



Meeting of the Licensing Act 2003 Sub-Committee

held in the Council Chamber, at the Town Hall, Peterborough on 9 August 2023 at 1:30pm

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	
3. Application	Review of Premises Licence
3.1 Application Reference	MAU: 122589 - Peterborough Snooker Centre – 317 / 321 Lincoln Road, Peterborough, PE1 2PH
3.2 Sub-Committee Members	Councillors Wiggin, Hiller and Hussain
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Cambridgeshire Constabulary
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Premises Licence Review</p> <p><u>Summary of Premises Licence Review Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a review of the premises licence for Peterborough Snooker Centre 317 - 321 Lincoln Road, PE1 2PH, which had been submitted by Cambridgeshire Constabulary, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised included:</p> <ul style="list-style-type: none"> • During February and March 2023, a bar person employed by Mr Ismail assisted in the dealing of drugs, namely cocaine, within the premises. This bar person was subsequently arrested, and the investigation was currently ongoing.

	<ul style="list-style-type: none"> • During a meeting in June 2023 between Mr Ismail and Police and Peterborough City Council Licensing Officers, the bar person involved in the dealing of drugs entered the premises. Mr Ismail confirmed that this person was a long-standing friend and had not been excluded from the premises. • There were concerns that Mr Ismail was not in control of the premises. It was felt that had not taken immediate positive action to mitigate further offences and had been allowing criminal activity to take place. He had not appeared to understand his responsibilities to uphold the licensing objectives. • 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 arose and the licensing authority determined, that the crime prevention objective was being undermined through the premises being used to further crimes.
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><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>Cambridgeshire Constabulary - PC Liz Gardner, and DC Tracey Black</p> <p><u>Licence Holder</u></p> <p>Mr Jawad Ismail</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"> • Review of the premises licence had been submitted by Cambridgeshire Constabulary. • Review was brought under the Prevention and Crime Licensing Act 2003 objective. • 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.

Applicant

PC Liz Gardner Cambridgeshire Constabulary addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- PC Paul Hawkins submitted the application for review on 10 June 2023.
- The review had been requested due to an employee on the premises dealing Class A drugs.
- Incompetence had been demonstrated by Mr Ismail, the premises licence holder and designated premises supervisor to effectively manage and prevent a reoccurrence of the drug offence.
- An ongoing investigation was underway in relation to the drug dealing allegation.
- Members were asked to consider the licensing objections of crime and disorder as well as public safety and prevention of public nuisance as the incident endangered the life and health of the public.
- There had been no information about whether the person dealing drugs had been permitted access to the premises since the incident.
- There was no information as to whether there had been other drug incidences on the premises.

Licence Holder – Mr Ismail

Mr Ismail, the Licence Holder addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- The person that had dealt drugs on his premises had been banned and not been permitted re-entry or anywhere close to the premises, which including the car park.
- Clear signs had been displayed that members of the snooker club would be permitted entry, which had been implemented since the incident.
- All customer Identification Documents (ID) were checked and scanned as suggested by the police.
- The person arrested for drug offences used to worked at the premises when needed, on a cash in hand basis.
- Since the applicant had been made aware of the drug related allegation, he banned the person from the premises.
- The Licence Holder was not aware of the drug dealing incident during his meeting with the police and Regulatory Officer.

	<ul style="list-style-type: none"> • The Licence Holder was not aware of drug use on the premises. • The front door operated a buzzer system for entry, the back door had operated a gate system. Members had to show ID at the bar, in order to receive service. • The person dealing drugs could no longer access the premises through the back door. • The person dealing drugs had been left in charge when the Licence Holder was not present, prior to the alleged drug offences. • The Licence Holder had operated a gate system at the back which had awaited a magnetic lock activation by an engineer, therefore some people continued to gain entry through the back door. • The smoking area was located at the back door area in the car park, therefore, not everyone could gain access through that way. • The Regulatory Officer advised that there was a metal stairway that led up to a smoking area used by patrons of the Snooker Club, which had been located on the first floor at the rear of the building. Furthermore, access to the rear of the premises would be via a fire door on the first floor with a push bar system, and this was surrounded by a metal cage. A door at the bottom of the metal stairway had the potential to be locked and awaited installation of a magnetic locking system in order to effectively secure the back door entrance. However, the Regulatory Team were led to believe that the magnetic lock would be implemented some time ago, but this had not happened to date. • The backdoor was covered by cameras located in the car park which enabled the applicant control of who was entering and leaving through that exit. • The premises never had a gate before and this was additional to make the area secure. • Responsibility of the premises had not been delegated to other people as the Licence Holder was always present.
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></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><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>

4. Decision	<p>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:-</p> <p>The Sub-Committee considered the representations made and in writing from:</p> <ul style="list-style-type: none"> • The Police • The Premises Licence Holder <p>The Sub-Committee considered the facts:</p> <p>On 31 May 2023 a bar person working for the licence holder was arrested for dealing or participating in the dealing of cocaine on the premises, during the months of February and March.</p> <p>On 6 June PC Hawkins was at the premises speaking with Mr Ismail. At this meeting Mr Ismail was aware that the individual had been arrested, the reasons why, and that the premises had been searched.</p> <p>During this meeting, the arrested individual entered the premises via the rear door to the premises. Mr Ismail said, at the meeting, that the individual had been sacked but was a friend so was allowed to visit the premises.</p> <p>The police raised concerns that Mr Ismail was not in control of the premises, had not taken immediate action to mitigate further offences and had not understood his responsibilities when running a licensed premises; a position which the Sub-Committee agree.</p> <p>The Licence Holder stated:</p> <ul style="list-style-type: none"> • He was not aware this individual was selling drugs from the premises • He paid the individual cash on a casual basis • He had banned this person, since his meeting with the Police and Regulatory Officer • A membership only was now in operation • ID checks were undertaken for members of the snooker club • Rear access was currently controlled but awaiting a secure closing magnetic mechanism • He was on the premises during opening hours <p>In deliberations the Sub-Committee was referred to:</p>

	<ul style="list-style-type: none">• Peterborough City Council's Statement of Licensing Policy• The Government Guidance issued under section 182 of the Licensing Act 2003• Licensing Act 2003 <p>The Sub-Committee took a serious view of dealing in Class A drugs, especially on licensed premises which the general public had access to.</p> <p>It was clear the premises licence holder was not in control of the premises and had not taken his responsibilities under the Licensing Act seriously.</p> <p>The Sub-Committee had considered various conditions but had not believed that additional conditions were appropriate in this case.</p> <p>It was the Sub-Committee's decision therefore to REVOKE the Premises Licence, known as Peterborough Snooker Centre – 317 / 321 Lincoln Road, Peterborough, PE1 2PH, in its entirety as this was appropriate in the Sub-Committee's view, in order to promote the licensing objectives in question.</p>
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Chairman

Start 1:30pm – End 2:54pm