

LICENSING ACT 2003 SUB-COMMITTEE		AGENDA ITEM No. 3
26 JULY 2010		PUBLIC REPORT
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APPLICATION: Expedited Summary Review of Premises Licence

PREMISES: Shalimar Gardens, 34 New Road, Peterborough, PE1 1FH

REFERENCE NUMBER: MAU 059597

GLOSSARY OF TERMS: Attached at **Appendix A – Page 5**

1. PURPOSE OF REPORT

1.1 To consider and determine an application made by Cambridgeshire Constabulary for an expedited summary review of a Premises Licence under Section 53A of the Licensing Act 2003 for the above premises. A summary review is applicable for premises experiencing serious crime or disorder.

2. BACKGROUND INFORMATION

2.1 On 2 February 2007 an application for a new premises licence was applied for by Mr Farooq, for the on sale of alcohol and late night refreshment from 17.00 to midnight. At that time the premises was called Maharanis. As no representations were received the licence was granted on 6 March 2007.

2.2 On 22 April 2009 a transfer application was received to transfer the premises licence to Mr Tariq Shaheen to be the premises licence holder. As no representations were received the new licence was issued 14 May 2009.

2.3 A variation application was submitted by Mr Shaheen on 26 May 2009 to extend the timings to 11am until 5am for the sale of alcohol and to include off sales, and late night refreshment. The application also requested regulated entertainment activities. As no objections were received the variation was granted on the 24 June 2009.

2.4 An application to vary the Designated Premises Supervisor (DPS) was received on 28 July 2009, this application made Mr Tariq Shaheen the current DPS. This licence was issued 12 August 2009.

2.5 A minor variation was submitted on the 12 February 2010 to include extra conditions (SIA door supervisors and CCTV) to the premises licence. This was recommended by the police to control recent incidents which had occurred at the venue. This new licence was granted on 15 February 2010. A copy of this current licence may be found at **Appendix B – Page 9**

3. APPLICATION

- 3.1 In accordance with section 53A of the Licensing Act 2003, following the submission of an application for a summary review of the premises licence and the certificate signed by a superintendant from Cambridgeshire Constabulary, the licensing authority must consider if it is necessary to take interim steps within 48 hours.
- 3.2 A consideration hearing took place on the 2 July 2010 where the Licensing Sub-Committee determined the interim steps to be applied as per section 53B of the Act. The Sub-Committee's decision was to restrict the hours of operation from 5am down to 2am and to add extra operating conditions to the premises licence. A copy of this decision is attached at **Appendix C – Page 21**
- 3.3 The holder of the premises licence did not appeal the interim steps.
- 3.4 A copy of the application for summary review and the accompanying certificate under section 53A, which was received at these offices on 30 June 2010 is attached at **Appendix D – Page 25**
- 3.5 A copy of the 'Notice' that was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (as amended by the Violent Crime Act 2006 and Statutory Instruments 2007 No 2502) is attached at **Appendix E – Page 31**

4. Summary of issues raised by Cambridgeshire Constabulary

- 4.1 The summary review has regard to a serious crime which occurred on the 27 June 2010, details of which are restricted but known by the Sub-Committee. Cambridgeshire Constabulary also noted that there had been seven (7) crimes reported in 2010 including the one on the 27 June. Four of the offences were assaults and two were public order offences. The police were concerned about the level and increase of problems at the venue and the fact that the incidents were occurring late in the evening/early morning.

5. POLICY & GUIDANCE IMPLICATIONS

- 5.1 The following sections/paragraphs are applicable to this application:

5.2 Council's Statement of Licensing Policy

- Other legislation: *Section 10 on Page 14*
- Fundamental Principles: *section 6 on Page 9*
- Reviews: *section 15 on Page 18*
- Delegation / Decision Making / Administration: *Section 16 page 18*

5.3 Guidance Issued under Section 182 of the Licensing Act 2003 (March 2010)

- The licensing objectives: *Section 2 pages 16 to 23*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

6. LEGAL OFFICER'S COMMENTS

- 6.1 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 summary review of a premises licence following the application by Cambridgeshire Constabulary (Responsible Authority) to review the premises licence made under section 53A of the Licensing Act 2003.
- 6.2 In this case, the application was received at these offices on 30 June 2010.

- 6.3 The application before this Sub-Committee will consider –
- (i) The application to review the licence,
 - (ii) Any relevant representations
- 6.4 The Sub-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 modify the conditions of the premises licence
 - (b) to exclude a licensable activity from the scope of the licence
 - (c) to remove the designated premises supervisor from the licence
 - (d) to suspend the licence for a period not exceeding three months, or
 - (e) to revoke the licence
 - (f) to adhere to the decision of 2 July 2010 or amend that decision, and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

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