



Meeting of the Licensing Act 2003 Sub-Committee

held in the Bourges/Viersen Rooms, Town Hall, Peterborough at 1.30pm on 20 August 2024

**RECORD OF PROCEEDINGS**

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

[Agenda for Licensing Act 2003 Sub-Committee on Tuesday 20th August, 2024, 1.30 pm Peterborough City Council](#)

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	None.
3. Exclusion of the Press and Public	It was resolved that the press and public be excluded from the meeting on Item 4 of the agenda, under Regulation 14(b) of the Licensing Act 2003 (Hearings) Regulations 2005, on the grounds that the public interest in so doing outweighs the public interest in the hearing taking place in public. This was due to the item including sensitive information relating to ongoing criminal investigations.
4. Application	Premises Licence Review
4.1 Application Reference	Forty Two, 42 Broadway, Peterborough, PE1 1RS
4.2 Sub-Committee Members	Cllr Steve Allen (Vice Chair in the Chair) Cllr Daisy Blakemore-Creedon Cllr John Fox
4.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Matt Makin, Senior Democratic Services Officer – Clerk to the Sub-Committee
4.4 Applicant	Cambridgeshire Constabulary
4.5 Nature of Application	<b><u>Application Type</u></b>  Premises Licence Review  <b><u>Summary of Premises Licence Review Application</u></b>  An application under Section 53 of the Licensing Act 2003 was received on 23 July 2024 from Inspector Sam Tucker,

on behalf of the Chief Officer of Cambridgeshire Constabulary, for an Expedited Review of the premises licence at Forty Two, 42 Broadway, Peterborough, PE1 1RS, as the premises had been associated with serious crime and disorder. A certificate issued under Section 53A(1)(b) signed by Superintendent Ben Martin accompanied the application.

The summary (expedited) review powers under sections 53A to 53C of the Licensing Act 2003 allow the police to trigger a fast-track process to review a premises licence within 48 hours of such an application, where the police consider that the premises are associated with serious crime or serious disorder (or both); and allows the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full hearing of the issues within 28 days of the date that the application was served.

An expedited summary review was held on 24 July 2024 to consider what interim steps were required. At the hearing, the Committee accepted the application from the police and imposed the interim step that had been proposed, the suspension of the licence, pending a full review hearing.

The licence holders were informed of the interim step and subsequently appealed this decision. An appeal hearing was held on 26 July 2024 where the licence holder and their solicitor made representations against the interim step. The panel considered the representations but determined that the interim step continue.

A summary of the issues raised by the police included:

- There had been three recorded serious incidents that have taken place both within and outside the premises since November 2023. The latest incidents took place on 11 and 20 July 2024.
- A failure by the premises licence holder to act upon Police advice in respect of placing additional conditions on the premises licence to meet the expectations of the four licensing objectives.
- Inadequate management of the premises by the premises licence holder including failure to apprehend offenders or preserve a crime scene.

A summary of those who made representations in respect of the application to review the licence included:

- That the premises had been proactive in working with authorities to mitigate risks.
- That the premises had taken substantial steps to address safety concerns.
- That the premises operated strictly within the framework of the Licensing Act 2003, adhering to all

	regulations governing the sale of alcohol and public safety.
4.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder
4.7 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>Inspector Sam Tucker, Cambridgeshire Constabulary  DC Dylan Lenton, Cambridgeshire Constabulary  PC Steve Main, Cambridgeshire Constabulary  Mr Ryan Dowding, Legal Representative for Cambridgeshire Constabulary</p> <p><b><u>Licence Holder</u></b></p> <p>Mrs Sarah Selgjekaj, Premises Manager  Mr Andy Cave, Legal Representative for the Licence Holder</p>
4.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
4.9 Oral representations	<p>All parties were given the opportunity to present their case and oral representations were provided by:</p> <ul style="list-style-type: none"> <li>• Darren Dolby, Regulatory Officer</li> <li>• Mr Ryan Dowding, Legal Representative for Cambridgeshire Constabulary. Mr Dowding, with the agreement of all parties, displayed CCTV footage during his representations. Mr Dowding was also supported by PC Main during his representations.</li> <li>• Mr Andy Cave, Legal Representative for the Licence Holder. Mr Cave was supported by Mrs Sarah Selgjekaj, Premises Manager, during his representations.</li> </ul> <p>Mr Dowding and Mr Cave were also both given the opportunity to sum up their positions after all the oral representations had been heard.</p>

4.10 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>
4.11 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>
5. 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 by:</p> <ul style="list-style-type: none"> <li>• The Applicant's representative, Ryan Dowding, Barrister</li> <li>• The Premises Licence Holder representative, Mr Andy Cave, Solicitor</li> <li>• PC Main</li> <li>• Sarah Selgekaj, Licensee's wife</li> </ul> <p>The Applicant's Representative stated:</p> <ul style="list-style-type: none"> <li>• Poor history of compliance</li> <li>• High risk premises</li> <li>• Outline of incidents which are contained in the bundle</li> <li>• ID scanner not used properly; no minor variation submitted</li> <li>• Rape allowed to happen on the premises; suspect being a 17 year old male</li> <li>• 17 year old female suspected of being at risk says she had been drinking on the premises</li> <li>• Baseball caps and face coverings worn by customers contravention of conditions</li> <li>• Licensee's responsibility to uphold and promote licensing objectives</li> </ul> <p>The Licence Holder's Representative stated:</p> <ul style="list-style-type: none"> <li>• Disorder takes place in all licensed premises</li> <li>• No crime recorded against some incidents reported</li> <li>• ID scanner not compulsory for all, all the time</li> <li>• ID scanner advised, not compulsory</li> <li>• No evidence 17 year old girl had been on the premises</li> </ul>

- Alleged rape victim not raped. 17 year suspect was probably part of a group upstairs who were allowed to be on the premises until 8pm. Suspect detained but escaped
- 11<sup>th</sup> July incident took place on a night when England were playing football. They are not a football pub. Customer called police
- No SIA security on a Wednesday
- Owners actively involved in ejecting violent persons from premises
- Incident of 20<sup>th</sup> July a 999 call was made
- No drugs sold from premises, no child sexual offences, no underage sales

The Sub-Committee viewed CCTV footage supplied by the Applicant of incidents that took place on 11<sup>th</sup> July and 20<sup>th</sup> July. These were serious outbreaks of violence and disorder. Staff either did not contain matters quickly or did very little and did not contact emergency services.

In its deliberations the Sub-Committee referred to:

- Peterborough City Council's Statement of Licensing Policy
- The Government Guidance issued under section 182 of the Licensing Act 2003
- Licensing Act 2003

The Sub-Committee heard the following serious incidents had taken place on the premises or close to the premises, involving customers having recently left the premises:

- Offences of violence
- Sexual assaults
- Drunkenness
- Supply of class A drugs

The Sub-Committee disregarded matters that did not relate to the licensing objectives and those that fell outside of its remit.

It is the function of the Licensing Sub Committee to take steps with a view to the promotion of the licensing objectives.

With a premises licence there comes responsibility. Responsibility to uphold and promote the licensing objectives. This is not passive and, in the Sub-Committee's view, requires constant review and action.

The Sub-Committee accepted that the parties had different views and recollections of the incidents. Respective accounts were simply at odds. The Sub-Committee made

	<p>its decision based on the balance of probabilities on the information before it.</p> <p>The Sub-Committee noted the additional conditions offered by the licensee.</p> <p>However, it was considered clear the premises licence holder was not in control of the premises and did not take their responsibilities under the Licensing Act seriously. The premises, as currently operated, was a danger to members of the public. The management had not acted on advice from the police and licensing authority over time. The Sub-Committee considered the premises were associated with serious crime and disorder.</p> <p>The Sub-Committee considered various conditions but did not believe that additional conditions were appropriate in order to promote the licensing objectives, in this instance.</p> <p>It was the Sub-Committee's decision therefore to <b>REVOKE</b> the Premises Licence, 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 4.35pm