



Meeting of the Licensing Act 2003 Sub-Committee

held at the Bourges/Viersen Rooms, Town Hall, Peterborough on 15 December 2023,
1.30pm

RECORD OF PROCEEDINGS

To be read in conjunction with the agenda for the meeting.

[\(Public Pack\)Agenda Document for Licensing Act 2003 Sub-Committee, 15 December 2023, 1.30pm \(peterborough.gov.uk\)](#)

Should you wish to listen to the debate had, please visit download the audio recording at:

[Licensing Act 2003 Sub-Committee - 15 December 2023, 1.30pm \(audio recording\)](#)

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	Fitzgerald declared that he knew Mr Cave on professional basis.
3. Application	Personal Licence - Mr Bishwokarma
3.1 Application Reference	076891
3.2 Sub-Committee Members	Cllr Sandra Bond (Vice Chair in the Chair) Cllr Thulbourn Cllr Fitzgerald
3.3 Officers	Maria Crowe, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Cambridgeshire Constabulary
3.5 Nature of Application	<u>Application Type</u> Review of Personal Licence <u>Summary of Premises Licence Review Application</u> In accordance with the Licensing Act 2003, following the submission of an application for a review of a personal

	<p>licence for Mr Bishwokarma, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons requesting the review included:</p> <ul style="list-style-type: none"> • Mr Bishwokarma had not notified the Licensing Authority of his conviction. • The Police requested that the Committee consider suspending or revoking Mr Bishwokarma’s personal licence. • Mr Bishwokarma received the following penalty: <ul style="list-style-type: none"> • Fine £597.00. • Costs £105.00. • Disqualification from driving reduced if course completed. • Disqualified from driving - Obligatory 12 Months. • Victim Surcharge £60.00.
<p>3.6 Licensing Objective(s) under which representations were made</p>	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. Public Safety
<p>3.7 Parties/Representatives and witnesses present</p>	<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</p> <p><u>Licence Holder</u></p> <p>Mr Biswokarma – represented by Mr Andy Cave</p>
<p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>3.9 Oral representations</p>	<p>All parties were given the opportunity to present their case and oral representations were provided by:</p> <ul style="list-style-type: none"> • Maria Crowe, Regulatory Officer • PC Paul Hawkins, the Applicant • Mr Cave, the Licence Holder’s Representative <p><u>Summing Up</u></p>

	All parties were given the opportunity to summarise their submissions.
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> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the ‘Public Safety’ 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"> • Maria Crowe – Licensing Officer • Paul Hawkins – Cambridgeshire Constabulary • Andy Cave of HC Solicitors - Representative of the Licence Holder <p>The Sub-Committee considered:</p> <p>The Licence Holder applied for a personal licence in February 2018.</p> <p>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.</p> <p>This being:</p> <ul style="list-style-type: none"> • Driving with excess alcohol <p>The offence was 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.</p>

In mitigation the Sub-Committee heard:

- Mr Bishwokarma had no previous convictions
- Mr Bishwokarma was the Licence holder since 2018
- Mr Bishwokarma was remorseful for the offence and neglecting to inform the licensing authority
- The offence was not related to Mr Bishwokarma restaurant or any licensed premises
- There were no issues with any premises he owned or had been DPS of
- The 12 month ban reduced to 9 months for undertaking drink drive rehabilitation course
- Mr Bishwokarma, failed to inform the Local Authority (LA) as he was extremely embarrassed of the disruption to his family life,
- The new restaurant in Boston had failed due to driving ban
- Due to issues surrounding the ban, Mr Bishwokarma was simply overwhelmed and forgot to inform the LA.
- The offence was lower on the scale, a mistake, a single indiscretion, and was not sexual or violent offence
- In the eyes of the law he was 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 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 revisited his obligations and responsibilities under the Licensing Act 2003 and the terms and conditions of issue.

Chairman

End 2.30pm