

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

REVIEW OF THE PREMISES LICENCE – SHAH JEHAN, 18 PARK ROAD, PE1 2TD

24 APRIL 2023

This Decision Notice refers to the review of the premises licence Shah Jehan, 18 Park Road, PE1 2TD

We have considered the representations made to us today and in writing in support of the review by:

- PC Lloyd Davis, Cambridgeshire Constabulary
- PC Karolis Puidoka, Cambridgeshire Constabulary
- PC Hawkins, Cambridgeshire Constabulary
- Darren Dolby, Regulatory Officer, Peterborough City Council

The Sub-Committee considered the following facts:

- On 20th February 2023, at approximately 5am, a serious incident occurred within the premises which resulted in two males suffering knife injuries.
- The premises licence holder, Mr Mohammed Khawar, was suspected of being involved in the incident and had not been contactable since the incident.
- 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.

In our deliberations the Sub-Committee was referred to:

- . The Licensing Authority's Statement of Licensing Policy
- . The Government Guidance issued under section 182 of the Licensing Act 2003
- . Licensing Act 2003

The Statutory Government Guidance states at Paragraph 11.28:

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and 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.

It is the function of the Licensing Sub Committee to take steps with a view to the promotion of the licensing objectives and in this instance, the prevention of crime and disorder, in the interests of the wider community and not those of the individual licence holder.

The Sub-Committee viewed the incident as serious, and that it had undermine the licensing objective of the prevention of crime and disorder. The Sub-Committee considered revoking the licence; suspending the licence; removing a licensable activity from the licence; and attaching conditions.

The Sub-Committee noted that the licence holder was not present nor was a representative of his.

Also, the Sub-Committee was very concerned that the CCTV footage had been removed prior to police attendance, which was a clear breach of the licensing conditions.

The Sub-Committee had not believed that the premises were being used to further crimes, however, in order to promote the licensing objective in question, the Sub-Committee believed it was necessary to **REVOKE** the licence in its entirety.

The Sub-Committee therefore **REVOKED** the licence for the premises, known as Shah Jehan, 18 Park Road, PE1 2TD.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 01223 376000.
There is a fee to pay.

Councillor Wiggin

Sub-Committee Chairman