

LICENSING ACT 2003 SUB-COMMITTEE

WEDNESDAY 8 JANUARY 2014
1.00 PM

Council Chamber - 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. Exclusion of Press and Public

In accordance with Standing Orders, Members are asked to determine whether agenda item 4, application for a personal licence, which contains exempt information relating to an individual and in relation to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime, as defined by Paragraph 1 and 7 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public be excluded from the meeting when this report is discussed or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

4. Application for Personal Licence - Mr Akar Ahmed

3 - 16



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

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Committee Members:

Councillors: P Thacker (Chairman) and B Saltmarsh and D Harrington

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

LICENSING ACT 2003 SUB COMMITTEE	AGENDA ITEM No. 4
8 JANUARY 2014	PUBLIC REPORT

Contact Officer(s):	Adrian Day, Licensing Manager	Tel: 454437
	Darren Dolby, Regulatory Officer Licensing	Tel. 453561

APPLICATION: Personal Licence

APPLICANT: Mr Akar Ahmed

REFERENCE NUMBER: MAU : 068328

GLOSSARY OF TERMS: Attached at **Appendix A** on **Page 6**

APPLICATION - PERSONAL LICENCE

1. ORIGIN OF REPORT

1.1 To consider and determine an application for a personal licence under Section 117 of the Licensing Act 2003 for Mr Akar Ahmed, **attached at Appendix B, page 9**, taking into account the objection notice made by Cambridgeshire Constabulary, **attached at Appendix B page 16**.

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.

2.2 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.

2.3 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.

- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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').
- 2.8 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.
- 2.9 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 Akar Ahmed in accordance with section 117 of the Act.
- 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:** 28 January 2013;
 - **Court:** East Lincolnshire Magistrates; and
 - **Offence:** Possessing prohibited weapon (weapon for discharge of noxious liquid gas etc).

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 the applicant should not be issued with a personal licence due to the disclosed conviction.

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 1 November 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 Please tick ✓			
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname	Ahmed		
Forenames	Akar		
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.			
TITLE Please tick ✓			
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname			
Forenames			
I am 18 years old or over. Please tick ✓			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).			
26B Dogsthorpe Road Peterborough Cambridgeshire			
			
Post town Peterborough		Post code PE1 3AA	
TELEPHONE NUMBERS			
Daytime			
Evening			
Mobile	[REDACTED]		
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			


Address for correspondence associated with this application (if different to the address above)	
Post town	Post code
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	

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.	
EDI Level 2 Award for Personal Licence Holders Accreditation Number 500/9146/3 Candidate Number: 12656335 Examination Date: 4th October 2013	

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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Has any personal licence held by you been forfeited in the last 5 years?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Licensing Authority		
Licence number		
Date of issue		
Date of expiry		
Any further details		

4. CHECKLIST:		
I have	Please tick ✓ yes	
• 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"/>	
• enclosed any licensing qualification I hold or proof that I am a person of prescribed description	<input checked="" type="checkbox"/>	
• 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 Identification Service	<input checked="" type="checkbox"/>	
• enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3)	<input checked="" type="checkbox"/>	
• 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.</p>			
SIGNATURE		DATE	31-10-13

NOTES

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 Please tick ✓	
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	Ahmed
Forenames	Akar
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE Please tick ✓	
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> 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 ✓		
Has any personal licence held by you been forfeited in the last 5 years? If yes, please provide details below:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Name of court	N/A	
Address of court		
Date of forfeiture		
Offence which resulted in the forfeiture		
Any additional details		

3. Relevant or foreign offences		
Read Note 1		Please tick ✓
Have you been convicted of any relevant offence or foreign offence?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If you have been convicted of any relevant 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:		
<p>N/A EAST LINCOLNSHIRE MAG COURT 28 JAN 2015 1) POSSESSION OF A PROHIBITED WEAPON FINE £100 COSTS £85 VICTIM SURCHARGE £15.00. WEAPON FORGOTTEN @ DETENTION</p>		
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:		
N/A		

4. Declaration			
I declare that I have not been convicted of any relevant offence or any foreign offence			
SIGNATURE		DATE	31.10.13

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.			
SIGNATURE		DATE	31.10.13

Certificate

This is to certify that

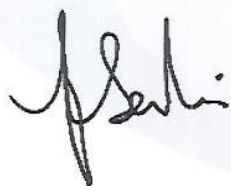
AKAR AHMED

has been awarded the

Pearson EDI Level 2 Award for Personal Licence Holders (QCF)

(Accreditation No. 500/9146/3)

having satisfied the requirements of Pearson Education Limited



Lesley Davies
Responsible Officer

EDI

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-----Original Message-----

From: Grahame Robinson [mailto:Grahame.Robinson@cambs.pnn.police.uk]

Sent: 22 November 2013 13:14

To: Lamb Samantha

Cc: Dolby Darren; Day Adrian

Subject: RE: Akar Ahmed ~[NOT PROTECTIVELY MARKED]~

He was convicted as per the disclosure statement and as such I do not recommend that he is issued with a Alcohol Personal License. Possession of a prohibited weapon is a relevant offence and in this case is highly justifiable in refusing the license. If you have any further issues please let me know as soon as possible.

PC1572 Grahame Robinson
Licensing Officer (PCIT)
Cambridgeshire Constabulary
Thorpewood Police Station
Peterborough
PE3 6SD

**NOTICE OF OBJECTION TO THE GRANTING OF A PERSONAL LICENCE
(Section 120 (5) Licensing Act 2003)**

APPLICANT: AKAR AHMED

I, Simon Parr the Chief of Police for Cambridgeshire Constabulary object to the granting of a Personal Licence issued under the Licensing Act 2003 to the above named Applicant on the grounds that the Applicant has a conviction for a relevant offence (Schedule 4 of LA2003) and/or foreign offence as detailed below, which I am satisfied would undermine the crime prevention objective.

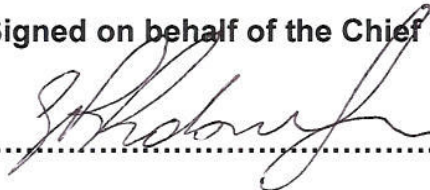
Conviction(s):

28/01/2013 - Possession of prohibited weapon (weapon for discharge of noxious liquid gas etc.)

Reasons for objecting:

The offence is viewed particularly seriously by the Constabulary's licensing team and the conviction date of 28/01/2013 is relatively recent.

Signed on behalf of the Chief of Police

dated 10/11/13.....

**PC1572 Graham Robinson
Licensing Officer (PCIT)
Cambridgeshire Constabulary
Thorpewood Police Station
Peterborough
PE3 6SD**