing time when licensable activities take place.
- City Link to be in place and operational during licensable activities.
- Challenge 21 posters to be displayed within the premises.

- A refusals register to be kept and available for inspection by the police and authorised officers of the local authority.
- The Travel Lodge located near the premises has a direct telephone number to the premises in order to speak with the DPS or premises licence holder in case of noise nuisance.
- The sale of alcohol only to be ancillary to the sale of a substantial meal.

These additional conditions were deemed necessary to promote the objectives of licensing and assist the Premises License Holder (PLH) and Designated Premises Supervisor (DPS) uphold those objectives. The venue was being abused consistently by the management in an attempt to compete with the Nightclubs across the road and become a main player within the Night Time Economy (NTE). As a result the noise disturbance caused to the hotel above was sufficient enough for customers to persistently complain about the noise. Travelodge has had to compensate customers their money back. Furthermore control of the venue with the previous license conditions was insufficient to maintain law and order within and outside the venue and there was becoming a marked increase in violent crime and disorder.

Conditions consistent with the Operating Schedule include:

- Video/CCTV equipment shall be installed inside/outside the premises and maintained in working order.
- Video/CCTV equipment will be set to record all licensed areas from the time that the premises open to the public until the premises closes and all members of the public have left.
- Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.
- Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
- An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.
- CCTV images will be clear and comprehensible.
- Any new/existing CCTV system in place will be cleared for use by the Police/Licensing Authority.
- Facilities will be in place for the immediate copying of CCTV images to a recognised media. These copied images will be made immediately available to an authorised officer on request.

During the inspection I observed the following issues:

- DPS – Lenke Stumpf – not a fit and proper been absent for several weeks. Breach of Condition 29. Stumpf is the only APLH holder employed at the venue.

- No APLH present after 23:00pm. Breach of Condition 29.
- No SIA employed on the door after 23:00pm. Breach of Condition 32.
- No persons present who knew how to operate the CCTV system including the DPS and Premises License holder – officer told to come back later. Breach of Conditions 14, 16 and 19.
- No person present First Aid qualified including the DPS or PL Holder. Breach of Condition 30.
- No DPS authorisation list.
- No record of staff training – ID issues / due diligence. Breach of Condition 27.
- Staff not aware of responsibilities under Licensing Act 2003. Breach of Condition 31.
- No City Link Radio system in place. Breach of Condition 33.
- Refusal register not maintained post August 2010. Breach of Condition 35.
- Numerous complaints from the Travel Lodge – Documented – towards premises over loud music / public nuisance. Breach of Conditions 21 and 23.

A Section 19 Closure Order was issued in accordance with the Licensing Act 2003 immediately following the inspection (see below) and a request for a review of the premises license initiated.

Since the Premise License transferred to Mr. Khubaib on the 03rd August 2012 numerous issues have come to light involving the Premises License, Designated Premises Supervisor and the conditional operation of the venue. 3 inspections have taken place where Darren Dolby, Peterborough City Council Licensing Officer and I have spoken to the DPS and PLH and reminded them how to maintain the conditions on their Premises License. I am satisfied that we have made ourselves perfectly clear and understood to the operators in relation to these conditions. Despite this three S19 Closure Notices have been issued against the Premises for various breaches as shown below:

1. Friday 03rd August 2012 at 10:30am – a visit took place where it was identified the premises was open and operating without a DPS. This was confirmed by speaking to Mr. Khubaib and a S19 Closure Notice Issued. This was cancelled on the 07th August 2012 after the current DPS – Lenke Stumpf was installed as DPS.
2. Saturday 01st September at 00:45am – PS1841 Nicholson issued a S19 Closure Notice as the venue was operating with no APLH present and no SIA regulated doorstaff. The S19 was cancelled the following night at 23:00 as an SIA door supervisor had been employed and the DPS was present.
3. Sunday 27th January 2013 at 00:35 – PC1572 Robinson issued a S19 Closure Notice as the venue was in breach of several license conditions as listed above. This resulted in Cambridgeshire Constabulary requesting a review of the Premises License.

The investigation is still ongoing. A further comprehensive supplementary report will be submitted once enquiries are completed and in good time for the Sub-Committee and Premises License holder to consider prior to any hearing.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

2	6	0	7	2	0	1	0
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Suggested Recommendation:

Cambridgeshire Constabulary Licensing Officer and Peterborough City Council Licensing Officers have worked closely with the Premises License Holder and the Designated Premises Supervisor in an attempt to help them understand the Premises License and its conditions and maintain them effectively in order to uphold the licensing objectives. Unfortunately this appears to have been blatantly ignored and the operator is intent on doing as he pleases in order to maximize profit and increase foot fall on his venue. I do not believe he is a fit and proper Premises License Holder.

Conditions are already in place that if maintained effectively can assist the operators to promote a safe and responsible venue which I believe will uphold the licensing objectives.

As licensing officer for Cambridgeshire Constabulary I recommend that the license is revoked.

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 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

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Date...29th 2013

Capacity Licensing Officer, Northern Division, Cambridgeshire Constabulary

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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