



Meeting of the Licensing Act 2003 Sub-Committee

held at Sand Martin House, Bittern Way, Peterborough on 24 April 2023 at 1:30pm

**RECORD OF PROCEEDINGS**

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| 1. Apologies for Absence    | There were no apologies for absence received.  |
| 2. Declarations of Interest | None   |
| 3. Application              | Review of Premises Licence   |
| 3.1 Application Reference   | MAU: 121161 - Shah Jehan – 18 Park Road, Peterborough, PE1 2TD   |
| 3.2 Sub-Committee Members   | Cllr Wiggin (Chairman)<br>Cllr Steve Allen<br>Cllr Harper  |
| 3.3 Officers                | Darren Dolby, Regulatory Officer<br>Colin Miles, Lawyer – Legal Advisor to the Sub-Committee<br>Karen Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee   |
| 3.4 Applicant               | Cambridgeshire Constabulary  |
| 3.5 Nature of Application   | <p><b><u>Application Type</u></b></p> <p>Review</p> <p><b><u>Summary of Premises Licence Review Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application to review a premises licence for Shah Jehan – 18 Park Road, Peterborough, PE1 2TD, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised in support of the review application included:</p> <ul style="list-style-type: none"> <li>• On 20th February 2023, at approximately 5am, a serious incident occurred within the premises which resulted in two males suffering knife injuries.</li> <li>• The premises licence holder, Mr Mohammed Khawar, was suspected of being involved in the incident and had not been contactable since the incident.</li> </ul> |

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|   | <ul style="list-style-type: none"> <li>Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommended that revocation of the licence even in the first instance, should be seriously considered where reviews arise and the licensing authority determined, that the crime prevention objective had been undermined through the premises being used to further crimes.</li> </ul>  |
| 3.6 Licensing Objective(s) under which representations were made  | 1. The Prevention of Crime and Disorder  |
| 3.7 Parties/Representatives and witnesses present   | <p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>Cambridgeshire Constabulary</p> <p>PC Hawkins<br/>PC Loyd Davis<br/>PC Karolis Puidoka</p> <p><b><u>Licence Holder</u></b></p> <p>The Licence Holder was not present</p>  |
| 3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters | There were no pre-hearing considerations.  |
| 3.9 Oral representations  | <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his address included:</p> <ul style="list-style-type: none"> <li>There had been a serious knife incident which took place at the premises namely, Shah Jehan.</li> <li>There had been no communication from the Licence Holder since the knife incident.</li> <li>The Designated Premises Supervisor had resigned from his responsibility to the premises known as Shah Jehan, Park Road Peterborough.</li> </ul> <p>The Sub Committee were asked to note that there had been an error within the report which stated Ali's Kebab House however, the hearing was in relation to Shah Jehan and there was no connection with the two restaurants.</p> <p><b><u>Applicant</u></b></p> |

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|  | <p>PC Hawkins, Cambridgeshire Constabulary, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• The knife incident took place 20 February 2023 around 5.00am.</li> <li>• Knife injuries were inflicted on two persons, which resulted in hospital treatment being required.</li> <li>• The holder was present and believed to be involved in the knife attack and had absconded since the incident.</li> <li>• The case was currently under investigation and therefore of a sensitive nature.</li> <li>• The Regulatory Officer had visited the premises since the incident and there appeared to be no trading being undertaken in the daytime. However, it could not be confirmed if the premises had been trading in the evening.</li> <li>• The licence had not covered the any licensable activity at 5am and should not have been selling alcohol, however, it had been reported that alcohol was being consumed at the time of the incident. In addition, the Police were unable to confer details with the Licence Holder about the incident and there had been no CCTV footage to rely on.</li> <li>• The CCTV had been present prior to the knife incident, however appeared to have been removed as there was dust where the equipment had been originally located.</li> <li>• As there was no fit and proper person currently present at the premises, there should be no licensable activity being undertaken.</li> </ul> |
| 3.10 Written representations and supplementary material taken into consideration | <p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence Review, attached to the Sub-Committee report.</p>   |
| 3.11 Facts/Issues in dispute   | <p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p>  |
| 4. Decision  | <p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>The Sub-Committee considered the representations made and in writing from:</p>  |

- 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 its 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 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.

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|  | The Sub-Committee therefore <b>REVOKED</b> the licence for the premises, known as Shah Jehan, 18 Park Road, PE1 2TD. |
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Chairman

Start 1.30pm – 2:06pm End

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