

LICENSING ACT 2003 SUB-COMMITTEE

THURSDAY 11 AUGUST 2022

1.30 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.

3. Application for Review of Premises Licence - Lara (International Drinks) – 415 Lincoln Road, Peterborough, PE1 2PF 3 - 36

4. Application to Transfer Premises Licence - Ali's Kebab House – 3 Fitzwilliam Street, Peterborough, PE1 2RU 37 - 58



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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

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Committee Members:

Councillors: Wiggin (Chairman), Bond (Vice Chairman) and Moyo

Substitutes: Councillors: Sainsbury, Hogg, Bond and Dowson

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – karen.dunleavy@peterborough.gov.uk

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No 3
11 AUGUST 2022		PUBLIC REPORT
Contact Officers:	Gareth Brighton, Licensing and Business Manager Darren Dolby, Licensing Regulatory Officer	Tel. 864103 Tel. 453540

APPLICATION: Review of Premises Licence

PREMISES: Lara (International Drinks) – 415 Lincoln Road, Peterborough, PE1 2PF

REFERENCE NUMBER: MAU : 117990

GLOSSARY OF TERMS: Attached at **Appendix 1**

1. PURPOSE OF REPORT

1.1 To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 served by Cambridgeshire Constabulary in relation to the above premises. Taking into account the representation in support of the review made by Peterborough City Council Prevention and Enforcement Service in their capacity of ‘Other Persons’. The review was bought under the Prevention of Crime and Disorder and Public Safety licensing objectives.

2. BACKGROUND INFORMATION

2.1 A conversion application (Grandfather rights) of a Justices ‘Off Licence’ was made by Mr Shaid Majid and granted in August 2005. The licence was transferred on a number of occasions as well as the premises undergoing a number of name changes. The licence was then transferred to the current licence holder Mr Hevar Zrari on 22 December 2017 and Mr Dildar Salih became the DPS (Designated Premises Supervisor) On 28 June 2018.

2.2 A copy of the current licence is attached at **Appendix A**

3. APPLICATION

3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Cambridgeshire Constabulary, a Responsible Authority, the licensing authority must hold a hearing.

3.2 A copy of the application to review was received on 21 June 2022, a copy of this application is attached at **Appendix 2**

3.3 A statutory ‘Notice’ 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.

- 3.4 A Representation in support of the review was received from Peterborough City Council Prevention and Enforcement Service in their capacity of 'Other Persons'. No other representations have been received from any of the remaining Responsible Authorities or other persons. A copy of this representation is attached at **Appendix 3**

4. SUMMARY OF ISSUES RAISED BY RESPONSIBLE AUTHORITIES

- Illicit cigarettes were found hidden in the premises.
- Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommends that revocation of the licence even in the first instance, should be seriously considered where reviews arise and the licensing authority determines, that the crime prevention objective is being undermined through the premises being used to further crimes.
- Impact on Public Safety as the illicit cigarettes breach EU Standards which is an offence under UK regulations requiring traders to supply safe goods.
- The distribution and sale of illicit goods is linked to serious and organised crime

5. POLICY & GUIDANCE IMPLICATIONS

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

5.2 Council's Statement of Licensing Policy

- Objectives: *section 4 on Pages 6 and 7*
- Other Legislation : *section 8 on Page 9*
- Reviews: *section 17 on Page 20*
- Delegation / Decision Making / Administration: *Section 18 page 20 and 21*

5.3 Guidance Issued under Section 182 of the Licensing Act 2003 (April 2018)

- Reviews: *Section 11 pages 89 to 94*
- Determining applications: *Section 9 pages 68 to 76*

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 review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

6.2 In this case, the application was received at these offices on 21 June 2022.

6.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

6.4 The committee will take such of the steps as it considers that action is appropriate 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

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

6.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

‘The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this in to account when considering what further action is appropriate.’

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

'Challenge 25' means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

'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

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

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.

'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

**APPLICATION FOR THE REVIEW OF LARA, 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF
PREMISES LICENCE**

LC1

**Peterborough City Council, Licensing Section, Sand Martin House, Bittern
Way, Fletton Quays, Peterborough, PE2 8TY**

**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, PC 2094 Paul HAWKINS acting on behalf of The Chief Constable Nick DEAN of Cambridgeshire Constabulary apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Lara (International Drinks) 415 Lincoln Road	
Post town Peterborough	Post code (if known) PE1 2PF

Name of premises licence holder or club holding club premises certificate (if known) Mr Hevar Zrari

APPLICATION FOR THE REVIEW OF ARA, 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF
PETERBOROUGH PREMISES LICENCE

Number of premises licence or club premises certificate (if known)

077435

Part 2 - Applicant details

Please tick ✓ yes

I am

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below) X

3) a member of the club to which this application relates
(please complete (A) below)

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

Mr Mrs Miss Ms Other title

(for example, Rev)

Surname

First names

am 18 years old or over

Please tick ✓ yes I

APPLICATION FOR THE REVIEW OF LARA, 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF,
PETERBOROUGH PREMISES LICENCE

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

APPLICATION FOR THE REVIEW OF ARA, 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF
PETERBOROUGH PREMISES LICENCE

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

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

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |
- Please tick one or more boxes

Please state the ground(s) for review (please read guidance note1)

This application to review the premises licence for **LARA (International Drinks), 415 Lincoln Road, Peterborough, PE1 2PF** is following a visit to the store on 28/04/2022 by officers from HMRC (HM Revenues & Customs), during which illicit cigarettes were seized in the form of 4,450 branded Non UK duty paid cigarettes.

Consideration has been given to the Licensing Objectives:

- The prevention of crime and disorder;
- Public safety;

Please provide as much information as possible to support the application (please read Guidance

**APPLICATION FOR THE REVIEW OF LARA, 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF
PETERBOROUGH PREMISES LICENCE**

LARA, 415 Lincoln Road, Peterborough, PE1 2PF

LARA, 415 Lincoln Road, Peterborough, PE1 2PF is an off licence operating under a premises licence (PL No: 077435) issued by Peterborough City Council (PCC) (copy listed in Appendix A). The premises licence holder is listed as Mr Hevar Zrari and Designated Premises Supervisor (DPS) is Mr Dildar Salih his Personal Licence is held by Peterborough City Council ref 072864.

The premises licence allows the following:

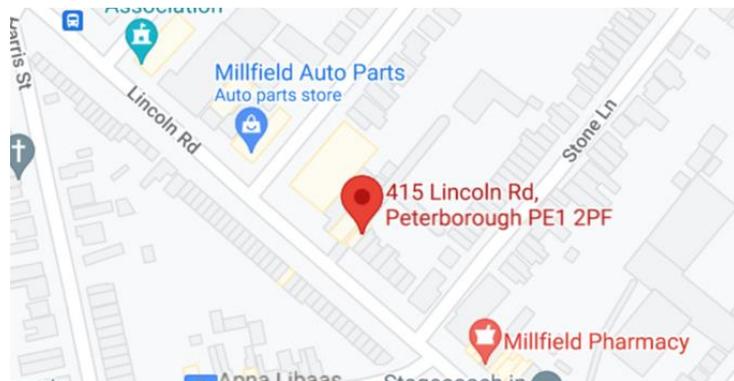
Sale of Alcohol

Monday to Sunday Between 10.00hrs and 23.00hrs

Opening Hours

Monday to Sunday Between 08.00hrs and 02.00hrs

The premise is situated within an area of mix residential and commercial properties.



On Thursday 28/04/2022 HMRC Officers attended LARA STORE, 415 Lincoln Road, Peterborough. Under Section 112 of CEMA 79 (Customs and Excise Management Act 1979) and conducted a search for excise goods. During this search 3x boxes of non-UK duty paid cigarettes amounting to 4,540 mixed branded cigarettes were located.

All cigarettes are liable to forfeiture by virtue of Section 49 of CEMA 79 as they have been improperly imported due to the non-payment of UK duty. They are also liable to forfeiture by virtue of Section 8 of Tobacco Products Duty Act 1979 because none of the tobacco products found have the appropriate fiscal markings for the UK market. All tobacco products are now seized under Section 139 of CEMA 1979.

For information

Tobacco products require a UK English language warning statement on the front of packets of cigarettes and pouches of hand rolling tobacco. They also require a picture warning on the rear of packets of cigarettes and hand rolling tobacco.

It is unlikely that foreign labelled cigarettes would pass the reduced ignition propensity test where all cigarettes are to be self-extinguishing thereby reducing the risk of fire if left unattended.

This is where you light a cigarette and if left to burn in an ash tray it would hit the first speed bump and go out (there are 3 in a cigarette) they would burn all the way to end and potentially cause a house fire if left.

(Trade Marks offence) the cigarettes/tobacco will be either brands not legitimate for retail in the UK / Counterfeit or genuine non-UK duty paid.

The following is taken from [The Tobacco Manufacturers' Association \(TMA\) | Antillicit Trade Survey 2020 \(the-tma.org.uk\)](https://www.the-tma.org.uk)

The TMA's (Tobacco Manufacturers' Association) latest survey of smokers' attitudes towards illicit tobacco shows it remains a significant problem across the UK.

12,000 adult smokers were asked questions to better understand their attitudes, awareness and understanding of illicit tobacco.

This year's survey points to 5 key findings:

- *7 out of 10 people still buy illicit tobacco.*
- *20% of smokers said that they only buy 'branded' cigarettes or 'branded' Roll Your Own tobacco, despite it being banned in the UK since 2016.*
- *More than 75% of respondents aged between 18-24 have bought non-UK duty paid tobacco in the last year.*
- *Nearly 1 in 5 of those who were aware of the sale of illicit tobacco in their area had reported it – which is 4% increase on last year's survey results.*
- *During the first 'lockdown', 16% of respondents bought illicit tobacco through social media or websites advertising cheap tobacco – compared to only 4% who purchased illicit tobacco from these sources before the 'lockdown'.*

The resilience of the illegal tobacco market remains a major problem impacting communities across the UK.

According to the most recent HMRC figures, since 2000 the Government has lost over £47 billion [Calculation from Measuring the tax gaps (2001-20)] in tax revenue, which is money that could have been invested in vital public services. But it is about so much more than just lost tax revenues.

The trade in illicit tobacco has a profoundly negative impact on small retailers, and especially independent retailers, with whom, according to the Association of Convenience Stores, tobacco products represent the biggest sales category resulting in nearly one-third of annual sales [Association of Convenience Stores, Local Shop Report 2020].

However, the brutal impact of illicit tobacco trade is not only felt by retailers, but by communities throughout England, Scotland, Wales and Northern Ireland, as organised criminals look at illicit tobacco as a lucrative revenue stream and front activity for other more unsavoury illegal activities including people trafficking, modern slavery or narcotics.

Cambridgeshire Constabulary as a responsible authority recommends revocation due to the seriousness of the illicit trade & criminal activity identified by the attending officers.

This is supported by guidance issued under section 182 of the Licensing Act 2003

11.26 There is a certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously.

11.27 confirms the following;

- for the sale of smuggled tobacco and alcohol.

Guidance states - It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities will use the review procedures effectively to deter such activities in crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.

Appendix List

Appendix A. Copy of Premises Licence for LARA, 415 Lincoln Road, Peterborough, PE1 2PF (PL No: 077435)

Appendix B. Copy of Delegation of responsibilities by the Chief Officer of Police

Appendix C. Redacted Statement from HMRC Officer 

APPLICATION FOR THE REVIEW OF LARA, 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF
PETERBOROUGH PREMISES LICENCE

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

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If you have made representations before relating to this premises please state what they were and when you made them

APPLICATION FOR THE REVIEW OF LARA, 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF
PETERBOROUGH PREMISES LICENCE

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.**

SignaturePaul Hawkins

Date.....20/06/22

CapacityPC 2094 – Alcohol Licensing Officer, Cambridgeshire Constabulary

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

PC 2094 Paul Hawkins
Licensing Officer
Thorpe Wood Police Station
Thorpe Wood

Post town
Peterborough

Post code
PE3 6SD

Telephone number (if any) 07921 938073

**APPLICATION FOR THE REVIEW OF LARA, 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF
PETERBOROUGH PREMISES LICENCE**

**If you would prefer us to correspond with you using an e-mail address your e-mail address
(optional) LicensingNorth@cambs.pnn.police.uk**

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.

PART A**Premises Licence**

Peterborough City Council, Growth and Regeneration, 1st Floor,
Town Hall, Bridge Street, Peterborough, PE1 1FA

Premises Licence Number

077435

Part 1 - Premises Details**Postal address of premises, or if none, ordnance survey map reference or description**

International Drinks
415 Lincoln Road

Post Town Peterborough**Post Code** PE1 2PF**Telephone Number** 01733 890186**Where the licence is time limited the dates**

Start Date **N/A**
End Date **N/A**

Licensable activities authorised by the licence**Sale by retail of alcohol**

The supply of alcohol will be for consumption off the premises.

The times the licence authorises the carrying out of licensable activities**Sale by Retail of Alcohol**

Monday to Sunday Between 10.00hrs and 23.00hrs

The opening hours of the premises

Monday to Sunday Between 08.00hrs and 02.00hrs

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

The supply of alcohol will be for consumption off the premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Hevar Zrari
[REDACTED] Wesleyan Road
Peterborough
PE1 3RW

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Dildar Salih
[REDACTED] Lincoln Road
Peterborough
PE1 2PF

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 072864
Issuing Authority: Peterborough City Council

Annex 1 - Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
 - (a) there is no designated premises supervisor in respect of the premises licence, or
 - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3.
 - (a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (i) a holographic mark or
 - (ii) an ultraviolet feature.

4.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as

if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision (where supervisors are engaged this condition applies)

5. All door supervisors will be Security Industry Authority registered.

Annex 2 - Conditions consistent with the Operating Schedule

1. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk will be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales, such as challenge 21 or challenge 25 will be recorded in a written format and be available to an authorised officer upon demand.
2. No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
3. All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the shop and made available to Police, Council and HMRC officers upon request.
4. A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
5. A ultra-violet light will be available and maintained at the store for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased.
6. If any spirits bought by the company/licensee have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Trading Standards department and HMRC as soon as possible.
7. CCTV recording equipment shall be installed and associated cameras will be maintained once a week, and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon demand.
8. CCTV cameras will be positioned so that they cover the front aspect/entrance of the property in addition to internal public rooms and customer service area.
9. Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed area.
10. A means of two way of two way communication will be maintained between the premises and the local Police or CCTV monitoring centre to report incidents.
11. No customers will be admitted, or permitted to leave with open vessels or bottles of alcohol.
12. The premises licence holder will be responsible for the prevention and disposal of waste on the frontage off the premises and make provision for the emptying of litter bins in the vicinity of the premises.
13. No single vessel of beer, lager or cider to be offered for sale.
14. No alcohol shall be consumed on the premises
15. The maximum occupancy of the licensed premises is restricted at any one time to: 10

16. Public information notices about crime and disorder issues shall be displayed at the request of the Council of Cambridgeshire Constabulary.

17. Notices relating to any restrictions on the admittance of individuals according to age shall be displayed in the vicinity of any entrance to the premises.

18. Any conditions of entry to the premises shall be displayed in the vicinity of any entrance to the premises

19. The premises will operate a refusals and incident register, which will be signed off by the DPS weekly.

20. Staff will internally trained in conflict management. The training will include 'role play' activities as well as reading and signing the internal 'dealing with conflict' document. The training will be refreshed every quarter and all documents will be made available to an authorised officer upon request.

21. All staff will be trained with the internal 'due diligence training' manual prior to sales of alcohol. The training will include Challenge 25 policy, dealing with underage sales, proxy sales, and dealing with drunks. All training will be documented and refreshed every month. Records will be made available to an authorised officer upon request.

22. Lighting shall be provided outside the premises (an in the private car park) during the hours of darkness when any licensable activity is taking place on the premises.

23. A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

24. Management are responsible for ensuring that comprehensive arrangements exist to enable the safe evacuation of all disabled occupants in the event of an emergency.

25. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

26. In the absence of adequate daylight the lighting in any area accessible to the public shall be fully operational.

27. The following systems shall be maintained and inspected by suitable qualified professional persons in accordance with British Standards and at intervals recommended in national guidance, and records kept of such inspection by authorised officers on request:

- Building Electrical Installation
- Emergency Lighting System
- Fire Warning System
- Gas Boiler, calorifier or appliance
- Oil fired boiler or appliance
- Suspended ceilings
- Portable firefighting equipment
- Temporary Electrical Installation

28. Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

Annex 3 - Conditions attached after a hearing by the licensing authority - None

Annex 4 – Plans

PART B

Premises licence summary

Peterborough City Council, Growth and Regeneration, 1st Floor,
 Town Hall, Bridge Street, Peterborough, PE1 1FA

Premises Licence Number

077435

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

International Drinks
 415 Lincoln Road

Post Town Peterborough

Post Code PE1 2PF

Telephone Number 01733 890186

Where the licence is time limited the dates

Start Date **N/A**
 End Date **N/A**

Licensable activities authorised by the licence

Sale by retail of alcohol

The supply of alcohol will be for consumption off the premises.

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Monday to Sunday Between 10.00hrs and 23.00hrs

The opening hours of the premises

Monday to Sunday Between 08.00hrs and 02.00hrs

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

The supply of alcohol will be for consumption off the premises.

Name, (registered) address of holder of premises licence

Mr Hevar Zrari
 28 Wesleyan Road
 Peterborough
 PE1 3RW

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Dildar Salih

State whether access to the premises by children is restricted or prohibited

Restricted



Creating a safer
Cambridgeshire

Licensing Act 2003

Delegation of responsibilities by the Chief Officer of Police

In accordance with the provisions of the Licensing Act 2003 I hereby delegate authority to Cambridgeshire Constabulary Licensing Officers to develop policies and procedures and to exercise all powers vested in the Chief Constable of Cambridgeshire Constabulary. Such delegation to include the power to delegate specific tasks to licensing Constables and support staff.

This delegation shall remain in force unless otherwise notified.

Signed

A handwritten signature in black ink, appearing to read 'Nick Dean', is written over a horizontal line.

Nick Dean
Chief Constable
Cambridgeshire Constabulary
1 October 2018

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WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: ***REDACTED*** URN Investigation Team / CAN / YY

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: HM Revenue and Customs Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: ¹ T. Cleverley

Date: 20/06/2022

Indicate if witness evidence is visually recorded² No (If YES, see guidance)³

On 28/04/2022 I was on duty at LARA STORE, 415 Lincoln Road, Peterborough. Under Section 112 of CEMA 79 (Customs and Excise Management Act 1979) I conducted a search for excise goods. During this search I found 3x boxes of non-UK duty paid cigarettes amounting to 4,540 mixed branded cigarettes.

All cigarettes are liable to forfeiture by virtue of Section 49 of CEMA 79 as they have been improperly imported due to the non-payment of UK duty. They are also liable to forfeiture by virtue of Section 8 of Tobacco Products Duty Act 1979 because none of the tobacco products found have the appropriate fiscal markings for the UK market. All tobacco products are now seized under Section 139 of CEMA 1979.

All items were placed in to Tamper Evident Bag (TEB) R01988254, but this didn't seal correctly so all items were then placed in a new TEB under the new seal number AA595895 which I now produce marked **REDCATED** 001. **REDCATED**- 20/06/2022

Date: 20/06/2022

Signature:
REDACTED
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY
Page 1 of 1

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Re: Licensing Act 2003 - Premise Licence Review Application - 117990

Anti Social Behaviour <antisocialbehaviour@peterborough.gov.uk>

Fri 15/07/2022 16:55

To: Licensing <eh.licensing@peterborough.gov.uk>

Cc: Joseph Keegan <Joseph.Keegan@cambridgeshire.gov.uk>; Clair George (PES) <Clair.GeorgePES@peterborough.gov.uk>; Laura Kelsey <laura.kelsey@peterborough.gov.uk>

 1 attachments (452 KB)

www application.pdf;

Dear Licensing,

Please see our comments in support of the constabulary's application to review the licence ref 117990 for the following reasons:

This premises is located in an area of Millfield which is subject to a number of interventions owing to the continued crime and anti-social behaviour occurring in this area. These have included but are not limited to a Cumulative Impact Policy within the council's Licensing Policy, a Public Spaces Protection Order, and targeted joint operations with the Police and partners (Op Siphon) to tackle crime, ASB and quality of life issues on Lincoln Road and the surrounding Millfield area.

Any form of criminal activity cannot be condoned by responsible authorities. It is on this basis that the Prevention & Enforcement Service supports the Constabulary's application to review the licence for Lara (International Drinks) in the interest of community safety due to the licence holders not upholding the licensing objectives of 'the prevention of crime and disorder' and 'public safety'.

If you require any further information, please do not hesitate to contact me. If you are unable to accept this email as a formal response, can you please send appendix C in word format at your earliest convenience.

Kind regards,

Laura Kelsey

**Prevention and Enforcement Service
Communities & Safety
Sand Martin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY**

Email: antisocialbehaviour@peterborough.gov.uk

Telephone: (01733) 863853

From: Licensing <eh.licensing@peterborough.gov.uk>

Sent: 21 June 2022 13:00

To: Anti Social Behaviour <antisocialbehaviour@peterborough.gov.uk>

Subject: Re: Licensing Act 2003 - Premise Licence Review Application - 117990

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LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No 4
11 AUGUST 2022		PUBLIC REPORT
Contact Officers:	Gareth Brighton, Licensing and Business Manager Darren Dolby, Licensing Regulatory Officer	Tel. 864103 Tel. 453540

APPLICATION: Transfer of Premises Licence

PREMISES: Ali's Kebab House – 3 Fitzwilliam Street, Peterborough, PE1 2RU

REFERENCE NUMBER: MAU : 118164

GLOSSARY OF TERMS: Attached at **Appendix A**

1. PURPOSE OF REPORT

1.1 To consider and determine an application for a transfer of a Premises Licence following a representation served in accordance with Section 44 (5) of the Licensing Act 2003 by Cambridgeshire Constabulary in relation to the above premises. The representation relates to the Prevention of Crime and Disorder licensing objective.

2. BACKGROUND INFORMATION

2.1 A new application under the Licensing Act 2003 for late night refreshment was made by Mr Halil Ickin and granted in November 2005. The licence was transferred on a number of occasions as well as the premises undergoing a number of name changes. The licence was then transferred to the current licence holders AL1 Kebab Ltd 4 June 2018.

2.2 A copy of the current licence is attached at **Appendix B**

3. APPLICATION

3.1 In accordance with of the Licensing Act 2003 and following the submission of a representation against the transfer of the premises licence from Cambridgeshire Constabulary, a Responsible Authority, the licensing authority must hold a hearing.

3.2 A copy of the email representation was received on 14 July 2022, a copy of this email is attached at **Appendix C**.

3.3 A letter in support of the representation was received from Peterborough City Council Prevention and Enforcement Service in their capacity of 'Other Persons'. A copy of this representation is attached at **Appendix D**.

4. SUMMARY OF ISSUES RAISED BY CAMBRIDGESHIRE CONSTABULARY

- Following a visit by Home Office Immigration Officers a total of two persons at the premises were found to be working illegally.
- Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommends that revocation of the licence even in the first instance, should be seriously considered where representations arise and the licensing authority determines, that the crime prevention objective is being undermined through the premises being used to further crimes.
- At the time of the Home Office Immigration Team visit Mr Mashroh Oryakhail identified himself as the owner and business operator. However, AL1 Kebab Ltd were still the premises licence holders.

5. POLICY & GUIDANCE IMPLICATIONS

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

5.2 Council's Statement of Licensing Policy

- Objectives: *section 4 on Pages 6 and 7*
- Delegation / Decision Making / Administration: *Section 18 page 20 and 21*

5.3 Guidance Issued under Section 182 of the Licensing Act 2003 (April 2018)

- Applications for Premises Licence: *Section 8 pages 49 to 67*
- Determining applications: *Section 9 pages 68 to 76*

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 transfer of a premises licence following a representation against the transfer by Cambridgeshire Constabulary.

6.2 In this case, the application was received at these offices on 4 July 2022.

6.3 The application before this committee will consider –

- (i) The application to transfer the licence,
- (ii) Any relevant representations

6.4 The committee will take such of the steps as it considers that action is appropriate for the promotion of the licensing objectives. The steps are –

- (a) to grant the transfer of the premises licence
- (b) to reject the transfer of the premises licence

6.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

'In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.'

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

'Challenge 25' means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

'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

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

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.

'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

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Application to transfer premises licence to be granted 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/we SOBIA ASGHAR DIRECTOR OF ALI KEBAB LTD ^{MASHROH ORYAKHAIZL}
 (Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 077283

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Ali's Kebab 3 FITZWILLIAM STREET	
Post town	PETERBOROUGH
Post code	PE1 2RU
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1)

ALIS KEBAB BEING A TAKEAWAY

Name of current premises licence holder

ALI KEBAB LTD

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- | | |
|--|--|
| <p>a) an individual or individuals*</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i. as a limited company</p> <p style="margin-left: 20px;">ii. as a partnership</p> | <p>Please tick <input checked="" type="checkbox"/> yes</p> <p><input checked="" type="checkbox"/> please complete section (A)</p> <p><input checked="" type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|--|--|

- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

ORYAKHAIL

First names

MASHROH

Date of birth [redacted] I am 18 years old or over

Please tick yes

Nationality [redacted]

Current residential address if different from premises address

[redacted] ALMOND ROAD

Post town

PETERSBOROUGH

Post code

PE1 4LZ

Daytime contact telephone number

[redacted]

E-mail address (optional)

ADOPT
[redacted]

(optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other title [redacted]
(for example, Rev)

Surname

First names

[redacted] [redacted]

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

[redacted]

Post town

[redacted]

Post code

[redacted]

Daytime contact telephone number

E-mail address
(optional)

(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

--	--	--	--	--	--	--	--

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

I CANNOT LOCATE ORIGINAL

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

NO AS LOST

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

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

Signature



Date

20-6-22

Capacity

SOLICITOR FOR CURRENT & ~~APPLICANT~~
LICENSE
HOLDEN

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

Capacity

Asad Arif LLB (Hons) - Solicitor
HS Lawyers Limited
34A Lincoln Road, Peterborough PE1 2RL
T: 01733 703 978 F: 01733 703 979
asad@hs-lawyers.co.uk

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) ASAD ARIF HS LAWYERS 34A LINCOLN ROAD	
Post town PETERBOROUGH	Post Code PE1 2RL
Telephone number (if any) 07966211345	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) ASAD PHS-LAWYERS.CO.UK	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations

2006, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of EEA nationals who are studying or financially independent must also provide evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance

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. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I/we Sobia Asghar director of ALI kebab LH
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 077283
[insert premises licence number]

relating to

Ali's kebab, 3 Fitzwilliam Street, Pelebonst PE1 2NU
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

077283
[insert premises licence number]

to

MASHROH ORYAKHAIL
[full name of transferee].

signed

S. AS GHAR

name
(please print)

Sobia Asghar

dated

20-6-22

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Ref: Transfer of Premise Licence Application - 3 Fitzwilliam Street - 118164

Thursday, 14th July 2022



Creating a safer
Cambridgeshire

Licensing Authority
Peterborough City Council
Sandmartin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

Licensing Officer,

Re: 118164 – Transfer of Premises Licence – 3 Fitzwilliam St, Peterborough, PE1 2RU

On 5th July 2022 Cambridgeshire Constabulary received email notification from the Licensing Authority at Peterborough City Council of an application to Transfer the Premises Licence at 'Ali's Kebab House', 3 Fitzwilliam St, Peterborough, PE1 2RU.

The application has been submitted by solicitor Asad ARIF of HS Lawyers Ltd, 34A Lincoln Rd, Peterborough, PE1 2RL on behalf of their clients Sobia ASHGAR (Director) AL1 Kebabs Ltd (Current Licence Holder) and Mr Mashroh Oryakhail the applicant.

Guidance under Section 182 Licensing Act (42.6) allows Police to object to the application for Transfer of a premises Licence, “..*exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective....*”.

On Wednesday 18th May 2022, Immigration officers attended 'Ali's Kebab House', 3 Fitzwilliam St, Peterborough, PE1 2RU where they reportedly found 2 individuals working illegally. An attending Immigration Officer has confirmed that Mr Oryakhail identified himself as the manager / owner of the takeaway at the time. The investigation and disposal of their findings is currently still being determined by the Immigration Team. This information is in the public domain [Immigration raid causes Peterborough kebab house to have licence reviewed | Peterborough Telegraph \(peterboroughtoday.co.uk\)](https://www.peterboroughtoday.co.uk)

Mr ARIF has also provided documentation confirming that Mr Oryakhail, leased 'Ali's Kebab House', 3 Fitzwilliam St, Peterborough, PE1 2RU from Ali ASHGAR on 17th June 2019.

Emails containing the above information are being withheld from this covering letter but are available separately (not for public release) and will be made available to inform the Licensing Sub-Committee prior to any review or appeal hearing.

The Government offers advice regarding checking a job applicant's right to work via [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/checking-a-job-applicant-s-right-to-work)

I also wish to make you aware of The High Court decision in East Lindsey District Council v Abu Hanif (t/a Zara's restaurant and takeaway) it is a stark reminder that there can be consequences for employers who employ illegal workers, even if they are not convicted of an offence.

[Employing illegal workers? You could lose your alcohol licence, even if you are not convicted - Lexology](https://www.lexology.com/library/detail.aspx?l=5111111)

Given that Mr Oryakhail was committing the offence of employing illegal workers under section 21 Immigration, Asylum and Nationality Act 2006, it demonstrates a disregard for the Licensing Objective – The prevention of Crime & Disorder, Cambridgeshire Constabulary therefore respectfully **objects** to this application to Transfer the Premises Licence.

Due consideration is also being given to applying for a Review of the current Late Night Refreshment Premises Licence, as it is still live and being used by Mr Oryakhail allowing him to operate. I question why the current licence holder would allow Mr Oryakhail to continue to operate in their name, knowing that he is potentially exploiting vulnerable illegal workers and not upholding the Licensing Objectives.

Yours faithfully,

PC 2094 Paul Hawkins
Police Licensing Officer
Partnership & Operational Support
Thorpewood Police Station
Cambridgeshire Constabulary
Peterborough
PE3 6SD
Tel: 01733 424438
Email: licensingnorth@cambs.police.uk

Telephone: 01733 453576
E-Mail: clair.george@peterborough.gov.uk
Please ask for: Clair George

**Communities & Safety
 Prevention and Enforcement Service**

Licensing
 Regulatory Services
 Peterborough City Council
 Sand Martin House

Sand Martin House

Bittern Way

Fletton Quays

Peterborough

PE2 8TY

Telephone: (01733) 747474

18th July 2022

Dear Licensing Team

**Re: Transfer of Premise Licence Application - 3
 Fitzwilliam Street - 118164**

It is our understanding that on Wednesday 18th May 2022, Immigration officers attended 'Ali's Kebab House', 3 Fitzwilliam St, Peterborough, PE1 2RU where 2 individuals were found to be working illegally. The attending Immigration Officer confirmed that Mr Oryakhail identified himself as the manager / owner of the takeaway at the time. This information is in the public domain [Immigration raid causes Peterborough kebab house to have licence reviewed | Peterborough Telegraph \(peterboroughtoday.co.uk\)](https://www.peterboroughtoday.co.uk/news/immigration-raid-causes-peterborough-kebab-house-to-have-licence-reviewed/)

It is also our understanding that Cambridgeshire Constabulary has documentation from Mr ARIF confirming that Mr Oryakhail, leased 'Ali's Kebab House', 3 Fitzwilliam St, Peterborough, PE1 2RU from Ali ASHGAR on 17th June 2019.

Given that Mr Oryakhail was committing the offence of employing illegal workers under section 21 Immigration, Asylum and Nationality Act 2006, it demonstrates a disregard for the Licensing Objective – The prevention of Crime & Disorder. As a responsible authority the Prevention & Enforcement Service does not condone any illegal activity. The information suggests that Mr Oryakhail is not a fit and proper person to uphold the licensing objectives and therefore we respectfully object to this application to Transfer the Premises Licence.

It is also questionable whether the current Licence Holder is upholding the Licensing Objectives by permitting Mr Oryakhail to operate under the current licence and potentially exploit vulnerable illegal workers. We have been informed that the Constabulary are considering a Review of the current premise licence.

Yours sincerely



Clair George
 Head of Prevention and Enforcement Service

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