

MEETING

LICENSING SUB-COMMITTEE

DATE AND TIME

MONDAY 22ND DECEMBER, 2014

AT 12.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF LICENSING SUB-COMMITTEE (Quorum 3)

Councillors

Maureen Braun

Alison Cornelius

Brian Salinger

** The licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing Committee. In the event of this substitution taking place, all parties will be informed of the change of Membership at the beginning of the hearing.*

You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: Governance Service governance.service@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	APPOINTMENT OF CHAIRMAN	
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	LICENSING SUB-COMMITTEE HEARING PROCEDURE	1 - 4
5.	SUMMARY REVIEW, MCGOWANS, 26-28 CRICKLEWOOD LANE, LONDON, NW2 1HB	5 - 74
6.	MOTION TO EXCLUDE THE PRESS AND PUBLIC	
7.	DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION	
8.	RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE	
9.	ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Governance Service governance.service@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

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LONDON BOROUGH OF BARNET

LICENSING SUB COMMITTEE

HEARINGS PROCEDURE

AGENDA ITEM 4

General points

The following procedure is based on Regulations made by the Secretary of State under the Licensing Act 2003 (“the Hearings Regulations”) which may be viewed or downloaded from the website of the Department for Culture, Media and Sport by following links from www.culture.gov.uk

The procedure is intended as a general framework to ensure natural justice and a fair hearing. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed.

The procedure allows each party a maximum period of 5 minutes in which to present their case (Regulations 16 & 24). At the end of the time allowed, the Chairman will terminate the presentation and the hearing will proceed in the form of a discussion led by the authority to explore points of dispute. The discussion will not be timed.

The procedure is subject to periodic review and amendment to reflect best practice and relevant legislative changes. An updated version of this procedure is published as soon as possible following any such amendments.

Chairman

- Introduces him/herself and Members of the Committee, and outlines their roles.
- Introduces Licensing, Legal and Governance Officer.
- Explains that Legal and Governance Officers will be present during the Committee’s deliberations to advise only, and that the Licensing Officer will be excluded from deliberations.
- Asks parties present to introduce themselves.
- Outlines procedure to be followed (Regulation 22).
- Asks all parties to confirm their understanding of the procedure.
- Clarifies any aspect(s) of the procedure where any parties are uncertain or asks Legal or Governance Officer as appropriate to clarify.

Governance Officer

- Informs Committee of absent parties.
- Details persons whom a party is seeking permission to represent them at hearing.
- Panel confer regarding permission.
- Chairman announces decision regarding permission.

Licensing Officer presents the report to the Committee

- Is a statement of the facts including details of the application and operating schedule, relevant policy details, detail representations made, a chronology of events and highlights the points on which the Authority requires clarification.

Applicant

- Presents opening submissions and clarifies points raised by Authority in notice of hearing. Time allowed 5 mins.

Other parties

- Presents opening submissions either in person or by spokes person
Time allowed 5 mins per interested party.

Note regarding use of video evidence

Video evidence must be in DVD format and will form part of the relevant party's five minutes opening submission. Any party wishing to use video evidence must submit a copy to the Authority along with sufficient, identical extra copies to serve on all the opposing parties – i.e. if the applicant is submitting it, there must be enough copies for all parties making representations and if a party making representations is submitting it there must be a copy for the applicant. The recording must be edited down to the highlights, containing only relevant matter which relates to the written representation previously submitted. In addition, a description of how, when and where the video was recorded and what it contains must be submitted. These must be supplied to the Authority at least five working days before the hearing.

Members question Licensing Officer on Policy

Discussion

Chairman leads a discussion concentrating on points of dispute:

Chairman asks Applicant what he disputes in other parties' submissions, and asks other parties to comment.

Chairman proceeds through all objectors dealing with all matters of contention.

When Chairman feels all matters have been thoroughly discussed and all parties have been given a fair and equal opportunity to comment and make representations, she/he closes discussion.

Determination

There are two procedures depending on whether or not determination is to be made at the end of the Hearing or within five working days of the Hearing. This later announcement of determination is permitted in terms of the Legislation for certain types of applications.

Chairman informs all present that the Committee will deliberate, that Legal and Governance Officer will remain to advise but will not be part of decision-making process, and that all others must leave (under Regulation 14).

- Parties, apart from Legal and Governance Officer, leave the room.
- The Committee deliberates, with advice as required from Legal and Governance Officer, and reaches a conclusion. The Legal officer may assist, as required, in formulating the wording of the determination.

- Parties return.
- Chairman reads out determination, and advises it will be sent in writing to all parties.
- Opportunity for determination to be clarified by any interested party who is unclear.
- Chairman gives advice about appealing against the determination.
- Chairman thanks all for attending and closes the meeting.

...Within five working days of the hearing

- Chairman explains requirement to determine the Hearing within five working days, and advises that the Committee will proceed to deliberate and announce the determination within that time.
- During deliberations, Legal and Governance Officers remain to advise on law and procedure as required. The Legal Officer may assist, as required, in formulating the wording of the determination. The Licensing Officer plays no part in the determination and withdraws for this part of the proceedings.
- Chairman advises all parties that they will receive written notification of the determination within five working days of the Hearing date, together with general information on how to appeal against the determination.
- Chairman thanks all parties for attending and invites the applicant, objector(s), other party(ies) and the Licensing Officer to leave.

Information on Appealing against the decision

You may at any time before the expiration of a period of 21 days from notification appeal to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

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AGENDA ITEM 5



**Licensing Sub-Committee
22nd December 2014**

Title	Summary Review, McGowans, 26-28 Cricklewood Lane, London, NW2 1HB
Report of	Trading Standards & Licensing Manager
Wards	Childs Hill
Status	Public
Enclosures	<p>Report of the Licensing Officer</p> <p>Annex 1 - Certificate under Section 53A(1)(b)</p> <p>Annex 2 - Application for a review of a premises licence under section 53A of the LA 2003</p> <p>Annex 3 - Decision of 1st Interim Hearing</p> <p>Annex 4 - Premises Licence</p> <p>Annex 5 - Police Additional evidence</p> <p>Annex 6 - Part 1, Chapter 3, Section 21 of the Violent Crime Reduction Act 2006 (c.38)</p> <p>Annex 7 - Section 53A Licensing Act 2003 Summery Review Guidance</p> <p>Annex 8 - Matters for Decision</p>
Officer Contact Details	<p>Daniel Pattenden 020 8359 2508</p> <p>daniel.pattenden@barnet.gov.uk</p>

Summary

This report asks the Sub-Committee to consider the application for a summary expedited review of Summary Review, McGowans, 26-28 Cricklewood Lane, London, NW2 1HB Premises Licence.

Recommendations

- 1. This report asks the Sub-Committee to consider the application for an Expedited Summary Review of a Premises Licence, under section 53A of the Licensing Act 2003 for McGowans, 26-28 Cricklewood Lane, London, NW2 1HB**

1. WHY THIS REPORT IS NEEDED

- 1.1 The London Borough of Barnet's chief officer of police has applied under section 53A of the licensing Act to the licensing authority for an expedited summary review of the premises licence. The expedited summary review application is accompanied by a certificate that it is his opinion that the named premises are associated with serious crime or serious disorder or both.

2. REASONS FOR RECOMMENDATIONS

- 2.1 On receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is appropriate to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 2.2 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 The decision will have immediate effect

5. IMPLICATIONS OF DECISION

- 5.1 **Corporate Priorities and Performance**

- 5.1.1 Members are referred to the Council’s Licensing Policy for consideration
- 5.1.2 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a “successful London borough” by ensuring that only legal, well regulated licensable activities occur within the borough.
- 5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**
 - 5.2.1 N/A
- 5.3 **Legal and Constitutional References**
 - 5.3.1 The Licensing Act 2003 sets out how applications for expedited summary review of premises licences should be dealt with when an application and certificate are submitted by London Borough of Barnet’s chief officer of police.
 - 5.3.2 Under the Constitution, Responsibility for Functions (Annex A), the Licensing Act 2003 and associated regulations, as delegated to it by the Licensing Committee, including the determination of expedited summary review applications.
- 5.4 **Risk Management**
 - 5.4.1 N/A
- 5.5 **Equalities and Diversity**
 - 5.5.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the
- 5.6 **Consultation and Engagement**
 - 5.6.1 The statutory consultation process that has been followed in accordance with the Licensing Act 2003.
- 6. **BACKGROUND PAPERS**
- 7. The application, certificate and report of the Licensing Officer along with the annexes are attached to this report

Officers Report

Section 53A - LICENSING ACT 2003
‘Summary reviews in serious cases of crime and disorder’

OFFICERS REPORT – SUMMARY EXPEDITED REVIEW

McGowan’s 26-28 Cricklewood Lane, London, NW2 1HB

APPLICATION

On the 25th November at 12:30hrs a Certificate under Section 53A(1)(b) and an application for a review of a premises licence under section 53A of the Licensing Act 2003 were delivered to the licensing team by Sgt Mark Altman on behalf of the Metropolitan Police Service. Both documents are attached as **annexes 1** and **2** of this report.

Under Section 53 A of the Act, the licensing authority must within 48 hours of receipt of the senior police officer’s application, consider whether it is necessary to take interim steps pending determination of a review of the premises licence. A full review of the premises licence must then be held within 28 days receipt of the application.

The Metropolitan Police have made this application due to a serious case of Crime and Disorder. In the past 16 months there have been 21 recorded crimes, 19 of these are for violent offences, and nearly every offence and call made to the police has involved excessive consumption of alcohol. This Summary Review was triggered by a serious crime that took place on the evening of Thursday 13th of November 2014.

INTERIM HEARING – 27TH NOVEMBER 2014

A hearing was held at Hendon Town Hall on Thursday 27th November 2014 at 10:30am in order for a licensing sub committee to determine what interim steps should be taken to prevent serious crime occurring at the premises.

In order to determine whether interim steps were necessary at this hearing the committee considered the following:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol by retail from the scope of the licence;
- The removal of the designated premises supervisor;
- The suspension of the licence

(Modification includes altering, omitting or even adding new conditions)

The Sub-Committee’s view was that immediate measures were necessary to prevent serious crime occurring as well as to promote the licensing objectives of the prevention of crime and disorder.

The Sub-Committee agreed that in the circumstances, the only measure that would promote the licensing objective of the prevention of crime and disorder and would prevent serious crime and disorder from occurring at the premises was the immediate suspension of the premises licence. Suspension would take immediate effect pending the determination of any review.

The decisions of this hearing can be found in **Annex 3**

CURRENT PREMISES LICENCE

McGowans has a Premises License under the Licensing Act 2003 which was first issued by this authority in August 2005. Since then there has been 1 transfer and 9 DPS variations. Mr Regan was placed on the licence as the DPS in 2nd April 2014

A copy of the premises licence is attached at Annex 4. It details the hours the premises can be used for certain licensable activities and also specifies the conditions subject to which the licence has effect.

REPRESENTATIONS

There have been no representations received from any other parties identified in the Licensing Act 2003.

Responsible Authorities

There have been no representations received from any of the responsible authorities identified in the Licensing Act 2003.

Officer's Comments

– Guidance and Policy

Attached as annex 8 of this report is the Guidance issued by Secretary of State for Culture, Media and Sport on Expedited and Summary Licence Reviews – October 2007 (includes flow chart of the entire process)

The Council's Policy at Section 2.1- 2.3, 3.1 and 3.2 refer to our Policy Objectives and Licensing Principles.

The Guidance issued under Section 182 Licensing Act 2003 April 2012 at 2.39 & 2.40 refers to the control of behaviour away from licensed premises.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

2.40 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

– Determination

The sub-committee shall determine the application in accordance with Section 53C of the Licensing Act 2003.

S 53C

- (2) The relevant licensing authority must –
 - (a) hold a hearing to consider the application for the review and any relevant representations;
 - (b) take such steps as mentioned in subsection (3) (if any) as to considers necessary for the promotion of the licensing objectives; and
 - (c) secure that, from the coming into effect of the decision made on the determination of the review any interim steps having effect pending that determination cease to have effect (except so far as they are compromised in steps taken in accordance with paragraph (b))
- (3) Those steps are –
 - (a) the modification of the conditions of the premises licence;
 - (b) the exclusion of a licensable activity from the scope of the licence,
 - (c) the removal of the designated premises supervisor from the licence,
 - (d) the suspension of the licence for a period not exceeding three months, or
 - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added
- (5). Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6). Where the authority takes a step mentioned in subsection (3) (a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period(not exceeding three months).

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act and the Council's Guide to Good Practice at Licensed Premises will be available at the Licensing Sub Committee hearing or in advance if required.

ATTACHMENTS:

- ANNEX 1 - Certificate under Section 53A(1)(b)
- ANNEX 2 - Application for a review of a premises licence under section 53A of the LA 2003
- ANNEX 3 - Decision of Hearing on the 27th November 2014
- ANNEX 4 - Premises Licence
- ANNEX 5 - Additional Police information
- ANNEX 6 - Part 1, Chapter 3, Section 21 of the Violent Crime Reduction Act 2006 (c.38)
- ANNEX 7 - Section 53A Licensing Act 2003 Summery Review Guidance
- ANNEX 8 - Matters for decision

Report By: Daniel Pattenden
Date: Monday 15th December 2014

Certificate
Under Section
53A (1) (b)



**METROPOLITAN
POLICE**

TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:
both serious crime and serious disorder**

Premises (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
McGowans 26 – 28 Cricklewood Lane

Post town:	Cricklewood	Post code: (if known)	NW2 1HB
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Premises licence number (if known):
LN/199905176

Name of premises supervisor (if known):
Niall O'REGAN

I am a Superintendent* in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

PROTECTIVE MARKING

Serious crime and disorder has taken place at these premises.

A separate list of the significant crimes and calls made to Police are attached.

The Police Licensing Officer and the Neighbourhood Police Teams have engaged with the premises licence holder, area manager and staff at the premises. But the advice and warnings given to them have not been heeded and the poor management and lack of control at these premises presents a serious risk to the general public and Police.

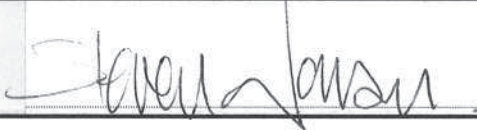
At this time, police closure powers are not considered an effective means for the long term control of these premises, as they are time limited to 24 hours with a maximum extension of 48 hours.

A standard review would also be inappropriate as it does not allow for the immediate suspension of the premises licence, inclusion of conditions or removal of licensable activities, by means of the "interim steps". These steps are required to ensure that the likelihood of any further serious crime or disorder is greatly reduced pending the full review.

Due to the levels of crime and disorder, and the very strong probability of further serious injury or death, it is requested that the Licensing Sub-Committee see fit to suspend the premises licence pending the full hearing

Signature

Signature:



Date:

25th November 2014

Superintendent Wallace

Retention Period: 7 years
MP 147/12



**METROPOLITAN
POLICE**

TOTAL POLICING

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: London Borough of Barnet

Address:

Licensing Team Building 4 North London Business Park Oakleigh Road South

Post town: London

Post code: N11 1NP

Ref. No.:

I **Sergeant Mark Altman**

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

McGowans 26 – 28 Cricklewood Lane

Post town: Cricklewood

Post code: NW2 1HB
(if known)

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

JDM Investments Limited 225 – 227 Edgware Road Colindale London NW9 6LU

Number of premises licence or club premises certificate (if known):

LN/199905176

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

Brief History of issues & Concerns (Please see attached documents for detailed list of incidents)

In the past 16 months there have been 21 recorded crimes, 19 of these are for violent offences, and nearly every offence and call made to the police has involved excessive consumption of alcohol.

Also in this time period the management at the premises has had numerous changes with 5 different Designated Premises Supervisors (DPS)

There have been numerous occasions when the premises have been left without a designated premises supervisor (DPS) The current DPS is apparently on long term sick and no replacement has been found.


The temporary bar manager Mr Sicka is currently on Police bail after assaulting his partner outside the premises

I have attended the premises in the past as have the Neighbourhood team. We have tried to encourage safe working practices and at least two members of staff to be present during the evening. This has not happened

The various DPS's and area manager have been called into the Police station and also visited on site. Police have expressed their concerns about poor management, drunkenness, offences and lack of CCTV, either because it is not working or has not even been on site.

The venue is a crime hot spot and seems to be spiralling out of control. Taking the history of the premises and the lack of engagement with the Police suggestions, it is the Police opinion that all other avenues have been exhausted. If the Police fail to take these steps someone is likely to end up being seriously injured or even killed due to the poor management and lack of control/concern at this venue.

Signature of applicant

Signature:		Date:	25 th November 2014
Capacity:	Licensing Officer		

Contact details for matters concerning this application

Surname:	Altman	First Names:	Mark
Address:	Licensing Office Colindale Police Station Grahame Park Way		
Post town:	Colindale	Post code:	NW9 5TW
Tel. No.:	0208 733 5261	Email:	sx_licensing@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Summary Review Application



**METROPOLITAN
POLICE**

TOTAL POLICING

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
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Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name:	London Borough of Barnet		
Address:	Licensing Team Building 4 North London Business Park Oakleigh Road South		
Post town:	London	Post code:	N11 1NP
Ref. No.:			

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Postal address of premises or club premises, or if none, ordnance survey map reference or description:			
McGowans 26 – 28 Cricklewood Lane			
Post town:	Cricklewood	Post code: (if known)	NW2 1HB

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):	
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Number of premises licence or club premises certificate (if known):	
LN/199905176	

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I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:	<input checked="" type="checkbox"/>
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PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

Brief History of issues & Concerns (Please see attached documents for detailed list of incidents)

In the past 16 months there have been 21 recorded crimes, 19 of these are for violent offences, and nearly every offence and call made to the police has involved excessive consumption of alcohol.

Also in this time period the management at the premises has had numerous changes with 5 different Designated Premises Supervisors (DPS)

There have been numerous occasions when the premises have been left without a designated premises supervisor (DPS) The current DPS is apparently on long term sick and no replacement has been found.

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The venue is a crime hot spot and seems to be spiralling out of control. Taking the history of the premises and the lack of engagement with the Police suggestions, it is the Police opinion that all other avenues have been exhausted. If the Police fail to take these steps someone is likely to end up being seriously injured or even killed due to the poor management and lack of control/concern at this venue.

Signature of applicant

Signature:		Date:	25 th November 2014
Capacity:	Licensing Officer		

Contact details for matters concerning this application

Surname:	Altman	First Names:	Mark
Address:			
Licensing Office Colindale Police Station Grahame Park Way			
Post town:	Colindale	Post code:	NW9 5TW
Tel. No.:	0208 733 5261	Email:	sx_licensing@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

1st Interim Hearing Decision

The licensing sub-committee today, on Thursday 27th November 2014, considered an application for a Summary Review of the Premises licence relating to 'McGowans, 26-28 Cricklewood Lane, London, NW2 1HB'. The licensing sub-committee considered whether it was appropriate to take interim steps, under Section 53B of the Licencing Act 2003, pending determination of the review of the premises licence.

Representations were heard from the police and the licensee was not in attendance. The police expressed concerns relating to the history of serious crime and disorder and the future likelihood of serious injury or death at the premises due to the violent nature of the crimes. Concerns were also raised relating to poor management at the premises, such as the absence of a DPS, lack of CCTV, drunkenness, and a lack of engagement with police suggestions.

The licensing sub-committee decided that in promotion of the Licencing Objectives, in particular the prevention of crime and disorder, that the licence should be suspended under section 53B of the Licensing Act 2003. The decision to suspend the licence takes immediate effect.

Informative

Immediate notice will be given to the premises licence holder. The licensee is entitled to make representations to the licensing authority against the interim steps that have been taken by the licensing authority. If representations are made, the licensing authority must, within 48 hours of the time of receipt of those representations, hold a hearing to consider those representations.

Premises Licence

<p>Licensing Act 2003</p> <p>Part A:</p> <p>Premises Licence</p> <p>Premises Licence Number: LN/199906225</p>	<p>Licensing Authority: London Borough of Barnet, Building 4, North London Business Park Oakleigh Road South New Southgate, London, N11 1NP</p> <p style="text-align: right;">LPRL/08/10005 (27/05/2014)</p>
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description
McGowans, 26-28 Cricklewood Lane

<p>Post Town London</p>	<p>Post code NW2 1HB</p>
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Telephone number
8452 0608

Where the licence is time limited the dates
This premises licence is not time limited

Licensable activities authorised by the licence
The Sale by Retail of Alcohol,
The Provision of Regulated Entertainment, and
The Provision of Late Night Refreshment.

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Standard Days and Timings:
Sunday to Thursday 10:00hrs - 00:00hrs
Friday to Saturday 10:00hrs - 01:00hrs

Non Standard Timings and Seasonal Variations:
Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non standard times on the day British Summertime commences

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The Exhibition of film's - Indoors only

Standard Days and Timings:

Sunday to Thursday	10:00hrs - 00:00hrs
Friday to Saturday	10:00hrs - 01:00hrs

Non Standard Timings and Seasonal Variations:

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non standard times on the day British Summertime commences

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The Playing of recorded music - Indoors only

Standard Days and Timings:

Sunday to Thursday	10:00hrs - 00:00hrs
Friday to Saturday	10:00hrs - 01:30hrs

The Performance of dance - Indoors only

Standard Days and Timings:

Thursday to Saturday	10:00hrs - 00:00hrs
Friday to Saturday	10:00hrs - 01:00hrs

Non Standard Timings and Seasonal Variations:

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non standard times on the day British Summertime commences

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The provision of facilities for making music - Indoors only

Standard Days and Timings:

Sunday to Thursday	10:00hrs - 00:00hrs
Friday to Saturday	10:00hrs - 01:00hrs

Non Standard Timings and Seasonal Variations:

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non standard times on the day British Summertime commences

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The provision of facilities of a similar description to that of the provision of facilities for making music or the provision of facilities for dancing - Indoors only

Standard Days and Timings:

Sunday to Thursday 10:00hrs - 00:00hrs
Friday to Saturday 10:00hrs - 01:00hrs

Non Standard Timings and Seasonal Variations:

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non standard times on the day British Summertime commences

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The Provision of late night refreshment - Indoors only

Standard Days and Timings:

Monday to Thursday 23:00hrs - 00:00hrs
Friday to Saturday 23:00hrs - 01:00hrs
Saturday 23:00hrs - 00:00hrs

Non Standard Timings and Seasonal Variations:

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non standard times on the day British Summertime commences

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The hours that the premises are open to the public

Standard Days and Timings

Sunday to Thursday 10:00hrs - 00:30hrs
Friday to Saturday 10:00hrs - 01:30hrs

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and Off supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

JDM Investments Limited
225 - 227 Edgware Road
Colindale
London
NW9 6LU

Registered number of holder, for example company number, charity number (where applicable)

04610306

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Niall O'Regan

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Annex 1 - Mandatory Conditions

- 1 No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 Each individual employed in the role of guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage must be licensed by the Security Industry Authority.
- 4 The admission of a child or young persons under the age of 18 to the exhibition of any film shall be restricted in accordance with any recommendations made by any film classification body and or persons designated as such by the Secretary of State under section 4 of the Video Recordings Act 1984.
- 5
 - i. (1)The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2)In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as

defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

ii. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

iii. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

iv. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

v. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

6 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the operating schedule

7 Alcohol shall not be sold or supplied except during permitted hours.

8 The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- c) consumption of the alcohol on the premises or the sale or supply of alcohol to any person residing in the licensed premises;
- d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- e) the sale of alcohol to a trader or club for the purpose of the trade or club;
- f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- g) the taking of alcohol from the premises by a person residing there;

or

- a) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or for the consumption of alcohol by persons so supplied;

or

- b) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

- 9 If a disc jockey is used on any night the he / she will ask customers to leave the premises quietly.
- 10 Notices shall be displayed at the exit to the premises asking customers to leave quietly.
- 11 The existing CCTV system shall continue to operate for the hours shown on this premises licence.
- 12 Notices stating that the CCTV is in operation shall be displayed throughout the premise.
- 13 Any persons who appear to be intoxicated will not be allowed entry to the premise.
- 14 The premise shall actively participate in the local pub watch or equivalent scheme.
- 15 Toughened glass shall be used for the hours shown on this premises licence.
- 16 The number of door supervisors on duty shall be reviewed in consultation with the Police.
- 17 Door supervisors shall ensure as far as possible that any bottles and glasses are not removed from the premise.
- 18 All instances of crime and disorder shall be reported to the Police and shall be kept in an incident log book which shall be monitored by the Area Manager.
- 19 Customers shall be searched on a random basis and any persons found to be in possession of illegal drugs or weapons will, as far as legally possible, be retained and the Police called.
- 20 Any illegal drugs or weapons found will be stored in a secure facility and arrangements made with the Police for their delivery to the Police.
- 21 The current level of lighting outside the premise shall continue for the hours shown on this premises licence.
- 22 No recorded music shall be played outside the premise.
- 23 Reasonable steps shall be taken to recognise the needs of the local residents and to encourage customers to leave quietly.
- 24 Music shall be played at a quieter level for the last thirty minutes of trading during which time the levels of lighting shall be raised.
- 25 Any persons who appear to be under the age of 18 shall be required to provide proof of age before being allowed entry to the premise, or attempting to purchase or consume alcohol.
- 26 No persons under the age of 18 shall be allowed to enter or remain on the premise after 21:00 hrs.

Annex 3 – Conditions attached after hearing by the licensing authority

27 All remedial works suggested by the LFEPA are to be carried out before 24th November 2005.

Annex 4 - Plan

As submitted to the Council with the application for the grant of a premises licence under schedule 8 of the Licensing Act 2003. Reference: LPRL/08/10005

Police Supporting Documents

Report and licensing visit by PC Carl Mercer 14/11/2014

On Thursday evening (13/11/14) police were called to a domestic GBH whereby the landlord at the venue (Nick SICKA) had seriously assaulted his wife (possibly ex-wife) she was taken to hospital for treatment and then run off.

I attended the venue on the 14/11/2014 with the Investigating officer from the CID to conduct a licensing visit. To say there were problems was an understatement.

The first issue was the DPS. On the licence it is shown as Niall O'Reagan, but according to the area manager Terry KELLY, Niall hasn't been working at the pub for a number of months as he was sick and was working for the firm out of their main office. Mr KELLY stated that the suspect in this case (who has been arrested and is called Nick SICKA) was running the pub.

I asked if they have applied for a DPS variation as I didn't understand how a sick man that was based in an office elsewhere could still be a DPS, but they said they hadn't and that they didn't believe that they had breached any licence conditions.

Further conditions and irregularities they have breached are as follows:

1. There was no incident book or other log at the venue
2. It would appear that no CCTV was working at the venue. (the system that was in place has been seized by CID and at this moment in time they have no CCTV at all)
3. Licence Summary Part B was not correctly displayed. It was placed on a side wall by the spirits, and not visible unless you went behind the bar
4. Neither the original premises licence (Part A) or a certified copy or any notice stating who holds this were kept at the premises or readily at hand
5. There were not any notices displayed of an age verification scheme in operation at the premises
6. No notices to asking customers to leave quietly
7. Area manger states they have no door staff
8. They have not informed police of incidents of crime and disorder. With regards to the GBH on the 13th November 2014, there was an initial assault that took place between the parties two hours earlier and police were not called. It also now appears that there was a theft/robbery that took place earlier in the day at the pub, which the staff were aware of and again did not inform Police or maintain an incident log book
9. The victim of the assault admits to being very drunk. Witnesses also state that the victim was very drunk and that the staff continued to serve her even though she was clearly intoxicated.
10. At the time of the visit there were no staff who held a personal licence. Staff said they had completed their courses, but had no evidence to prove that.
11. During interview Nick SICKA stated that he had left the pub at 2pm and got drunk in Mill Hill, so was not able to function as a DPS . (He is not the DPS as noted in the opening paragraphs of this report)

Besides these breaches there were other issues. It would appear that on the same day the community Police Officers also completed a licensing visit due to other calls they had received about the venue. PC Paul Reidy is able to provide information of this.

Carl Mercer PC 565SX

Licensing Act 2003 - Record of Visit to Licensed Premises

Details			
Name of Premises:	McGowans,		
Address of Premises:	26 – 28 Cricklewood Lane		
Premises Type / Event:	Public House		
Date of Visit:	11/10/2013	Time Of Visit:	13:05

Officers in Attendance			
1.	PS ALTMAN	CAD Reference:	N/A
2.	PS CHERRY	CRIS Reference:	N/A
3.	PC WILCOCK	CRIMINIT Reference:	N/A
4.			

Premises Details	
Is the Premises Licence Summary displayed and correct?	No
Is the Designated Premises Supervisor (DPS) present?	No
Record details of DPS personal Licence (include full name, issuing authority and lic No.)	
DPS Contact No.:	No longer works for the company
If No DPS is present provide details of person in charge:	Personal Licence Holder and manager present was Camelya MAHOC 30/12/1985 born Romania
Record details of personal Licence (include full name, issuing authority and lic No.)	
167694 issued by BRENT expires 07/08/2023	
Is the full premises Licence or an endorsed copy available?	No
What is the capacity of the premises if shown on premises licence?	N/A
How many persons present (rough headcount)?	8
What process is used to record customer numbers (clicker, tickets head count etc)?	
None small venue	

RESTRICTED

Details of Door Staff				
Are Door Staff required by licence conditions?			Yes <input type="checkbox"/> No <input type="checkbox"/>	
Number of Door staff on duty			Male: <input type="text"/>	Female: <input type="text"/>
Name of Security company <input type="text"/>				
Full Name	D.O.B.	SIA Badge	Full Badge Number	Comments
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
Register of Door Supervisors complete and correct		Yes <input type="checkbox"/> No <input type="checkbox"/>		
Incident log kept and complete		Yes <input type="checkbox"/> No <input type="checkbox"/>		

Operation of Premises	
Is CCTV required by the licence?	Yes
If no is CCTV installed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a member of staff trained and available to operate the CCTV system?	No
Is CCTV operating correctly and in accordance with any licence conditions? If no detail defects	Yes
Are customers searched prior to entry? What is the procedure?	
No	
Is the search area covered by CCTV?	
Is there a system for recording or verifying customer details and age, what is the system? (Passport, driving licence PASS card or use of ID scan, entry scan, or other biometric screening systems)	
N/A	
Does the venue operate any drinks promotions? If yes provide details	No
Details of the Premises age verification policy (e.g. challenge 21/25)	
Challenge 21	

Toilets and public areas	
Toilets	
Are the toilets regularly checked by staff?	Yes
Is there a Toilet attendant?	No
Are the toilets covered by CCTV?	Yes
Are the toilets and environs well maintained?	Yes
Is there any evidence of drugs use in this area? If yes detail evidence (drugs paraphernalia, or evidence obtained from drugs swipes or drugs itemiser)	No
Smoking area:	
Is there a designated smoking area?	Yes
Is it covered by CCTV?	Yes
Is it controlled by staff?	No
Is there a re-entry search policy?	No
Public areas:	
Is the ambient lighting in public areas adequate?	Daylight visit
Is there a VIP area?	No
Does CCTV cover public areas and dancefloor?	Yes
Do staff regularly clear glassware?	Yes
Does the premises use plastic drinkware?	No
Is there a cloakroom?	No
Does the premises have a Medical facility/room?	No
What percentage of the premises is given over to seating and tables?	85%

Premises Staff	
How many staff are on duty?	1
How many Personal Licence Holders on site?	1
Are staff training records available?	Yes from HO
Is there a trained first aider on duty?	Yes
General attitude of staff	
Helpful	

Actions	
Have any breaches in licensing conditions been identified?	Yes
Details of breaches	
No DPS as required by mandatory conditions. Application to be submitted forthwith	
Section 19 (Police and Criminal Justice Act 2001) Closure notice issued?	No
Is an action plan required as a result of this visit?	No
Is a warning letter required as a result of this visit?	Yes
Detail grounds for action plan and or warning letter?	
1) Reminder of obligation to have a DPS specified on the licence (mandatory condition) and not just a personal licence holder working there. 2) Summary of Premises Licence to be displayed and 3) copy of premises licence available for inspection	
Are there other offences or issues relevant to partner agencies (ie fire, environmental health, HM Customs and Excise, Etc).	
Appropriate Agency:	LBB
Details:	Copied by e-mail
Details of whom referral passed to	
Emma Phasey	
Does the premises require a further visit?	Yes
By what date should this visit be completed	22/10/13
General Notes	
Application under sect 37 LA2003 should have been submitted last week.	
Further action by Licensing Office	
Service of Closure Notice if application not submitted within 24 hours	

Pattenden, Daniel

From: Mark.Altman@met.pnn.police.uk
Sent: 08 December 2014 15:52
To: Pattenden, Daniel
Cc: anna.peacock@met.pnn.police.uk
Subject: McGownas Cricklewood Review of prem lic

Dan,
Please note the information below from the Investigating Officer. This will be included in the Police report but I would be grateful if the information could be attached to the papers and noted on your own system for future reference.

Regards

Mark

Sergeant Mark Altman
Licensing Officer

 Phone: 020 8733 5261
 E-mail: mark.altman@met.police.uk
 Mail: Licensing Office
Room 1:20
Colindale Police Station
Grahame Park Way
Colindale NW9 5TW

Smith Glenn A - SX
8 December 2014 14:56
man Mark - SX
2425566/14

Hello Srg

Just so you aware CCTV that was seized from Mcggowans on 14.11.2014 .

The lab have confirmed the CCTV system has no recording on it since 07.07.2014 - It has clearly been faulty for a long time.

T/DC GLENN SMITH | CSU TEAM A | Colindale Police Station |
Barnet Borough

MetPhone 744037 | **Telephone** 0208 733 4037 | **Facsimile** 020 8733 4554 | **Email** Glenn.A.Smith@met.pnn.police.uk
Address Colindale police station, Grahame
Park Way, Colindale.
NW9 5TW

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McGowans Incidents Aug 2013 to November 2014 (CAD's Jan2014 - Nov 2014)

Date	Police Reference No	Description
02/08/2013	Crime report No: 2416927/13 Criminal Damage	A staff member was trying to close the pub. With the shutter pulled half way down a man tried to gain access to the pub. When refused entry, he smashed a window in the door.
28/08/2013	Crime report No: 2418839/13 Theft	A customer had his phone stolen from a table by the gaming machine. Unable to ID suspect as there was no CCTV.
24/11/2013	Crime report No: 2425915/13 Assault	Male believed to have mental health issues was served over a period of 4 hours before asking him to leave. This happened because this male was now drunk & began drinking other customer's drinks. He had also claimed to be a boxer (was shadow boxing) and that he had just been let out of prison. When he was ejected from the pub, he became abusive and kicked a member of staff as he left and shouted "I'll shoot you" He disappeared before police could get there. CCTV was not working so he could not be identified.
14/01/2014	CAD 9066	70 year old male called police to allege that he had been assaulted, having been thrown out of the pub. Officers concluded that the male was drunk and it was a lawful ejection.
01/03/2014	Crime report No: 2404733/14 CAD 7594 Assault	Drunk female calls police to allege that a male has assaulted her. Police discover that she has in fact met a man at the pub and when he was being ejected she tried to get in the way and fell over. Both male and female had been drinking all day and were very drunk A crime was recorded but there was no evidence supporting her allegation. Again CCTV not working.
05/04/2014	Crime report No: 2407648/14 CAD 5698 Public Order Offence	Call made by female staff member alleging they were being threatened by a customer. She started to cry and felt very intimidated and scared. She does not know exactly what was said due to a language barrier and his intoxicated state. Suspect left prior to police arrival. Staff member did not want to substantiate the allegation. On arrival, the atmosphere within the venue felt hostile, like the patrons did not like police
16/04/2014	Crime report No: 2408495/14 CAD 679 Criminal Damage	Call made to police by bar staff. Loud disturbance heard in the background. 1 male arrested for breaking a window. He admitted being at the pub but denied causing any damage then made a no comment interview to all other questions. No CCTV to support evidence. Investigating officer made numerous attempts to obtain the CCTV and even went to another McGowan pub in Neasden after being asked to attend there to obtain the CCTV.

Date	Police Reference No	Description
29/04/2014	Crime report No: 2409552/14 Racial Incident/Public Order/Assault	Two Irish males drinking in the gated outside area of the pub. A glass was thrown at a black member of the public walking by, but missed him. As an apology was shouted out, another glass was thrown which hit the male on the arm. No injuries. CCTV was requested. Unfortunately of such poor quality in the dark that the suspects could not be identified.
09/05/2014	CAD 6712	Bar staff call police due to customers throwing glasses and refusing to leave. They apparently left as call to police was made. Staff asked police not to attend. No allegations substantiated.
17/05/2014	CAD 11314	Anonymous information from a customer that there was a man in the pub spiking drinks and selling amphetamines. Subject searched for by police in the local area, but not found.
25/05/2014	CAD 5901	Male caller states that a female at the pub has hit him. Resulted as barred couple attended the pub, when refused service and asked to leave female has hit the caller, believed staff member. However refused to substantiate allegation.
27/05/14	Crime report No: 2411810/14 Common Assault	Nail O'REGAN the DPS was hit by female and called Police However when Police arrived he did not wish to make any criminal allegations and was not willing to give a statement or attend court.
02/06/2014	Crime report No: 2412205/14 Criminal Damage	Police called to pub. Male identified as having caused £1500 worth of damage to the men' toilets. He had been drunk and damaged the walls and a cubical door. Suspect arrested. Denied offence in interview, but claimed not to remember as he was drunk having consumed about 7 pints. Manager withdrew allegation when this male paid him directly for the cost of repairs.
23/06/2014	CAD 169	Bar staff call police stating there was a fight at the location. A loud disturbance was heard in the background. Police attend but no-one wants to make any allegations to them.
04/07/2014	Crime report No: 2414804/14 CAD 3857 Criminal Damage	DPS calls police due to a male throwing a street bin through the window, having been refused service. Allegation dropped prior to being identified by police as they had paid the manager directly for the cost of the repairs.
13/07/2014	Crime report No: 2415906/14 CAD 6073 Assault	Female calls from the pub stating that she has been assaulted by her, now, ex-partner. Police attend to find that she has left and will not answer calls. Police spend the next 5 days trying to locate her to take a report, but she refuses to co-operate.

Date	Police Reference No	Description
08/08/2014	CAD 4917	Call made to police by customer witnessing a male arguing with bar staff over money that has been fed in to a gaming machine and he thinks he is owed money back. Believed that male left prior to police being able to attend. No allegations made by staff.
06/09/2014	CAD 11019	Call made by a male at the pub believing he has someone coming to get him. Police attend to find a very drunk male there who was experiencing delusions. They took him home for his safety.
08/09/2014	Crime report No: 2420052/14	Police called by staff at the pub due to a male that they wanted ejected from the premises being abusive. He was in a group, but they all disappeared prior to police arrival. Could not be identified.
02/11/14	Crime report No: 2424593/14 CAD 6523 Assault (NFA)	<p>Nick SICKA bar manager was suspect for this He has previously been issued with a Penalty Notice for selling alcohol to a person who was drunk (10/01/2013 Castle Inn Isle of Wight PNCID 13/97183F)</p> <p>Informant and her sister were both drunk slumped on the concrete steps down the road from the pub. Claimed to have been drinking in the pub all day. Told to leave by the Manager and when they reused he apparently glassed one of them and dragged the other out of the pub. Injuries were not consistent with allegation Nick SICKA has claimed that they picked up the glass as he refused to serve them as they are barred.</p> <p>Customers were spoken to, they declined their details and were unable to provide any evidence except the fact that the 2 females had been in the pub and they had not seen a glassing incident.</p> <p>Both females were too drunk to give a statement.</p> <p>CCTV in the pub but it is broken.</p>
08/11/2014	CAD 9401	Call to police from Ambulance. On police arrival it appears that a male has sustained a head injury in the pub, but no allegations were made by him. He gave no explanation of how it happened.
09/11/2014	CAD 9950	Staff member working alone reporting 5 males refusing to leave. They were moved on by police.
10/11/2014	Crime report No: 2425487/14 Theft	<p>Victim who admitted to be drunk at the time of offence had her purse emptied of contents including house keys. They were taken when she left her fleece in the external smoking area whilst she went to the toilet.</p> <p>Police unable to view CCTV as the unit had been seized by Police following a previous incident.</p>

Date	Police Reference No	Description
13/11/14	Crime report No: 2425595/14 Robbery	Victim alleges that whilst in the gent's toilet a male and female came in told him to shut up and shoved him against the wall. They then removed a ring from the suspects finger and returned to a group who were drinking in the pub. VIW then spoke to Nick the pub manager and asked him to call the police, but Nick said, "Give them five minutes to give it back. I can't be calling the police too often from a public house" Victim was too scared to call Police until he went home.
14/11/2014	Crime report No: 2425566/14 CAD 10928/13NOV14 GBH (Assault)	Nick SICKA bar manager arrested for this offence Police called. Female seen outside pub being punched repeatedly by a male thought to be the manager of the pub. Female alleges that the pub manager has grabbed her by her hair and swung her on to the floor while she was in the smoking area. When she went outside she was jumped out on by him from an alleyway and hit several times. Female was very drunk. Had been drinking all day and consumed a cocktail of drugs and was very unpredictable. Bar manager Mr SICKA arrested and currently on Police bail 13/01/2015 Conditions: Passport surrendered & not to go to McGowans in Cricklewood Lane.
17/11/14	Crime report No: 2425828/14 Threats to Kill	A staff member has been in the pub when a female (believed related to the victim from 2425566/14) has entered the pub and made threats to kill the manager if he returns to the pub. This investigation is also on-going. Nick SICKA bar manager & Victim of this crime
22/11/2014	Crime report No: 2426445/14 CAD 8399 Assault	Victim called Police after claiming he had been punched a couple of times inside the pub. No details of injury provided and Police unable to trace victim at scene (call made from public phone box) It is not known what has occurred inside the pub. When Police attended the Pub neither staff or customers were able to assist.

Date	Police Reference No	Description
22/11/2014	Crime report No: 2426329/14 linked to 2426402/14 & 2426417/14 (same suspect) Criminal Damage	Anna BUSSE bar staff appears to be in charge as Nick SICKA is on Police bail and not allowed in the pub A male who has been previously banned from the pub is refused service becomes aggressive and then threw three bar chairs behind the bar area, hitting and damaging bottles of alcohol and a ceiling light. Anna BUSSE got scared and hid behind the bar area. Suspect was escorted out of the premises by one of the customers. There is CCTV coverage of scene, which corroborates the events as above. This has been viewed by Police
23/11/2014	Crime report No: 2426402/14 linked to 2426329/14 & 2426417/14 (same suspect) CAD 3461 Criminal Damage	Anna BUSSE bar staff appears to be in charge as Nick SICKA is on Police bail and not allowed in the pub Officers attended McGowans pub, a male SUS has entered the pub, covering his face with a hoodie on picked up a stool and threw it at the bar counter area, breaking the above lamp hanging from the ceiling, he did this with 3 stools and broke 3 different headlamps. As a result of this, bottles of alcohol and glasses were broken. VIW1 the staff on duty was on her own working, however another two male regular costumers were at the premises. VIW1 was behind the bar counter when he threw the first stool. VIW1 has got extremely scared and ran into the cellar to avoid the stools, locking herself in whilst calling police. Upon attending, VIW1 was very distressed, she was shaking and crying and lost for words, she was stuttering whilst giving the males description to officers. She told officers the same thing had happened yesterday. SUS is a local costumer who has a history of stealing from customers in the pub, VIW1 was informed by her manager that he was not to be served as he was banned from all McGowans pubs. VIW1 said to the male yesterday that he was banned and that she would not serve him at which point he has thrown things around resulting in breaking many alcohol bottles.

Date	Police Reference No	Description
23/11/2014	Crime report No: 2426417/14 linked to 2426329/14 & 2426402/14 (same suspect) Assault	<p>Anna BUSSE (also spelt BESSE by officers?) bar staff appears to be in charge as Nick SICKA is on Police bail and not allowed in the pub</p> <p>Anna was shopping with her brother Adam in Iceland on Cricklewood Broadway (around the corner from the pub) when they saw the suspect for the previous incidents.. Adam was aware of Thomas causing damage to the pub, so he shouted out to Thomas and his girlfriend "Why don't you just fuck off?!" Thomas heard this, walked up to Adam and punched him in the face. The punch connected with his cheek bone, just below his right eye. This has left a small red/ pink mark under his eye.</p> <p>Adam (who speaks broken English and requires the help of Anna to translate) stated he punched Thomas back and this connected with his face. The pair were separated, Thomas then left the store.</p>



TOTAL POLICING

Licensing Act 2003 - Record of Visit to Licensed Premises

Details			
Name of Premises:	McGOWANS		
Address of Premises:	26-28 CRICKLEWOOD LANE, NW2		
Premises Type / Event:	PUBLIC HOUSE		
Date of Visit:	20/11/2014	Time Of Visit:	2020 Hours

Officers in Attendance			
1.	SC SHANE CLARKE 54535X	CAD Reference:	N/A
2.	A/PS MARK FRAMPTON 4505X	CRIS Reference:	N/A
3.		CRIMINIT Reference:	SK1500111699
4.			

Premises Details	
Is the Premises Licence Summary displayed and correct?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the Designated Premises Supervisor (DPS) present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Record details of DPS personal Licence (include full name, issuing authority and lic No.)	
LN/199906225 SC NO DPS PRESENT	
DPS Contact No.:	0208 452 0608
If No DPS is present provide details of person in charge:	JESS LIGHT, 0755 764 6504
Record details of personal Licence (include full name, issuing authority and lic No.)	
McGOWANS, 26-28 CRICKLEWOOD LANE - BARNET LN/199906225 (LICENCE NO)	
Is the full premises Licence or an endorsed copy available?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
What is the capacity of the premises if shown on premises licence?	NOT SHOWN
How many persons present (rough headcount)?	5
What process is used to record customer numbers (clicker, tickets head count etc)?	
NONE	

Details of Door Staff

Are Door Staff required by licence conditions?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Number of Door staff on duty		Male: 0	Female: 0
Name of Security company		N/A	
Full Name	D.O.B.	SIA Badge	Full Badge Number
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Register of Door Supervisors complete and correct		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Incident log kept and complete		Yes <input type="checkbox"/> No <input type="checkbox"/>	

Operation of Premises

Is CCTV required by the licence?	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>
If no is CCTV installed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is there a member of staff trained and available to operate the CCTV system?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is CCTV operating correctly and in accordance with any licence conditions? If no detail defects	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Are customers searched prior to entry? What is the procedure?	
NO	
Is the search area covered by CCTV?	
Is there a system for recording or verifying customer details and age, what is the system? (Passport, driving licence PASS card or use of ID scan, entry scan, or other biometric screening systems)	
N/A	
Does the venue operate any drinks promotions? If yes provide details	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>
N/A	
Details of the Premises age verification policy (e.g. challenge 21/25)	
Challenge 21	

Toilets and public areas

Toilets

Are the toilets regularly checked by staff?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is there a Toilet attendant?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are the toilets covered by CCTV?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are the toilets and environs well maintained?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is there any evidence of drugs use in this area? If yes detail evidence (drugs paraphernalia, or evidence obtained from drugs swipes or drugs itemiser)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Smoking area:

Is there a designated smoking area?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is it covered by CCTV?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is it controlled by staff?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is there a re-entry search policy?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Public areas:

Is the ambient lighting in public areas adequate?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is there a VIP area?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does CCTV cover public areas and dancefloor?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Do staff regularly clear glassware?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Does the premises use plastic drinkware?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is there a cloakroom?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the premises have a Medical facility/room?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
What percentage of the premises is given over to seating and tables?	75 %	

Premises Staff

How many staff are on duty?	1	
How many Personal Licence Holders on site?	0	
Are staff training records available?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is there a trained first aider on duty?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

General attitude of staff

Helpful Unhelpful Obstructive Other

Actions	
Have any breaches in licensing conditions been identified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details of breaches	
Section 19 (Police and Criminal Justice Act 2001) Closure notice issued?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is an action plan required as a result of this visit?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is a warning letter required as a result of this visit?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Detail grounds for action plan and or warning letter?	
Are there other offences or issues relevant to partner agencies (ie fire, environmental health, HM Customs and Excise, Etc).	
Appropriate Agency:	
Details:	
Details of whom referral passed to	
Does the premises require a further visit?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
By what date should this visit be completed	
General Notes	
Further action by Licensing Office	

**Part 1, Chapter 3,
Section 21 of the
Violent Crime
Reduction Act 2006
(c.38)**

- (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.
- (6) The Secretary of State must not make regulations containing (with or without other provision) any provision that he is authorised to make by this Chapter unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (7) Subsection (5)(b) is subject to the restriction on exemptions contained in section 15(6).

CHAPTER 3

OTHER PROVISIONS

Licence reviews

21 Power of police to require review of premises licence

After section 53 of the Licensing Act 2003 (c. 17), insert –

“Summary reviews in serious cases of crime or disorder

53A Summary reviews on application of senior police officer

- (1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if –
 - (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
 - (b) a senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both;
 and that certificate must accompany the application.
- (2) On receipt of such an application, the relevant licensing authority must –
 - (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
 - (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.
- (3) The Secretary of State must by regulations –
 - (a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;
 - (b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;
 - (c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and interested parties;

- (d) prescribe the period after the making of the application within which the advertisement must be published;
 - (e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any interested party; and
 - (f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).
- (4) In this section –
- ‘senior member’, in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and
 - ‘serious crime’ has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).
- (5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

53B Interim steps pending review

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) The interim steps the relevant licensing authority must consider taking are –
 - (a) the modification of the conditions of the premises licence;
 - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) the removal of the designated premises supervisor from the licence;
 - (d) the suspension of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps –
 - (a) its decision takes effect immediately or as soon after that as that authority directs; but
 - (b) it must give immediate notice of its decision and of its reasons for making it to –
 - (i) the holder of the premises licence; and
 - (ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).

- (6) If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (7) The relevant licensing authority must give advance notice of the hearing to –
 - (a) the holder of the premises licence;
 - (b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (8) At the hearing, the relevant licensing authority must –
 - (a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and
 - (b) determine whether to withdraw or modify the steps taken.
- (9) In considering those matters the relevant licensing authority must have regard to –
 - (a) the certificate that accompanied the application;
 - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
 - (c) any representations made by the holder of the premises licence.
- (10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

53C Review of premises licence following review notice

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.
- (2) The relevant licensing authority must –
 - (a) hold a hearing to consider the application for the review and any relevant representations;
 - (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
 - (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).
- (3) Those steps are –
 - (a) the modification of the conditions of the premises licence,
 - (b) the exclusion of a licensable activity from the scope of the licence,
 - (c) the removal of the designated premises supervisor from the licence,
 - (d) the suspension of the licence for a period not exceeding three months, or
 - (e) the revocation of the licence.

- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (7) In this section ‘relevant representations’ means representations which—
 - (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).
- (8) The requirements are—
 - (a) that the representations are made by the holder of the premises licence, a responsible authority or an interested party within the period prescribed under subsection 53A(3)(e),
 - (b) that they have not been withdrawn, and
 - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—
 - (a) the holder of the premises licence,
 - (b) any person who made relevant representations, and
 - (c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (11) A decision under this section does not have effect until—
 - (a) the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, the time the appeal is disposed of.”

22 Provisions supplemental to s. 21

- (1) In section 10(4) of the Licensing Act 2003 (c. 17) (matters not capable of delegation to officers of a relevant licensing authority)—
 - (a) in paragraph (a), after sub-paragraph (vi) insert—

“(via) section 53A(2)(a) or 53B (determination of interim steps pending summary review),”;
 - (b) after paragraph (b), insert—

“(ba) any function under section 53C (review following review notice), in a case where relevant representations

(within the meaning of section 53C(7)) have been made.”.

- (2) In Schedule 5 to that Act (appeals), after paragraph 8 insert—

“Summary review of premises licence

- 8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).
- (2) An appeal may be made against that decision by—
- (a) the chief officer of police for the police area (or each police area) in which the premises are situated,
 - (b) the holder of the premises licence, or
 - (c) any other person who made relevant representations in relation to the application for the review.
- (3) In sub-paragraph (2) ‘relevant representations’ has the meaning given in section 53C(7).”

Persistently selling alcohol to children

23 Offence of persistently selling alcohol to children

- (1) After section 147 of the Licensing Act 2003 (c. 17) insert—

“147A Persistently selling alcohol to children

- (1) A person is guilty of an offence if—
- (a) on 3 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18;
 - (b) at the time of each sale the premises were either licensed premises or premises authorised to be used for a permitted temporary activity by virtue of Part 5; and
 - (c) that person was a responsible person in relation to the premises at each such time.
- (2) For the purposes of this section alcohol sold to an individual aged under 18 is unlawfully sold to him if—
- (a) the person making the sale believed the individual to be aged under 18; or
 - (b) that person did not have reasonable grounds for believing the individual to be aged 18 or over.
- (3) For the purposes of subsection (2) a person has reasonable grounds for believing an individual to be aged 18 or over only if—
- (a) he asked the individual for evidence of his age and that individual produced evidence that would have convinced a reasonable person; or
 - (b) nobody could reasonably have suspected from the individual’s appearance that he was aged under 18.
- (4) A person is, in relation to premises and a time, a responsible person for the purposes of subsection (1) if, at that time, he is—

Guidance issued by Home Office on Summary Reviews 2012



Home Office

Section 53A Licensing Act 2003

Summary Review Guidance

CONTENTS

- 1. Introduction**
- 2. The Steps – Summary Review**
- 3. The Licensing Authority and the Interim Steps**
- 4. Making representations against the Interim Steps**
- 5. The Review of the Premises Licence**
- 6. Right of Appeal**

ANNEX A

- 1. Certificate Under section 53A(1)(b) of the Licensing Act 2003**

ANNEX B

- 2. Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

INTRODUCTION

- 1.1 This guidance explains how to use the provisions in the Licensing Act 2003 (“the 2003 Act”), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.
- 1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in Part 8 of the 2003 Act provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C, which are in Part 3 of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.4 The powers allow:
 - the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and
 - the licensing authority to respond by taking interim steps quickly, **where appropriate**, pending a full review.
- 1.5 In summary, the process is:
 - the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
 - on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 1.6 The options open to the licensing authority at the interim steps stage include:
 - modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - removal of the designated premises supervisor from the licence; and

- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

THE STEPS

2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

Application for expedited review

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
 - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
 - (b) involves the use of violence, results in substantial financial gain or is conducted by a large number of persons in pursuit of a common purpose.
- **Serious disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the

2003 Act. **The application must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.**

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, **where appropriate**, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective

tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.¹

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub-committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act (available at:

www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing).

3.5 If the licensing authority decides to take steps at the interim stage:

¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon as possible after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend

at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority².

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

² Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

- relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).
- 5.7 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
 - any person who made relevant representations; and
 - the chief officer of police who made the original application.

6. Right of Appeal

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

Example Form

Annex A

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder³.

*Premises*⁴:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a _____⁵ in the
police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁶:

.....

³ Delete as applicable.

⁴ Include business name and address and any other relevant identifying details.

⁵ Insert rank of officer giving the certificate, which must be superintendent or above.

⁶ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

(Signed)

(Date)

Statutory Form For Applying For A Summary Licence Review

Annex B

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I [on behalf of] the chief officer of police for the police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Post town:

Post code (if known):

2. Premises licence details:

Name of premises licence holder (if known):

Number of premises licence holder (if known):

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Signature of applicant:

Date:

Capacity:

Contact details for matters concerning this application:

Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



Home Office



ISBN: 978-1-84987-918-7
Published by the Home Office

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Matters for Decision

Section 53A - LICENSING ACT 2003
‘Summary reviews in serious cases of crime and disorder’

OFFICERS REPORT – EXPEDITED REVIEW

McGowans, 26-28 Cricklewood Lane, London, NW2 1HB

Notification in accordance with Section 52 (10) of the Licensing Act 2003.

10. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to-
- (a) the holder of the licence,
 - (c) any person who made relevant representations, and
 - (d) the chief officer of police for the police area (or each police area in which the premises are situated).
11. A decision under this section does not have effect until -
- (a) the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, until the appeal is disposed of.

Reason(s)	Steps taken (if any)

Steps taken (if any)	Reason(s)

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