

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

REVIEW OF THE PERSONAL LICENCE – MR BISHWOKARMA

15 DECEMBER 2023

This Decision Notice refers to the review of the premises licence Mr Bishwokarma (the Licence Holder).

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

- Maria Crowe – Licensing Officer
- Paul Hawkins – Cambridgeshire Constabulary
- Andy Cave of HC Solicitors - Representative of the Licence Holder

The Facts

The Licence Holder applied for a personal licence in February 2018.

In October this year Cambridgeshire Constabulary made a request for the Licensing Authority to review the personal licence due to the licence holder having been convicted on 25th March 2022 at Cambridge Magistrates' Court of a relevant conviction.

This being:

- Driving with excess alcohol

The offence is a relevant offence for the purposes of the Licensing Act 2003 (the Act) and therefore must be disclosed. It was not disclosed by the licence holder to the licensing authority. He was sentenced to a fine, costs and 12 month driving ban.

In mitigation the Sub-Committee heard:

- No previous convictions
- Licence holder since 2018
- Remorseful for the offence and neglecting to inform the licensing authority
- Offence not related to his restaurant or any licensed premises
- No issues with any premises he owns or has been DPS of
- 12 month ban reduced to 9 months for undertaking drink drive rehabilitation course
- Failed to inform as he was extremely embarrassed, disruption to his family life, new restaurant in Boston failed due to driving ban
- Due to issues surrounding the ban, he was simply overwhelmed and forgot to inform
- Offence is lower on the scale, a mistake, a single indiscretion, this not sexual or violent offence
- In the eyes of the law he is rehabilitated

Under Section 132A sub section (3) of the Act, the Licensing Authority may suspend the licence for a period not exceeding six months or revoke the licence.

The Decision

In reaching the decision, the Sub-Committee were referred to:

- The Licensing Act 2003
- The City Council's Statement of Licensing policy
- The Government Guidance issued under section 182 of the Licensing Act 2003
- The character references supplied by Mr Cave

The Sub Committee discussed:

- The licensing objective of the prevention of crime and disorder and our obligations to promote this objective
- The regime relating to personal licences in Section 4 of the Government Guidance

The Sub Committee therefore, **RESOLVED, NOT TO** suspend or revoke the personal licence of Mr Bishwokama. The Sub-Committee strongly suggested that the licence holder revisits his obligations and responsibilities under the Licensing Act 2003 and the terms and conditions of issue.

Any person aggrieved with this decision may appeal to the Magistrates' Court sitting at Peterborough by way of complaint within 21 days of the date of this decision. There may be a fee to pay.

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 Sandra Bond

Sub-Committee Chairman