

<b>LICENSING ACT 2003 SUB COMMITTEE</b>		AGENDA ITEM No. 3
<b>31 MARCH 2023</b>		<b>PUBLIC REPORT</b>
Contact Officers:	Gareth Brighton, Licensing & Business Manager Darren Dolby, Licensing Regulatory Officer	Tel: 864103 Tel. 453491

<b>APPLICATION:</b>	<b>REVIEW OF PERSONAL LICENCE</b>
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<b>APPLICANT:</b>	Cambridgeshire Constabulary
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<b>REFERENCE NO:</b>	062387
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<b>LICENCE HOLDER :</b>	Usman Abu Bakar Iftikhar, 43 Thistle Moor Road, Peterborough, PE1 3HR
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<b>GLOSSARY OF TERMS:</b> Attached at <b>Appendix A</b> on <b>Page 5</b>
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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 4<sup>th</sup> 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