

MEETING

LICENSING SUB-COMMITTEE

DATE AND TIME

THURSDAY 13TH JULY, 2017

AT 10.30 AM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

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

Councillors

**Alison Cornelius
Claire Farrier
Zakia Zubairi**

** 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 Charlwood – 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	5 - 8
5.	REVIEW OF PREMISES LICENCE – GUNS & SMOKE, CHURCH PARADE, BARNET, LONDON, EN5 4QS	9 - 156
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.

Governance Officer

- To seek nominations for Chairman
- Elect Chairman
- Hand over to the Chairman

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.
- 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 ⁶

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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	<p>Licensing Sub-Committee Thursday 13th July 2017</p>
<p>Title</p>	<p>Review of Premises Licence – Guns & Smoke, 1b Church Parade, Barnet, London, EN5 4QS</p>
<p>Report of</p>	<p>Trading Standards & Licensing Manager</p>
<p>Wards</p>	<p>High Barnet</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Report of the Licensing Officer Annex 1 – Review Application Annex 2 – Current Premises Licence Annex 3 – Representations Annex 4 – Additional information Annex 5 – Extract from Guidance under section 182 Licensing Act 2003 Annex 6 – Matters for decision</p>
<p>Officer Contact Details</p>	<p>Mariesa Connolly 020 8359 7443 Licensingadmin@barnet.gov.uk</p>

Summary

This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003.

Recommendations

- 1. This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003 for Guns & Smoke, 1b Church Parade, Barnet, London, EN5 4QS**

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received valid review application for an existing premises licence must hold a hearing to consider that application and any valid representations that may have been submitted.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Where an application is submitted under section 51 of the Licensing Act 2003, the authority must hold a hearing to consider it.

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 premises licences should be dealt with where valid representations have been submitted.
- 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 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 has been followed in accordance with the Licensing Act 2003

6. BACKGROUND PAPERS

9.1 The review application and report of the Licensing Officer are and necessary appendices are attached to this report.

Officers Report

LICENSING ACT 2003
REPORT FOR PUBLIC HEARING

Review of the premises licence:

Guns & Smoke, 1b Church Passage, Barnet, London, EN5 4QS

1. The Applicant

An application was submitted by PC John Akers on behalf of the Metropolitan Police.

2. The Application

This application has been made under Section 51 of the Licensing Act 2003 to review the Premises Licence held by Holistic Enterprises.

Licensing objectives to which the review application relates is:

- The prevention of crime and disorder
- The protection of children from harm.
- Public safety.
- The prevention of public nuisance.

PC John Akers has made the following statements within Metropolitan polices application:

- The premises have over a period of 4 months breached numerous licensing conditions, of which as a result has led to the premises failing in their obligations to promote the 4 licensing objectives. As a result of the failure in these licensing obligations the premises despite Police interventions have continued to breach licensing conditions.

A full copy of the Review application is attached to this report in **Annex 1**.

3. Premises Licence History

This premises licence was first applied and granted in 2008. Since that application there have been 3 applications to transfer the licence, 4 applications to vary the DPS and 1 full variation application. The last transfer on the 6th April 2017 placed Holistic Enterprises as the premises licence holder.

4. Current Premises Licence

The current licence allows the below licensable activities:

Performance of live music - Indoors Only

Friday to Saturday 20:00hrs - 01:00hrs
Sunday to Thursday 20:00hrs - 23:30hrs

Playing of recorded music - Indoors Only

Friday to Saturday 20:00hrs - 01:00hrs
Sunday to Thursday 20:00hrs - 23:30hrs

Entertainment facilities for dancing - Indoors Only

Friday to Saturday 20:00hrs - 01:00hrs
Sunday to Thursday 20:00hrs - 23:30hrs

Provision of late night refreshment - Indoors Only

Monday to Sunday 23:00hrs - 00:45hrs

Sale or supply of Alcohol – Both on and off.

Friday to Saturday 11:00hrs - 00:30hrs
Sunday to Thursday 11:00hrs - 01:00hrs

The current premises licence showing the above stated hours and all of the conditions attached to the premises licence can be found in full attached to this report as **Annex 2**

5. Representations

Responsible Authorities

The Licensing Team have received a representation from Michelle Rudland on behalf of the London Borough of Barnet Licensing team and Roxanne Patemen on behalf of the London Borough of Barnet Noise Nuisance team. Both representations relate to the licensing objectives of prevention crime and disorder, protection of children from harm, public safety and the prevention of public nuisance.

Other representations

The Licensing Team have received 2 representations from members of the public. These representations relate to the licensing objectives of prevention of public nuisance.

The representation can be seen attached to this report in **Annex 3**.

6. Guidance

A Section from the Guidance issued under Section 182 Licensing Act 2003 (June 2013) regarding Reviews Is attached to this report in **Annex 4**.

7. Determination

The sub-committee shall determine the application in accordance with Section 52 of the Licensing Act 2003.
S 52 (3);

“The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

4. The steps are-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;

- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5. Subsection (3) 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 (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Full Copies of the Councils Statement of Licensing Policy and the Statutory Guidance to the Act will be available at the Licensing Sub Committee hearing or in advance if required.

A matters for decision sheet is attached at **Annex 5**

Mariesa Connolly
Licensing Officer
Tuesday, 27 June 2017

Annex 1 – Review Application

Annex 2 – Current Premises Licence

Annex 3 – Representations

Annex 4 – Guidance issued under Section 182 Licensing Act 2003 (June 2013)

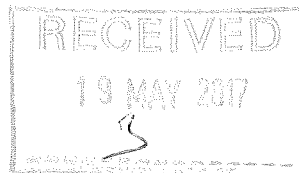
Annex 5 – Matters for Decision

Review Application



**METROPOLITAN
POLICE**

TOTAL POLICING



Licensing Authority
London Borough of Barnet Licensing Team
Barnet House
1255 High Road
Whetstone
London
N20 0EJ

Barnet Police Licensing Team
(Barnet Police Station)
Please send post to;
Licensing (@SA)
C/O Colindale Police Station
Graham Park Way
London
NW9 5TW

Telephone: 020 8733 5147
Email:
john.akers2@met.police.uk

Thursday 11th May 2017

Dear Licensing Authority

Please find enclosed a copy of a review application for Guns and Smoke Bar and Grill, 1b Church Passage, Barnet, EN5 4QS.

Within the application for the review are the grounds which support the Police application being made against the above premises licence.

We have sent copies of this application to the other responsible authorities as required in the act.

Our details are above should you wish to contact us to discuss the matter.

Yours sincerely,

Pc John Akers
Licensing Officer



TOTAL POLICING

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

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 this 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.
- You may wish to keep a copy of the completed form for your records.

I **John Akers**

apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

Guns and Smoke Bar and Grill, 1b Church Passage, Barnet, EN5 4QS

Post town:	London	Post code: (if known)	EN5 4QS
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Name of premises licence holder or club holding club premises certificate (if known):

Holistic Enterprises Limited, 1b Church Passage, Wood Street, Barnet, EN5 4QS

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

LAPRE1/08/14804

Part 2 – Applicant details

I am:

Please tick Yes

1	an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below)	<input type="checkbox"/>
	a) a person living in the vicinity of the premises	<input type="checkbox"/>
	b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
	c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
	d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)										
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>	n/a
Surname:		n/a				First Names:		n/a		
I am 18 years old or over <input type="checkbox"/>										
Current postal address if different from premises address:										
n/a										
Post town:		n/a				Post code:		n/a		
Daytime Tel. No.:						Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
n/a	
Telephone Number (if any):	n/a
Email address: (optional)	n/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
PC John Akers, Licensing Office Room, Barnet Police Station, 26-32 High Street Barnet, EN5 5RU	
Telephone Number (if any):	02087335147
Email address: (optional)	sx_licensing@met.pnn.police.uk / john.akers2@met.pnn.police.uk

This application to review relates to the following licensing objective(s)		
Please tick one or more boxes		
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		
The prevention of crime and disorder Public safety The prevention of public nuisance The protection of children from harm		
The premises have over a period of four (4) months breached numerous licensing conditions of which as a result has led to the premises failing in there obligations to promote the four licensing objectives. As a result of the failure in these licensing obligations the premises despite Police interventions have continued to breach licensing conditions.		
Examples of breaches of licence conditions and in turn failure to meet the licensing objectives are detailed in further detail below.		

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

PROTECTIVE MARKING

On THURSDAY 13TH OCTOBER 2016 the premises were visited to meet with one of the co-owners of the premises. The purpose of the visit being to discuss the conditions Police wished the premises to adopt to form part of the premises licence which was in the process of being varied due to a change to plans. During the course of the meeting it was established that the premises did not currently have a DPS nor any personal licence holder working there at all. The premises were informed that they must submit a valid application to London Borough of Barnet (LBB) to specify a DPS before they were able to sell alcohol again. It was later established that the DPS for the premises informed LBB on 17/09/2016 that he no longer worked at the premises and wanted to be removed as DPS, however the DPS was never in fact appointed as DPS because the application was invalid

On FRIDAY 11TH NOVEMBER 2016 Police licensing officers and LBB conducted a brief visit to the premises. There were several patrons outside the premises using the tables and stools with plenty of empty glasses left on the tables. Persons identifying themselves as being in charge were spoken to by the council licensing officer to remind them they must not use the front part of the premises for licensable activity. During the course of this conversation the premises were informed of what they needed to do in order to comply with the licensing act. Police licensing officers identified areas of concern during the visit namely excessive intoxication, drinks being bought to the venue from off licences, steak knives on the tables, glasses on tables outside the premises and no apparent security to control the premises and its activities. When these matters were brought to the attention of persons in charge the reaction was one of verbal aggression towards Police officers, with persons refusing to engage or communicate in a constructive manner. Police whilst on scene at the premises assisted in dealing with a young male who was so drunk he had thrown up on the floor and needed to be carried out by two of his friends.

On THURSDAY 8TH DECEMBER 2016 Police attended a civil dispute outside the premises relating to a group not wishing to pay the full amount of a taxi fare. During the course of Police talking to the cab driver a door man from the premises informed Police that the premises had taken a booking for a private party and the same group that Police had been called for were also attending the party. The premises were expecting 90-100 persons. It became apparent to Police that the private party was that of travellers with the premises seemingly unaware of the fact, given that the premises had only employed one (1) door man for the booking. The venue was monitored by patrols for the remainder of the evening.

On FRIDAY 9TH DECEMBER 2016 Police were called to a large disturbance outside the premises whereby there was a group of travellers trying to break up a fight with broken glass on the floor. One (1) male had a pint glass in his hand and as such more Police resources were requested as it was clear neither the premises nor door staff could manage the situation. Tables were full of glasses with no apparent effort being made by staff to ask customers to leave given that the premises was already passed its closing time. Most persons were very drunk with only five (5) staff appearing to be on duty with a further three (3) door staff, however two (2) of the three (3) door staff left shortly after Police arrival stating that they had finished. Management did not take any control of the situation with the response to Police "WHAT AM I MEANT TO DO" The onus appeared to be left on Police to clear the premises of which this consumed six (6) police units, one (1) dog unit, two (2) police sergeants and one (1) inspector. The premises were warned by the Inspector that failure to clear the premises would lead to a section 60 closure notice being issued.

On FRIDAY 9TH DECEMBER 2016 the premises were visited by Police licensing officers following up on the above incident from earlier that day. On arrival the premises were immediately in breach of licence conditions relating to the sale of alcohol without food and the time music was playing. Speaking with the manager he was informed of the breaches of the licence, with the manager unable to offer any explanation for the breaches of which in full consisted of 1) music being played at the premises outside of licensable hours, 2) pint glasses and bottles outside the premises, 3) steak knives on the tables throughout the premises causing safety concerns, should these fall into either the wrong hands / wrong circumstances 4) persons attempting to leave the premises in possession of alcohol 5) persons looking of border line age for the purchasing of alcohol, 6) no challenge 21/25 scheme in place, 7) congregation of persons leaving the premises and milling around outside the entrance to the premises, 8) No policies or procedures in place to assist in the management of bookings and no due diligence undertaken in regard to persons hiring the facility

On FRIDAY 30TH DECEMBER 2016 and with licence conditions having been agreed between the Police and the premises on THURSDAY 15TH DECEMBER 2016 the premises were visited by Police licensing. As a result of a visit to the premises on FRIDAY 30TH DECEMBER 2016 the premises were served with a Section 19 Criminal Justice and Police Act 2001 Closure Notice and Notification of Alleged Offences under the Licensing Act 2003 being also instructed to cease the sale of alcohol in addition to removing alcohol from display for sale by retail. The reason for the issuing of the closure notice was due to the fact that the premises were in breach of condition 8 (a,b,c,d,e,f,g,h,i) - annex 2 conditions consistent with the operating schedule specifically ensuring there is operational CCTV within the premises.

On FRIDAY 24TH FEBRUARY intelligence was received by Police that staff at the premises were openly selling drugs from behind the bar to members of the public on a daily basis. As a result of this, this in turn led to a unknown member of staff resigning from there job at the premises two weeks earlier as they did not wish to be involved in such activities.

On FRIDAY 17TH MARCH 2017 during the course of Police visiting the premises, numerous offences were identified that were in contravention of the premises licence of which these were as follows: 1) no-one at the venue able to operate CCTV, 2) PART A & B of the premises licence unavailable, 3) PART B of the premises licence not displayed 4) Persons leaving the premises with alcoholic beverages, 5) Cutlery left on the table at the premises including knives, 6) no refusals log book for the premises, 7) no SIA log for door staff working at the premises 8) no active DPS for the premises, with Police being informed that the DPS only attends the venue to consume alcohol. As a result of the numerous breaches the premises were served with a Section 19 Criminal Justice and Police Act 2001 Closure Notice and Notification of Alleged Offences under the Licensing Act 2003

On SATURDAY 18TH MARCH 2017 the premises were visited by Police. On entering the premises there were around fifty (50) people in the premises at various tables. Open bottles of beer could clearly be seen as well as wine glasses with what looked like wine inside them. The premises once again appeared to be trading as normal despite the previous evening having a Section 19 Criminal Justice and Police Act 2001 Closure Notice served in relation to the sale and display of alcohol at the premises.

On TUESDAY 21ST MARCH 2017 Police attended the premises and spoke with a male who identified himself as the Floor Manager. It was identified that the following breaches of the premises licence were occurring at the venue of which these included:

Given that on FRIDAY 17TH MARCH 2017 the premises had been served with a Section 19 Criminal Justice and Police Act 2001 Closure Notice banning the sale of alcohol until breaches in licence conditions had been rectified, Alcohol was still on display and for sale at the venue with one (1) customer at the venue consuming a pint of lager whilst Police were present. When management of the premises were asked as to why alcohol was still being served from the venue, he stated that alcohol was being served because he believed the matter in relation to the DPS had been resolved. Once again the DPS was not at the venue. Police licensing were however informed that with three (3) colleagues onto a personal licence holder's course on TUESDAY 22ND MARCH 2017

There as yet has been no implementation of a SIA door staff log book nor a refusals register for the venue. This despite the venue being sent templates by Pc 349sx WILCOCK in order that the venue could implement such a system. For such a simple task of implementing the above log books in what is not a particularly time consuming staff the venue once again appeared to be disregarding comments made by Police on previous recent visits to the venue. When the Floor Manager was asked if any record had been made in any log book regards to Police attendance on FRIDAY 17TH MARCH 2017 and SATURDAY 18TH MARCH 2017 he stated that he was not aware that he needed to record such a visit by Police. This is a breach of conditions 9 (a,b,c &d) and 11 (b)

In relation to CCTV for the venue management stated that CCTV whilst cameras were present that neither himself nor the Floor Manager knew how to operate the system. Pc 369sx AKERS asked where about on the premises the CCTV was monitored from, of which it was informed that the CCTV monitor is within the kitchen at the rear of the venue. Upon inspection within the Kitchen the CCTV monitor was pointed out to Pc AKERS 369sx with Pc AKERS being informed that this was the monitor which showed CCTV footage. The monitor was blank despite power to the rear of the monitor. On closer inspection whilst leads were present that should connect to a hard drive, no hard drive was present meaning that CCTV was not recording. When management were asked where the hard drive was, neither knew. When both were asked why they stated the CCTV was recording when in fact it was impossible for it to record given there was no hard drive, neither could answer the question only stating that they did not know where the hard drive had gone as neither ever went into the Kitchen. This is a breach of condition 8 (A to J)

There did not appear to be a noise limiter for the venue with instead a sound board being used for the venue to cut out music for the venue when the music reached a limit identified by BARNET ENVIRONMENTAL HEALTH DEPARTMENT. It was unclear as to whether the sound board is the same as a noise limiter in relation to its operation and as to what if any level the sound board had as a result of visits by BARNET ENVIRONMENTAL HEALTH. The venue are unable to produce any documented evidence that a visit has been made by BARNET ENVIRONMENTAL HEALTH in relation to preventing noise nuisance from the venue and whether any limits had been set on the sound board. This is in addition as to whether the sound board met the requirements of BARNET ENVIRONMENTAL HEALTH. The Floor Manager was however able to demonstrate as to how the sound board works, with music cutting out at a certain point.

Due to the continued numerous breaches in relation to the premises licence and the consistency of these breaches Management were told that alcohol must not be sold at any time until the breaches of the conditions are rectified. The venue were told to either cover up or remove alcohol from display until the above matters are rectified. Notification of alleged offences under the Licensing Act 2003:
Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

Prior to Police leaving the conditions of the premises licence were explained to the Floor Manager.

On TUESDAY 28TH MARCH 2017 Police conducted a visit to the premises

The purpose of the visit was following information received by Police relating to a "youth incident" on Barnet High Street on Friday 24th March 2017. This information came to the attention of Police by way of information received by London Borough of Barnet.

Following research it was identified by Police that numerous calls were made to Police between the hours of 21.35 through until 21.46 with the nature of the calls relating to 20-30 youths fighting, some of which were armed with bottles.

It also became apparent that the incident initially started outside of The Guns and Smoke Bar and Grill before continuing up Barnet High Street in the direction of St Albans Road, passing the venues of McDonalds, Boots and finally Sainsbury's. During the course of Police conducting enquires in relation to Guns and Smoke and what information they were able to share with Police in relation to this matter, the following points were identified

CCTV whilst was now working; footage from outside the venue was of very poor quality and did not provide any evidential value, nor assisted in identifying any suspects / victims for the offence. Footage is black and white and appears to have glare from lights obstructing its view. What CCTV did show was a group of approx. 3-4 persons being ejected from the venue by the SIA door staff, of which this ejection had occurred at 21.30 due to persons being ejected being under 18 (the premises licence only allows persons u'18 to remain in the venue until 21.00 on Friday and Saturday evenings) Staff at the premises were unable to operate the CCTV and as such Police were relied upon to operate the system and find the incident in question.

Whilst from viewing CCTV there was no evidence of parties exiting the venue with glasses / bottles / other intended weapons there did appear to be at least 8 persons sitting around a "Booth" table that is directly opposite the bar about half way up on the right as you enter the venue. Persons sitting appeared to be under the age of 18. Staff stated that I.D. was checked for the person buying alcohol. Staff also stated that the person whom bought alcohol then shared it amongst the other parties sitting within the Booth table which led Staff to intervene at 20.50. The group however were not ejected from the venue despite door staff being informed as well as door staff being within the venue until 21.30 when the disturbance outside the venue occurred. Footage has been requested by Police for the above, however as yet Police have still to receive this footage.

Almost as soon as the above group of 8 persons were ejected from the premises two persons appeared from the direction of Church Passage heading in the direction of Barnet High Street. At the junction with Moxon Street but on the same side of the High St as Guns and Smoke a scuffle ensued believed to be between the above parties of which door staff for the venue were neither immediately visible on camera nor were they identifiable by way of high visibility tabard/s. As such door staff appeared to be slow to react to what could only be seen as a scuffle. When door staff did intervene the parties were separated. There was however no record of this scuffle, nor the ejection from the venue within any incident log book, nor was there any record of what door staff were working on the evening in question covering in particular names, DOB, badge numbers, expiry dates etc.

From speaking with staff, staff informed Police that a golf club was taken from one of the two males who approached the venue from Church Passage and who was involved in the scuffle. This golf club was disposed of, again there was no record of who actually seized this golf club, how it was disposed or any details for the person who was originally in possession of the golf club. Staff were under the impression that it was themselves who should be completing the incident log book, when however it should be door staff recording such incidents and making management at the premises aware.

Staff stated that there were three (3) SIA door staff on duty of which one (1) remained within the venue with another two (2) supposedly by the entrance to the premises.

The above incident aside there still appears to be issues with persons congregating at the front of the venue with little or no interaction from door staff at the venue to move parties away or back inside the venue.

On FRIDAY 31ST MARCH 2017 a Closure Notice under Part 4 Chapter 3 of the Anti-Social Crime and Policing Act 2014 was served on the premises of Guns and Smoke Bar and Grill, 1b Church Passage, High Street, Barnet, EN5 4QS at 17.00 hours. The above was served by Daniel PATTENDEN Licensing Officer for the London Borough of Barnet. The authorisation of the notice was for a period of 24 hours with the necessity of the closure being that the venue had been operating without a DPS, numerous breaches of licence conditions and the venue

repeatedly breaching noise levels with live music by failing to use a sound inhibitor. The authorisation of the Closure Notice was for a period of 24 hours.

On MONDAY 9TH MAY 2017 Police officers visited the premises as a result of disturbances that had occurred within BARNET HIGH STREET in the early hours of SATURDAY 7TH MAY 2017. The venue stated on the date in question of FRIDAY 7TH MAY 2017 into SATURDAY 7TH MAY the venue had been used for private hire. During the course of the visit Police finally met the DPS Bulent GULEN. Police took this opportunity to go over with the premises conditions associated to the premises licence with both Bulent GULEN and the potential new DPS George. During the course of Police visiting no PART B of the premises licence was available. There are also still inconsistencies with the completion of the SIA log book. It was however noted the venue have been taking steps to improve the premises by way of repairs to flooring, the venue looking cleaner, challenge 25 signage in place and CCTV footage throughout. CCTV at the front of the venue still appears to be of very poor quality.

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?	<input type="checkbox"/> (Please tick yes)		
	Day	Month	Year
If yes, please state the date of that application:			
If you have made representations before relating to this premises please state what they were and when you made them:			

PROTECTIVE MARKING

N/A

Please tick Yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.




I understand that if I do not comply with the above requirements my application will be rejected.



PROTECTIVE MARKING

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)			
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.			
Signature:		Date:	11/05/2017
Capacity:	Police Officer		
Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)			
PC Akers, Licensing Office Room, Barnet Police Station, 26-32 High Street Barnet, EN5 5RU			
Post town:	Barnet	Post code:	EN5 5RU
Telephone Number (if any):			
02087335147			
If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):			
john.akers2@met.pnn.police.uk			

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Retention Period: 7 years
MP 144/12

Current Premises Licence

Licensing Act 2003 Part A Premises Licence Premises Licence Number : LAPRE1/08/14804	Licensing Authority: London Borough of Barnet, Community Protection (Regulation) Barnet House 1255 High Road Whetstone London N20 0EJ 07/06/2017
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey reference or description Guns & Smoke , 1B Church Passage, Barnet	
Post Town London	Post Code EN5 4QS
Telephone number 020 8441 8111	
Where the licence is time limited the dates This premises licence is not time limited.	
Licensable activities authorised by the licence <ul style="list-style-type: none"> ●The Sale by Retail of Alcohol ●The Provision of Regulated Entertainment ●The Provision of Late Night Refreshment 	

The times the licence authorises the carrying out of licensable activities

Performance of live music - Indoors Only

Standard Days & Timings

Friday to Saturday	20:00hrs - 01:00hrs
Sunday to Thursday	20:00hrs - 23:30hrs

Playing of recorded music - Indoors Only

Standard Days & Timings

Friday to Saturday	20:00hrs - 01:00hrs
Sunday to Thursday	20:00hrs - 23:30hrs

Entertainment facilities for dancing - Indoors Only

Standard Days & Timings

Friday to Saturday	20:00hrs - 01:00hrs
Sunday to Thursday	20:00hrs - 23:30hrs

Provision of late night refreshment - Indoors Only

Standard Days & Timings

Monday to Sunday	23:00hrs - 00:45hrs
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Sale or supply of Alcohol -

Standard Days & Timings

Friday to Saturday	11:00hrs - 00:30hrs
Sunday to Thursday	11:00hrs - 01:00hrs

The hours that the premises are open to the public

Standard Timings

Monday to Sunday	11:00hrs - 01:30hrs
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Both on and off the premises

Part 2

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

Holistic Enterprises
1B Church Passage
Barnet
EN5 4QS

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

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Bulent Guler

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

Personal Licence number:
Personal Licence Issuing Authority:

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.
 - i. (1) The responsible person must 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
 - ii. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

iii. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

(a) a holographic mark, or

(b) an ultraviolet feature.

iv. The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

4. 1.A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a)"duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b)"permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i)P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

5. 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.

Annex 2 – Conditions consistent with the operating schedule

6. Alcohol for consumption off the premises shall only be served to customers of the restaurant and /or those who have ordered take away food.

7. Staff shall be appropriately trained and instructed.

8. A CCTV system will be installed that complies with the following specifications:

Digital recording colour CCTV comprising of a multi camera system

The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium.

If the head unit (recorder) is kept on the premises it must be located in a secure cabinet or other secure area, preferably out of the sight and reach of the public. (The unit must be further secured by physical means to prevent anyone from merely picking up and removing the unit, e.g. a secure metal boot, or metal case strap, bolted to an immovable object like a wall or floor).

A CD, DVD burner or USB type device will also form part of the system to facilitate making copies of the footage .

The quality of the images must be of a sufficiently high standard to allow identification of the subject matter .

Cameras will cover key areas identified by the operator and Police. These will include clear headshots of persons entering the premises and comprehensive coverage of the Bar, Stage, dancefloor and seated areas. The footpath immediately outside the premises (smoking area) must also have coverage.

Images must be retained for a minimum period of 31 days before overwriting.

The images will be made available in reasonable time on demand by the Police and authorised officers of the London Borough of Barnet.

At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet.

This system will be fully maintained at all times to ensure correct operation.

9. A refusals / incidents register shall be maintained at the premises recording.

All known incidents of crime and disorder occurring at the premises with dates and times

Details of occasions when the emergency services are called to the premises

All refusals of alcohol sales and ejections from the premises.

This register will be available for inspection by a police officer or other authorised officer on request.

10. The premises shall operate a challenge 25 policy. Anyone attempting to purchase alcohol who appears under the age of 25 years shall be required to produce valid photo ID (such as a photo card driving licence, passport or PASS accredited age verification card) to prove they are 18 years or older. Failure to produce acceptable ID shall result in a refusal of the sale. This refusal shall be documented in the refusals / incident log.

11. Suitable numbers of SIA accredited door staff must be employed on Friday, Saturday Nights, and any Thursday/Sunday Night preceding a bank holiday when there is the licensable activities of

regulated entertainment and live music taking place. They will be on duty from 2100 hours until the premises is closed and secured. These number are to be risk assessed by the premises licence holder.

a) In addition to the above stipulations, an SIA registered member of staff will be on the premises for all functions where the licensable activity of live music is taking place.

b) A log is to be kept of who has been employed (including badge number), when they have been on duty and what their contact details are. This log must be available for inspection by the police or authorised local authority officer

12. All cutlery (especially steak knives) will be removed from the tables from 2000 hours when they are not being used by a customer consuming a meal.

13. All doors and windows to be kept closed from 2000 hours, except for ingress and egress.

14. The premises licence holder is to ensure that all patrons entering are not bringing in alcohol from outside the premises.

15. No glasses or glass bottles are to be taken outside the premises at any time.

16. No persons under 18 years old to be on the premises after 2100 hours on Friday Nights, Saturday nights or any night preceding a bank holiday. (i.e. Thursday Before Easter bank holiday Friday, Sunday Nights before a bank holiday Monday and Christmas Eve).

17. All staff involved in alcohol sales will have training in relation to age restricted sales and the current licensing act legislation. Proof that such training has been given will be recorded in a log. This log will be kept at the premises and will be available for inspection by the police or authorised local authority officer when requested.

18. All amplified music is to be played through a noise limiter, which shall be set at a level agreed by Barnet's Environmental Health Department.

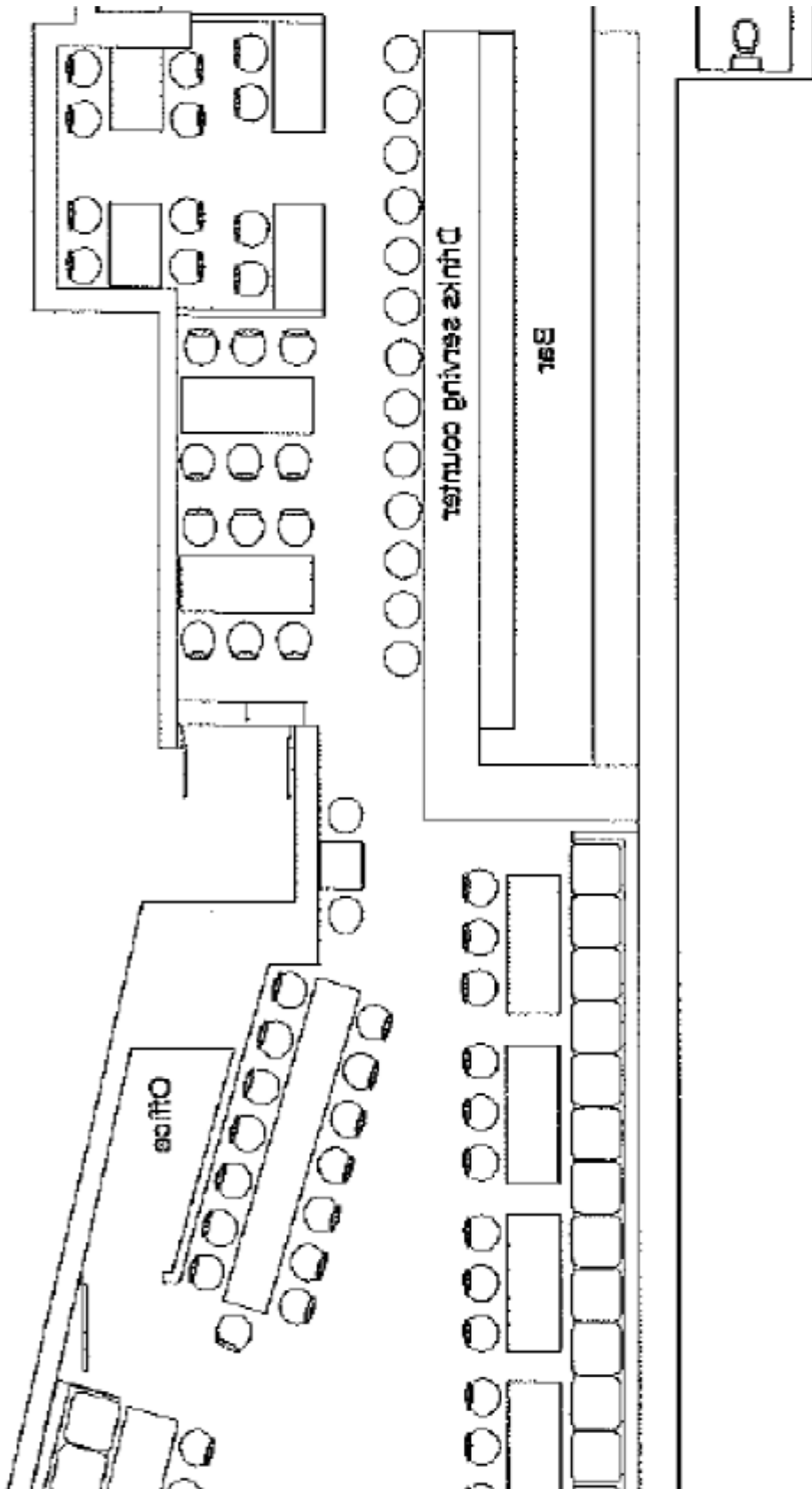
19. The applicant is to liaise with Barnet's Environmental Health Department concerning noise and vibration levels and shall comply with any recommendations made concerning the position of the music system.

20. No noise shall emanate from the premises that gives rise to a statutory noise nuisance.

Annex 3 – Conditions attached after hearing by the licensing authority

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 LAPRE1/08/14804



Representations

The London Borough of Barnet
Community Protection (Regulation)
Licensing – Responsible Authority
Barnet House
1255 High Road
Whetstone
London
N20 0EJ

**Licensing Team
Barnet House
1255 High Road
Whetstone
London
N20 0EJ**

contact: Michelle Rudland
tel: 020 8359 7443
e-mail: michelle.rudland@barnet.gov.uk
date: **16th June 2017**
our reference: Review – Guns & Smoke

RE: Review application: Licensing Authority acting as Responsible Authority

Premises: Guns & Smoke 1B Church Passage, Barnet, London, EN5 4QS

As the Licensing Authority (acting as a Responsible Authority in this case) I am making formal representation in support of the Review Application submitted by the Police in relation to the above mentioned premises. The reason for submitting this representation is that the Licensing Authority has concerns arising from the premises licence holders failure to promote the licensing objective of prevention of crime and disorder and the protection of children from harm, public safety and the prevention of public nuisance.

Our records show that since the initial transfer application which placed Ray Infotech Ltd onto the premises licence back on 13th November 2014, the licensing authority have had great difficulty to ensuring that this premises licence and its attached conditions were complied with.

The attached document titled 'Guns & Smoke Compliance & Enforcement Timeline' shows a detailed list of the dealings that the licensing team have had with this premises and the licence holders.

As you can see from the information provided breeches of the following conditions have all been witnessed since 22nd March 2017. Please note that these conditions were placed on the licence with during a variation application after discussions with the Police. The Variation Application was granted on the 14th December 2016.

- 3 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 8 A CCTV system will be installed that complies with the following specifications:
 - a. Digital recording colour CCTV comprising of a multi camera system
 - b. The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium.
 - c. If the head unit (recorder) is kept on the premises it must be located in a secure cabinet or other secure area, preferably out of the sight and reach of the public. (The unit must be further secured by physical means to prevent anyone from merely picking up and removing the unit, e.g. a secure metal boot, or metal case strap, bolted to an immovable object like a wall or floor).

- d. A CD, DVD burner or USB type device will also form part of the system to facilitate making copies of the footage .
 - e. The quality of the images must be of a sufficiently high standard to allow identification of the subject matter .
 - f. Cameras will cover key areas identified by the operator and Police. These will include clear headshots of persons entering the premises and comprehensive coverage of the Bar, Stage, dance floor and seated areas. The footpath immediately outside the premises (smoking area) must also have coverage.
 - g. Images must be retained for a minimum period of 31 days before overwriting.
 - h. The images will be made available in reasonable time on demand by the Police and authorised officers of the London Borough of Barnet.
 - i. At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet.
 - j. This system will be fully maintained at all times to ensure correct operation.
- 9 A refusals / incidents register shall be maintained at the premises recording.
- a. All known incidents of crime and disorder occurring at the premises with dates and times
 - b. Details of occasions when the emergency services are called to the premises
 - c. All refusals of alcohol sales and ejections from the premises.
 - d. This register will be available for inspection by a police officer or other authorised officer on request.
- 11 Suitable numbers of SIA accredited door staff must be employed on Friday, Saturday Nights, and any Thursday/Sunday Night preceding a bank holiday when there is the licensable activities of regulated entertainment and live music taking place. They will be on duty from 2100 hours until the premises is closed and secured. These numbers are to be risk assessed by the premises licence holder.
- a) In addition to the above stipulations, an SIA registered member of staff will be on the premises for all functions where the licensable activity of live music is taking place.
 - b) A log is to be kept of who has been employed (including badge number), when they have been on duty and what their contact details are. This log must be available for inspection by the police or authorised local authority officer
- 12 All cutlery (especially steak knives) will be removed from the tables from 2000 hours when they are not being used by a customer consuming a meal. Agreed but would be ideal if we can push this till 2200 because we do get busy after 2000 hrs
- 13 All doors and windows to be kept closed from 2000 hours, except for ingress and egress.
- 14 The premises licence holder is to ensure that all patrons entering are not bringing in alcohol from outside the premises.
- 15 No glasses or glass bottles are to be taken outside the premises at any time
- 18 All amplified music is to be played through a noise limiter, which shall be set at a level agreed by Barnet's Environmental Health Department.
- 20 No noise shall emanate from the premises that gives rise to a statutory noise nuisance

In addition to these breaches I have also identified the compliance correspondence, conversations and visits that have been undertaken by officers of the licensing team with the aim of making the premises compliant with the premises Licence and indeed the Licensing Act 2003 as a whole. Unfortunately it would appear that our attempts have failed.

As a result of the details contained within the document attached to this representation the Licensing Authority respectfully requests that the Licensing Sub Committee consider the revocation of the premises licence.

Michelle Rudland (acting as the Licensing Authorities Responsible Authority)
Team Leader, Licensing & Antisocial Behaviour
Community Protection (Regulation)

Daniel Pattenden investigation notes - Compliance and Enforcement Timeline

<p>13th November 2014</p>	<p>Bill Boards at the premises were spotted saying stating that it would be opening on 15th November 2014 by a member of staff. We checked the system and there was an old licence on half the premises for a café. Daniel Pattenden (DP) went to the premises where he met Rahil Majid and Rizwan Ali. DP advised them they could not open without the appropriate premises licence. DP assisted them with transferring the licence. It was explained to them that they layout of the premises did not match the plan attached to the premises licence. As such it was explained to them that they would need to keep all licensable activities to the rear of the premises in line with the existing plan (see plan DP1).</p> <p>It was further explained that they would need to make a full variation immediately in order to be able to use the premises in line with its altered layout. DP left the application forms required to make that application with the premises users.</p>
<p>2nd September 2015</p>	<p>Following almost a year after the transfer application the premises licence still hadn't been varied, DP sent an email (<u>DP2</u>) again with the relevant variation application documents asking them to vary their licence as requested. It was also pointed out that the use of both the front and back of the premises for licensable activities would be unlawful under the current licence.</p>
<p>13th – 16th November 2015</p>	<p>There was further email communication with Rizwan Ali following their failure to pay the premises licence annual fee as they are required to do by law. DP again reminded them about the need to vary the licence and again provided the documents for them to make their application. They arranged to meet DP regarding this on the Monday 23rd November 2016. (<u>DP3</u>)</p>
<p>23rd November 2015</p>	<p>After attending the premises for the prearranged meeting an email was sent by DP to the licence holders confirming what was discussed (<u>DP4</u>).</p>
<p>4th January 2016 – 6th January 2016</p>	<p>An email was sent to Rizwan Ali (by DP) regarding the application for the full variation which had still not been made. DP also addressed the fact that the premises licence annual fee had still not been paid (<u>DP5</u>)</p>
<p>21st February 2016</p>	<p>Rizwan and Rahil attended a meeting with Emma Phasey and DP, in this meeting it was explained to them about the continued need for the full variation application to be made. The matter of the continuous noise nuisance issues that were being reported to the council was also discussed. They stated they were having a lot of trouble with the land lord and they now took ownership of the flats above. It was explained that while we sympathised with the situation they had been non-complaint for quite some time and the licensing act doesn't give consideration to such things. We were assured once again that the variation application would be made. We explained that if they failed to do so this time we would be left with no choice but to seek a review of the premises licence.</p>

1 st March 2016	<p>Following the meeting with Emma and DP, Mr Ali requested more time to make the application. This was agreed on the proviso that they didn't use the front of the bar (unlicensed area).</p> <p>On the 1st March Rizwan Ali submitted an application (DP6). The application received was not for a variation application but for a DPS variation application and was deemed invalid by the licensing team. Elisabeth Hammond, Community Protection (Regulation) Technical Support Officer, informed the licence holders by email of the invalidity of the application on 1st March 2017. (DP7)</p>
1 st June 2016	<p>Following an email from Guns and Smoke DP once again reiterated that the variation application needed to be made. This time they are told a review application was being prepared by the Licensing Authority and that failure to make this variation application could lead to action being taken against the licence (DP8 & DP9).</p>
1 st June - 13 th June 2016	<p>Email from Ms Sherwood of Guns and Smoke asking for a copy of the street trading application form. DP emailed the requested forms and mentioned the need for the variation application to be submitted. A request for the variation forms was then made by the premises to which DP sent them again via email (DP10).</p>
23 rd June 2016	<p>The Premises Licence was suspended due to non payment of annual fees – letter hand delivered to the premises</p>
5 th July 2016	<p>DP emailed the premises confirming the variation application had still not been provided (DP11).</p>
18 th July 2016	<p>DP emailed the licence holder highlighting that the premises licence had been suspended and that no licensable activities could take place until the outstanding annual fee had been paid. In addition DP pointed out that a variation application would still need to be made and that a review was going to be applied for. (DP12).</p>
27 th July 2016	<p>The annual fee was paid and the licence was reinstated. The police witnessed a breach of the premises licence and served a section 19 notice of offences during the period that the licence was suspended from non-payment of annual fees (18th – 27th July 2016)</p>
12 th August 2016	<p>The premises was visited by the police where member of staff stated the DPS shown on the licence was no longer anything to do with the premises. The premise are told they cannot trade until this issue was rectified (DP13 & DP14).</p>
17 th August 2016 – 22 nd August 2016	<p>Following the update from the Police, DP made with Guns & Smoke who claimed that the DPS is still at the premises. The DPS's details were requested of the premises licence holders but the details are never received (DP15).</p> <p>Further to this they then stated they were changing the DPS and they were closed for refurbishment, I stated unless they applied for the full variation they would not be able to reopen (DP16).</p>

14 th September 2016	Community Protection (Regulation) received an email from Bulent Guler stating he no longer wished to be the DPS, DP replied and told him he wasn't and that it was Christian Scirocco that was shown on the licence. DP then asked Bulent if he was in the day to day control/management of the premises. No response to this question was received (<u>DP17</u>).
14 th October 2016	A DPS variation application was applied for to place Mr Bulent Guler on the premises licence.
16 th November 2016	The Noise Nuisance department received a complaint about loud noise emanating from the premises. In the complaint they received the issue of underage sales was mentioned however this was not substantiated.
16 th November 2016	A full variation application is submitted to the Licensing Authority.
16 th December 2016	The amended Premises Licence is granted following the variation application with a number of conditions having being added by both the Police and the Noise Nuisance Authorities after agreeing them with the premises licence holder.
17 th March 2017	<p>A joint visit with DP and the Police was made to the premises. After arrival a large group of youths was witnessed gathered outside interacting with persons coming out of the premises.</p> <p>George Higgins greeted those officers present and introduced himself as the bar manager. When questioned about the conditions shown on the licence he was unable to answer. At this point a person introduced himself as the off duty general manger and gave his name as Taylor. Taylor claimed he was under the influence of alcohol but was not on duty at the time. When questioned he too didn't seem to know anything about the conditions attached to the licence. A request was made to see/speak to either Rizwan or Rahil to which the officers were told that they might be up stairs. When DP asked if the officers could go upstairs they were told no. When Rahil appeared downstairs to speak to the officers in attendance he seemed under the influence. DP questioned him on this and he claimed he was tired.</p> <p>A request was made for the premises licence to be produced for inspection. The paper work provided was not the full premises licence. After 4 or 5 further trips and searches in the premises a copy of the licence was provided. PC John Akers and PC Vicky Wilcock sat down and spoke to Rahil about the licence they had been granted at which point it was clear that he was in breach of nearly all of their licence conditions. The police served a notice of offence.</p>
21 st March 2017	The licensing authority was cc'd into the follow up email sent by the Police to Rahil (<u>DP18</u>) following the visit on the 17 th March. The email highlighted the issues at the premises and the witnessed breaches of the licence and its conditions. The Police also advised that no licensable activities could take place until all conditions of the licence could be complied with.
22 nd March 2017	The Police sent a follow up email to Rahil (<u>DP19</u>) after attending the site on the 22 nd March. The email stated the premises management had managed to put together the logs as required but the CCTV was of an insufficient standard. They also noted the noise limiter was not installed.

22 nd March 2017	DP sent a follow up email to Rahil (DP20) on 22 nd March. In my email he made it clear that they have been non complaint with their licence since the grant/issue of the full variation on the 12 th December 2016. DP also stated that unless they could comply with the noise limiter condition they could not carry out licensable activities.
27 th March 2017	DP received an email (DP21) from John Oliver (Community Protection Officer) who was in the area of Guns and Smoke on Friday 24 th March 2017 at 21:45. He said there was a large group of youths fighting in Barnet High Street throwing glasses and bottles. He stated that he had seen them loitering outside Guns and Smoke.
27 th March 2017	Roxanne Pateman Noise Nuisance EHO, provided the Licensing Team with an email that was sent to Rahil and Rizwan (DP22) after she had been notified that they had purchased a noise limiter. In that she states what they ordered was not a noise limiter and reminded them that they could not carry out licensable activities until the issue was resolved.
30 th March 2017	Upon a general search of the internet it was found that a Band was advertising (on facebook) that they would be playing at Guns & Smoke on Friday night (DP23)
30 th March 2017	An email was sent by to Rahil and Rizwan (DP24) reiterating the fact they could not carry out licensable activities and listing the section in the act.
30 th March 2017	A statement was given to the licensing team by PC John Akers following a visit he conducted on Tuesday 28 th March 2017 at which he enquired about the incident that took place on Friday 24 th March 2017 (DP25).
30 th March 2017	After no reply to an email sent to the licence holders DP visited the premises to discuss the issues that had arisen from the premises. DP has provided his notebook entry (DP26).
31 st March 2017	Noise nuisance provide the licensing team with a copy of the noise abatement notice they were about to serve following a statutory noise nuisance on Friday 24 th March 2017. In addition to this notice, additional case details relating to the history of noise issues at this premises (DP27).
31 st March 2017	In response to the advertised events taking place at the premises and the failure to rectify the issues of compliance in relation to their premises licence the Licensing Authority issued a 48 hour closure notice to the premises (DP28). Noise nuisance also issued their noise abatement notice.
1 st April 2017	Hendon Magistrates Court was attended by both Emma Phasey and Daniel Pattenden in relation to the closure Notice. Whilst at the court discussions were had between Emma Phasey and the premises licence holders in relation to the issues being experienced An email was then sent to the licence holders by Emma Phasey confirming the discussions that had taken place. (DP29)
2 nd April 2017	The Closure Notice was cancelled by the Licensing Authority

21 st April 2017	<p>DP visited the premises to review CCTV footage to ensure the premises was closed for the duration of the closure notice. In addition to this checks were carried out to ensure that after the closure notice was cancelled that no licensable activities had taken place at a time that the business was not compliant with the premises licence conditions. After reviewing the CCTV it was apparent that the closure notice had been adhered to and no licensable activities had taken place since its cancellation. There was however a witnessed breach of condition 12 on their premises licence which states "All cutlery (especially steak knives) will be removed from the tables from 2000 hours when they are not being used by a customer consuming a meal".</p>
2 nd May 2017	<p>Information was received that indicated that the premises were advertising an irresponsible drinks promotion. Upon checking Guns & Smokes Facebook site (DP30) I found that they were advertising an offer they called the "3-2-1" where by the first drink you purchase is £3 the second was £2 and the third was £1, this is clearly in breach of the mandatory condition that states:</p> <p>"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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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 in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(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 in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) 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;</p> <p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)."</p>

16 th June 2017	<p>After the closure notice was issued and subsequently cancelled the licence holder had a noise limiter installed at the premises. This limiter was checked by a Noise officer on the 5th April 2017.</p> <p>The Noise nuisance officer attended in order to set the levels of music with an engineer. At this visit they were able to set the level for recorded music but not for live music.</p> <p>It was deemed at the time with the issue to be rectified they could return to licenced trade. Since the 5th April 2017 until the 16th June Noise have tried to get in to set the limiter for live music. On the 9th June Noise nuisance witnessed a Statutory noise nuisance which was in breach of the abatement notice. On the 16th July after nearly 3 months of non-compliance with the conditions on the licence the venue were again informed that if they could not comply with the conditions on their licence they could not conduct licensable activities <u>DP31</u>.</p>
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Date: 02/05/05 Time: 11:17:40

HIGH STREET

CHURCH PASSAGE
BARNET
HERTS

Date

Scale 1 : 100

FIRE EXIT
+
MAIN
ENTRANCE

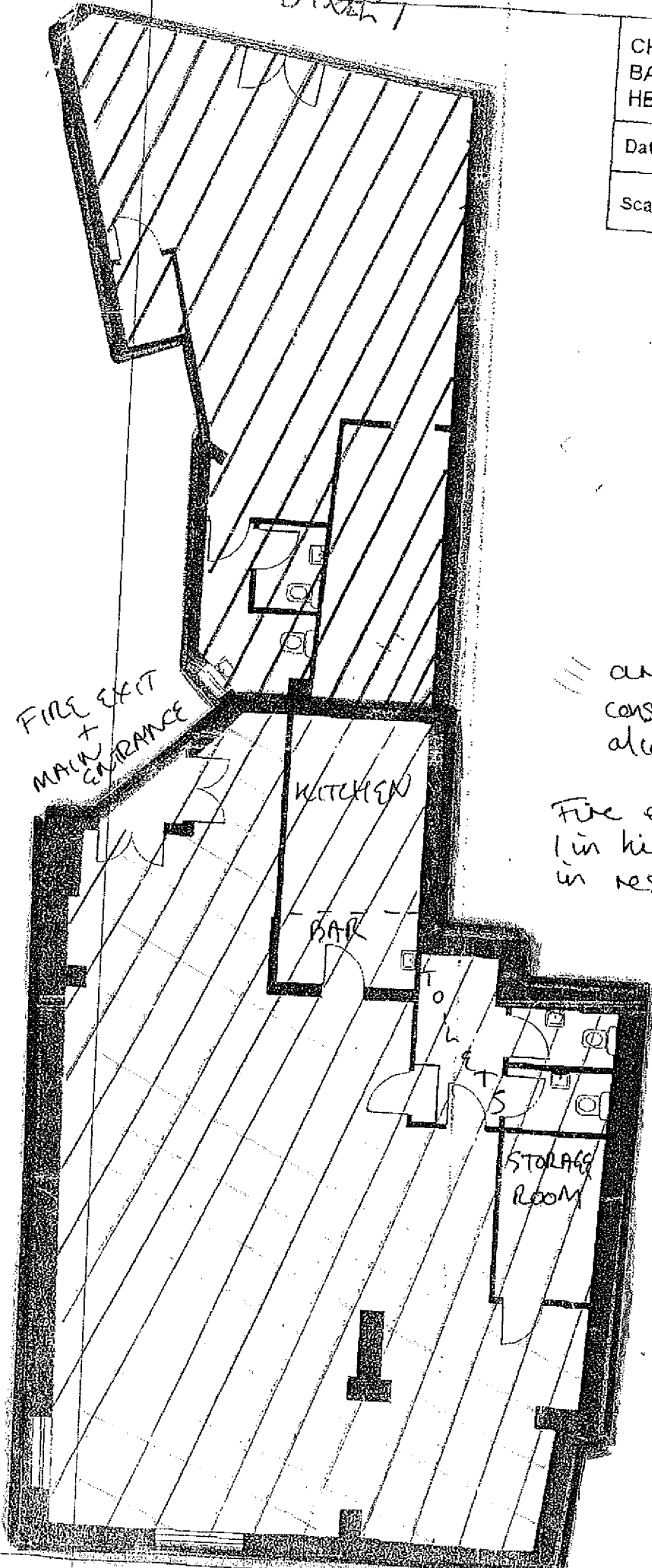
KITCHEN

BAR

STORAGE
ROOM

area for
consumption of
alcohol + food

Fire extinguisher -
1 in kitchen + 2 others
in restaurant



Pattenden, Daniel

From: Pattenden, Daniel
Sent: 02 September 2015 12:24
To:
Subject: Guns and Smoke
Attachments: image001.png; Application to vary a premises licence.pdf; full vari guidance.doc; News advert .doc; Plan Requirements (2).doc; Responsible Authorities list 2013.doc; Fee Information.doc

Dear Mr Ali,

Last year I assisted you in getting the premises licence transferred into your name and I explained then that you would need to submit a variation for the premises to change the plan to the new current layout as only the back of the premises was licenced. As of yet we have not received an application to vary the premises licence.

I have attached the application please look at this and contact me if you have any questions.

The premises licence and plan attached to it do not currently match the premises itself and as such this makes the licence invalid, using an invalid licence is an offence under the licensing act 2003.

If you have any questions please feel free to contact me.

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
Development and Regulatory Services (DRS)**

London Borough of Barnet, North London Business Park, Oakleigh Road South, London N11 1NP

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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RE

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Pattenden, Daniel

From: Pattenden, Daniel
Sent: 16 November 2015 13:55
To: 'Rizwan Ali'
Subject: RE: Ref 00003156 guns and smoke
Attachments: image001.png

Mr Ali,

I will see you at 2pm.

Regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
 Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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Re

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From: Rizwan Ali [mailto:]
Sent: 16 November 2015 13:20
To: Pattenden, Daniel
Subject: Re: Ref 00003156 guns and smoke

thanks alot
 monday sounds good, we shall see you at 2 o'clock on monday
 rgds
 riz

On Monday, November 16, 2015 1:07 PM, "Pattenden, Daniel" <Daniel.Pattenden@Barnet.gov.uk> wrote:

Many thanks Mr Ali,

I am available Monday next week.

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
 Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

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RE

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From: Rizwan Ali [mailto:rizwan.ali@barnet.gov.uk]
Sent: 16 November 2015 13:03
To: Pattenden, Daniel
Subject: Re: Ref 00003156 guns and smoke

Hi Daniel

we made both the payments, please confirm your availability this week so we can meet and discuss the next steps so that we can compliance with all the regulations.

rgds

riz

On Friday, November 13, 2015 2:18 PM, "Pattenden, Daniel" <Daniel.Pattenden@Barnet.gov.uk> wrote:

Hi Rizwan,

See attached both of your invoices.

All the details on how to pay are on the invoices.

Kind regards

Daniel Pattenden


Licensing Officer, Trading Standards & Licensing Department

Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

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RE

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From: Rizwan Ali [mailto:rizwan.ali@barnet.gov.uk]
Sent: 13 November 2015 14:00
To: Pattenden, Daniel
Subject: Re: Ref 00003156 guns and smoke

thanks alot Daniel

we dont have invoices with us, after discussing with Elizabeth stating "these were incorrect" we sent them back to barnet licensing department, meanwhile if you can send us the copy of the invoice/payment details so i shall process the payment today.

is tuesday or wednesday any good to you.

rgds

riz

On Friday, November 13, 2015 1:36 PM, "Pattenden, Daniel" <Daniel.Pattenden@Barnet.gov.uk> wrote:

Hi Rizwan

Have you still got the invoices that were sent as the information on how to pay them is on the back?

I can't do Monday as I have 2 review cases going to hearing that day is there another day your available?

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

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RE

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From: Rizwan Ali [
Sent: 13 November 2015 13:31
To: Pattenden, Daniel
Subject: Re: Ref 00003156 guns and smoke

Hi Daniel

i did tried to call you few times but unfortunately was left waiting in the que for over half an hour with no answer.

Apologies if this has already been communicated earlier but i seems not to have the track record of how to make the payment of the licensing fee.

as i want to comply with all the regulations and licensing could you please let me know how to make this payment, ideally if you give me the account number and the sort code and the reference number so can do the bank transfer of 360 now.

i am also in process in completing the form which is to be posted on monday, i would like to arrange the meeting with you on monday to discuss the form, and make sure that we are in compliance with the regulations.

much appreciate your help throughout.

regards

rizwan

On Friday, November 6, 2015 9:28 AM, "Pattenden, Daniel" <Daniel.Pattenden@Barnet.gov.uk> wrote:

Dear Mr Ali,

My email was in response to the email you sent to Elisabeth so I have had sight of the below email.

I have attached the applications you are required to complete (these can also be done online). I don't know if you recall I was the officer that helped you with the original application to transfer the licence into your name? When I was there I explained the plan was wrong and that serving of alcohol and music had to be kept in the back area but this was temporary as you allow consumption in the front half. It's been a year and I do need to impress upon you that this gets sorted as you are currently breaking the law.

As for the fees, I explained when you transferred the licence you take on the licence its annual fee date and any debt attached to the licence hence why you need to pay for February 2014 & 2015. The licensing act requires these fees to be paid if they are not we have to suspend the licence, this means the licence will not be usable meaning you wouldn't be able to have music or alcohol. The current outstanding fee is 2 lots of £180 so all together you need to pay £360.

I hope this clears up any confusion.

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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RE

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: Rizwan Ali
Sent: 05 November 2015 16:36
To: Pattenden, Daniel
Subject: Fw: Ref 00003156 guns and smoke

Hi Daniel

please find attached an email that i recently sent to your colleague Elizabeth in barnet licensing department.

i ll be ringing you very shortly with the view to clearing any misunderstandings.

kind regards

rizwan

On Thursday, July 30, 2015 2:10 PM, Rizwan Ali

wrote:

Hi Elizabeth

As discussed, please note that we received the letter for outstanding payment of £180 for February 2014 and February 2015 where as we started trading in November 2014 so so the invoice of February 2014 is not for guns and smoke.

Pls amend the and revert.

Rgds

Riz

Pattenden, Daniel

From: Pattenden, Daniel
Sent: 23 November 2015 16:53
To: 'Rizwan Ali';
Subject: Meeting Guns and smoke
Attachments: image001.png; temp-event-notice.doc; new Application-form-for-temporary-street-trading-licence.pdf

Hi Rizwan,

It was good to meet you both today.

Please see attached the forms for temporary event notice and street trading.

The contact details for Elisabeth Hammond who will provide you with the consultation service if wish to have the help with any/all of your applications is Elisabeth.hammond@barnet.gov.uk. She will inform you of the cost of the service and any information you will need to provide when you come in to make the application.

If you don't wish to use this service please fill out all your applications and send them to us with the appropriate fees.

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

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RE

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Pattenden, Daniel

From: info <info@gunsandsmoke.co.uk>
Sent: 06 January 2016 22:19
To: Pattenden, Daniel;
Subject: RE: Annual fee
Attachments: image001.png

Hello Daniel,

I would like to pay the outstanding fee.

Would you be that kind and contact me on my number
 payment over the phone if that is possible.

tomorrow around noon and we could do the

Thank you

Kind Regards

Jana Trechova
 Guns and Smoke

From: Pattenden, Daniel [mailto:Daniel.Pattenden@Barnet.gov.uk]
Sent: 06 January 2016 12:43
To: 'Rizwan Ali'; Gunsandsmoke Co Info; Mohamed Dossa
Cc: Jana Trechova
Subject: RE: Annual fee

Hey Rizwan,


I had a lovely time away. I hope you are having a good time yourself?

Brilliant the sooner this application is put in the better. Make sure you think about changing any hours you might want to change as well so you could open later.

As stated before 2 years of annual fees are out standing against the licence and to avoid suspension of the licence (meaning you would be able to sell alcohol) these must be paid. The premises currently has £360 of outstanding fees that need to be paid.

Kind regards

Daniel Pattenden
Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)
 London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
 Tel: 020 8359 7443
 Barnet Online: www.barnet.gov.uk

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RE

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From: Rizwan Ali [mailto:
Sent: 06 January 2016 12:39
To: Gunsandsmoke Co Info; Pattenden, Daniel; Mohamed Dossa
Cc: Jana Trechova
Subject: Re: Annual fee

Hi Danial

Hope you had a good holiday I am away for my sister's wedding. I was about to send you an email in regards to the application. i am closely leasing with my solicitor even though I am away on holidays in regards to this variation and all the plans have already drawn. I have a call with my solicitor later today, after which I shall be sending the appropriate.

If there any outstanding fees remaining please let me know and Jana the Resturant manager will mänge that for me

Rgds

Rizwan

From: info <info@gunsandsmoke.co.uk>;
To: <ali.rizwan2011@yahoo.com>;
Subject: FW: Annual fee
Sent: Mon, Jan 4, 2016 8:27:36 PM

From: Pattenden, Daniel [mailto:Daniel.Pattenden@Barnet.gov.uk]
Sent: 04 January 2016 10:55
To: 'Rizwan Ali'; 'info@gunsandsmoke.co.uk'
Subject: RE: Annual fee

Dear Mr Ali,

Following my below email we had a meeting at your premises on the 23rd November 2015 with regards to your licence.

You have still not paid the 2 outstanding annual fees for the premises licence and as such the licensing team will be beginning the suspension process of your licence.

You also assured me that the full variation application would be done to make your premises legal, however this application has still not been done and as such you leave me no choice but to begin enforcement action to ensure that these issues are dealt with.

I do understand you are having issues with the land lord. These issues however do not relate to licensing, as such would not be considered a good enough reason not complete the application or payment of the annual fee.

Kind regards

Daniel Pattenden


Licensing Officer, Trading Standards & Licensing Department

Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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RE

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From: Rizwan Ali [mailto:]
Sent: 05 November 2015 16:30
To: Pattenden, Daniel
Subject: Re: Annual fee

Dear Daniel

thank you for your email. I apologies profusely for having caused inconvenience most of which i hasten to add is throw misunderstanding.

in the first instance i would like to pay the licence fees tomorrow or should you know the amount it will be paid today.

regrettably i have only received 1 application form personally, which i thought had been completed initially when it was transferred into my name.

however i am not sure and will also complete this by tomorrow latest.

my landlord who was guiding me constantly as to how this matter should be dealt with in a most professional manner. somehow must have also overlooked the importance of fulfilling this obligation. i would add that ultimate responsibility is mine, and i once again apologies.

kind regards

rizwan

On Thursday, November 5, 2015 4:09 PM, "Pattenden, Daniel" <Daniel.Pattenden@Barnet.gov.uk> wrote:

Dear Mr Ali,

The premises licence you hold was issued on 21st February 2008 and as such the fee is due on this date every year. You Transferred that premises licence into your name on the 13th November 2014 and as such you inherit the licence, its annual fee date and outstanding debt.

If these annual fees are not paid the law requires us to begin the suspension process, this will mean that your premises will no longer be able to serve alcohol.

Further to the above back in 2014 when I assisted you in the licence application I explained that you would need to complete a full variation application, you needed to do this to change the plan of the premises and the old plan was incorrect. I have emailed you on numerous occasions since informing you that you still need to do this, you have failed to as of yet to reply.

If this application is not complete I will be left with no choice but to begin enforcement action.

Kind regards

Daniel Pattenden

Licensing Officer, Trading Standards & Licensing Department

Pattenden, Daniel

From: Rizwan Ali <
Sent: 01 March 2016 08:42
To: Pattenden, Daniel
Subject: Re: urgent
Attachments: image001.png

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Daniel

pls find the application reference no **barnet-294334**

pls check and amend premises license reference number if required, as we are not in town so not sure of the license reference number, also tried to pay the fee but not accepting online so have instructed our manager to do that asap. (should be paid cob today)

hope all should be fine.

let me know if any changes required, I ll be checking emails periodically will revert at my earliest.
 rgds
 riz

On Tuesday, March 1, 2016 8:30 AM, Rizwan Ali

> wrote:

hi Daniel

pls find the form with the revised plan

rgds

riz

On Monday, February 29, 2016 10:51 AM, "Pattenden, Daniel" <Daniel.Pattenden@Barnet.gov.uk> wrote:

Morning Rizwan,

Happy to give you a bit more time but my manager has one condition, no one is to be seated in the un licensed area (front seating area) unless they do not wish to drink alcohol.

You can use the front area but as I have said above it cannot be used for licensable activities (sale of alcohol, late night refreshment and regulated entertainment).

Kind regards

Daniel Pattenden


Licensing Officer, Trading Standards & Licensing Department

Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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From: Rizwan Ali [mailto:
Sent: 26 February 2016 10:06
To: Pattenden, Daniel
Subject: Re: urgent

Thanks Daniel,

please give me till Monday if the new plan is to be attached with the application form, my architect did started working on the plan but because of the reason discussed in the meeting he stopped working on it. I will instruct him to complete the plan so the application should be with you by no later then close of play Monday.

Regards

Rizwan.

On Friday, February 26, 2016 9:43 AM, "Pattenden, Daniel" <Daniel.Pattenden@Barnet.gov.uk> wrote:

Morning Rizwan,

<https://www.gov.uk/premises-licence/barnet/change#form-6>

You need to go into number 2.

You will also need to attach your new plan.

Regards

Daniel Pattenden


Licensing Officer, Trading Standards & Licensing Department

Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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RE

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From: Rizwan Ali [mailto:
Sent: 26 February 2016 09:37
To: Pattenden, Daniel
Subject: urgent

Hi Daniel,

as informed Emma that we had to fly out as a matter of urgency as our grandmother is seriously ill, so was not able to do the variation form.

I just logged on to fill out the application, but am not able to find the link to complete the form.

Could you please send me the link so we can fill out the form today as a matter of urgency.

Regards

Rizwan

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Please note: Information contained in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

Pattenden, Daniel

From: Hammond, Elisabeth
Sent: 01 March 2016 13:35
To:
Subject: Application for 1B Church Passage EN5
Attachments: image001.jpg

Dear Mr Ali

The Licensing Team have received an online application for a DPS Variation at 1B Church Passage EN5.

Please could you confirm whether you are looking to make a DPS Variation application form to change the Persona Licence holder attached to your Premises Licence? If this is the case, please could you ensure that you send the signed consent for so that we can continue to process the application, please note that at this stage the application is invalid.

I also note that you have submitted a copy of the plan for your premises. From the notes on your file I can see that you have been advised that you need to make a full variation of the premises licence. In order to do this, you will need to apply for a full variation application form with the appropriate fee and any accompanying documentation. Please note the change of your plan cannot be undertaken by way of the DPS Variation application process.

I have included the link below for you to make the premises licence variation application online.

<https://www.gov.uk/premises-licence/barnet/change>

Should you have any queries, please contact the Licensing Team on 0208 359 7443.

Regards

Elisabeth Hammond
Trading Standards & Licensing Technical Support Officer
Community Protection & Regulation
London Borough of Barnet
Barnet House
1255 High Road
Whetstone
London
N20 0EJ
0208 359 7443



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Registered in England 08615172. Registered Office: 17 Rochester Row, London, England SW1P 1QT.

🏠 Is there an empty property in your street? Please let the Council know on 0208 359 7995 or e mail empty.properties@barnet.gov.uk

Pattenden, Daniel

From: Pattenden, Daniel
Sent: 01 June 2016 11:49
To: 'info@gunsandsmoke.co.uk'
Subject: RE: Application Form
Attachments: image002.png; image003.jpg

Dear Ms Sherwood,

The premises licence that is currently held to sell alcohol is in risk of being reviewed. Having had meetings with the owners and issuing several warnings about applying for a full variation they still haven't done this. All letters we now send seem to get sent back. There is also outstanding premises licence annual fees.

This is my final time I'm going to request the full variation application to be completed. My manager has drafted the review application if the full variation application isn't completed within the next 5 working days we will apply for a review of the licence. This could result in restrictions or conditions being place or the potential revocation of the licence.

Please pass this on to the owners as they are aware this needs to be done and I have been extremely patient in this matter.

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
 Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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RE

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: guns and smoke [mailto:info@gunsandsmoke.co.uk]

Sent: 31 May 2016 17:02

To: LicensingAdmin

Subject: RE: Application Form

Dear Sir/Madam,

I am writing to you on behalf of Guns and Smoke. We are located in High Barnet on the High Street. The address is 1 Church Passage, High Street, EN5 4QS.

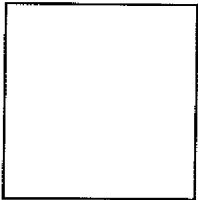
Please would you be kind enough to send me the appropriate application form that corresponds with being able to have tables outside our restaurant. I have read the information stated on the Barnet Council website and agree to provide all necessary documentation.

We were given permission last year to have several tables and chairs outside our restaurant for 6 months. We would like to apply for the same again and be able to start this as soon as possible.

I look forward to hearing from you regarding this matter.

Kind regards,

Deborah Sherwood
(Office Manager)



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Pattenden, Daniel

From: Pattenden, Daniel
Sent: 02 June 2016 13:21
To: 'Rizwan Ali'
Subject: FW: Application Form
Attachments: image002.png; image003.jpg

Mr Ali,

I am forwarding you an email I sent yesterday.

Please read it.

Regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
 Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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RE

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: Pattenden, Daniel
Sent: 01 June 2016 11:49
To: 'info@gunsandsmoke.co.uk'
Subject: RE: Application Form

Dear Ms Sherwood,

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This is my final time I'm going to request the full variation application to be completed. My manager has drafted the review application if the full variation application isn't completed within the next 5 working days we will apply for a review of the licence. This could result in restrictions or conditions being place or the potential revocation of the licence.

Please pass this on to the owners as they are aware this needs to be done and I have been extremely patient in this matter.

Kind regards


Daniel Pattenden

Licensing Officer, Trading Standards & Licensing Department

Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk please consider the environment - do you really need to print this email?**Re**

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: guns and smoke [mailto:info@gunsandsmoke.co.uk]**Sent:** 31 May 2016 17:02**To:** LicensingAdmin**Subject:** RE: Appllcation Form

Dear Sir/Madam,

I am writing to you on behalf of Guns and Smoke. We are located in High Barnet on the High Street. The address is 1 Church Passage, High Street, EN5 4QS.

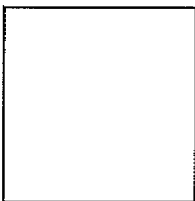
Please would you be kind enough to send me the appropriate application form that corresponds with being able to have tables outside our restaurant. I have read the information stated on the Barnet Council website and agree to provide all necessary documentation.

We were given permission last year to have several tables and chairs outside our restaurant for 6 months. We would like to apply for the same again and be able to start this as soon as possible.

I look forward to hearing from you regarding this matter.

Kind regards,

Deborah Sherwood
(Office Manager)

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Pattenden, Daniel

From: guns and smoke <info@gunsandsmoke.co.uk>
Sent: 13 June 2016 10:37
To: Pattenden, Daniel
Subject: RE: Application Form
Attachments: image001.png; image002.jpg

Dear Daniel,

Thank you for your swift response.

Would you be kind enough to also send through a form for street trading; so that we may provide some outdoor seating for our customers (weather permitting!)

I am in the process of completing the license form. I will send it to the relevant departments when done.

Thank you.

Kind regards,

Deborah Sherwood


From: Pattenden, Daniel [mailto:Daniel.Pattenden@Barnet.gov.uk]
Sent: 13 June 2016 10:18
To: 'guns and smoke'
Subject: RE: Application Form

Dear Ms Sherwood,

You need to send a copy of the application to all of the addresses on page 2 of the attached document. You only need to send a cheque to us though. Please make sure you send a new and up to date plan.

Kind regards

Daniel Pattenden
Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)
 London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
 Tel: 020 8359 7443
 Barnet Online: www.barnet.gov.uk

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RE

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: guns and smoke [mailto:info@gunsandsmoke.co.uk]
Sent: 13 June 2016 10:08
To: Pattenden, Daniel
Subject: RE: Application Form

Dear Daniel,

Thank you for your email.

I have printed out the form and will be filling it out today.

Where should I post it when it is completed?

Thank you so much for your time and information that you have provided.

Kind regards,

Deborah Sherwood

From: Pattenden, Daniel [mailto:Daniel.Pattenden@Barnet.gov.uk]

Sent: 10 June 2016 09:51

To: 'guns and smoke'

Subject: RE: Application Form

Dear Ms Sherwood,

They were informed quite some time ago (December) that they had applied for a DPS variation. See attached the correct application.

If you require assistance you can speak to a licensing consultant failing that we have a consultation service here that will do anything from filling the application out to checking it for you.

Kind regards

Daniel Pattenden


Licensing Officer, Trading Standards & Licensing Department

Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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Re

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: guns and smoke [mailto:info@gunsandsmoke.co.uk]

Sent: 09 June 2016 18:00

To: Pattenden, Daniel

Subject: RE: Application Form

Dear Daniel,

Thank you so much for your email dated 1st June 2016. I apologise for the delay in response, I have not been well and did not have access to the emails. Please accept my sincere apologies.

I have had a meeting with the owners today and I have been informed that we filed a full variation application form. We were then informed that we have filed the wrong form; please would you be kind enough to send me the

correct full variation form. I will fill the form in and file it immediately, I apologise for any delay there has been in the past. I would like to rectify any problems there may have been in the past.

I hope you will give us a little more time allowance, as I have been slow to pick up the emails due to my sick leave. I am the Office Manager and I am in charge of all the correspondence. I have spent today responding to all the emails that have been received in the past week. Please would you be kind enough to send me the correct form to fill out to apply for outdoor seating.

I appreciate your patience in this matter and the time taken to email me. I look forward to receiving a response from you as soon as possible.

Your Sincerely,

Deborah Sherwood

From: Pattenden, Daniel [mailto:Daniel.Pattenden@Barnet.gov.uk]

Sent: 01 June 2016 11:49

To: 'info@gunsandsmoke.co.uk'

Subject: RE: Application Form

Dear Ms Sherwood,

The premises licence that is currently held to sell alcohol is in risk of being reviewed. Having had meetings with the owners and issuing several warnings about applying for a full variation they still haven't done this. All letters we now send seem to get sent back. There is also outstanding premises licence annual fees.

This is my final time I'm going to request the full variation application to be completed. My manager has drafted the review application if the full variation application isn't completed within the next 5 working days we will apply for a review of the licence. This could result in restrictions or conditions being place or the potential revocation of the licence.

Please pass this on to the owners as they are aware this needs to be done and I have been extremely patient in this matter.

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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Re

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: guns and smoke [mailto:info@gunsandsmoke.co.uk]

Sent: 31 May 2016 17:02

To: LicensingAdmin
Subject: RE: Application Form

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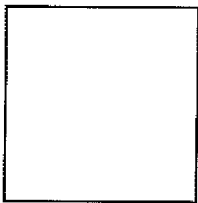
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We were given permission last year to have several tables and chairs outside our restaurant for 6 months. We would like to apply for the same again and be able to start this as soon as possible.

I look forward to hearing from you regarding this matter.

Kind regards,

Deborah Sherwood
(Office Manager)



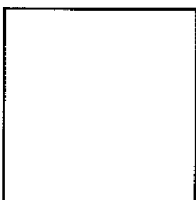
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Pattenden, Daniel

From: Pattenden, Daniel
Sent: 05 July 2016 11:09
To: 'Rizwan Ali'
Subject: RE: Full variation
Attachments: image001.png

Thank you Rizwan,

Don't forget to send a new plan and send a copy to all the responsible authorities.

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
 Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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RE

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: Rizwan Ali [mailto:z
Sent: 05 July 2016 10:59
To: Pattenden, Daniel
Cc: info@gunsandsmoke.co.uk
Subject: Re: Full variation

No problem we will do it again this week

Rgds

RIZWAN

Sent from my iPhone

On 5 Jul 2016, at 10:47, Pattenden, Daniel <Daniel.Pattenden@Barnet.gov.uk> wrote:

Dear Guns and smoke,

I can confirm we have not received a copy of the full variation application. I can also confirm none of the responsible authorities have received theirs.

You will need to re submit with the fee to us and resubmit a copy to all the responsible authorities. You can do this hard copy or online, if you do online we send it to the responsible authorities for you. See below the link it is option 2 to vary a premises licence.

<https://www.gov.uk/premises-licence/barnet/change#form-6>

Kind regards

Daniel Pattenden
Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk



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<image001.png>

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<Responsible Authorities list 2013.doc>

Pattenden, Daniel

From: Pattenden, Daniel
Sent: 18 July 2016 09:48
To: 'Rizwan'
Cc: 'info@gunsandsmoke.co.uk'
Subject: RE: Full variation
Attachments: image001.png

Dear All,

We have still received no annual fee or full variation application. You can no longer sell alcohol or carryout any licensable activities (music food after 11pm), to do so is an offence under the licensing act 2003 section 136. This can carry up to a £20,000 fine and/or 6 months in prison.

Further to this we will now be applying for a review of your premises licence, this is a last resort action. We have tried on numerous occasions to get you to complete a full variation. After you met with myself and my manager Emma Phasey you assured us that you would complete the full variation but you didn't, I had a further conversation with you not long ago and sent the below email and you still haven't completed the form.

As such we are left with no choice but to review the licence.

You cannot carry out any licensable activities until the fee has been paid.

Regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
 Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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Re

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From: Pattenden, Daniel
Sent: 05 July 2016 10:48
To: 'Rizwan'
Cc: 'Info@gunsandsmoke.co.uk'
Subject: Full variation

Dear Guns and smoke,

I can confirm we have not received a copy of the full variation application. I can also confirm none of the responsible authorities have received theirs.

You will need to re submit with the fee to us and resubmit a copy to all the responsible authorities. You can do this hard copy or online, if you do online we send it to the responsible authorities for you. See below the link it is option 2 to vary a premises licence.

<https://www.gov.uk/premises-licence/barnet/change#form-6>

Kind regards


Daniel Pattenden

**Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)**

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

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Re

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

Pattenden, Daniel

From: Francesca.Downes@met.pnn.police.uk
Sent: 12 August 2016 14:23
To: Pattenden, Daniel
Cc: John.Akers2@met.pnn.police.uk
Subject: RE: Guns & Smoke
Attachments: image001.png

Ok,

I am going to get John to go back over and tell them verbally and in writing, that they cannot serve alcohol etc until the issue is rectified and a valid app submitted with yourself.

I will also ask PS Tuffin if she is able to get there this evening and check on them.

PC Francesca Downes 529SX
 Licensing Officer
 Barnet police station
 26-32 High Street
 Barnet.
 EN5 5RU
 Tel: 0208 733 5018

From: Pattenden, Daniel [mailto:Daniel.Pattenden@Barnet.gov.uk]
Sent: 12 August 2016 14:16
To: Downes Francesca R - SX <Francesca.Downes@met.pnn.police.uk>
Cc: Akers John H - SX <John.Akers2@met.pnn.police.uk>
Subject: RE: Guns & Smoke


Hey Frankie,

No DPS variation or transfer has been received since the one in 2014. If they do not have a valid DPS they cannot sell or supply alcohol and as you state it should not be sold or exposed for sale unless the issue is rectified.

Wallace is a known issue what have you received? (see attached licence). They have very strict conditions and are a constant noise issue.

Regards

Daniel Pattenden
Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)
 London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
 Tel: 020 8359 7443
 Barnet Online: www.barnet.gov.uk

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RE

London Borough of Barnet is working with RE (Regional Enterprise) Ltd, a new joint venture between the Council and Capita plc

From: Francesca.Downes@met.pnn.police.uk [mailto:Francesca.Downes@met.pnn.police.uk]
Sent: 12 August 2016 13:56
To: Pattenden, Daniel
Cc: John.Akers2@met.pnn.police.uk
Subject: Guns & Smoke
Importance: High

Hello,

My colleague John has been to guns & smoke again today to find out if the current DPS is as stated on the licence. The person he spoke to stated that the person named on the licence no longer has anything to do with the business – can you confirm if any transfer paper work has come in from them? If not, I am guessing you would like to message to be delivered that they should not be selling/exposing alcohol...

Also please could I have the premises licence for Wallace, 1023 Finchley Road, NW11 7ES.

Frankie

PC Francesca Downes 529SX
Licensing Officer
Barnet police station
26-32 High Street
Barnet.
EN5 5RU
Tel: 0208 733 5018

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Find us at:

Facebook: [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)

Twitter: @metpoliceuk



Guns & Smoke
1B Church Passage
Barnet.
EN5 4QS

Barnet Police Station
26 – 32 High Street,
Barnet.
EN5 5RU

Telephone: 0208 733 5018
Facsimile:
Email:
SX_Licensing@met.pnn.police.uk
www.met.police.uk

Your ref:
Our ref:

12/08/2016

To The Manager/ Premises Licence Holder.

Following a visit to your premises by PC Akers earlier today, it was identified that there is no Designated Premises Supervisor (DPS) in respect of the premises licence. The current premises licence, names Mr Christian SCIROCCO as the DPS, however you will be aware that this is no longer the case.

Enquiries with Barnet Council licensing dept have confirmed that there have been no recent premises licence applications to appoint someone else as the DPS.

The mandatory conditions of your premises licence states:

No supply of alcohol may be made under the premises licence:

- at a time when there is no designated premises supervisor in respect of the premises licence.

This letter is to inform you that until a valid application to vary the DPS is made (S.37 Licensing Act 2003), you **may not** sell alcohol or have alcohol exposed for sale. If you carry on with these licensable activities, you will be committing an offence contrary to S.136 & 137 Licensing Act 2003.

I strongly advise that you contact Barnet Council Licensing Dept in order that this can be rectified.

Yours sincerely,

PC Francesca Downes
Barnet Police Licensing Team

Pattenden, Daniel

From: Pattenden, Daniel
Sent: 19 August 2016 10:26
To: 'Rizwan Ali'
Subject: RE: Ray Infotech Ltd Guns and smoke, Barnet branch DPS

Hi Riz,

I am not available.

I also am awaiting the contact details of your DPS.

Kind regards

Daniel Pattenden
 Licensing Officer, Trading Standards & Licensing Department Community Protection (Regulation) London Borough of
 Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
 Tel: 020 8359 7443
 Barnet Online: www.barnet.gov.uk
 P please consider the environment - do you really need to print this email?

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-----Original Message-----

From: Rizwan Ali [mailto:Rizwan.Ali@barnet.gov.uk]
Sent: 19 August 2016 09:29
To: Pattenden, Daniel
Subject: Re: Ray Infotech Ltd Guns and smoke, Barnet branch DPS

Hi Daniel

Hope you good, are you free today to have face to face meeting Rgds Riz

Sent from my iPhone

> On 19 Aug 2016, at 08:58, Pattenden, Daniel <Daniel.Pattenden@Barnet.gov.uk> wrote:

>

> Tried to call you yesterday.

>

> I'm not sure why you are calling me.

>

> Regards

>

> Daniel Pattenden

> Licensing Officer, Trading Standards & Licensing Department Community

> Protection (Regulation) London Borough of Barnet, Barnet House, 1255

> High Road, Whetstone, London, N20 0EJ

> Tel: 020 8359 7443

> Barnet Online: www.barnet.gov.uk

> P please consider the environment - do you really need to print this email?

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> a new joint venture between the Council and Capita plc
>
> -----Original Message-----
> From: Rizwan Ali [mailto:Rizwan.Ali@barnet.gov.uk]
> Sent: 17 August 2016 11:31
> To: Pattenden, Daniel
> Subject: Re: Ray Infotech Ltd Guns and smoke, Barnet branch DPS
>
> Hi Daniel
> Tried to you call and left few messages could you please urgently call
> me need to visit you and have urgent face to face meeting today if you
> can pls Rgds Riz

>
> Sent from my iPhone
>
>> On 12 Aug 2016, at 15:16, Pattenden, Daniel <Daniel.Pattenden@Barnet.gov.uk> wrote:
>>
>> Mr Ali,
>>
>> Do you have the contact details of Mr Scirocco so that I might have a discussion with him?
>>
>> I am still awaiting a variation.
>>
>> Regards
>>
>> Daniel Pattenden
>> Licensing Officer, Trading Standards & Licensing Department Community
>> Protection (Regulation) London Borough of Barnet, Barnet House, 1255
>> High Road, Whetstone, London, N20 0EJ
>> Tel: 020 8359 7443
>> Barnet Online: www.barnet.gov.uk
>> P please consider the environment - do you really need to print this email?
>>
>> London Borough of Barnet is working with RE (Regional Enterprise)
>> Ltd, a new joint venture between the Council and Capita plc
>>
>> -----Original Message-----
>> From: Rizwan Ali [mailto:Rizwan.Ali@barnet.gov.uk]
>> Sent: 12 August 2016 15:08
>> To: Pattenden, Daniel
>> Subject: Ray Infotech Ltd Guns and smoke, Barnet branch DPS
>>
>> Hi Daniel
>> Mr. Christian Scirocco is and remain the DPS of the above mentioned property, staff member told them Bulent
>> guller is manager not the DPS which they misunderstood.
>> Pls Note the DPS is still the same
>> Rgds
>> Riz
>>
>> Sent from my iPad
>>
>> This email and any attachments to it are intended solely for the individual to whom it is addressed. It may contain
>> sensitive or confidential material and should be handled accordingly. However, it is recognised that, as an intended
>> recipient of this email, you may wish to share it with those who have a legitimate interest in the contents.

Pattenden, Daniel

From: Pattenden, Daniel
Sent: 22 August 2016 08:56
To: 'Rizwan Ali'
Subject: RE: Ray Infotech Ltd Guns and smoke, Barnet branch DPS

Hi Rizwan,

Thank you for all the emails confirming the actions you are taking to remedy situations.

Please note the variation must be applied for and be granted before you re open, if you fail to do so you will not be re-opening.

Kind regards

Daniel Pattenden
 Licensing Officer, Trading Standards & Licensing Department Community Protection (Regulation) London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
 Tel: 020 8359 7443
 Barnet Online: www.barnet.gov.uk
 P please consider the environment - do you really need to print this email?

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-----Original Message-----

From: Rizwan Ali [mailto:Rizwan.Ali@barnet.gov.uk]
Sent: 19 August 2016 12:44
To: Pattenden, Daniel
Subject: Re: Ray Infotech Ltd Guns and smoke, Barnet branch DPS

Hi Dan,

Not sure if you are aware that Guns and Smoke is close for refurbishment so will be sending the variation subsequently.

We also want to appoint a new DPS as with the reopening, I have sent you the details in my email earlier on .

Also sending TEN and outdoor licensing

Rgds
 Riz

Sent from my iPad

> On 19 Aug 2016, at 10:42, Pattenden, Daniel <Daniel.Pattenden@Barnet.gov.uk> wrote:
 >
 > I'm very busy Riz and its rarely 5 minutes were guns and smokes.
 >
 > I am in meetings and on inspections. What is it regarding?

Pattenden, Daniel

From: Rizwan Ali
Sent: 19 August 2016 12:20
To: Pattenden, Daniel
Subject: Dps
Attachments: IMG-20160819-WA0000.jpg

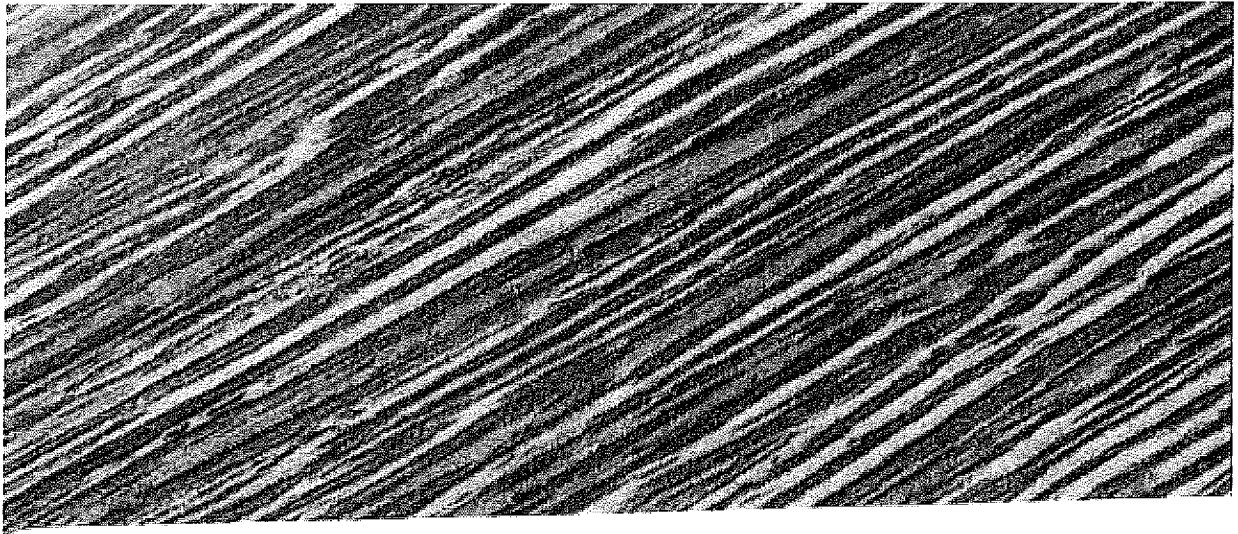
Hi Daniel as stated earlier we are moving our current dps Christian to our new branch and would like to appoint a new Dps who is also our bar manager bulent guller

Pls let me know if you any other info

Rgds

Riz

From: bulent guler
Date: 19 August 2016 at 12:16:41 BST
To: "
Subject: Licence



Personal Licence Part1
Licensing Act 2003

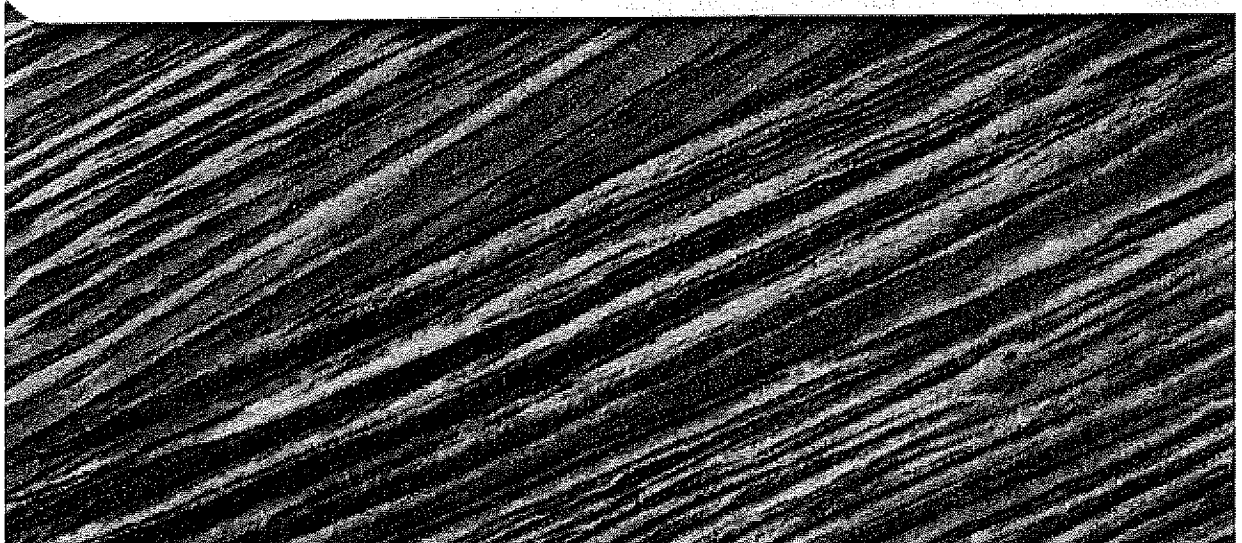
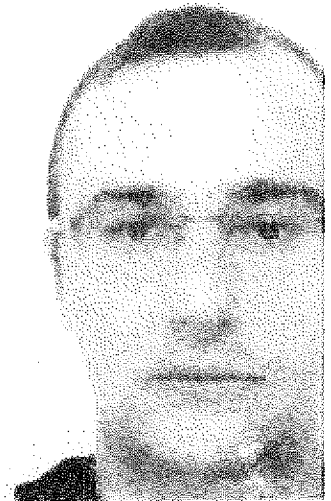


Bulent Guler

Is hereby licensed by the London Borough
of Barnet to supply or authorise the supply
of alcohol in accordance with a Premises
Licence

Valid from: 06/07/2010
to: 05/07/2020

Licence number:



Pattenden, Daniel


From: Pattenden, Daniel
Sent: 14 September 2016 14:58
To:
Subject: RE: Subject to personal licence registration number remove on the bar and grill
Attachments: image002.png

Mr Guler,

As far as our records are concerned Cristain Scirocco, are you saying that he isn't the DPS in the day to day running of the premises.

Kind regards

Daniel Pattenden
Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)
 London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
 Tel: 020 8359 7443
 Barnet Online: www.barnet.gov.uk

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RE

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From: bulent guler [mailto:bulent.guler@barnet.gov.uk]
Sent: 14 September 2016 14:47
To: Trading Standards
Subject: Subject to personal licence registration number remove on the bar and grill

Hi Dear Sir/Madam

Personal licence number :

I Bulent Guler confirm that I have no longer working since 11/09/2016 for the Guns and Smoke in Barnet 1B Church Passage, Barnet, London EN5 4QS

Guns and Smoke, Bar and Grill,

I would like to inform you indeed and please could you take off my licence number at the above address and name given premises.

Please do not hesitate to contact me for further details.

Yours Sincerely
 Bulent Guler

Pattenden, Daniel

From: Vicky.Johnson@met.pnn.police.uk
Sent: 21 March 2017 14:46
To:
Cc: Pattenden, Daniel; Pateman, Roxanne
Subject: Licensable activities: Breach of conditions
Attachments: image001.jpg

Rahil, Rizwan and Taylor,

To confirm the conversation we had when we visited this afternoon.

You are currently in breach of the following conditions on your licence;

8. A CCTV system will be installed that complies with the following... All points within this condition due to the system not being in working order at this time and the hard drive appears to be missing.
9. A refusals / incidents register shall be maintained at the premises recording – You have had no log to produce between 17th – 21st March'17
- 11 b) A log is to be kept of who has been employed (including badge number), when they have been on duty and what their contact details are. This log must be available for inspection by the police or authorised local authority officer – You have had no log to produce between 17th – 21st March'17
17. All staff involved in alcohol sales will have training in relation to age restricted sales and the current licensing act legislation. Proof that such training has been given will be recorded in a log. This log will be kept at the premises and will be available for inspection by the police or authorised local authority officer when requested. - You have had no log to produce between 17th – 21st March'17
18. All amplified music is to be played through a noise limiter, which shall be set at a level agreed by Barnet's Environmental Health Department. – There is no noise limiter present, you have stated that you play the music through your own sound board.

In addition to this, On Friday 17th March, you were also seen to be in breach of the following conditions as well as those above;

12. All cutlery (especially steak knives) will be removed from the tables from 2000 hours when they are not being used by a customer consuming a meal. Agreed but would be ideal if we can push this till 2200 because we do get busy after 2000 hrs – Numerous items of cutlery seen on tables at the front of the premises
15. No glasses or glass bottles are to be taken outside the premises at any time. – Two females seen outside with drinks in glasses who we had to ask to return inside the premises. There was also broken glass on the floor outside.

To confirm so it is clear to you, we have informed you that you are not to carry out any of the licensable activity contained within your licence until these issues have been rectified and we are satisfied that you are compliant with all of the conditions on the premises licence.

I have spoken with Dan to clarify the position surrounding the noise limiter. Using your own sound board to control the volume is not sufficient to meet condition 18. The noise limiter is something which is put in place by the EHO with an engineer and is tamperproof.

I have CC'd Dan and Roxanne for their information.

Please do contact us when you have managed to rectify these issues. If you are unable to comply with your premises licence conditions and continue to carry out the activities contained within, we will be taking further enforcement action.

Regards

Regards

Vicky Wilcock

Licensing Officer, Barnet Borough
Barnet Police Station
26, High Street, EN5 5RU
Tel: 020 8733 4195
barnet.licensing@met.pnn.police.uk

Please post to;
Licensing (@SA)
C/O Colindale Police Station
Graham Park Way
London, NW9 5TW



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Pattenden, Daniel

From: Vicky.Johnson@met.pnn.police.uk
Sent: 22 March 2017 13:37
To:
Cc: Pattenden, Daniel; Pateman, Roxanne
Subject: Todays Follow Up
Attachments: image001.jpg; Comprehensive Log Book Template.docx

Dear all,

Following todays follow up visit I am pleased to see that you have sorted out the operation of the CCTV and you had a couple of diary's to hand to use as log books for incidents etc. on a temporary basis.

With regards to most of the other breaches of conditions, it will become apparent weather you have improved your operations the next time we carry out an evening inspection.

With regards to your CCTV; While I see that it is now functioning, I am not confident that the quality is near what it should be. Most of the images appear quite fuzzy and suffer flare from lighting in the venue. The purpose of your CCTV is to be able to provide evidence to investigate crime and deter crime. If the footage quality is not good enough it proves very difficult to identify those involved in a crime as responsible. You will need to improve this. I am willing to give you 6 weeks to achieve this. We would like to see the system/ cameras improved by the 5th May 2017.

Your noise limiter needs to be purchased and set up with the help of the EHO. If you need help sourcing one I am sure Roxanne (Council EHO) will be able to point you in the right direction.

I assume that you will be appointing a new DPS once Rahil, George and Taylor have passed the personal licence holders course. Please apply to the council on the borough you live on for this. You need your pass certificate and a DBS Disclosure for this application. This is the link for the DBS <https://www.gov.uk/disclosure-barring-service-check/overview>

I have attached a new draft of a template for your refusals/ incident log and combined it with the SIA Log so you have it all on one sheet for each day. For days when SIA is not needed, simply put 'NOT REQUIRED' This should make life easier in the long run and help keep all staff informed of anything that has taken place should anyone come in asking questions at a later date.

In the event that we carry out an inspection and we discover further breaches of the licence, we will not be issuing any warning notices. We will take further enforcement action on the premises licence.

Hope this all makes sense. Any questions, you have my number.

Vicky Wilcock

Licensing Officer, Barnet Borough
 Barnet Police Station
 26, High Street, EN5 5RU
 Tel: 020 8733 4195
barnet.licensing@met.pnn.police.uk

Please post to:
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 London, NW9 5TW



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Pattenden, Daniel

From: Pattenden, Daniel
Sent: 22 March 2017 14:13
To:

Cc: Pateman, Roxanne; Phasey, Emma
Subject: RE: Todays Follow Up
Attachments: image002.png; image003.jpg

Dear All,

First off thank you Vicky for spending time to help the venue.

Rahil, unless you can comply fully with the conditions I am afraid to say the licence cannot be used.

You don't have at this stage a noise limiter that is compliant with the condition. This should have been put in place when the full variation was granted as such you have been non-compliant for some time.


My colleague Roxanne is the officer that will set the limit and you will arrange with her and I when it will be installed and when the level can be set.

If you carry out any licensable activities other than in accordance with the permissions granted by a premises licence you are committing an offence. Conditions are part of those permissions and you have to comply.

You have my details if you wish to discuss this matter further.

Kind regards

Daniel Pattenden
Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)
London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
Tel: 020 8359 7443
Barnet Online: www.barnet.gov.uk

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RE

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From: Vicky.Johnson@met.pnn.police.uk [mailto:Vicky.Johnson@met.pnn.police.uk]
Sent: 22 March 2017 13:37
To:
Cc: Pattenden, Daniel; Pateman, Roxanne
Subject: Todays Follow Up

Dear all,

Following todays follow up visit I am pleased to see that you have sorted out the operation of the CCTV and you had a couple of diary's to hand to use as log books for incidents etc. on a temporary basis.

With regards to most of the other breaches of conditions, it will become apparent whether you have improved your operations the next time we carry out an evening inspection.

With regards to your CCTV; While I see that it is now functioning, I am not confident that the quality is near what it should be. Most of the images appear quite fuzzy and suffer from lighting in the venue. The purpose of your CCTV is to be able to provide evidence to investigate crime and deter crime. If the footage quality is not good enough it proves very difficult to identify those involved in a crime as responsible. You will need to improve this. I am willing to give you 6 weeks to achieve this. We would like to see the system/ cameras improved by the 5th May 2017.

Your noise limiter needs to be purchased and set up with the help of the EHO. If you need help sourcing one I am sure Roxanne (Council EHO) will be able to point you in the right direction.

I assume that you will be appointing a new DPS once Rahil, George and Taylor have passed the personal licence holders course. Please apply to the council on the borough you live on for this. You need your pass certificate and a DBS Disclosure for this application. This is the link for the DBS <https://www.gov.uk/disclosure-barring-service-check/overview>

I have attached a new draft of a template for your refusals/ incident log and combined it with the SIA Log so you have it all on one sheet for each day. For days when SIA is not needed, simply put 'NOT REQUIRED' This should make life easier in the long run and help keep all staff informed of anything that has taken place should anyone come in asking questions at a later date.

In the event that we carry out an inspection and we discover further breaches of the licence, we will not be issuing any warning notices. We will take further enforcement action on the premises licence.

Hope this all makes sense. Any questions, you have my number.

Vicky Wilcock

Licensing Officer, Barnet Borough
Barnet Police Station
26, High Street, EN5 5RU
Tel: 020 8733 4195
barnet.licensing@met.pnn.police.uk

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Pattenden, Daniel

From: Oliver, John
Sent: 27 March 2017 09:15
To: Pattenden, Daniel
Subject: Guns and Smoke
Attachments: image001.png

Follow Up Flag: Follow up
Flag Status: Completed

Dan

For your info

There was quite a large number of youths fighting in High Street Barnet on Friday night (24th March 2017) at about 21.30pm. There were bottles and glasses being used, the glasses were those similar to what would be used in licensed premises.

The majority of the youths involved I saw loitering around Guns and Smoke both prior to and after the incident although I cannot say for definite that they had been inside the premises.


I notified Police at 21.45 and described the main youth who was causing a lot of the issues (white male, red tracksuite, dark body warmer with hood and a scarf covering his face).

Regards


John Oliver

Community Protection Officer (Regulation)
Community Protection (Regulation)
London Borough Of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
Tel: 020 8359 7485
Mobile: 07795503764 (Between 8am and 4pm Mon-Fri)
GCSX : john.oliver@barnet.gcsx.gov.uk
Barnet Online www.barnet.gov.uk

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Pattenden, Daniel

To: Pateman, Roxanne
Subject: RE: Guns and smokes noise limiter.

From: Pateman, Roxanne
Sent: 27 March 2017 15:48

Cc: Phasey, Emma
Subject: Guns and smokes noise limiter.
Importance: High

All,

I have been advised by Daniel the licensing officer you have made the following purchase.
<http://www.gear4music.com/PA-DJ-and-Lighting/dbx-266XS-Dual-Compressor-Gate-Limiter/IB3>
Please can you confirm if this is what you have purchased as this doesn't appear to be a noise limiter rather a device to improve sound quality.

The limiter we would require you to have as part of your licence would be a device like one of these.
<https://noiselimiters.co.uk/noise-limiters-c-24.html?osCsid=0d7649673a609a956d9e479b1e4f7a8e>
I would suggest you look at which limiter is suitable for your premises before you purchase one. If you are unsure I would recommend you engage the service of a noise consultant to help.

As per Daniels email I would like to remind you that you should not be carrying out any licensing activities until you can meet all your licencing conditions.

Regards,

Roxanne Pateman
Environmental Health Officer

Please note I work Mondays, Wednesday Mornings, Thursdays and Fridays.

Development & Regulatory Services

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, N20 0EJ
Tel: 020 8359 7995

Barnet online: www.barnet.gov.uk & www.re-ltd.co.uk



28 Mar at 18:12 • 📍

Please. beat a path to Guns&Smoke on Friday 31st March as it's our first gig of the year in Barnet and hopefully we are expecting our usual Bumper Crowd in attendance!
Kick off 9.30pm-Midnight



👍 5

👍 Like

💬 Comment

Pattenden, Daniel

From: Pattenden, Daniel
Sent: 30 March 2017 13:17
To:
Cc: Vicky Wilcock (vicky.johnson@met.pnn.police.uk); John Akers (John.Akers2@met.pnn.police.uk); Pateman, Roxanne; Phasey, Emma; 'Jane.Tuffin@met.pnn.police.uk'; Rudland, Michelle
Subject: Event for the weekend
Attachments: Screenshot_20170330-103828.png; image001.png

Rizwan/Rahil,

As per my email last Wednesday and as per Roxanne's on Monday I am reminding you that you cannot carry out licensable activities.


I have seen today that you will have a band playing this Friday, this would be an offence under section 136 (1) which states "A person commits an offence if he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or he knowingly allows a licensable activity to be so carried on." As you cannot comply with the noise limiter condition on your licence, you cannot comply with the permission of your licence.

I want to be clear that until a noise limiter is installed and the level set by Roxanne you cannot carry out any licensable activities (the sale and supply of alcohol, any regulated entertainment and late night refreshment).

If you wish to discuss this matter please contact me.

Kind regards

Daniel Pattenden
Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)
London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ
Tel: 020 8359 7443
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STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ss 5A (3) (a) & 5B: MC Rules 1981, r70)

STATEMENT OF: PC John Akers

Age of Witness (if over 18, enter "over 18"): Over 18

Occupation of Witness : Police Licensing Officer.

The following statement, consisting of 3 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Dated the 30th March 2017 (signed) PC John Akers

On Tuesday 28th March 2017 SX Licensing conducted a visit to the premises of Guns and Smoke Bar and Grill, 1b Church Passage, Barnet, EN5 4QS.

The purpose of the visit was following an email received by SX Licensing from Daniel Pattenden at LBB Licensing Team. This email was received on Tuesday 28th March 2017 and related to a "youth incident" on Barnet High Street on Friday 24th March 2017. This information came to the attention of Daniel Pattenden as it appeared that the informant for one of the calls made to Police in respect of the youth incident was Jon Oliver (an EHO for LBB)

Research conducted via IIP for the period Friday 24th March 2017 up until Sunday 26th March 2017, identified the following CADS from informants making telephone calls to Police:

CAD 9096/24th March 2017

CAD 9146/24th March 2017

CAD 9112/24th March 2017

CAD 8981/24th March 2017

CAD 9095/24th March 2017

CAD 9138/24th March 2017

CAD 9064/24th March 2017

CAD 9009/24th March 2017

(Signed) PC John Akers

(Witnessed by) _____

MG11

(Name in Capitals) _____

CONTINUATION OF STATEMENT OF

The above calls being made to Police between the hours of 21.35 through until 21.46. The details on the above CADs related to a group of between 20-30 youths fighting, some of which were armed with bottles. The main suspect as described within CAD 9096/24th March 2017 and following an email received from Jon Oliver is that of a IC1 male, wearing a red tracksuit, dark body warmer and a scarf covering his face.

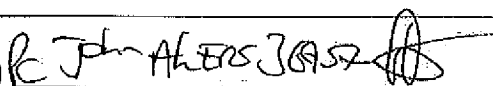
It also became apparent that the matter the incident initially started outside of The Guns and Smoke Bar and Grill before continuing up Barnet High Street in the direction of St Albans Road, passing the venues of McDonalds, Boots and finally Sainsbury's. During the course of SX Licensing conducting enquires in relation to Guns and Smoke and what information they were able to share with Police in relation to this matter, the following points have been identified of which this information has been passed onto Police by George Higgins proposed DPS for the venue.

1. CCTV whilst it is now working; footage from outside the venue is of very poor quality and does not provide any evidential value, nor assists in identifying any suspects / victims for the offence. Footage is black and white and appears to have glare from lights obstructing its view. What CCTV does show is a group of approx. 3-4 persons being ejected from the venue by the SIA door staff, of which this ejection has occurred at 21.30 due to persons being ejected being under 18 (the premises licence only allows persons u'18 to remain in the venue until 21.00 on Friday and Saturday evenings) George was unable to operate the CCTV and as such Police were relied upon to operate the system and find the incident in question. The venue have been advised to ensure that CCTV is operational throughout the venue internally and externally and that coverage is provided within all areas. A timescale with a deadline for this being addressed has been set for Friday 7th May.

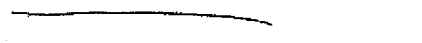
Whilst from viewing CCTV there is no evidence of parties exiting the venue with glasses / bottles / other intended weapons there did appear to be at least 8 persons sitting around the "Booth" table that is directly opposite the bar about half way up on the right as you enter the venue. Persons sitting appeared to be under the age of 18. George Higgins stated that I.D. was checked for the person buying alcohol by himself. George Higgins did state that the person whom bought alcohol then shared it amongst the other parties sitting within the Booth table which led George to intervene at 20.50. The group however were not ejected from the venue despite door staff being informed as well as door staff being within the venue until 21.30 when the disturbance outside the venue occurred. Footage has been requested by Police for the above which the venue state they'll provide. As yet this footage has not as yet been provided.

2. Almost as soon as the above group of 8 persons are ejected from the venue two persons appear from the direction of Church Passage heading in the direction of Barnet High Street. At the junction with Moxon Street but on the same side of the High St as Guns and Smoke a scuffle ensues between the above parties of which door staff for the venue are neither immediately visible on camera nor are they identifiable by way of high visibility tabard/s. As such door staff appear to be

(Signed)



(Witnessed by)



MG11

(Name in Capitals)



CONTINUATION OF STATEMENT OF

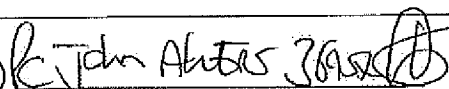
slow to react to what can only be seen as a scuffle. When door staff do intervene the parties are separated. There is however no record of this scuffle, nor the ejection from the venue within any incident log book, nor is there any record of what door staff were working on the evening in question covering in particular names, DOB, badge numbers, expiry dates etc.

From speaking with George, George informed Police that a golf club was taken from one of the two males who approached the venue from Church Passage and who was involved in the scuffle. This golf club was disposed of, again there is no record of who actually seized this golf club, how it was disposed or any details for the person who was originally in possession of the golf club. George was under the impression that it was himself who should be completing the incident log book, when however it should be door staff recording such incidents and making management at the venue aware.

George states that there were three (3) SIA door staff on duty of which one (1) remained within the venue with another two (2) supposedly by the entrance to the venue. George is unable to state who the company is for providing SIA staff at the venue, he has however been advised to identify who this is and enter dialogue with the relevant company so that both the venue and the company who provide SIA door staff are aware of each other expectations. There was no identifiable record of risk assessment being recorded to identify how the premises came to the number of three (3) door staff for this particular occasion.

The above incident aside there do still appear to be issues with persons congregating at the front of the venue with little or no interaction from door staff at the venue to move parties away or back inside the venue. With George Higgins having now completed his personal licence course at the venue, along with two other staff at the venue, it became apparent from speaking with George Higgins that he was unaware of the conditions of operation for the premises licence, with George believing that U'18's could remain inside the venue until 22.00 It was also put to George concerns over the CCTV and that requirements re: the CCTV are not being met as per the licence conditions. George has been told this needs to be rectified by 7/5/17, there is however concern that this will not be met, given that George said "He'll see what he can do"

Attempts to go over with George conditions on the licence have not been possible given that it was only himself and a chef at the venue with George being disturbed during the course of Police making attempts to speak with him. As such two dates have been provided to George for George to attend Barnet Police Station whereby licence conditions can be shown to George and explained were required. A copy of the premises licence has also been provided to George. Despite dates being provided to George on Tuesday 28th March 2017 there has been no response in when he is willing to meet to discuss licence conditions for the venue.

(Signed) 

(Witnessed by) _____

MG11

(Name in Capitals) _____

Guns and Smoke 1714 30/3/17

Speaking. Rahil and Rizwan by phone about the noise limiter, they accused pc John akers of being corrupt and trying to sabotage his business.

After 9pm and of time speaking down the phone about the incident arising and it not being the issue as it left the premises and why do they need to have this done in a signed piece of paper, they allowed me to explain that a condition forms part of their licence and the permissions it allows, that conditions are not optional or subjective to what activity is taking place. I explained clearly that until the noise limiter was installed and set they could not conduct any

licenseable activities or this would be an offence under section 136(1). They asked me for a favour as they had lots of bookings tonight, I stated clearly "no" I explained again unless they could comply 100% with the licence and all of the conditions they cannot conduct licenseable activities. Apbar - apologising for the way they spoke to me they stated they had the limiter and they would have it installed tomorrow, I said that would be fine and if Rizwan means noise cleared it they would go back to business as usual. call terminated at 17:38 -

Finish at 17.40

Copy

DP27

Development & Regulatory Services
The London Borough of Barnet
Community Protection (Regulation)
Barnet House, 1255 High Road
London, N20 0EJ

The Manager, The DPS, Rahil Majeed, Contact:	Roxanne Pateman
Ali Rizwan, George Higgs	Tel: 020 8359 7451
1B Church Passage	Fax: 0870 889 6793
Barnet	E-mail: roxanne.pateman@barnet.gov.uk
EN5 4QS	Date: 31 March 2017
	Our Ref: PHCP/16/13500

All,

ENVIRONMENTAL PROTECTION ACT 1990, Section 79 & 80
1B Church Passage, Barnet, EN5 4QS

This service has received numerous complaints regarding loud amplified music, speech and musical instruments from the above premises. The out of hours noise team witnessed this on 24th March 2017 and deemed it to be a Statutory Noise Nuisance.

Enclosed is an Abatement Notice served under the above legislation. This notice requires you to cease or cause to cease the playing of amplified music, speech and musical instruments at such a level as to cause a statutory noise nuisance.

Failure to comply with this notice may result in this service undertaking further formal action, which may include seizing all noise making equipment at your property and where necessary prosecution.

If you require any further information or wish to discuss the matter please do not hesitate to contact me.

Yours sincerely

Roxanne Pateman
Environmental Health Officer

Copy

DP27



ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80
Abatement Notice in respect of Statutory Nuisance

To: The Manager, The DPS, Rahil Majeed, Ali Rizwan and George Higgins

of : Guns and Smoke, 1B Church Passage, Barnet, EN5 4QS

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the London Borough of Barnet Council being satisfied of the [existence] [likely [occurrence] [recurrence] of a statutory nuisance under section 79(1) of that Act at the premises neighbouring: **Guns and Smoke, 1B Church Passage, Barnet, EN5 4QS**

[within the district of the said Council] arising from ‡ **Guns and Smoke, 1B Church Passage, Barnet, EN5 4QS.**

[HEREBY REQUIRE YOU as the [person responsible for the said nuisance] [owner] [occupier] of the premises] forthwith from the service of this notice [to abate the same] [and also]

[HEREBY [PROHIBIT][RESTRICT] the [occurrence][recurrence] of the same] [and for that purpose require you to:‡ **Cease or cause to cease the playing of amplified music, speech and musical instruments at such a level as to cause a statutory noise nuisance.**

[This is a notice to which paragraph (2) of regulations 3 of the Statutory Nuisances (Appeals) Regulations 1995 applies and, in consequence in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the nuisance to which this notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the notice of no practical effect] [the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the standard scale ** together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED: 31 March 2017

Signed,
Authorised Officer

Ref : 17/00064/N516

Environmental Health
Development & Regulatory Services
Building 4,
North London Business Park,
Oakleigh Road South,
London, N11 1NP

Tel: 020 8359 7995

SEE NOTES OVER

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with date of service of the notice.

- † Describe the cause of the nuisance. ** Currently £5,000, subject to alteration by Order.
- ‡ State specific works to be done or action to be taken.

The Statutory Nuisance (Appeals) (Amendment) (England) Regulations 2006 provide as follows:

APPEALS UNDER SECTION 80 (3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney or
 - (iii) is a nuisance falling within section 79(1)(ga)(a) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practical means were used to prevent, or to counteract the effects of, the nuisance; or
 - (iv) is a nuisance falling within section 79(10)(fb) of the 1999 Act and-
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 8 (8A) of the 1990 Act).
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings)
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of schedule 2 to the 1993 Act (loud speakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80a(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one
- (4) Where the grounds upon which an appeal brought include a ground specified in paragraph (2)(i) or (l) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulations applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person
- (7) In exercising its powers under paragraph (6) above, the court
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions' whether contractual or statutory' or any relevant tenancy and to the nature of the works required' and
 - (b) shall be satisfied, before it imposes any requirement there under on any person other than the appellant' that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

ENVIRONMENTAL HEALTH CASE DETAILS

Case Reference: PHCP/16/11216

PREMISES DETAILS

Trading Name (if a commercial premises):
Location: 1B Church Passage, Barnet, EN5 4QS, ,

CONTACT DETAILS**Complainant**

Address

Email -

- Complainant

Address: , , , ,

Day time -

Guns And Smoke Bar _ Grill - Alleged Perpetrator**CASE DETAILS****Date Received:** 15/09/16**Enquiry Type:** Noise Complaint Not Ongoing (3 day Resp)**Enquiry Details:**

Noise levels have also become a problem again as the back door is regularly opened when the live music is playing - loudest on Fridays and Saturdays.

First Response Target: 20/09/16**Receiving Officer:** Jacqueline Hammond**How Received:** E-mailed**Case Officer:** Roxanne Pateman**ACTIONS TAKEN** (All actions on case listed below)**Action:** Case Reviewed**Start Date:** 27/10/16 00:00:00**Officer:** Roxanne Pateman**Details:** No response from the comp in over 5 weeks therefore I am closing this case.**Action:** Communication with Customer/Enq**Start Date:** 15/09/16 00:00:00**Officer:** Simon Bull**Details:** no address or tel no. for C only email
email sent to C

Action: Case Reviewed

Start Date: 15/09/16 00:00:00

Officer: Simon Bull

Details: discussed licensing issues with my colleague Daniel Pattenden who stated that to his knowledge there is no rear exit door attached to the venue also stated many licensing and noise related issues with venue

I checked Google Earth and noticed a new build taking place at rear of premises carpark but dont know how old the map i was looking at was.

Action: Loud Music Commercial

Start Date: 15/09/16 00:00:00

Officer: Simon Bull

Details:

Action: Notes

Start Date:

Officer: Jacqueline Hammond

Details: telephone number and address added for comp

ENVIRONMENTAL HEALTH CASE DETAILS

Case Reference: PHCP/16/13500

PREMISES DETAILS

Trading Name (if a commercial premises):
Location: 1B Church Passage, Barnet, EN5 4QS, ,

CONTACT DETAILS

George - Manager
Address: 1B Church Passage, Barnet, EN5 4QS, ,

CASE DETAILS

Date Received: 14/11/16
Enquiry Type: Noise Complaint Not Ongoing (3 day Resp)
Enquiry Details:
 Loud music.

First Response Target: 17/11/16
Receiving Officer: Antoinette Hammond
How Received: Telephone
Case Officer: Roxanne Pateman

ACTIONS TAKEN (All actions on case listed below)

Action: Loud Music Commercial
Start Date:
Officer: Roxanne Pateman
Details:

Action: Proactive Sound Visit
Start Date:
Officer: Antoinette Bernard
Details:

Action: Nuisance Witnessed
Start Date:
Officer: Antoinette Bernard
Details:

Action: Call from Comp
Start Date:
Officer: Antoinette Bernard
Details:

Action: Call to Comp
Start Date:
Officer: Antoinette Bernard
Details:

Action: Letter/Email to other
Start Date: 27/03/17 00:00:00
Officer: Roxanne Pateman
Details: email trail with OOH and Emma.

Action: Letter/Email to other
Start Date: 24/03/17 00:00:00
Officer: Antoinette Bernard
Details:
From: Bernard, Antoinette
Sent: 25 March 2017 02:32
To: Phasey, Emma
Cc: Pateman, Roxanne; Haynes, Ralph; Burrows, Charlene; Francis, Giselle
Subject: Guns and Smoke

Emma,

This one is back and it is a stat nuisance. Please see notes. A new limiter is being installed and it needs to be set in liaison with the neighbour who is complaining of the noise. This can potentially be done on Wednesday evening unless one of the daytime officers wants to do it?? Giselle and Charlene are both on this Wednesday.

Initially we were going to serve notice but after speaking to the owner agreed to hold off serving the notice as he was installing a new limiter the next day. If Wednesday is not possible then I would suggest serving notice as it was intrusive.

Regards

Antoinette

Antoinette Bernard
Noise Nuisance Officer
Community Protection (Regulation)

Action: Notes**Start Date:** 24/03/17 00:00:00**Officer:** Antoinette Bernard**Details:** TC from comp F

re loud music . Visit made at 21.55.

Comp lives on the ground floor of a block of flat and it is located parallel to Guns and Smoke.

Assessed in comp's living room and bedroom. In both rooms the music could be heard and in particular the bass could be heard clearly. Stat nuisance.

Left comp's property and and visited Guns and Smoke. Spoke to the manager George and advised that the level of music was a stat nuisance. George said that the music wasn't above 80db and that the police had said that the level was okay. Explained the police couldn't advise on what db was acceptable as the level of music was defined by ensuring that other people weren't disturbed by it rather than a flat number. George also gave the team his telephone number and requested them to contact him if there were any further problems.

The owner of the bar approached us at this point (Rahil Majid). He agreed to turn down the music, particularly the bass. Music was turned down twice. Reassessed in comp's property. Bass still loud and intrusive. Spoke to the owner who arranged for the bass to be turned down. The owner informed us that that he had a new bass limiter arriving on Saturday 25th and that he would be having a new limit set. Officers agreed not to serve notice tonight as a new limiter is being installed.

Agreed that noise service would meet and agree level whilst in comp's property. Email sent to EP requesting she confirm arrangements for Wednesday 29 March 2017.

22.55

TC from comp who said that after about 30 minutes after officers left the music was turned up. Comp said he could clearly hear and feel the song 'Ghost Town' and that his flat was shaking.

Offered to revisit comp and speak to perps. comp agreed for officers to contact the perps via phone to reduce the level of music.

Called comp - no answer - Text sent advising manager to reduce the noise.

Refer case to EP/RH re liaising for the limiter.

Action: Call from Comp**Start Date:** 24/03/17 00:00:00**Officer:** Antoinette Bernard**Details:****Action: Verbal Warning****Start Date:** 24/03/17 00:00:00**Officer:** Antoinette Bernard**Details:****Action: Letter/Email to Partner****Start Date:** 29/03/17 00:00:00**Officer:** Roxanne Pateman**Details:** email to police.**Action: Letter/Email from partner****Start Date:** 29/03/17 00:00:00**Officer:** Roxanne Pateman**Details:** Email from police and licensing regarding the fight and other concerns reagrding the

premises.

Action: Letter/Email to Partner

Start Date: 22/03/17 00:00:00

Officer: Roxanne Pateman

Details: Email trail with the police and the owners

They are in breach of their licence for several things.

Meeting is to be held with all partner to discuss a way forward.

No noise limiter in the property.

They have been advised they must cease operating until all conditions are met.

Action: Case Review

Start Date: 20/03/17 00:00:00

Officer: Roxanne Pateman

Details: will be arranging a visit to this with licencing.

Action: Notes

Start Date: 18/03/17 00:00:00

Officer: Maya Nsofor

Details: Email sent to Emma Phasey.

Action: Communication from Complainant/Enquirer

Start Date: 17/03/17 00:00:00

Officer: Maya Nsofor

Details: At 9pm received call from comp advising of nuisance from loud music from the Guns and Smoke bar. Advised that we'd visit to assess.

While enroute, received a call back from comp advising that the noise has stopped and unlikely to recur tonight. Advised that case would be escalated for day investigation for officers to check licence conditions, sound insulation and if a noise limiter has been installed.

Encourage comp to call service should nuisance recur.

Action: Case Reviewed

Start Date: 06/01/17 00:00:00

Officer: Roxanne Pateman

Details: No further complaints, therefore I am closing this case.

Action: Noise Visit

Start Date: 21/11/16 00:00:00

Officer: Roxanne Pateman

Details: Two noise visits made on Friday and Saturday night by PEC - no noise was witnessed at street level.

Action: Communication with Perp/Subject

Start Date: 16/11/16 00:00:00

Officer: Roxanne Pateman

Details: email with owner.

Action: Communication with Customer/Enq

Start Date: 16/11/16 00:00:00

Officer: Roxanne Pateman

Details: Telephone conversation with Comp.

She advised the main issue is that they have fridges outside and when ever some one goes outside to get something the noise escapes. She said her and her husband have spoken with them but Sunday was a really issue. She said even with the door shut she can still hear the music but it is not too bad.

She said many of her neighbours have an issue with it as well.

I told her i would speak with them regarding not going outside when the music was on. I also told comp to use the OOH service this weekend so we can have the level of the music assessed as if it is an issue then we can look at taking action to prevent the nuisance.

Comp also advised there are underage drinkers in the premises as we children friends go in there. Said I would refer this to the licensing team for them to look into. Told comp to call the OOH this weekend and i would look at the notes on Monday and take it from there.

Action: Communication with Perp/Subject

Start Date: 16/11/16 00:00:00

Officer: Roxanne Pateman

Details: email trail with perp.

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CASE DETAILS

Date Received: 13/12/14
Enquiry Type: Noise Complaint Out of Hours (1 hr Resp)
Enquiry Details:
 Guns and Smoke playing loud music causing a disturbance.

First Response Target: 12/12/14
Receiving Officer: Emal Pardes
How Received: Call out
Case Officer: Emma Phasey

ACTIONS TAKEN (All actions on case listed below)

Action: Communication from Complainant/Enquirer
Start Date: 29/01/16 00:00:00
Officer: Antoinette Bernard
Details: TC fro comp at 1E re. Loud music ongoing at Guns and Smoke. Updated him on the case. Advised him that notice was served and that EP and RH were the lead officers and if he contacted them they would be able to advise him on what was happening. Told him if officers needed to witness the music again they would contact him.

Action: Notice Served
Start Date: 22/01/16 00:00:00
Officer: Jack Dowler (OOH)
Details: Notice was served and handed to a Mr Rizwan Ali. Left site at 23:45.

Action: Visit/Inspection
Start Date: 22/01/16 00:00:00
Officer: Jack Dowler (OOH)
Details: Did a noise assessment from Flat 1e, Church Passage, EN5 4QS. Did an assessment from the living room and witnessed a statutory noise nuisance. Music was audible and the instruments being used by the live band were heard very clearly. Kick and snare was also audible. Could hear the lyrics of the song.

Action: Other
Start Date: 19/01/16 00:00:00
Officer: Nicoletta Vianello
Details:
 Withdrawn Notice served 11/12/2016

Withdrawn Notice - Guns & Smoke

Mr Rizwan Ali
Guns and Smoke Bar and Grill
1B Church Passage
Barnet
London
Hertfordshire
EN5 4QS

Contact:
Tel:
E-mail:
Date:
Our Ref:

Ralph Haynes
020 8359 7448
ralph.haynes@barnet.gov.uk
19th January 2016
PHCP03/14/00627

Dear Mr Rizwan Ali,

Withdrawing Notice 12th December 2015 served on Mr Rizwan Ali

We are withdrawing the Notice 12th December 2015 served on Mr Rizwan Ali of Guns and Smoke Bar and Grill, 1B Church Passage, Barnet, Hertfordshire, London EN5 4QS.

However, noise complaints are being received as flats near to premises are now occupied. Mr Ali has no known home address, so please pass on this letter and message that if noise nuisance witnessed in nearby occupied residential flats, Notice will be reserved. Therefore, Mr Ali please contact us to discuss how to abate noise from amplified music from Guns and Smoke Bar and Grill.

Yours sincerely,

Ralph Haynes
Group Manager Consultancy and Scientific Services, Environmental Health
Department of Development and Regulatory Services

Withdrawn Notice - Magistrate

Willesden Magistrates' Court
Attention to:
J. Vantghem, Justice's Clerk
448 High road
London

NW10 2DZ

Contact:

Tel:

E-mail:

Date:

Our Ref:

Ralph Haynes
020 8359 7448
ralph.haynes@barnet.gov.uk
19th January 2016
PHCP03/14/00627

Dear .

Case number 011600072717

Withdrawing Notice 12th December 2015 served on Mr Rizwan Ali

We are withdrawing the Notice 12th December 2015 served on Mr Rizwan Ali of Guns and Smoke Bar and Grill, 1B Church Passge, Barnet, Hertfordshire, London EN5 4QS.

However, noise complaints are being received as flats near to premises are now occupied. Mr Ali has no known home address, so please pass on this letter and message that if noise nuisance witnessed in nearby occupied residential flats, Notice will be reserved. Therefore, Mr Ali please contact us to discuss how to abate noise from amplified music from Guns and Smoke Bar and Grill.

Yours sincerely,

Ralph Haynes
Group Manager Consultancy and Scientific Services, Environmental Health
Department of Development and Regulatory Services

Action: Communication from Complainant/Enquirer

Start Date: 09/01/16 00:00:00

Officer: Giselle Francis

Details: GF - Spoke to comp at Flat 1E and he advised that they were playing loud music. Explained delay as dealing with a case.

ABE - Called comp back 23.28 and the music had stopped. Advised that he needed to contact the

service before the end of the night as no guarantees we would be able to get to him quickly.

Action: Communication from Complainant/Enquirer

Start Date: 06/01/16 00:00:00

Officer: Antoinette Bernard

Details: Comp has moved into 1E Church passage and rang about loud music from Guns and Smoke. Explained there would be a number of hours delay as dealing with an alarm case. Comp called back 23.30 and cancelled call as music had stopped.

Action: Communication from Complainant/Enquirer

Start Date: 02/01/16 00:00:00

Officer: Jack Dowler (OOH)

Details: Called to say music had stopped.

Action: Communication from Complainant/Enquirer

Start Date: 02/01/16 00:00:00

Officer: Jack Dowler (OOH)

Details: Comp says music has been disturbing him since 9pm. Advised that a notice has been served so I advised that I will need to attend to witness a breach.

Action:

Start Date:

Officer:

Details:

Action: Interview Caution

Start Date: 10/12/15 00:00:00

Officer: Ralph Haynes

Details: Mr Ali did not turn up for PACE interview at 10am rang his phone number and left a message stating he needed to contact me to discuss evidence of noise from Guns and smoke and how to mitigate the noise affecting neighbours.

As could only leave a message decided to go to home address and found since late october there were new owners of and the premises had been empty. Lady owner said there had been alot of post and people looking for Mr Ali.

So directed NV to reserve notice on Guns and smoke and updated EP and I
Case update for Emma

Mr Ali did not turn up for PACE interview at 10am. I rang his phone number and left a message stating he needed to contact me to discuss evidence of noise from Guns and smoke and how to mitigate the noise affecting neighbours.

As could only leave a message decided to go to home address and found since late october there were new owners of address in East Finchley and the premises had been empty for some months before new owners moved in. Lady owner said there had been a lot of post and people looking for Mr Ali.

So directed Nicoletta to redraft notice on Guns and smoke address as we have no address for Mr Ali, as she is not in the office on Fridays- Nicoletta will take it down to second floor so Emma can you arrange the noise team to serve it on the pub by attaching it to the pub and take a photo and sign service of notice slip.

regards
 Ralph Haynes
 Group Manager Consultancy and Scientific Services, Environmental Health
 Department of Development and Regulatory Services
 London Borough of Barnet, Barnet House, 1255 High Road Whetstone, N20 0EJ Tel: 020 8359 7448
 Barnet Online: www.barnet.gov.uk
 please consider the environment - do you really need to print this email?
 www.re-ltd.co.uk

Action: Communication with Landlord
Start Date: 18/01/16 00:00:00
Officer: Emma Phasey
Details: received appeal spoke with manager JA as witnessed nuisance when flat unoccupied may withdraw notice and then reserve when re witness nuisance

Action: Communication with Landlord
Start Date: 07/01/16 00:00:00
Officer: Emma Phasey
Details: updated with progress tenant in flat will call again this weekend if noisy
 no news of address of licensee. Mr Cramer may have address of solicitors if he pays them gave him general advice regarding this issue and may need to ask for licensing advice

Action: Communication with Perp/Subject
Start Date: 08/12/15 00:00:00
Officer: Emma Phasey
Details: left message for mr Ali to contact me regarding a meeting ASAP

Action: Communication with Landlord
Start Date: 08/12/15 00:00:00
Officer: Emma Phasey
Details: Finally got hold of
 He has confirmed that a new tenant is moving in this weekend.
 Suggested he passed on my contact details to the tenant so that I can discuss the situation with him and advise him how we can assist
 told him that although we were unable to proceed with the PACE and criminal investigation due to no tenant in the property at the previous visit we were hoping to take this forward with an action planning meeting to cover licensing and noise
 that we could offer to establish the level that the music can be played by visiting and agreeing sound levels - but relies on co operation of the tenants
 said that should we evidence noise nuisance one there is a tenant in the property then we will be taking further action including considering reviewing the premises licence.

Action: Communication with Customer/Enq
Start Date: 30/11/15 00:00:00
Officer:
Details: spoke to [redacted] confirmed he was also freeholder of Guns and smoke as well as residential premises above.
 I stated I had legal advice that unless there were residents affected and living in the flats we could

not enact our public nuisance powers and take formal action but he had remedy in civil legislation. His father is old and is trying to prevent problems for him.

He does not think Mr Ali will attend licencing meeting but he understood my point and is likely to populate flats with tenants who will ring up if disturbed by noise.

Action: Communication with Landlord

Start Date: 27/11/15 00:00:00

Officer:

Details:

Witness statements uploaded on Uniform

Emails with

From: Haynes, Ralph
Sent: 27 November 2015 10:09
To
Cc Phasey, Emma
Subject: RE: Guns & Smoke 1 Church Passage Barnet

Martin

If he does not respond and we can gain evidence of a regular noise nuisance we then can follow procedures for more formal action- for instance a prosecution and potential a review of the premises licence

regards
Ralph Haynes
Group Manager Consultancy and Scientific Services, Environmental Health

=====
From:
Sent: 27 November 2015 09:51
To: Haynes, Ralph
Cc:
Subject: Re: Guns & Smoke 1 Church Passage Barnet

Dear Ralph

Thank you for your email.
Can you confirm what happens in the event that Rizwan Ali does not respond or attend the pace meeting as I suspect that is what he will do?
He has always claimed that there is nothing anyone can do to stop the noise pollution.

Kind regards

Sent from my iPhone

=====
From: Haynes, Ralph

Sent: 27 November 2015 09:36

To:
Cc: ; Burrows, Charlene; Bernard, Antoinette
Subject: RE: Guns & Smoke 1 Church Passage Barnet

Thank you for your email. I can confirm we have sent a formal invitation for Mr Ali to attend a pace interview on the 10th December 2015.

Your witness statement is good apart from the fact that it should be transposed on all one form. There is a slight problem with the forms formatting, apologies but it can be rectified if you use a smaller font or do the statement over 2 pages.

In the meantime residents can call out the out of hours to get more evidence of nuisance if our warning letter is not successful, residents can also fill out their own witness statements.

regards
Ralph Haynes
Group Manager Consultancy and Scientific Services, Environmental Health

=====

From:
Sent: 26 November 2015 17:46
To: Haynes, Ralph
Cc: Burrows, Charlene; Bernard, Antoinette
Subject: Re: Guns & Smoke 1 Church Passage Barnet

Dear Mr Haynes

Please find attached the witness statement, which is signed by myself and witnessed by an independent witness. Can you confirm that this is all you require at this stage?

With regard to the Pace interview, am I right in believing that this is carried out under caution and can be used as evidence in a court of law in any future prosecution? As I have mentioned when we spoke, the tenant of Guns & Smoke, is adamant, that nothing can be done to force him to turn the music down to acceptable level, as such please let me know if there is anything further we can do to assist in this matter.

I can confirm that the unbearable noise pollution continues on a daily basis, with Thursday, Friday and Saturday being the worst as the floors appear to vibrate even more on these nights.

I would like to take this opportunity of thanking you and all of your team, for all of your help to date.

Kind regards

=====

Thanks

We are organising a Pace interview for 10th December and will shortly send them a letter inviting them to a formal interview due to the breach witnessed.

Please transpose your statement of facts 1 to 7 into attached witness statement and sign it, but do not do it in bullet point form it has to be relatively continuous(contemporaneous) and explain who you are in the introduction. We can then use this as evidence for formal investigation.

Please return to Nicoletta and cc me

regards
 Ralph Haynes
 Group Manager Consultancy and Scientific Services, Environmental Health

=====
 From: |
 Date: Mon, 23 Nov 2015 16:55:55 +0000
 To: <ralph.haynes@barnet.gov.uk>
 Cc: |
 Subject: Guns & Smoke 1 Church Passage Barnet

Dear Mr Haynes

Further to our conversation this morning, I am pleased to confirm the following as requested:

STATEMENT OF FACTS

1. The tenants of Guns and Smoke are Ray Infotech Limited.
2. The director dealing with the landlord is Mr Rizwan Ali.
3. There will have been no complaints over recent months as all of the historic tenants of the four flats above the premises have left as the noise and vibration became unbearable.
4. Directors and the company of Guns and Smoke were renting 3 of the 4 flats.
5. The fourth flat which the directors of Guns and Smoke had agreed to rent is vacant, and totally unlettable due to excessive noise and vibration and the directors have now handed back one of the flats they were renting, making 2 of the flats empty.
6. The ground floor property is let to Ray Infotech Limited for use as a restaurant, yet appears to be used as a bar and live music venue, thus rendering the apartments over as uninhabitable during most opening hours, due to loud music being played and live entertainment, one comment of one of our representative was that the floors in one of the apartment was moving up and down.
7. The landlords representative have endeavoured to liaise with the tenants to no avail, in one case a representative was personally assaulted, by 2 of the directors of Guns & Smoke, with the police having to attend.
8. The tenant claims fire access rites that they do not have, rendering in our opinion the safety of the occupants to be in a dangerous situation. LFB have been notified and are investigating.
9. The tenant has stated that the council are unable to deal with this as they have tried previously and failed. They claim, to know how to get around any enforcement notice.

I trust the above statement is of use, please do not hesitate to contact the writer should you require any further information or clarification.

The landlord, my father very much appreciates the councils assistance in the matter as clearly this is an unacceptable.

Yours truly

For and on behalf of Mr () (Landlord)

=====
 From: Haynes, Ralph
 Sent: 23 November 2015 09:53
 To: Bernard, Antoinette
 Cc: Burrows, Charlene; Armitage, James
 Subject: RE: PHCP03/14/00627 - Guns and Smoke

Antoinette and Charlene

As you have witnessed a breach of the noise abatement notice and its less than a year ago

I will brief to help- Please I can you send out a commercial pace interview letter to the named person on the notice

Antoinette please provide a witness statement. I advised him in January to increase absorption in premises, isolate speakers and improve insulation.

Obviously not using a noise limiter either so could your reflect this in your witness statement and mention why no recent complaint as tenants moved out.

I will attend Pace interview and lead but will help if Nicoletta can organise it with Pace letter.

regards
 Ralph Haynes
 Group Manager Consultancy and Scientific Services, Environmental Health

=====
 From: Bernard, Antoinette
 Sent: 21 November 2015 02:38
 To: Haynes, Ralph
 Cc: Burrows, Charlene
 Subject: PHCP03/14/00627 - Guns and Smoke

Hi Ralph,

This case is back. Can either you or your team pick this one up? It appears that none of the work that you recommended has been done, as the noise in the flat above the pub was unbelievably loud. The case seems to have moved on from a noise complaint, to the owners of the pub suing the landlord of the flat and saying that the property is unfit for habitation in part due to the loud music they create??

Regards

Antoinette

Antoinette Bernard
 Noise Nuisance Officer

Action: Communication to Subject/Perp

Start Date: 23/11/15 00:00:00

Officer:

Details: Pace interview letter sent to:

Rizwan Ali
Ray Infotech Limited
27 Fairlawn Avenue
London N2 9PS

The interview will take place at:

Venue: North London Business Park, Building 2, Oakleigh Road South, London N11 1NP
Room: IUC, Ground floor (reception)
Interview date: Thursday 10th December 2015
Time: 10am

Action: Communication to Complainant/Enquirer

Start Date: 23/11/15 00:00:00

Officer: Ralph Haynes

Details: spoke to

Guns and smoke owners had been renting 3 flats so reason no complaints since January, but now only want to pay half rent

so flats in habitated and nuisance witnessed.

NV to check if notice served correctly owner Rizwan Ali plus another company Infotec

check if notice valid and if so send out commercial pace letter

to confirm owners details send in statement please give him S(why no complaints january- November and need WS for AB

Action: Visit/Inspection

Start Date: 20/11/15 00:00:00

Officer: Antoinette Bernard

Details: Visit made at 22.30 and assessed in the flat directly above the rear of Guns and Smoke. Music was extremely loud in both the bedroom and the living room. The level of music inside the property was a similar level to being inside the pub (We visited the pub afterwards to check how loud it was in the actual venue. The speakers in the venue are located on the wall close to the ceiling.

Stat nuisance. Breach of Notice

However it should be noted that the flat is currently unoccupied. The landlord's son - advised that the last tenant had moved out as a result of the noise.

Spoke to the owners of Guns and Smoke, who advised that they are taking legal proceedings

against the landlord of the flat as they say the property is unfit for habitation. The owner of Guns and Smoke confirmed that one of the grounds that they are arguing that the flat is unfit for habitation is based on the level of their music.

Case to be referred to RH.

Action: Noise Visit

Start Date: 29/01/15 00:00:00

Officer: Roxanne Pateman

Details: Visited property with Ralph.

Spoke at length with Matt the manager of the premises.

Ralph advised on the works they need to do. This included isolating the speakers from the structure of the premises, installing sound proofing on 60% of the walls, the stage and also around any speakers.

Ralph advised matt that really live music shouldn't really be played above 90-93dB or it is likely that even with all these works there will still be a nuisance.

Tried to knock on the comps door but I got no response.

 tied to indicate there is alternate motive to their complaint

Spent 1 hour onsite.

Action: Visit/Inspection

Start Date:

Officer: Giselle Francis

Details: 22:15 Comp contacted the service regarding loud music emanating from Guns _ Smoke. Advised comp NNO will visit. Officers visited @ 22:15 and witnessed loud intrusive music within a habitable room. The source of the music was from Guns and Smoke and the noise was believed from a live band. Officer took measures using a sound level meter which calibrated prior to use by AJ. The peak reading obtained with the live band was 80.3dBA and that from sound system was 50.3dBA. Clearly, the work undertaken to abate the noise was not sufficient and more works are required. At the request of comp officers did not approach perp. It is alleged that the licensee has threatened comp with eviction if they make further complaints.

Action: Visit/Inspection

Start Date:

Officer: Giselle Francis

Details: NNO received a call from tenant @ 1E Church Passage regarding loud music emanating from Guns _ Smoke. Officers prioritise this complaint. 23:35 Arrived on site and was advised by comp that the live music stopped. However, they were still affected by noise from sound system. NNO approached perp and spoke to him regarding undertaking further works to abate the nuisance in the properties above. Perp advised that he is in contact with his Sound engineer to undertake works. Further, officers were advised that notice was served on one of the flats above. Perp suggested that the landlord has served notice on the residents to idea further works. It is alleged that there is a void between the flooring and ceiling winch is believed is responsible for the continued nuisance.

It isa recommended that the licensee be now brought in for a PACE interview.

Action: Communication to Complainant

Start Date: 10/01/15 00:00:00

Officer: Ricardo Rocha

Details: Spoke to comp regarding the complaint, but she just wanted to let us know that the noise would be there at night time and she wanted an officer to visit. I advised her to call us when the noise is there to be witnessed. Advice given no noise ongoing when comp called.

Action: Communication to Subject

Start Date: 23/01/15 00:00:00

Officer: Roxanne Pateman

Details: Breach of notice letter to perp. Attached in the DMS. sent via email and post. Note, the letter saved is incorrect as the date is wrong. letter attached via email is the correct letter.

Action: Communication to Complainant/Enquirer

Start Date: 09/01/15 00:00:00

Officer: Roxanne Pateman

Details:

Action: Communication from Subject

Start Date: 08/01/15 00:00:00

Officer: Margaret Mullaney

Details: Email Live music from the guns and smoke bar on high barnet high street. very loud continues to make my life a misery. I have made numerous complaints including calling 101. It is now nearly 11pm and all you can hear in my bedroom is the drums and bass from the live band playing next door. I leave for work at 6am in the morning. We have been away over christmas hence no complaints for the last few weeks but problem remains. Is there anything that can be done to help? Or do we need to move house? Please advise Regards I

Action: Communication from Complainant/Enquirer

Start Date: 07/01/15 00:00:00

Officer: Margaret Mullaney

Details: Call from comp to say there was noise, left a message to ask if the noise was loud music or building. I explained that the building work is coming to an end

Action:

Start Date:

Officer:

Details:

Action: Communication from Subject/Perp

Start Date: 05/01/15 00:00:00

Officer: Roxanne Pateman

Details: email to perp. Attached in the DMS.

Action: Communication from Subject/Perp

Start Date: 04/01/15 00:00:00

Officer: Roxanne Pateman

Details: Further email from perp regarding the works they are undertaking at the restaurant. Attached in the DMS

Action: Communication from Subject/Perp
Start Date: 30/12/14 00:00:00
Officer: Roxanne Pateman
Details: Email from perp regarding the notice and the actions they are taking. Attached in the DMS

Action: Notice Served
Start Date: 23/12/14 00:00:00
Officer: Roxanne Pateman
Details: notice served

Action: Communication to Subject/Perp
Start Date: 12/12/14 00:00:00
Officer: Emal Pardes
Details: I approached perp/ leaseholder of Guns and Smoke and advised that I have assessed the complainant property at 22:40, carried out a 20 minutes noise assessment and upon inspection witnessed a statutory noise nuisance under the EPA 1990 Section 80 of the legislation within the comps habitable zone. An abatement notice was going to be served on the perp, but the leaseholders has requested for additional time keeping the notice on hold in order to rectify these issue before escalating them further.

I have warned the Leaseholder to minimise the level noise at all times in order to prevent the noise disturbances from travelling towards the neighbouring properties. I advised to hire a professional sound engineer to treat the premises for acoustics and must install a sound limiter on site within 14 working days. Failure to comply will reactivate the abatement notice under the EPA 1990 Section 80 and it will be served if the requirements are not met as requested by the Council.

The lease holder complied with given advice.
Awaiting inspection for noise assessment.

Action: Visit/Inspection
Start Date: 12/12/14 00:00:00
Officer: Emal Pardes
Details: I visited the complainant property at 22:40, carried out a 20 minutes noise assessment and upon inspection witnessed a statutory noise nuisance under the EPA 1990 Section 80 of the legislation within the comps habitable zone.

Action: Communication to Complainant/Enquirer
Start Date: 12/12/14 00:00:00
Officer: Emal Pardes
Details: I contacted the complainant and advised that I have approached perp/ leaseholder of Guns and Smoke and advised that I have assessed the complainant property at 22:40, carried out a 20 minutes noise assessment and upon inspection witnessed a statutory noise nuisance under the EPA 1990 Section 80 of the legislation within the comps habitable zone. The music has been turned off and the live band was sent home.

An abatement notice was going to be served on the perp, but the leaseholders has requested for additional time keeping the notice on hold in order to rectify these issue before escalating them further.

I have warned the Leaseholder to minimise the level noise level at all times in order to prevent the noise disturbances from travelling towards the neighbouring properties. I advised to hire a professional sound engineer to treat the premises for acoustics and must install a sound limiter on site within 14 working days. Failure to comply will reactivate the abatement notice under the EPA 1990 Section 80 and it will be served if the requirements are not met as requested by the Council.

The lease holder complied with given advice.

Development & Regulatory Services
The London Borough of Barnet
Environmental Health
Building 4
North London Business Park
Oakleigh Road South
London N11 1NP

Rizwan Ali
Ray Infotech Limited,

contact: Roxanne Pateman
tel: 020 8359 7995
e-mail: roxanne.pateman@barnet.gov.uk
date: 24th December 2014
our reference: PHCP03/14/00627

Dear Mr Ali

**ENVIRONMENTAL PROTECTION ACT 1990, Section 80
Guns and Smoke, 1B Church Passage, Barnet, EN5 4QS.**

This service has received numerous complaints regarding loud amplified music and speech from the above premises over the last 4 weeks, the most recent being in the early hours of the 21st December 2014. Officers from this service are satisfied the music from your premises is being played at such a level as to be causing a statutory noise nuisance to neighbouring properties.

Enclosed is a formal notice served under the above legislation. This notice requires you to cease or cause to cease the playing of amplified music and speech at such a volume as to cause noise nuisance.

This may be achieved in a number of different ways such as turning the music down, isolating speakers, sound proofing the property and installing a noise limiter. I would recommend you engage the service of an acoustic consultant to help you in undertaking the necessary remedial works.

Should this not be achieved by simply turning down the music, while you are undertaking other mitigation methods, this service would expect you to turn the music down to the lowest possible level and cease playing music after 11pm so you do not cause a further nuisance to neighbouring properties.

Please note should this service still continue to receive complaints and witness a breach of this notice, this service will consider making an application for the review of your license as well as further formal action, which may include a prosecution.

Please contact me on the above details so we can discuss what steps you will be taking to fully address this matter.

Yours sincerely

Roxanne Pateman
Environmental Health Officer

Enclosed: Environmental Protection Act 1990, Section 80 Notice.

Development & Regulatory Services
The London Borough of Barnet
Environmental Health
Building 4
North London Business Park
Oakleigh Road South
London N11 1NP

Rizwan Ali
Ray Infotech Limited,

Contact: Roxanne Pateman
Tel: 020 8359 7451
Fax: 0870 889 6793
E-mail: roxanne.pateman@barnet.gov.uk
Date: 23 January 2015
Our Ref: PHCP03/14/00627

Dear Mr Ali

ENVIRONMENTAL PROTECTION ACT 1990
Guns and Smoke, 1B Church Passage, Barnet, EN5 4QS

I am writing to advise you that on the evening of the 17th January 2015 Officers from the Out of Hours Noise and Nuisance Service witnessed a breach of the Abatement Notice that was served upon you on the 24th December 2014 regarding the above property.

The Officers undertook noise meter readings within a neighbouring property, which recorded the live band at a peak of 80dB and the recorded music at a peak of 50dB. The recommended night time noise level is 35dB. These levels are clearly excessive and need to be addressed.

Please could you advise what further steps you will be taking to address this issue?

Should we continue to witness further breaches of the Notice you will next be invited to an interview. This interview will be carried out in accordance with the Police and Criminal Evidence Act 1984. The purpose of the interview will be to ascertain what steps you will be taking to address this issue.

Should you require any further information please contact me on the above details.

Yours sincerely

Roxanne Pateman
Environmental Health Officer



ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80
Abatement Notice in respect of Statutory Nuisance

To: Rizwan Ali

of: Ray Infotech Limited,

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the London Borough of Barnet Council being satisfied of the [existence] [likely [occurrence] [recurrence] of a statutory nuisance under section 79(1) of that Act at the premises neighbouring: **Guns and Smoke, 1B Church Passage, Barnet, EN5 4QS.** [within the district of the said Council] arising from ‡ **amplification of music and speech at Guns and Smoke, 1B Church Passage, Barnet, EN5 4QS.**

[HEREBY REQUIRE YOU] as the [person responsible for the said nuisance] [owner] [occupier] of the premises] forthwith from the service of this notice [to abate the same] [and also] **[HEREBY [PROHIBIT][RESTRICT]** the [occurrence][recurrence] of the same] [and for that purpose require you to:‡ **cease or cause to cease the playing of amplified music and speech at such a volume as to cause noise nuisance.**

[This is a notice to which paragraph (2) of regulations 3 of the Statutory Nuisances (Appeals) Regulations 1995 applies and, in consequence in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the nuisance to which this notice relates is [~~injurious to health~~] [likely to be of a limited duration such that suspension would render the notice of no practical effect] [the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the standard scale ** together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED: 23rd December 2014

Signed

Roxanne Pateman
Environmental Health Officer

Ref: PHCP03/14/00627
 Environmental Health Section,
 Building 4,
 North London Business Park,
 Oakleigh Road South,
 London, N11 1NP

Tel: 020 8359 2000

SEE NOTES OVER

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with date of service of the notice.

† Describe the cause of the nuisance. ** Currently £5,000, subject to alteration by Order.
 ‡ State specific works to be done or action to be taken.

The Statutory Nuisance (Appeals) (Amendment) (England) Regulations 2006 provide as follows:

APPEALS UNDER SECTION 80 (3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney or
 - (iii) is a nuisance falling within section 79(1)(ga)(a) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practical means were used to prevent, or to counteract the effects of, the nuisance; or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1999 Act and-
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 8 (8A) of the 1990 Act).
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings)
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of schedule 2 to the 1993 Act (loud speakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80a(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one
- (4) Where the grounds upon which an appeal brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulations applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person
- (7) In exercising its powers under paragraph (6) above, the court
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions 'whether contractual or statutory' or any relevant tenancy and to the nature of the works required' and
 - (b) shall be satisfied, before it imposes any requirement there under on any person other than the appellant' that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: |

Age if under 18: **OVER 18**

Occupation: Property Manager

This statement (consisting of two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated ~~anything~~ which I know to be false or do not believe to be true.

Signature:

Date:

26-11-15

Signature: .
Form MG11

.....Signature witnessed by

WITNESS STATEMENT CONTINUATION SHEET PAGE one..... OF ...one.....

I act for my father, Mr [redacted] to manage his entire building at 1 Church passage Barnet Herts. My father is 93 years of age and unable to deal with matters himself. I can confirm that I hold a lasting power of attorney, which allows me to deal with matters without consultation.

I have been a property manager for over 30 years and currently manage a substantial amount of residential and commercial properties.

Ray Infotech Limited took a commercial lease approximately 2 years ago, with the property being taken in a shell condition. We agreed a substantial rent allowance in the belief that it would assist with the fitting out of the restaurant, which would include a contribution towards the soundproofing. It is true to say that we had no idea of the level of sound that would be produced or that the premises would be used as a live music venue. I believe that Mr Rizwan Ali is the only director of the company Ray Infotech Limited and is the person whom we have dealt with from day one.

We have 4 residential flats that span the whole of the first floor above the premises of Guns & Smoke and the charity shop, Cherry Tree Cancer care, next door.

Within days of the restaurant opening we started receiving complaints from our residential tenants, on the first floor, about the horrendous noise pollution and we understand that various tenants contacted the council as well as us and our agents, The Accommodating Company to complain. We are also of the understanding that various tenants did speak to Mr Rizwan Ali and members of his staff, who were not prepared to reduce the noise levels.

Following numerous telephone conversation with Mr Rizwan Ali and a subsequent meeting, it was agreed that either Mr Rizwan Ali, his company or members of staff would rent the flats and this appeared to work for sometime until our last tenant, whom had no connection to the Ray Infotech Limited left the premises because they could no longer put up with the unbearable noise pollution. We had informed our letting agents that this tenant would not be held to the terms of their AST tenancy agreement in view of the unacceptable living conditions caused by the noise from the restaurant.

On receiving notice from our tenants, I contacted Mr Rizwan Ali to agree terms to rent the final and fourth flat and was told that he would not be prepared to rent the property and was further informed of his intention to hand back one of the other flats. After some negotiations Mr Rizwan Ali agreed to take an overriding lease of all of the flats and solicitor were instructed by both sides. It soon became clear that Mr Rizwan Ali had changed his mind for a second time and decided not to proceed with our agreement.

My brother [redacted] recently attended site in the evening to see how bad the noise pollution was and called the councils out of hours line to request an officer to attend site and report the on going problem.

My brother commented that the floor was vibrating and appeared to be moving as the noise was so loud. I have tried on various occasions to liaise with Mr Rizwan Ali, by telephone, email and I attended the premises recently and was attacked Mr Rizwan Ali and a member of his staff as they tried to force me from the alleyway for which the restaurant has no rights, although people would have the right to access the alleyway as guests of the two remaining flats that two members of staff are currently renting.

.....
.....
.....
.....

Signature:

Signature witnessed by: ✓

CLOSURE NOTICE

Re: Guns and Smoke, 1B Church Passage, Barnet, EN5 4QS

Having reasonable grounds to be satisfied that:

- (a) the use of these premises has resulted, or is likely soon to result, in nuisance to members of the public, or
- (b) that there has been, or is likely soon to be disorder near those premises associated with the use of those premises, and
- (c) that the Closure Notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring; and
- (d) all appropriate persons / bodies have been consulted; and
- (e) reasonable steps having been taken to establish the identity of any person who lives on the premises or who has control of, or responsibility for, or an interest in, the Premises,

I, Chief Executive/Delegated Person of London Borough of Barnet, hereby authorise the issue of this **Closure notice** under Part 4, Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014, in respect of the Premises specified above.

Name:	JOHN HOOTON		
Signed:		Dated:	31/3/2017

Licensed Premises - does the premises licensee / designated premises supervisor / manager agree to voluntarily close? ~~YES/NO~~ Not Applicable

The effect of this Closure Notice is that:

Occupying and / or accessing this Premises is hereby PROHIBITED for any persons other than those who habitually reside in the Premises or the owner of the Premises for a period of up to 48 hours, starting at 17:00hrs on Friday 31st March 2017 ending at 16:59hrs, on Sunday 1st of April 2017.

An application for a Closure Order will be made under Part 4, Chapter 3, section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 for the closure of the Premises specified above.

To be heard at Court on 1/04/2017, 11:30am ^{11:00am}, when evidence for the issue of a Closure Order will be considered.

A Closure Order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, would have the effect of closing the premises to all persons for a specified period (not exceeding three months) and would make it an offence for any person to remain on or enter the Premises.

Failure to comply with this Closure Notice amounts to an offence under section 86 of the Anti-social Behaviour, Crime and Policing Act 2014, liable on summary conviction to a maximum of three months' imprisonment and / or an unlimited fine.

Failure to comply with a Closure Order amounts to an offence under section 86 of the Anti-social Behaviour, Crime and Policing Act 2014, liable on summary conviction to imprisonment not exceeding 51 weeks and / or an unlimited fine.

Advice relating to this Notice and housing and legal matters generally can be obtained from any firm of solicitors or from the Citizens' Advice Bureau (Tel. 03444 111 444).

With this notice is a list of additional local service providers who may be able to assist with further advice. (Check if applicable.)

Licensed Premises - if this Notice relates to licensed premises and a Closure Order is successfully obtained at magistrates' court in relation to the premises, then the relevant licensing authority will be informed, who will then instigate a review the premises license - section 167 of the Licensing Act 2003, refers.

From: Pattenden, Daniel
Sent: 27 June 2017 13:54
To: Rudland, Michelle
Subject: FW: Guns and smokes noise limiter.

-----Original Message-----

From: Phasey, Emma
Sent: 01 April 2017 13:35
To: 'rahil majeed'; ali.rizwan2011@yahoo.com; Pateman, Roxanne
Cc: Pattenden, Daniel; 'Jane.Tuffin@met.pnn.police.uk'
Subject: RE: Guns and smokes noise limiter.

Dear Rahil and Rizwan.

During our discussion at Hendon Court this morning you made a number of representations and agreements. I have detailed these below:

1. You will open your premises this evening, as you have a booking for an engagement party that you would like to honour.
2. You will not be conducting any licensable activities on your premises, this includes serving alcohol, providing regulated entertainment or serving hot food or drinks after eleven.
3. You will ensure all members of the public are out of your premises by 23:30
4. Members of the public may bring in their own alcohol to your premises, but will be asked to retain receipts to prove it was purchased off site. You may serve soft drinks.
5. You will provide background music by CD player, but this will remain at a low level and will not be loud enough to dance to
6. You will employ 3 SIA door staff who you will fully brief on the situation. You will also record in your log book which staff are on duty this evening, and any incidents that occur.
7. You will notify the off licences in the area of the situation so they are aware they may be busier tonight and that they need to monitor levels of drunkenness when selling alcohol.
8. Your door staff will ensure that no one leaves the premises with glasses or bottles.
9. Your door staff will ensure that no one is allowed to enter the premises if underage or intoxicated. They will also monitor the levels of intoxication of persons leaving the premises - particularly when they are crossing the road to get more alcohol and will advise of safe ways to cross and also advise that a person will be refused re-entry if they are intoxicated.
10. All staff will be briefed fully on the situation. I would suggest you print out a copy of this list and get all staff to read this document and sign to confirm they have read and understood.
11. All staff will monitor the premises to ensure there is no one underage in the premises and also to ensure there is no one intoxicated. Anyone found to be intoxicated or underage shall be removed from the premises immediately.

As a result of the above, we have agreed that we will withdraw the closure notice this afternoon. However although we accept if you adhere to the above then the nuisance should not occur, we do continue to have

concerns with your premises. As I mentioned today the noise nuisance team, the Licensing team as well as the police all have enough grounds to review your premises licence. I must impress on you how seriously we are continuing to view the recent issues with your premises.

Moving forward we have also agreed that you will organise the sound engineer to attend your property at 22:00 on Sunday evening. They will be met by Roxanne Pateman to agree the levels for the limiter. Once Roxanne Pateman confirms to you that she is satisfied with the levels set then you can use your licence again and undertake regulated activity. However until this happens, you should continue to adhere to the conditions we agreed above.

Please note that if we are unable to get hold of the residents to organise Sunday evening or if you have to cancel, you still cannot use your premises licence. You must therefore continue to operate using the above conditions. This will remain the situation until you receive confirmation from either Roxanne Pateman or myself that they noise limiter levels have been agreed. If you have to cancel Sundays appointment please call me on my mobile 07931 766 300 and leave a message.

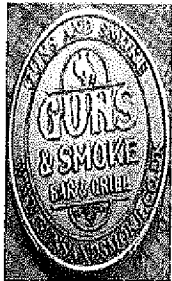
I have asked members of my team to monitor tonight's activities and I expect to see that the above agreements are being adhered to.

Please can you reply to confirm to me that you have received this email, and that you agree to the conditions 1-11 detailed above. Also please can you confirm that you understand the implications of not adhering to them.

Regards

Emma Phasey
Group Manager
Community Protection (Regulation)
Development and Regulatory Services
London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ.
Tel: 020 8359 2119
Barnet Online: www.barnet.gov.uk
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Like Follow Share

Just a reminder that this Saturday the venue has been booked out for a private hire so you'll need to book your dinner tables for either Friday or Sunday!

Look forward to seeing you, Guns and Smoke

Like Comment Share

Guns and Smoke

@gunsandsmokeul

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1 share



Write a comment



Guns and Smoke

May 2 at 8:30am · 6

Tonight at Guns and Smoke we are doing the 3-2-1 deal which means first pint £3 second pint is £2 and third pint is £1

Ask the bar for more details.

Guns and Smoke

Like Comment Share

1 share



Write a comment

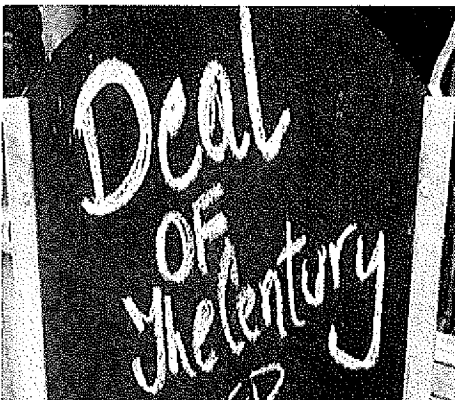


Guns and Smoke

May 2 at 8:30am · 6

This evening at guns we have a special deal on, burger, fries and a pint for only £9.95! Come on down and enjoy!

Lots and love guns and smoke



Book Now

Message

Apps



Sweepstakes



Email Signup

Visitor Posts



Cactus

May 2 at 12:00pm · 0

Cactus are really looking forward to playing Guns and Smoke next Friday, 12th May

2 Likes

Like Comment



Milton Ahasan

May 2 at 12:00pm · 0

Exclusive chef special offer £12.20 course of steak with chips and bottle. See More

Like Comment



Ian Anthony Naghlan

Jan 4 at 1:00pm · 0

So hope your up and running again soon great place great people

Like Comment

English (UK) Polish Español Português (Brazil) Français (France)

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Would you like to store your password for facebook.com? Why am I seeing this? Yes Not for this site

From: Pattenden, Daniel
Sent: 16 June 2017 11:57
To: Nuisance; 'rahil majeed'; 'Rizwan Ali'
Cc: Pateman, Roxanne; Rudland, Michelle; 'barnet.licensing@met.pnn.police.uk'; Phasey, Emma
Subject: RE: Guns and Smoke

Dear Rahil/Taylor,

Please see attached a letter that has been sent out today.

This letter takes immediate effect.

Kind regards

Daniel Pattenden
Licensing Officer, Trading Standards & Licensing Department
Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 2175

Barnet Online: www.barnet.gov.uk

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Re

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From: Nuisance
Sent: 15 June 2017 14:14
To: 'rahil majeed'; 'Rizwan Ali'
Cc: Pateman, Roxanne; Rudland, Michelle; Pattenden, Daniel; 'barnet.licensing@met.pnn.police.uk'; Phasey, Emma
Subject: FW: Guns and Smoke
Importance: High

Dear Taylor,

I sent an email last Monday regarding this. I sent it to [redacted] I asked the officers to come and finalise the set up on the limited as I had already arranged access to a residents property and with the officers on the out of hours to attend.

We have tried on 3 occasions to set the noise limiter and each time this has not been possible.

On Friday night we received a complaint from a resident regarding the music. Officers undertook an assessment and deemed the music from Guns and Smoke to be a statutory noise nuisance. This is a breach of the Abatement Notice that was served in March, as well as one of the conditions on the premises licence. It was also noted that the rear door was propped open yet again. This is a further breach of the premises licence.

The premises is currently in breach of **all** of the following conditions:

- All amplified music is to be played through a noise limiter, which shall be set at a level agreed by Barnet's Environmental Health Department.
- All doors and windows, except those used for entry & egress, shall remain closed when regulated entertainment is taking place.
- No noise shall emanate from the premises that gives rise to a statutory noise nuisance.

Please note that the Licensing Team have been notified of the above witnessed breaches.

We cannot allow this situation to carry on. It is unacceptable that local residents have to listen to loud music from this premises on a regular basis. We have been more than lenient and have given Guns and Smoke ample opportunities to comply with all conditions on the licence as well as the abatement notice.

Until we can set the noise limiter Guns and Smoke is not complying with all the conditions on their licence and therefore **all licensable activities must cease.**

You may serve hot food and hot drinks until 11pm, cold soft drinks at any time, and people may bring their own alcohol as long as they are not being charged in any way. You may also have background level music, which is not for entertainment, but ambience.

Should we witness any licensable activities being undertaken we will have no option but to serve a further Closure Notice and it is unlikely we would consider cancelling it unlike last time.

If we witness another breach of the abatement notice we will now also consider further legal action. This can include a seizure of all noise making equipment inside the premises as well as a formal prosecution.

As the responsible authority for noise I will also be supporting the review of the premises licence submitted by the police.

If you wish to discuss any of this in more detail then please contact Emma Phasey in my absence as I am now on annual leave until July.

Regards,

Nuisance Team on behalf of Roxanne Pateman
Environmental Health Officer

Please note I work Mondays, Wednesday Mornings, Thursdays and Fridays.

Development & Regulatory Services

London Borough of Barnet, 9th Floor Barnet House, 1255 High Road, Whetstone, London N20 0EJ
Tel: 020 8359 7995

Barnet online: www.barnet.gov.uk

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From: Taylor James
Sent: 10 June 2017 11:44
To: Pateman, Roxanne
Subject: Gns

Hello Roxanne,

Sorry I was not around yesterday to see you when you came in. I had to rush off to deal with some family issues. I would have informed you but I was still unclear as to when you were coming in as I receive no written confirmation by you. I would eagerly like to get this issue resolved if you I have a live band this Thursday if you and your team are free?

Kind Regards
Taylor H

Community Protection (Regulation)
The London Borough of Barnet
Licensing Team
Barnet House
1255 High Road
Whetstone
London
N20 0EJ

Holistic Enterprises
1B Church Passage
Barnet
EN5 4QS

contact: The Licensing Team
tel: 020 8359 7443
e-mail: licensingadmin@barnet.gov.uk
date: June 16th, 2017
our reference: LAPRE3/17/55563
your reference:

Dear Holistic Enterprises

Licensing Act 2003

I am writing to inform you that we have received the email from Noise Nuisance with regard to the following breaches and non-compliance of conditions:

- All amplified music is to be played through a noise limiter, which shall be set at a level agreed by Barnet's Environmental Health Department.
- All doors and windows, except those used for entry & egress, shall remain closed when regulated entertainment is taking place.
- No noise shall emanate from the premises that gives rise to a statutory noise nuisance.

As you cannot comply to the licence and conditions you cannot use your licence to carry out any licensable activities. This will remain the case until such a time that Noise Nuisance are satisfied that the noise limiter is in operation and a level set.

Please note that section 136 (1) of the Licensing Act 2003 states "a person commits an offence if he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or he knowingly allows a licensable activity to be so carried on".

Yours sincerely

Daniel Pattenden
Licensing Officer

The London Borough of Barnet
Regulatory Services
Environmental Health
Barnet House
1255 High Road
Whetstone
London N20 0EJ

Tel: 020 8359 7995

14th June 2017

**Noise and Nuisance's Representations to the following a premises
licence review application**

Premises: Guns and Smoke, 1B Church Passage, EN5 4QS

The responsible authority for Noise and Nuisance within Environmental Health has been notified of the application for the review of the premises licence for the above.

We are satisfied that allowing this premises to continue to operate in accordance with their current premises licence would undermine the licensing objective of the prevention of public nuisance.

Since December 2014 Environmental Health have been receiving complaints of loud amplified music from this premises.

To date we have witness a statutory noise nuisance on 10 separate occasions:

12/12/2014	18/01/2015	22/01/2016	24/03/2017
24/12/2014	22/01/2015		09/06/2017
	20/11/2015		
	22/11/2015		
	11/12/2015		

The noise team has served 3 Noise Abatement Notices under Section 80 of the Environmental Protection Act 1990:

24/12/2014	11/12/2015	31/03/2017.
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Further complaints of the music have been received. These were made either retrospectively or the music stopped before officers arrived:

13/12/2014	23/1/2015	02/01/2016	17/03/2017
		06/01/2016	10/04/2017
		08/01/2016	13/05/2017
		09/01/2016	15/05/2017
		29/01/2016	
		14/11/2016	

The music from this premises can clearly be heard inside a number of surrounding residential properties, with the lyrics being identified and the bass clearly being felt.

The noise team has continuously tried to work with this premises to resolve this on-going noise issue however it continues with a breach of the most recently served Abatement Notice being witnessed on the 9th June 2017.

As well as breaching the Noise Abatement Notice this premises currently has three noise conditions on their licence which they are not compliant with:

- All amplified music is to be played through a noise limiter, which shall be set at a level agreed by Barnet's Environmental Health Department.
- All doors and windows, except those used for entry & egress, shall remain closed when regulated entertainment is taking place.
- No noise shall emanate from the premises that gives rise to a statutory noise nuisance.

The noise team has tried to set the noise limiter on 4 occasions but each time we haven't been successful. On one occasion the noise limiter wasn't working properly, on two occasions their sound engineer wasn't available when we arrived on the night and once because they cancelled the appointment.

On many occasions the rear doors to the premises has been propped or left open which negates the purpose of sound proofing and the noise limiter. The owners and managers have been told on several occasions not to leave the doors open however this was last witnessed on the 9th June 2017.

The noise team has little confidence in the management of this premises. The owner(s) have recently purchased another licenced premises and seemingly have little time to deal with this one. By their admission they took 20 days to respond to us regarding setting the noise limiter as they were '*extremely busy in opening my other branch*'. Since our last correspondence on the 14th May 2017 the noise team has had no further correspondence with the owner(s) and this on-going noise issue seems to have been left to the bar management team. It is not clear who is responsible for the day to day management of this premises and the noise team has not been given any direction from the owners as to who is responsible.

This premise has undertaken some sound proofing methods but the noise can still be heard inside a number of residential properties at a level which is deemed to be a statutory noise nuisance. This clearly shows the venue itself is not suitable to have recorded and live music due to it being in such close proximity to many residential properties. Background music for ambience purposed only would be more appropriate.

On the two occasions I personally have visited this premise past 10pm I noted cutlery on unoccupied tables which is in contrary to the following condition:

- All cutlery (especially steak knives) will be removed from the tables from 2000 hours when they are not being used by a customer consuming a meal.

In summary, there is a clear lack of cooperation and ownership from this premises. The noise team has spent a vast amount of time and resources trying to resolve the

noise issue but the premises continue to cause a statutory noise nuisance and not meet the noise conditions on their licence. It is unfair to allow this to continue to cause a significant disturbance to local residents.

Please accept this as support for the review of this premises licence and I respectfully request the licensing subcommittee to revoke the licence.

Yours Sincerely,

Roxanne Pateman
Environmental Health Officer and Responsible Authority for Noise and Nuisance.

Pattenden, Daniel

From: katuscia spanu <
Sent: 14 June 2017 22:54
To: LicensingRepresentation
Cc: Pateman, Roxanne
Subject: Re/Guns and Smoke in High Barnet

To Whom it May Concern -

We have been informed by Roxanne Pateman, Environmental Health Officer for the London Borough of Barnet, that you are in the process of reviewing the license of Guns and Smoke (GaS). We wish to share our views and experience of this establishment.

We live at 94a High St, directly across the street from GaS. We live above a shop and our apartment spans three floors. The first and second floors have large street facing windows, and the top floor has smaller street facing windows. We therefore have direct experience of what goes on at GaS on a regular basis.

Once or twice a week, or sometimes every other week, GaS holds what seems to be a large club-style party. Until 11pm, the venue plays loud music, which is made even louder when the doors are open, as they often are, and when the usual noise of road traffic dies down. This is unpleasant for us and we are sure for many other neighbors as well. Even shutting the windows makes little difference.

If this were the whole story, we might not be writing you. However, the biggest nuisance normally begins afterwards, as the party winds down. It is at this point that large groups of revellers move outside. Looking out our window, we see men and women - and sometimes teenagers - drinking, shouting, swearing, breaking glass, and so on, on a regular basis. When we see this, it's not clear where the club boundary ends, and the public space begins. On multiple occasions, the disturbance has escalated into fights. We have called the police several times, and have also witnessed them intervening on multiple occasions. We don't know for sure when GaS closes, but these disturbances often go on until 1 or 2am, keeping us awake or waking us up.

Undoubtedly, GaS is fully aware of the nuisance that they are causing. This makes us think that they should be taking care to improve their handling of potential noise and disturbance, and to inform and educate their patrons to have respect for those in the neighborhood. In other parts of London, we often notice signs outside pubs asking people not to drink outside, or to speak quietly and with awareness of their surroundings.

Since we have been in London, we've lived in many neighborhoods, and we accept that nowhere is quiet. Everywhere we have been, there are occasional noisy nights. We are glad that people are having fun. But GaS is the worst and loudest venue that we have ever encountered. Considering that they seem to do very little business the rest of the week, we suspect this is by design - that their money is made from these noisy nights, and that they are unlikely to stop them.

Thank you for taking the time to read this message, and please don't hesitate to contact us if you have any questions.

Best regards.

Katia Spanu & Edward Garrett

Pattenden, Daniel

From: Matt Gosset
Sent: 19 June 2017 11:47
To: LicensingRepresentation
Subject: Re: Guns and smoke noise review
Attachments: image001.png; image002.jpg

High Street, High Barnet, -----

In relation to licensing objectives 1 and 2

Music from Guns and Smoke bar is very loud in our flat causing stress and disruption to our family; including our young daughter who often can't sleep because of the noise.

Repeated attempts to limit the noise by the council have been ignored by guns and Smoke who continue to play loud live and recorded music often after midnight and into the early hours.

Regards
Matt Gosset

Sent from my iPad

On 19 Jun 2017, at 09:42, LicensingRepresentation <LicensingRepresentation@Barnet.gov.uk> wrote:

Dear Mr Gosset,

Thank you for your email.

In order to put attach your comments to the review application before a licensing subcommittee we need to make sure that your email is compliant with the Licensing Acts requirements for representations. As a result we will require you to provide us with the following information:

- Your residential address
- A statement as to how this premises has affected you in relation to one or more of the licensing objectives. These objectives are:
 1. Prevention of public nuisance,
 2. Protection of children from harm,
 3. Public Safety, and
 4. Prevention of crime and disorder

The information requested above once received, will then be attached to your emails below and entered into the review case.

We would greatly appreciate it if you could get this information to us as a matter of urgency so that we can compile the paperwork ready for the hearing in the next couple of days.

regards

Licensing Team

Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 7443

Barnet Online: www.barnet.gov.uk

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<image001.png>

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<image002.jpg>

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From: Matt Gosset [<mailto:>]
Sent: 16 June 2017 22:56
To: LicensingRepresentation
Subject: Fwd: Guns and smoke noise review

Please see email trail below to email dated 14th may. This is my statement in support of a review of noise levels at guns and smoke. I request that it is read at any review meeting and that I am invited to attend and given the opportunity to describe the effect of the noise from Guns and Smoke in person.

Regards
Matt Gosset

Sent from my iPad

Begin forwarded message:

From: "Pateman, Roxanne" <Roxanne.Pateman@Barnet.gov.uk>
Date: 27 May 2017 at 08:23:33 BST
To: 'Matt Gosset'
Subject: **RE: Guns and smoke noise review**

Matt,

Thank you for getting back to me.

I am sorry that we couldn't set the level last night. I am very frustrated by this also.

I am disappointed to hear they turned the level up after we left.

Realistically I do not think they are going to comply with anything I request. I have already served them with an abatement notice which legally requires them not to cause a nuisance and sadly I think they could be by-passing the noise limiter.

I think the only way this is going to be resolved is through the review of the licence. It is hoped they will have their licence completely revoked.

I will continue with trying to get the limiter set. Once this is done I will let you know. Once the level is set I would be keen to assess the level without them knowing to see if they are bypassing the limiter.

Once again thank you for allowing us to come into your property last night and I am sorry we could not get the level set.

Regards,

Roxanne Pateman

Environmental Health Officer

Please note I work Mondays, Wednesday Mornings, Thursdays and Fridays.

Development & Regulatory Services

London Borough of Barnet, 9th Floor Barnet House, 1255 High Road, Whetstone,
London N20 0EJ

Tel: 020 8359 7995

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From: Matt Gosset [[mailto](mailto:)]
Sent: 27 May 2017 01:04
To: Pateman, Roxanne
Subject: Re: Guns and smoke noise review

<https://www.facebook.com/elvis/photos/a.88884213791.104399.7284978791/10155320814433792/?type=3>

Hi Roxanne,

We are away for the next week so not around tomorrow night.

Guns and smoke continue to play loud music. They have turned it up after you left. I was hopeful that tonight would result in setting an acceptable noise level. However, they simply played quiet music - in no way reflective of the normal volume - and no cap of noise has been set because of technical problems.

You need to Apply sanctions so that Guns and Smoke reduce the noise level to an acceptable level. This situation has been going on for several years and your intervention has resulted in little outcome. I have no faith in Guns and Smoke to comply with anything you set. It appears to me that they pretend to adhere but revert pretty quickly to loud music.

Please get some results on this.

Regards

Matt Gosset

Regards

Matt Gosset

Sent from my iPad

On 26 May 2017, at 23:29, Pateman, Roxanne
<Roxanne.Pateman@Barnet.gov.uk> wrote:

Dear Matt,

Thank you for allowing Jack to come into your property tonight.

Just to fully update you. Despite me requesting for living music, they didn't have anyone on the drums and the limiter could not be adjusted by ourselves, only the engineer who installed it can do this. This means we haven't been able to set the level of the limiter.

We will need to reassess this. I will be speaking with them tomorrow to see if we can set it tomorrow evening as they will have someone available to play the drums and they hope to be able to arrange the sound engineer.

The limiter was cutting out today a when Jack assessed the level of the music he said it was a boarded line nuisance so we do need to get the level reduced.

I fully take on board the issue around the drums. Hopefully we can reassess this tomorrow with the drums so we can determine the impact of their use. If we find that even with lowering the level of the music, the drums are still causing a nuisance then this will form part of my support for the review of their licence.

I will be asking a different resident to give us access tomorrow as I do not want to disturb you two nights in a row but if they are not around would you be available tomorrow evening at 10pm again?

Regards,

Roxanne Pateman
Environmental Health Officer
Please note I work Mondays, Wednesday Mornings, Thursdays and Fridays.

Development & Regulatory Services
London Borough of Barnet, 9th Floor Barnet House, 1255 High Road, Whetstone, London N20 0EJ
Tel: 020 8359 7995
Barnet online: www.barnet.gov.uk

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-----Original Message-----

From: Pateman, Roxanne
Sent: 22 May 2017 14:31
To: 'Matt' <[redacted]>
Subject: RE: Guns and smoke noise review

Matt,

I have just been informed you need to send this to licensingrepresentation@barnet.gov.uk rather than the generic mailbox I gave you. Sorry for the inconvenience.

Also I have arranged Friday. Either myself or my colleague will be with you at 10pm.

Regards,

Roxanne Pateman
Environmental Health Officer
Please note I work Mondays, Wednesday Mornings, Thursdays and Fridays.

Development & Regulatory Services
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-----Original Message-----

From: LicensingAdmin

Sent: 17 May 2017 12:53
To: Pateman, Roxanne
Subject: FW: Guns and smoke noise review

-----Original Message-----

From: Matt Gosset [<mailto:>]
Sent: 14 May 2017 11:21
To: LicensingAdmin
Subject: Guns and smoke noise review

Support statement for review of Guns and Smoke Bar, High
Barnet

The noise nuisance from Guns and Smoke bar has had a considerable negative impact on my family. We are often kept up by thumping base and drums until after midnight. I have made numerous complaints to the council. The management of Guns and Smoke have made assurances that noise levels would be capped at acceptable levels, but after short breaks of a week or two return to the loud levels that cause us distress.

We have a 7 year old daughter whose sleep is often disrupted by the noise levels and I have a stressful job that requires early starts.

Noise from Guns and Smoke has been affecting our lives since it opened. Please can we hold them to account so that my family can live without noise and stress.

Yours sincerely
Matt Gosset

Sent from my iPad

Guidance issued by Home Office on Reviews

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - for unlawful gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

Matters for Decision

MATTERS FOR DECISION

An application made under Section 51 of the Licensing Act 2003

Guns & Smoke, 1b Church Parade, Barnet, London EN5 4QS

Determination in accordance with Section 52(3) of the Licensing Act 2003.

S 52 (3);

"The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

4. The steps are-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5. Subsection (3) 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 (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify".

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,
- (b) the applicant,
- (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 determination under this section does not have effect-

- (a) until 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.

Steps taken (if any)	Reason(s)

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