

LICENSING ACT 2003 SUB-COMMITTEE

FRIDAY 31 MARCH 2023

1.30 PM

Bourges/Viersen Rooms 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 Personal Licence - Usman Abu Bakar Iftikhar, 43 Thistle Moor Road, Peterborough, PE1 3HR** 3 - 12



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Committee Members:

Councillors: P Hiller, Wiggin (Chairman) and Bond (Vice Chairman)

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
31 MARCH 2023		PUBLIC REPORT
Contact Officers:	Gareth Brighton, Licensing & Business Manager Darren Dolby, Licensing Regulatory Officer	Tel: 864103 Tel. 453491

APPLICATION:	REVIEW OF PERSONAL LICENCE
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APPLICANT:	Cambridgeshire Constabulary
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REFERENCE NO:	062387
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LICENCE HOLDER :	Usman Abu Bakar Iftikhar, 43 Thistle Moor Road, Peterborough, PE1 3HR
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GLOSSARY OF TERMS: Attached at Appendix A on Page 5
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1. PURPOSE OF REPORT

- 1.1 To consider and determine this application for a review of the personal licence for Usman Abu Bakar Iftikhar whose home address is given as 43 Thistle Moor Road, Peterborough, PE1 3HR taking into account the information that has been received. Information received is that Mr Iftikhar is currently residing in prison.
- 1.2 A copy of Mr Iftikhar's personal licence can be found at **Appendix D Page 11**

2. BACKGROUND INFORMATION

- 2.1 Mr Iftikhar applied for a personal licence 18 November 2011. The documents supplied with the personal licence application included a criminal record subject access report. This report, dated 10 November 2011 indicated that there was no information held on the Police National Computer relating to Mr Iftikhar.
- 2.2 On 4 February 2023 a request was received from Cambridgeshire Constabulary for the review of Mr Iftikhar's personal licence. This request was made as a result of Mr Iftikhar's conviction at Cambridge Crown Court on 20 June 2022 for the offences of possessing a controlled drug with intent to supply (Class A – Heroin) and possessing a controlled drug with intent to supply (Class A – Cocaine). Both of these offences are contrary to Section 5 (3) of the Misuse of Drugs Act 1971 and are relevant offences in relation to the Licensing Act 2003. Cambridgeshire Constabulary's letter to review Mr Iftikhar's personal licence can be found at **Appendix B Page 7**
- 2.3 Mr Iftikhar received a custodial sentence for the offences and is currently residing in prison. All correspondence relating to this review request have been forwarded to Mr Iftikhar in prison by the Police. A copy of the Licensing Authority's letter to Mr Iftikhar informing him of the personal licence review can be found at **Appendix C Page 9**
- 2.4 Mr Iftikhar has not notified the Licensing Authority of his conviction.

- 2.5 The Police have requested that the Committee consider suspending or revoking Mr Iftikhar's personal licence.

3. APPLICATION

- 3.1 Please refer to Cambridgeshire Constabulary's letter dated 4 February 2023. This is an application to review Mr Iftikhar's personal licence.

4. MEDIATION

- 4.1 No mediation has been attempted

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 Page 6
- Fundamental Principles, Section 6 on Page 8
- Reviews, Section 17 page 20
- Delegation / Decision Making / Administration, Section 18 on Page 20

5.3 Guidance Issued under Section 182 of the Licensing Act 2003 December 2022

- The Licensing Objectives – Section 2 pages 6 to 13
- Applications for Personal Licenses – Section 4 pages 21 to 37
- Determining applications – Section 9 pages 73 to 81
- Reviews – Section 11 page 94 to 100

6. LICENSING OFFICER'S COMMENT (FOR INFORMATION)

- 6.1 Regulation 19(a) requires authorities to disregard any information given by a party or person that is "not relevant" to the application.

7. LEGAL OFFICER'S COMMENTS

- 7.1 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 licence made under Section 17 of the Licensing Act.

- 7.2 In this case, the application was received at these offices on 4th February 2023.

- 7.3 The application before this Committee will be treated on its own merits, and the Licensing committee will make its decision based upon:

- The merits of the application;
- The promotion of the four licensing objectives;
- The statement of policy of the Licensing Authority; and
- The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 – December 2022.

- 7.4 The licensing authority may determine the application, depending upon what is appropriate for the promotion of the licensing objectives, in any of the following ways:

- Revoke or suspend the personal licence
- Allow Mr Iftikhar to keep his personal licence

APPENDIX A

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

APPENDIX B

Ref: Personal Licence Holder Usman IFTIKHAR 062387

Saturday 04th February 2023



Creating a safer
Cambridgeshire

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

Licensing Officer,

Re: Personal Licence 062387- Usman Iftikhar (20/10/1993)

On 24th January 2023, William Dell'Orefice, Regulatory Officer Licensing for Peterborough City Council & Rutland County Council informed Cambridgeshire Constabulary via email notification that Peterborough City Council Licensing department had received a premise licence transfer application for **Centre Café, 187a Lincoln Road, Peterborough, PE1 2PN** and had been informed by the agent, Langford Smith, that the current LAP/DPS **Usman Abu Bakar IFTIKHAR** DOB unknown to the Council, **Personal Licence 062387** was in prison.

The Licensing Authority had no information regarding the matter that had led to the Mr IFTIKHAR's incarceration.

After checking relevant police systems, I can confirm that Usman Iftikhar (20/10/1993) was convicted at Cambridge Crown Court on 20/06/2022 (Court Ref 22/1949/16189P) for the following offences Contrary to the Misuse of Drugs Act 1971 (section 5(3)):

1. POSSESSING CONTROLLED DRUG WITH INTENT TO SUPPLY - CLASS A - HEROIN
2. POSSESSING CONTROLLED DRUG WITH INTENT TO SUPPLY - CLASS A – COCAINE

These are listed as relevant offences under the Licensing Act 2003.

Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave licensing authorities the power to revoke or suspend personal licenses with effect from 6th April

2017. I therefore formally request that the licensing authorities consider the use of this power, and the process to revoke a personal licence as set out at section 132A of the Licensing Act 2003.

Cambridgeshire Constabulary respect that the decision to revoke or suspend a personal licence must be made by the Licensing Committee or Sub-Committee.

Yours faithfully,

Paul Hawkins

PC2094 Paul Hawkins
Police Licensing Officer
Partnership & Operational Support
Thorpewood Police Station
Cambridgeshire Constabulary
Peterborough
PE3 6SD
Tel: 01733 424438
Email: licensingnorth@cambs.pnn.police.uk

Telephone: 01733 747474
Facsimile: 01733 863811
E-Mail: licensing@peterborough.gov.uk
Please ask for: Licensing Team

APPENDIX C

Mr Usman Abu Bakar Iftikhar
43 Thistle Moor Road
Peterborough
PE1 3HR

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

Telephone 01733 747474

8th February 2023

Dear Mr Iftikhar

REVIEW OF PERSONAL LICENCE

Under section 132A of the Licensing Act 2003, Peterborough city Council acting as the Licensing Authority intend to review your Personal Licence as information received indicates you were on 20th June 2022 at Cambridge Crown Court convicted of the following two offences :

1. Possessing controlled drug with intent to supply – Class A – Heroin
2. Possessing controlled drug with intent to supply – Class A – Cocaine

These offences are deemed as 'relevant offences' under the Licensing Act 2003.

You may within 28 days from the date of this Notice make representations to the Licensing Authority concerning your convictions and any other information you consider may be relevant to the Licensing Authority.

If the Licensing Authority do not receive any representations from you a hearing of the Licensing Act 2003 Sub Committee will be convened to determine this review and you will be notified of the details of this hearing at a later date.

Alternatively, you may wish to surrender your Personal Licence. If you do wish to surrender your Personal Licence with immediate effect please contact me in writing as soon as possible. If the personal Licence is surrendered a hearing to determine the review would not be necessary.

If you have any queries regarding the contents of this letter please do not hesitate to contact me.

Yours faithfully

Darren Dolby
Licensing Regulatory Officer

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APPENDIX D

Licensing Act 2003 (Section 125) and (Personal Licences) Regulations 2005

PERSONAL LICENCE

Mr Usman Abu Bakar Iftikhar

Of

**43 Thistle Moor Road
New England
Peterborough
PE1 3HR**

Personal Licence Number : 062387

Date of Expiry: 24/11/2021

Relevant and foreign offences:

Relevant Offences:	Conviction Date:	Sentence Imposed:
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Foreign Offences:	Conviction Date:	Sentence Imposed:
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Operations Directorate
Peterborough City Council
Bayard Place, Broadway, Peterborough, PE1 1HZ

FURTHER INFORMATION ON PERSONAL LICENCES

1. CHANGE OF NAME/ADDRESS

The holder of a Personal Licence has a duty to inform the Council (the Licensing Authority), as soon as is reasonably practicable, of any change of name or address as stated in the Personal Licence. The Personal Licence and the correct fee should accompany this (see PART 7 of the 'Guidance Notes For Applicants'). Any person failing to do this will be committing an offence.

2. CONVICTIONS

- 2.1 The holder of a Personal Licence has a duty to notify the Council of any convictions for relevant offence or comparable foreign offence as soon as reasonably practicable following conviction (see PART 6 of the 'Guidance Notes For Applicants'). Similarly the Courts are required to inform the Council of convictions, whether or not they have ordered the suspension or forfeiture of the licence. If a licence is suspended or declared forfeit, then the Council will contact the Personal Licence holder, requesting the licence. The Council will retain any licence declared forfeit. Allied to these provisions is the duty of a Personal Licence holder when charged with a relevant offence to either produce to the Court the Personal Licence or if that is not practicable notify the Court of the existence of the Personal Licence and the identity of the relevant licensing authority along with the reasons why he cannot produce the licence. This **MUST** be done no later than the time he makes his first appearance in a Magistrates' Court.

3. RECORDS

- 3.1 The Council will maintain accessible records of licences issued. It will also provide a service that will enable the police in any area and other licensing authorities to be advised of details on Personal Licence holders. A central database containing the details of all Personal Licence holders is likely to be developed in due course (the Secretary of State to detail).

4. RENEWALS

- i) an application for the renewal of a Personal Licence must be made to the Council which granted the original Personal Licence
- ii) an application for renewal can only be made during the period of two months beginning three months before the time the licence would expire.

NB

If an application for renewal is not correctly made, then it will be returned to the applicant unprocessed.

- 4.1 The application (form number LP2) **MUST** be accompanied by all of the documentation as outlined below:

- iii) current Personal Licence or a statement of the reasons of any failure to provide it;
- iv) two photographs (as detailed in PART 2 of 'Guidance Notes For Applicants') including your current Personal Licence or a statement of the reasons for failing to provide the licence;
- v) a criminal conviction certificate etc (as detailed in PART 3 of 'Guidance Notes For Applicants');
- vi) a completed disclosure of criminal convictions and declaration - form number LP3;
- vii) the fee for the application (see PART 7 of 'Guidance Notes For Applicants').

5. SURRENDER OF LICENCE

- 5.1 A Personal Licence issued by Peterborough City Council may be surrendered upon notice to the Council, provided the notice is accompanied by the licence or if not practicable, a statement of the reasons for failing to provide the licence. The Personal Licence will lapse upon receipt of the notice of surrender by the authority.

6. THEFT, LOSS, ETC

- 6.1 In the event of a Personal Licence being lost, stolen, damaged or destroyed, Personal Licence holders can apply to the Council for a copy, provided it is the authority that issued the original licence. You must satisfy the Council that the licence has been lost, stolen, damaged or destroyed and that where lost or stolen, the holder has reported such to the police.

- 6.2 Applications for a replacement should also be accompanied by:

- i) the correct fee (see PART 7 of 'Guidance Notes For Applicants');
- ii) a photograph (endorsed as a true likeness by a person of professional standing e.g. solicitor, notary, teacher, lecturer or other professional person).