

**Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on Wednesday, 8 January 2014**

RECORD OF DECISION

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Exempt Session	<p>Members of the Committee were asked to consider whether to hold the hearing in exempt session, which was in accordance with paragraph 1 and 7 of Schedule 12A of Part 1 of the Local Government Act 1972 in that it contained information relating to an individual and information relating to an action taken or to be taken in connection with the prevention or investigation or prosecution of crime.</p> <p>Resolved: The Committee unanimously agreed to discuss the application for a Personal Licence in public session.</p>
4. Application	Application of Personal Licence – Mr Akar Ahmed
4.1 Application Reference	MAU 068328
4.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Miners
4.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen Dunleavy, Governance Officer – Clerk to the Sub-Committee
4.4 Applicant	Mr Akar Ahmed
4.5 Nature of Application	<p><u>Application Type</u></p> <p>Personal Licence</p> <p><u>Summary of Review Application</u></p> <p>In accordance with section 117 of the Licensing Act 2003, following the submission of an application for a Personal Licence from Mr Akar Ahmed, following a disclosure of a criminal offence a Responsible Authority, the Licensing Authority was required to hold a hearing.</p> <p>Following the criminal conviction disclosure by the Applicant, the Licensing Authority received a notice of objection to the granting of a Personal Licence (Section 120 (5) Licensing Act 2003) from the Chief of Police for Cambridgeshire Constabulary.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • The Applicant had a conviction for a relevant offence (Schedule 4 of LA2003) for the possession of prohibited weapon (weapon for

	<p>discharge of noxious gas); and</p> <ul style="list-style-type: none"> The offence was viewed particularly seriously by the Constabulary's Licensing Team and the conviction date of 28 January 2013 was relatively recent.
<p>4.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder</p>
<p>4.7 Parties/Representatives and witnesses present</p>	<p><u>Applicant / Responsible Authority</u></p> <p>The Licensing Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Responsible Authorities</u></p> <p>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p><u>Applicant / Representative</u></p> <p>Mr Akar Ahmed, the Applicant was in attendance and was not accompanied by a representative.</p>
<p>4.8 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><u>Responsible Authority</u></p> <p>Darren Dolby, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> A person that sought a Personal Licence had a duty to provide information regarding any criminal offence relating to them as part of the application; Following the criminal offence declaration, the Licensing Authority had a duty to inform the Police of the disclosure, in order for them to make representations to uphold the licensing objectives; The applicant had been convicted of possessing a weapon; The Police had objected to the grant of a Personal Licence for Mr Akar Ahmed; and The Committee was asked to consider the application and undertake the actions deemed necessary to grant or not grant the licence. <p><u>Responsible Authority – Cambridgeshire Constabulary</u></p> <p>PC Robinson, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee included:</p> <ul style="list-style-type: none"> The weapon ceased was similar to one carried by Police Officer namely pepper spray and was classed as a fire arm under part 6 Section 113 Schedule 4 of the Relevant Offences; Mr Akar Ahmed applied for a Alcohol Personal Licence on 31 October 2013 and was legally bound to declare previous criminal convictions;

	<ul style="list-style-type: none"> • Mr Ahmed pleaded guilty to the charge and was convicted on 28 January 2013, of being in possession of a prohibited weapon (weapon for discharge of noxious liquid gas); • Under the Rehabilitation of Offenders Act 1974, the nature of the conviction, for adults over 18 must be declared up to 5 years; • Further enquiries with Lincolnshire Constabulary revealed the Mr Ahmed was named on the case file with a different name and date of birth to that on the application; and • Granting the licence would undermine the crime and prevention licensing objective. <p>1:24 pm At this point the applicant arrived at the meeting and was advised that the hearing was being held in public session.</p> <p><u>Applicant</u></p> <p>Mr Akar Ahmed addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> • The Applicant wished for the Committee to consider his application; • The Police had given an accurate account of the circumstances surrounding the criminal conviction, however the applicant stated that what he had done was wrong; • The Applicant had learnt his lesson and wished to be granted with the personal licence in order to get on with his life and that he was also making the application for his father; and • The Applicant did not recall how the gas weapon had become in his possession. The first time he was aware of the weapon, was when he had left the night club.
4.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Personal Licence attached to the Sub-Committee report.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Cambridgeshire Constabulary.</p>
4.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the review application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>

5. Decision

The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:

During its deliberations, the Sub-Committee considered the various options available, including:

The submissions made by the Police relating to their objections to the granting of the Personal Licence as applied.

The Police were concerned that the conviction dated 28 January 2013 was of a sufficiently serious nature and had been relatively recent, that the application underlined the licensing objective of the prevention of crime and disorder.

The applicant stated that he was unaware that he had in his possession the prohibited weapon.

He stated that he was applying for the licence on behalf of his father.

It was therefore, the Licensing Act 2003 Sub-Committee's decision to not grant the licence as applied for by Mr Akar Ahmed for the same reasons as stated by the Police.

The Committee believed that the serious offence committed undermined the licensing objective of the prevention of crime and disorder, given the recent date of conviction.

The applicant was advised that he could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.

Chairman
1:13– 1:57pm