
Meeting	Licensing Sub-Committee
Date	Wednesday 2 nd April 2014
Subject	Sequoia, 1277 High Road, Whetstone, London, N20 9HS
Report of	Trading Standards & Licensing Manager
Summary	This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003.

Officer Contributors	Michelle Rudland – Senior Licensing Officer
Status (public or exempt)	Public
Wards Affected	Totteridge Ward
Enclosures	Report of the Licensing Officer Annex 1 – Review Application Annex 2 – Representation Annex 3 – Current Premises Licence Annex 4 – Extract from Guidance under Section 182 Licensing Act 2003 Annex 5 – Matters for decision
For decision:	Licensing Sub-Committee
Function of:	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable
Contact for Further Information:	Michelle Rudland 020 8359 7443; michelle.rudland@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 That the Sub-Committee considers the application for a review of Sequoia, 1277 High Road, Whetstone, London, N20 9HS's Premises Licence.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIOTY AND POLICY CONSIDERATIONS

- 3.1 The Council's Licensing policy.

4. RISK MANAGEMENT ISSUES

- 4.1 Not applicable.

5. EQUALITIES AND DIVERSITY ISSUES

- 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 community.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 None.

7. LEGAL ISSUES

- 7.1 The Licensing Act 2003 requires that before determining an application for a review the Licensing Authority must hold a hearing to consider it and any relevant representations.

8. CONSTITUTIONAL POWERS

- 8.1 The Licensing Sub-Committee will discharge the functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee.

9. BACKGROUND INFORMATION

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

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

Cleared by Legal (Officer's initials)	BH
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Officers Report

LICENSING ACT 2003
REPORT FOR PUBLIC HEARING

Review of the premises licence:

Sequoia (formally The Stone Marquee), 1277 High Road, Whetstone, N20 9HS

1. The Applicant

An application was submitted by Sargeant Mark Altman on behalf of 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 Sequoia World Ltd, 72 Cricklade Avenue, London, SW2 3HQ

Licensing objectives to which the review application relates:

- The prevention of Crime and Disorder,
- Public Safety and
- The prevention of Public Nuisance

Sargeant Altman has made the following statements within the Police's application:

"In the past two years there have been numerous assaults connected to these premises, resulting in a review being submitted by the Police in February 2013.

Whilst the premises have only recently been transferred into new ownership the information received by the Police is that the venue is not being fully compliant with their conditions and the events of the assault on the trading night of New Year's Eve 2013 fall far short of the requirements for a competent and experienced operator."

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

3. Premises Licence History

This premises licence was first granted by a licensing subcommittee on 17th August 2005. Since then there has been a total of five DPS variations, five transfer applications and three full variation applications. In addition to these the premises licence was also reviewed in 2013 following the submission of an application by the Police.

Sequoia World Ltd became the premises licence holder on 24th December 2013 the same day that Mr Tony Cullinane became the designated premises supervisor.

4. Current Premises Licence

The current licence allows the following licensable activities:

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Standard Days and Timings:

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

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The Performance of live music - Indoors only

Standard Days and Timings:

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

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The Playing of recorded music - Indoors only

Standard Days and Timings:

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

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The performance of entertainment of a similar description to performance of live music, the playing of recorded music or performances of dance - Indoors only

Standard Days and Timings:

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

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The provision of facilities for dancing - Indoors only

Standard Days and Timings:

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

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The Provision of late night refreshment - Indoors only

Standard Days and Timings:

Sunday to Thursday	23:00hrs - 00:30hrs
Friday to Saturday	23:00hrs - 02:00hrs

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The hours that the premises are open to the public

Standard Days and Timings

Sunday to Thursday	10:00hrs - 00:30hrs
Friday to Saturday	10:00hrs - 02:00hrs

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The current premises licence the information above along with all of the conditions attached to the premises licence can be found in full attached to this report as **Annex 2**.

5. Responsible Authority Representation

No representations have been received from any of the responsible authorities.

6. Other Party Representations

7 representations have been received from local residents and one from Councillor Brian Coleman, Ward Councillor for Totteridge. These representations relate to the affect that this premises has on one or more of the licensing objectives

Both the responsible authority and the other party representations can be found attached to this report as **Annex 3**.

7. Guidance and Policy

Attached as **Annex 4** is a Section from the Guidance issued under Section 182 Licensing Act 2003 June 2013 regarding Reviews.

The Council's Policy at Sections 2 and 3 refer to our Policy Objectives and Considerations.

8. 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 necessary 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 decision/matters for decision sheet is attached to this report at **Annex 5**

Michelle Rudland
Senior Licensing Officer
Friday, 07 February 2014

Annex 1	Review Application
Annex 2	Current Premises Licence
Annex 3	Representations
Annex 4	Extract from Guidance issued under Section 182 Licensing Act 2003 June 2013 regarding Reviews
Annex 5	Matters for Decision

Review Application

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 Sergeant Mark Altman

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Sequoia 1277 High Road (previously known as the Stone Marquee)	
Post town Whetstone	Post code (if known) N20 9HS

Name of premises licence holder or club holding club premises certificate (if known) SEQUOIA World Limited 72 Cricklade Avenue London SW2 3HQ
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Number of premises licence or club premises certificate (if known) LN/199906677.
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Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| 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) ☒

3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sergeant Mark Altman Licensing Office Colindale Police Station Graam Park Way Colindale NW9 5TW
Telephone number (if any) 020 8733 5261
E-mail address (optional) SX_Licensing@met.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 type="checkbox"/> |

<p>Please state the ground(s) for review (please read guidance note 1)</p> <p>The prevention of crime and disorder. Public Safety Prevention of public nuisance</p> <p>In the past two years there have been numerous assaults connected to these premises, resulting in a review being submitted by the Police in February 2013.</p> <p>Whilst the premises have only recently been transferred into new ownership the information received by the Police is that the venue is not being fully compliant with their conditions and the events of the assault on the trading night of New Years Eve 2013 fall far short of the requirements for a competent and experienced operator</p>

**Please provide as much information as possible to support the application
(please read guidance note 2)**

- **On 17th December 2013 Sergeants Mark Altman and Lesley Neal met with the new owner and proposed DPS for this venue: Mr Hassan SEWEAFI & Mr Tony CULLINANE. Both males outlined their plans for the venue and gave assurances to the Police that it would be run as an upmarket venue with strict dress and entry code.**
- **The Police outlined previous issues and concerns at the venue, pointing out the various conditions and requirements of the premises licence. Requests were made from the Police for clarification of the current DPS and their continued employment at the venue and the need for completion and submission of the Police Risk Assessment Form 696**
- **The Police also pointed out their concerns re the proposed Temporary Event Notices for Christmas & New Years Eve**
- **Following this meeting several e-mails were sent to both Mr Hassan SEWEAFI & Mr Tony CULLINANE with no response being received.**
- **On 20th December 2013 Sergeant Mark Altman spoke with the current DPS Mr Georgios Pavlides and Mr Tony CULLINANE to outline his concerns about the events and that if this matter was not resolved to the satisfaction of the Police that objections would be submitted for both of the TENs, Christmas & New Years Eve**
- **During the event ran on New Years Eve there was a large fight inside the premises between two groups of males. The victim caught up in this fight was a male who was not linked to either group. The victim was injured by way of a slash to the front of the head, believed with a glass, which required stitches. Police attended and described the state of the victim as 'very drunk and could barely speak correctly' and also 'floors were sodden with spilled drink and vomit'**

The Police respectfully request that the Licensing Sub Committee consider revoking this licence.

Please tick yes

Have you made an application for review relating to this premises before ☒

If yes please state the date of that application

Day Month Year

1	9	0	2	2	0	1	3
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If you have made representations before relating to this premises please state what they were and when you made them

19th February 2013 (Review)

The prevention of crime and disorder.

Public Safety

Prevention of public nuisance

In the past year there have been 12 assaults connected to these premises.

The type and nature of assault indicates that the premises are not being managed correctly, certain groups of people being attracted there who seem to have a propensity for violence, and the door staff seem overly aggressive in the way they deal with incidents. In some cases they seem to exacerbate rather than diffuse the situation.

Please tick yes

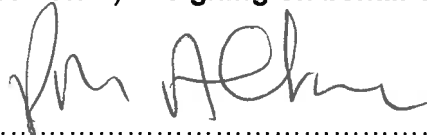
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 8th January 2014

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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

Current Premises Licence

Licensing Act 2003 Part A: Premises Licence Premises Licence Number: LN/199906677	Licensing Authority: London Borough of Barnet, Building 4, North London Business Park Oakleigh Road South New Southgate, London, N11 1NP LPRL/07/21005 (27/01/2014)
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description Stone Marquee, 1277 High Road	
Post Town London	Post code N20 9HS
Telephone number 020 8445 2165	

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

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

The times the licence authorises the carrying out of licensable activities <u>Sale by retail of alcohol</u> <u>Standard Days and Timings:</u> Sunday to Thursday 10:00hrs - 00:00hrs Friday to Saturday 10:00hrs - 01:30hrs <u>Non Standard Timings and Seasonal Variations:</u> An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.

The Performance of live music - Indoors only

Standard Days and Timings:

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

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The Playing of recorded music - Indoors only

Standard Days and Timings:

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

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The performance of entertainment of a similar description to performance of live music, the playing of recorded music or performances of dance - Indoors only

Standard Days and Timings:

Sunday to Thursday	10:00hrs - 00:00hrs
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A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The provision of facilities for dancing - Indoors only**Standard Days and Timings:**

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

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

The Provision of late night refreshment - Indoors only**Standard Days and Timings:**

Sunday to Thursday	23:00hrs - 00:30hrs
Friday to Saturday	23:00hrs - 02:00hrs

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day.

The hours that the premises are open to the public**Standard Days and Timings**

Sunday to Thursday	10:00hrs - 00:30hrs
Friday to Saturday	10:00hrs - 02:00hrs

Non Standard Timings and Seasonal Variations:

An additional hour added into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From the start of permitted hours New Years Eve to the close of permitted hours New Years Day

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

On and Off supplies

Part 2

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

Sequoia World Ltd
72 Cricklade Avenue
London
SW2 3HQ

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

07695452

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

Mr Tony Cullinane

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

Annex 1 - Mandatory Conditions

- 1 No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 Each individual employed in the role of guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage must be licensed by the Security Industry Authority.
- 4 The admission of a child or young persons under the age of 18 to the exhibition of any film shall be restricted in accordance with any recommendations made by any film classification body and or persons designated as such by the Secretary of State under section 4 of the Video Recordings Act 1984.
- 5
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 6
 - i. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or

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

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

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

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

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

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

v. The responsible person shall ensure that–

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

(i) beer or cider: ½ pint;

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

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

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

Annex 2 – Conditions consistent with the operating schedule

- 7 Premises staff will ensure patrons do not congregate and create noise disturbance at the front of the curtilage of the premises 1277 High road N20 after 10pm each day.
- 8 When patrons leave after 11pm and until 30 minutes after the premises closes staff must ensure that patrons leave through the restaurant doors next to Boots 1275 High Road away from residents at 1281 High road and disperse from the curtilage of the premises reasonably quietly.
- 9 The total number of persons accommodated in the licensed area shall not exceed 250 in the Ground Floor Bar and 50 in the upstairs function room.
- 10 The premises shall be provided with adequate facilities to monitor and control the number of persons present.
- 11 The windows facing the High Road shall remain closed after 21:00 hours.
- 12 A zero tolerance policy to drugs shall be enforced at all times.
- 13 When a disc jockey is used on any night they shall ask customers to leave the premises quietly at the end of the nights entertainment.

- 14 Whilst entertainment is being offered at the premises staff shall undertake additional patrols of the premises, both internally and externally, to limit any noise pollution.
- 15 Signage shall be displayed at the exits of the premises asking patrons to respect the local residents, and to leave the premises quietly.

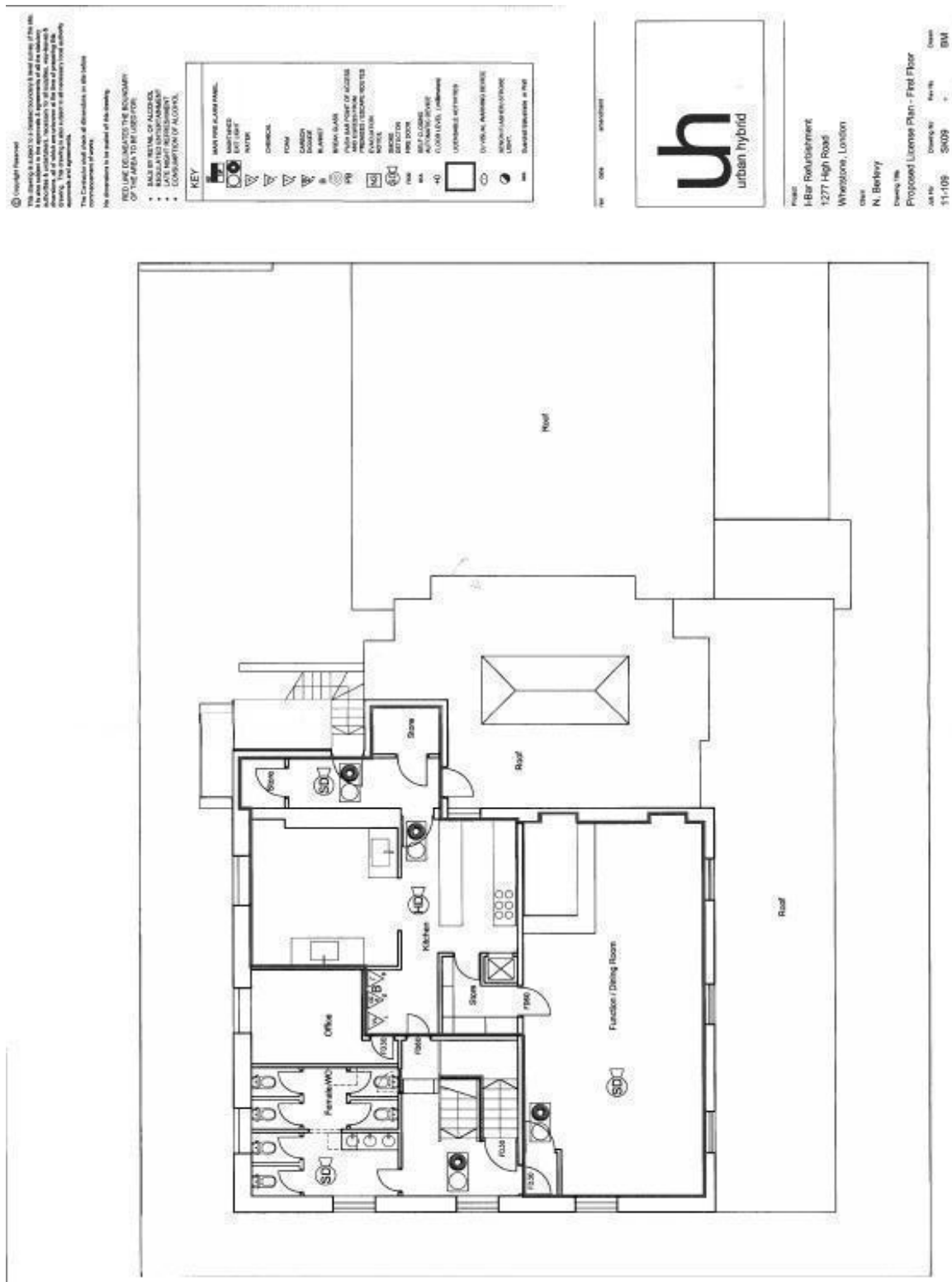
Annex 3 – Conditions attached after hearing by the licensing authority

- 16 No entry or re-entry after 00:30 hrs.
- 17 After 23:00hrs the designated smoking area will be to the left side of the venue (as shown on the plans) with the front area being cleared.
- 18 The 1.30am extension following Friday and Saturday and any extension for non standard timings shall only operate when the primary entertainment is a live performance of the following description:
 - a. Live Band, and or
 - b. Vocalist singing to recorded backing track or live accompaniment
- 19 A completed fire risk assessment will be provided prior to any variation of the licence taking effect.
- 20 Agreed capacity limits for all areas of the premises will be agreed prior to any variation of the licence taking effect.
- 21 All reasonable and agreed security work will be completed as per the recommendations of the Police Crime and Prevention Officer (CPDA). This will include the installation of a digital CCTV to the following minimum requirements:
 - a. Digital recording colour CCTV comprising 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. A CD or DVD burner will also form part of the system to facilitate making copies of the images.
 - d. 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.
 - 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 external cameras covering any outside area used by patrons of the premises, the external entrance and exit doors, clear headshots of persons entering the premises, approach route to the toilets, the bar and till areas and other areas not in full view from the bar.
 - g. Images must be retained for a period of 31 days before overwriting.
 - h. The images will be made available on reasonable 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.

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

- 22 Terminal hour for licensable activity to remain as per the current licence with exception of: Friday & Saturday - licensable activity until 01:30hrs premises closed to the public 30 minutes after this time.
- 23 Customers will not be permitted to take open glass containers outside of the premises after 11pm Sunday to Thursday and from midnight Friday and Saturday.
- 24 Customers will not be permitted to take open glass containers outside of the premises after 11pm Sunday to Thursday and from midnight Fridays and Saturdays.
- 25 On all nights when licensable activities continue past 00:00 hours (save for the provision of late night refreshment), a minimum of two door supervisors shall be employed from 20:00 hours and a minimum of five door supervisors from 22:00 hours. This condition may be disapplied on a specific occasion with the prior written consent of the police licensing officer.
- 26 All door supervisors employed at the premises shall be provided by an external company listed on the Security Industry Authority (SIA) Approved Contractor List.
- 27 On all nights when licensable activities continue past 00:00 hours (save for the provision of late night refreshment), the premises shall ensure that an electronic identification and entry system (such as Scannet) is employed from 20:00 hours.
- 28 On all nights when licensable activities continue past 00:00 hours (save for the provision of late night refreshment), there shall be present at the premises from 20:00 hours a person who is conversant with the CCTV system and able to playback footage and provide a copy of the footage to police upon request.
- 29 The present Designated Premises Supervisor (Mr Nick Berlevy) is to be removed and replaced with a Designated Premises Supervisor (DPS) with day to day management of the premises.
- 30 All staff employed at the premises and supplying alcohol to customers shall receive training in responsible alcohol sales and the licensing laws. A written record of this training shall be kept at the premises and made available for inspection upon request by a local authority or police officer.
- 31 The Licence holder shall provide to any local resident and Ward Member that requests it, the telephone number of the duty manager of the premises, and shall provide a notice outside the premises showing the number.
- 32 The Licence holder shall provide street marshalls after midnight until 30 minutes after the premises have closed to patrol the junction of Athenaeum Road and the High Road, to assist with crowd dispersal and noise control.
- 33 A noise limiter must be installed controlling music and low frequency noise at both the front and rear of the premises. The noise limiter levels must be approved by the Environmental Health Department of the Council.

As submitted to the Council with the application for the grant of a premises licence under schedule 8 of the Licensing Act 2003. Reference: LPRL/07/21005



Representations

Rudland, Michelle

From: juliekmayhew
Sent: 02 February 2014 18:41
To: LicensingAdmin
Subject: Objection to granting of license to Sequoia, 1277 High Road, N20

I would like to object to the granting of a license to Sequoia, previously known as the Stone Marquee, on the grounds of prevention of nuisance and prevention of crime and disorder.

It seems likely that the following observations and incident were connected to club goers since these problems seem to have disappeared after the club was closed down.

1. Disturbances in Athenaeum Road during Saturday night, early hours of Sunday - loud and prolonged arguments in the street involving groups of young people, loud swearing.

2. Drunken behaviour in the street.

3. A glass panel in my porch door was smashed late on a Saturday night in February 2013, this was reported to the police. I don't believe this was a malicious attack, probably one person pursuing another, ending up at my porch door.

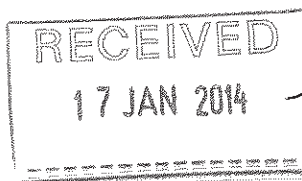
In addition, having looked at past reviews for the Stone Marquee it seems that a good proportion of customers were very critical of the club and this would seem to indicate bad management. In my opinion, a well run club would attract well behaved customers and a badly run club would attract badly behaved customers.

Julie Mayhew
Athenaeum Road
N20 0JW

My son, Savvas Michael, of the same address, also agrees to the above objection.

Adrastos Theodori
Oakleigh Road North
London
N20

To:
Licensing Team
London Borough of Barnet
North London Business Park
Oakleigh Road South
London
N11 1NP



January 15th 2014

RE: Sequoia (previously known as the Stone Marquee), 1277 High Road, Whetstone, N20 9HS

Dear Sir/Madam,

I understand a review of the premises licence has been requested by the police.

I wish to write with a formal objection and I oppose any form of alcohol or entertainment licence at these premises.

Local people are too frightened to write with objections for fear of repercussions from the management. The council's policy of not allowing anonymous comments to be submitted should be reviewed and this should be treated as a special circumstance.

I also request the council formally write to all N20 homes and business's requesting opinions before this review goes to committee.

The people ultimately behind this venue are the same people behind the defunct 'Sutra' nightclub at 1105-1111 High Road, N20 who's licence was revoked and the story is well known.

Historically many assaults and thefts have occurred at this venue and talking to younger people I am told that it is not a safe place to go. One lad said "chances are you will get a kicking from the bouncers if you go to them for help".

I myself have been verbally abused while simply walking past the venue and the security staff did nothing. Evidentially neither the management or the security staff are able to manage the safety of patrons or indeed the general public.

It's well known locally that this is the go-to-place to purchase narcotics and firearms in North London and if I am not mistaken the 'silent' partner has been convicted of a drugs charge?

The management rent out the venue for the filming of hardcore pornographic films, very nice for the area's reputation.

The management did not comply with the stipulations in their last licence.

Clearly not licensing this venue would prevent crime and disorder.

I understand that both Coleman and Cornelius are against a venue of this type in N20. Boys, grow a pair of balls and shut it down you toothless figureheads.

Lastly, if the council are foolish enough to grant a licence and you are a parent of a young person reading this letter, I implore you not to allow your child to go to this venue for their own safety.

Sincerely

Adrastos Theodori

Rudland, Michelle

Subject: FW: Sequoia 1277 High Road N20

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

From: Coleman, Cllr Brian

Sent: 14 January 2014 15:26

To: Rudland, Michelle

Subject: Sequoia 1277 High Road N20

I understand that the Police have requested a review of the Licence of the above premises

I wish to support the Police's application on the grounds of public safety and prevention of crime and disorder,

As a Totteridge Ward Councillor I am advised by residents that on Christmas Eve the premises were packed and there appeared to be not enough staff on duty . I further understand that several incidents have taken place which required the attendance of the Police .

As you will be aware these premises have a history of disorder and I would be grateful if you could keep me informed of when this matter comes to a Licensing panel and that I would like to address the panel

Kind regards

Rudland, Michelle

From: Chris Gray
Sent: 20 January 2014 21:28
To: LicensingAdmin
Subject: Objection to Sequoia nightclub

Follow Up Flag: Follow up
Flag Status: Flagged

As local residents we would like to register our objection, and join the police objection, to the new club which had recently opened in Whetstone

Whetstone is a family village style location which despite being in London has managed to retain many traditional features with local shops and a friendly family feel to the place. There is no place for a nightclub here, when the West End of London is easily reachable for such needs.

We do not believe that the club is frequented by local residents, but rather by people coming from further afield, often by car and hence the club does not help local business in any way and causes considerably more disruption than good for the reasons detailed below.

During the period between Stone Marquee closing and Sequoia opening on Christmas Eve we noticed a dramatic reduction in noise pollution, litter and general nighttime disturbance.

Our major objections to the club include the following:-

The club users can be extremely noisy - especially between 2am and 3am on Saturday and Sunday mornings - anti-social behaviour is frequent.

We often find discarded alcohol cans and bottles left in the street and in our garden. These have included half drunk, litre sized vodka and gin bottles for example. Frequently there is broken glass present in the morning, which can be particularly dangerous for young children. Considerable amounts of other litter is left in the street, pavements and in residents gardens.

Cars are regularly parked in our street, often blocking private residents properties, late at night as club users frequently only arrive in Whetstone at say [10 pm](#)

There is a lot of car noise late at night and especially between [2am](#) and 3am when club users leave the premises - often spending considerable time driving (and even racing) dangerously around local streets with music playing loudly from car stereos.

We have seen and heard rival groups of club users arguing and even fighting in the street in the early hours of the morning

We hope that you will take these concerns in to consideration when reviewing the police objection to Sequoia.

Yours

Mr S. R. & Mrs L. H. Tarling
St Margarets Avenue
London
N20
3rd February 2014

Dear Sirs

Re: Review Application for 'Sequoia' 1277 High Road Whetstone [formerly 'Stone Marquee']

We write to object to the license review application for the Stone Marquee [Sequoia] on the basis of the public nuisance caused by the late night noise from the sound system in a residential area.

The rear of the club faces the rear of our property. Throughout its life as the Stone Marquee, it was impossible to sleep in the rooms facing the rear due to the thumping bass. It could be heard towards the Haven Restaurant end of St Margarets Avenue and the parade of shops leading to the Tube Station. Every weekend was ruined because it was impossible to sleep until the club had closed - typically not before 2am. Often 3am on special occasions and memorably a private party that finished at 5:30am.

On New Year's Eve we suffered a prelude to the Sequoia's likely impact. At 3am on 1st January 2014 the noise was worse than ever. We are therefore extremely concerned - particularly as the club is now advertising extended hours on the Internet:

Monday – Thursday	12pm-12:30am
Friday - Saturday	12pm – 2am
Later closing on special Events	

Previously, it was open on Fridays and Saturdays to 1:30am only. The prospect of loud music till the early hours 6 days a week is frightening. My day job involves engineering complex automated safety critical systems. People's lives literally depend on me doing my job properly. I cannot do this on perhaps 4 hours sleep.

Frankly, I do not think the location is really appropriate for this type of club. For more than 18 months I tried every possible avenue to persuade the owners to take the necessary measures to contain the nuisance noise to no avail. When the building was a pub with live music finishing at 12am it was fine, but the Techno House music has an intense bass rhythm that is simply not contained within the building at the volume it is played at.

Also of concern is the smoking area to the rear. Noise increases with the combination of the amount of alcohol consumed and the numbing effect on the ears of the loud music inside the club. This persists after the music stops until the crowds have dispersed.

Finally, the atmosphere in the High Road is completely different on club nights. There is an undercurrent of imminent violence. A resident in the flats adjoining told me the police were there most evenings at some point and she didn't feel safe walking into her own flat.

I strongly feel that the club should not be granted a license until they have demonstrated to the environmental team that they have taken adequate measures to contain the bass frequencies within the building. In support of this objection are emails written to Councillor Cornelius in June 2012. It was quite upsetting reading these again. I think you will get a sense of our desperation if you take the time to read them, though sadly the response was extremely disappointing.

Yours sincerely

S.R. & L.H. Tarling
Enclosed: Copies of 5 emails between 7/6/2012 & 23/6/2012

Steve Tarling

From: Steve Tarling
Sent: 07 June 2012 15:23
To: 'cllr.r.cornelius@barnet.gov.uk'
Cc: stephen_tarling@.....; Louise Tarling
Subject: Noise disturbance from the Stone Marquee High Road Whetstone.

Dear Mr Cornelius

I called your office yesterday to discuss the above issue which I reported on Sunday morning. I gather you have been out of the country and hope that you will find time to look at as a matter of urgency. I wanted to follow up with some more details from my office email account as I use this every day. I realise you are probably extremely busy and apologise for the size of this message, but the situation following this weekends extended exposure has become unbearable. I am very concerned about the affect this is having on our health - we both suffered severe headaches on Tuesday and no doubt the coming Sunday will be the same.

Bank Holiday Weekend.

Without repeating the details in the previous message, we suffered 4 consecutive nights of dance music until the early hours over the jubilee bank holiday. My wife went to bed at 1pm on Tuesday to recover. We have 3 nights to catch up before it starts again tomorrow. We have consciously tried to stay out late or go to my mother in law's flat at the weekends to escape this. We have also had an estate agent around to value the property even though local searches will reveal to potential purchasers that we have complained.

The music is modern dance/rap. It is punctuated by intermittent bursts of very low frequency tones. Minutes can go by with no noticeable sound followed by a burst of intense activity. I often hear the noise as far as number 41 on the other side of St Margaret's Avenue and in front of the parade of shops leading to the Tube Station. Even though the volume is not particularly loud, the tonal quality and intermittent nature makes it very hard to ignore - especially when you are trying to sleep. It is also impossible to ventilate the bedroom on club nights - quite a problem in a well-insulated loft.

I have spoken to both my nearest neighbours in the direction of the club. They have both noticed it - one particularly mentioned last Saturday. They both independently said they had been disturbed by the bright stroboscopic light that escapes from a skylight and illuminates their bedroom windows.

The Stone Marquee

I have been attempting to deal direct with the club since 6th January. They never answer the phone on a club night and never call back. I managed to get in touch with the owner through persistence and now have a business mobile contact for him. However, many of the texts go unanswered and it is more or less impossible to get through on the phone. I found out on Tuesday he usually turns it to silent in the evenings & weekends.

I have attempted to arrange to meet him behind the club on a Saturday night. He makes excuses or says he wants the local management to take responsibility. He had them do a walkabout one night. They walked about in the High Road despite being told the issue was at the rear facing in the direction of Waitrose. They reported back that the club was inaudible - which it is - on the High Road! It fills the Waitrose car park and the gardens of all the houses facing it.

For a while Nick put me in direct contact with his manager George. We had a couple of weeks when he would run and turn down the volume, but the DJ's and customers complained so it was always temporary. He hinted they could pay for me to have some double glazing and was slightly disappointed to hear we already have it. He put me in touch with their noise consultant Enzo who he called in to do some checks. Enzo told me the problem was that the owner did not follow his recommendations in the original work. There were apparently a few leaks and he was 99% certain it would be fixed that week. He also told me the customers need to 'feel' the music and that trying to control the volume is 'pointless' because it spoils their enjoyment and doesn't have much effect. That was about a month ago. If the work has been done, any improvement is negligible. In this time, George who 'hated the business' has left. The new management are not interested.

According to Nick, I do not understand - 'It is a very sophisticated system' and 'the team are professionals'. The overwhelming impression I get is that the DJ is in charge. I have visited the club a couple of times and comments such as 'I don't know why he has to have it so loud' do not give me the impression that they are in control. I am led to believe there are sound limiters, but they are either bypassed, set wrong or ineffective. George's method was to have a line by a knob in the console in front of the DJ. If the pointer was past it he would know it was too loud and turn it down. Of course the DJ's didn't pay any attention to it.

I spoke to Nick on Tuesday morning by getting my wife to ring his number repeatedly. He was very apologetic [as he always is], kept reminding me how much money he has spent on noise insulation [as he always does], promised he would:

- take personal responsibility for this.
- call me back by 12pm yesterday with a solution.
- give me his personal mobile number for emergencies.

I asked for a progress report yesterday. He replied by text:

'Enzo is meeting another sound man on site later this afternoon, will call when I know what's happened. Nick.'

That was a day ago and needless to say that is the last I heard. I went home early last night to see if I could intercept them at the club but nobody was there.

Out of Hours Service

I have contacted the Out of Hours service on many occasions since March/April. I have been told that although the noise is audible through closed windows it does not constitute a statutory nuisance. They say they will report it to the scientific officers - but they can't even go and ask them to turn it down. I actually called them last Saturday night when it was particularly bad and did not even get a call back. To be honest, when a team of inspectors arrive at 1am it is pretty disruptive to the children sleeping at the front of the house. Also, a group of people standing in the bedroom shuffling feet and breathing heavily is far removed from the lying in bed experience. To be honest, some of the night staff can be quite rude and I am always left with the feeling that I am the nuisance rather than the club.

I have had a few follow up conversations with Ralph Haines. I don't get the impression there is anything other than friendly chats going on between him and Nick Berlevy. Mr Haines seems to think he is a reasonable man but I do not see any progress and he is not suffering any consequences.

I called the Environmental department yesterday to find out why I had not got any attention at the weekend. I found out that all the scientific staff and Mr Haines are away all week. I was told to call the Out of Hours service if it is a problem at the weekend.

In Conclusion

We have lived in this house in Whetstone for 20 years. My wife's grandmother bought the house new and we bought it when she passed away. When we moved here, the back garden was quiet and dark - I used to star gaze in the back garden with the kids. Extensions to Waitrose in terms of the building, the plant the opening hours and the lighting have undermined this but at least for the most part it stops at night.

To date, the complaints I have made about the Stone Marquee have had no impact on the noise levels or the club's ability to acquire extended licenses. There are an increasing number of 'private parties' and 'special events' that cause havoc on working days. My deteriorating attention and energy is causing my work to suffer and the house and garden are also suffering terribly from neglect. I think of almost nothing else and the cumulative effect of the sleep deprivation is extremely debilitating. It has become really intolerable and I feel I am not being taken seriously by any of the parties involved.

Therefore, I am writing to you to ask you to have their licence reviewed taking into consideration the opinions of the neighbours.

I look forward to hearing your thoughts on this. I will be more than happy to speak to you or meet to show you phone records etc. I guarantee that all the information I have given above is accurate and correct. I am an engineer and not prone to exaggerating the facts to support an argument - quite the opposite actually.

Yours sincerely

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club. Here they witnessed first-hand the level of noise that is escaping from the side of the building. I think they were quite shocked - particularly by the intensity of the low frequencies. Their reaction was 'We will refer this to licensing as a matter of urgency!'.

I feel we have been very, very patient. We desperately need some positive action that has consequences in order to bring this to a rapid conclusion. The owner has consistently mentioned how much this is costing him - including in capital letters in text messages. Equally consistently he has demonstrated a penny pinching mentality to the essential works that would have prevented this situation from arising in the first place - or fixed it 4 weeks ago.

The threat of a license suspension would motivate the owner to resolve this rapidly. I have been told that a third attempt to install the acoustic protection will be completed this week. The sound consultant has been booked to test the completed works on Friday 15th. Having said that, the last time I was told the works would be completed 'next week' they 'forgot' to tell me it had been postponed. I also think there should be some independent verification so perhaps a representative from Mr Haines' department should be present during some of the testing at least.

In conclusion, please can I ask that you ensure the issue is properly referred to the right authorities this time. I do not want the club closed down, I just want to be able to sleep at nights.

Yours sincerely

S.R. and L.H. Tarling

From: Cornelius, Cllr Richard Conservative [mailto:Cllr.R.Cornelius@barnet.gov.uk]

Sent: 07 June 2012 15:45

To: Steve Tarling

Cc: Cornelius, Cllr Alison Conservative; Coleman, Cllr Brian Conservative

Subject: RE: Noise disturbance from the Stone Marquee High Road Whetstone.

Dear Mr Tarling,

Thankyou for this e.mail. I will communicate with environmental health to see if there is anything that they can do.

Strangely as ward councillors we have had hardly any complaints about this club/venue. Please keep me informed as this sounds like an issue that may need some repeated attention.

Yours sincerely

Richard Cornelius

From: Steve Tarling

Sent: 07 June 2012 15:23

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Steve Tarling

From: Steve Tarling
Sent: 11 June 2012 14:49
To: 'Cornelius, Cllr Richard Conservative'
Cc: Cornelius, Cllr Alison Conservative; Coleman, Cllr Brian Conservative
Subject: RE: Noise disturbance from the Stone Marquee High Road Whetstone.

Dear Mr Cornelius

Thought I would update you following this week-ends activity.

Speaking to the Sound Consultant last week, it appears that while the owner engaged his services to advise what is required, he did not use any of his recommended installers or verify that the works were satisfactorily completed. This was the case on the initial install and also on the works carried out about 4 weeks ago. He chose his own builder who basically did the top visible layer to make it look like the job was done - omitting the essential absorbing foams - TWICE. The local manager seems to have been perfectly happy with what was recently done and turned the system back to full volume for the Jubilee weekend. He did not even notice that the rubber strips that should be easily visible were missing from the doors.

On Thursday evening the Owner texted me. He said he had turned down the system and we would have no noise this weekend.

On Friday night, in the wind and rain, it appeared somewhat better. However, things were more or less back to usual on Saturday night.

I called the Out of Hours staff at about 11:30pm. After some difficulty [they are fed up of me calling] I managed to persuade them to visit again. When they arrived we had a somewhat heated discussion. The crux of the matter is that although the noise is clearly and audibly a disturbance to us sleeping, it is not loud enough to be defined as a statutory noise nuisance according to their terms of reference.

They said they had driven past the club on the High Road and had heard it clearly in the High Road. They also said that since the premises are licensed, they should not be able to hear it outside the building. This is the second time I have been told this by Out of Hours inspectors. The first time I asked Ralph Haines about it - he said there was no such law. I told them about this conversation and they said 'well he's the boss - but I've always understood that the noise from licensed premises should be contained within the building'. Needless to say I am confused by the mixed messages.

I was then told that it is a licensing issue and that the matter should have been referred to the licensing section as a result of their previous reports. If it has been, I have had no information about this and it has made no difference to the club being able to get special extended licenses at will. I think they began to understand that I have been pushed from pillar to post over this. Usually, it is impossible to get the night staff to stand outside the house, but they agreed to accompany me to the rear of the

club. Here they witnessed first-hand the level of noise that is escaping from the side of the building. I think they were quite shocked - particularly by the intensity of the low frequencies. Their reaction was 'We will refer this to licensing as a matter of urgency!'.

I feel we have been very, very patient. We desperately need some positive action that has consequences in order to bring this to a rapid conclusion. The owner has consistently mentioned how much this is costing him - including in capital letters in text messages. Equally consistently he has demonstrated a penny pinching mentality to the essential works that would have prevented this situation from arising in the first place - or fixed it 4 weeks ago.

The threat of a license suspension would motivate the owner to resolve this rapidly. I have been told that a third attempt to install the acoustic protection will be completed this week. The sound consultant has been booked to test the completed works on Friday 15th. Having said that, the last time I was told the works would be completed 'next week' they 'forgot' to tell me it had been postponed. I also think there should be some independent verification so perhaps a representative from Mr Haines' department should be present during some of the testing at least.

In conclusion, please can I ask that you ensure the issue is properly referred to the right authorities this time. I do not want the club closed down, I just want to be able to sleep at nights.

Yours sincerely

S.R. and L.H. Tarling

From: Cornelius, Cllr Richard Conservative [mailto:Cllr.R.Cornelius@barnet.gov.uk]

Sent: 07 June 2012 15:45

To: Steve Tarling

Cc: Cornelius, Cllr Alison Conservative; Coleman, Cllr Brian Conservative

Subject: RE: Noise disturbance from the Stone Marquee High Road Whetstone.

Dear Mr Tarling,

Thankyou for this e.mail. I will communicate with environmental health to see if there is anything that they can do.

Strangely as ward councillors we have had hardly any complaints about this club/venue. Please keep me informed as this sounds like an issue that may need some repeated attention.

Yours sincerely

Richard Cornelius

From: Steve Tarling

Sent: 07 June 2012 15:23

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Steve Tarling

From: Steve Tarling
Sent: 13 June 2012 16:58
To: 'licensingadmin@barnet.gov.uk'
Subject: Noise Disturbance from Stone Marquee High Road Whetstone
Attachments: Noise disturbance from the Stone Marquee High Road Whetstone.; RE: Noise disturbance from the Stone Marquee High Road Whetstone.

Dear Sirs

Please find attached two emails I have sent to Councillor Richard Cornelius in the last week in connection with the above matter. This problem has been on-going since early January this year. It is actually getting worse as time goes by:

- The club more and more regularly apply for and get license extensions.
- They also hire out for private parties.

These are often on Thursdays and Sundays which makes getting up for work the following day very difficult. The cumulative effect of this regular sleep deprivation is ruining our weekends and also giving my wife and I headaches.

I spoke to Ralph Haines in the Environmental service on Monday and he said he would be referring this to your department following last weekend's visit by his Out of Hours staff. Please could you advise whether this has in fact been done - either by him or by the Councillor?

This is a major problem for us at weekends. The owner's efforts at resolving it have been remarkably ineffective and we do not even have a means of contacting the club to have the noise turned down [they do not answer the phone ringing on a club night and never return messages].

We are desperate.

Yours sincerely

S.R. and L.H. Tarling

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↑ ↓ ×

RE: Noise disturbance from the Stone Marquee High Road Whetstone.

To see messages related to this one, group messages by conversation.



Steve Tarling 23/06/2012
Tel: 0208 400 1000
Email: cllr.s.tarling@barnet.gov.uk

Dear Mr Corneliuss

This is the fourth time I have written to you on this matter. In the intervening weeks I have:

- Called your office and not received a call back.
- Called the out of hours service who said they would have the matter referred to the licensing team.
- Called and emailed the Licensing team to find out if the matter had indeed been referred to them - no reply so far.
- Spoken to Ralph Haines who said the problem would be sorted by this weekend.
- Spoken to Michelle on his team who had not managed to arrange with the owner of the club to verify that the work had indeed been completed.

Tonight noise levels are much the same as usual. I have therefore called the Out of Hours Service again. Tomorrow it will be worse - again.

The reason I asked if you would kindly refer the matter to the licensing team is because your Environmental Team has known about it for months and achieved precisely nothing. Three weeks later the situation is exactly the same. Feedback is practically non-existent and it rather gives the impression the issue is of no consequence.

Could you please advise what has or is being done to end what is approaching 6 months of torture?

Yours sincerely

S.R. Tarling

Rudland, Michelle

From: Julie Morrissey
Sent: 04 February 2014 15:05
To: LicensingAdmin
Subject: 1277 High Road Whetsone

To whom it may concern

We wish to object to the licence being renewed at the above premises mainly due to the disruption that is caused on late closing. The noise levels and increased traffic in the early hours of the morning are unacceptable.

Yours faithfully,

J Morrissey
Athenaeum Road, Whetstone, N20

Rudland, Michelle

From: Wk Simpson
Sent: 05 February 2014 16:57
To: LicensingAdmin
Subject: SEQUOIA, 1277 HIGH ROAD, N20

Oakleigh Road North,
London, N20

5th February 2014

Dear Sirs,

I wish to object strongly to the granting of a liquor license to SEQUOIA, 1277 HIGH Road N20, Whetstone. My house overlooks to the rear the Athenaeum Road car park. Previously when this site had a license, the early hours of weekends especially were disrupted by the most horrendous screams and shouts of disputing drunken louts spilling out of 1277 High Road.

I do not want to have to endure this again, and strongly urge you not to grant a license to 1277 High Road.

Yours Faithfully,

W K Simpson
Tel;

Rudland, Michelle

To: LicensingAdmin; Sean Lask
Subject: RE: 1277 High Road N20 9HS - Alcohol/music License review

From: Sean Lask _____
Sent: 05 February 2014 16:08
To: LicensingAdmin
Subject: 1277 High Road N20 9HS - Alcohol/music License review

I refer to the above review of the Sequoia premises.

We own the adjacent freehold building 1279/1283 High Road N20. This building comprises 3 shops and 4 flats above. We rent our flats out to tenants of which there are seven people living here.

We strongly object to the grant of any Licence for 1277. There is a long history of nuisance in the form of loud music and unruly behaviour by customers of this premises. We have received numerous complaints from our tenants particularly in relation to loud noise levels.

There have also been instances of customers from this premises gathering on the pavement outside our building late at night holding mini late night parties directly under the windows of our flats.

For these reasons we consider the grant of any licence to be inappropriate and severely diminishing the amenity of our residential tenants. No doubt there are further residential neighbours who feel the same way.

Yours sincerely

Sean Lask
Director

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Rudland, Michelle

From: Joy Hughes
Sent: 22 January 2014 14:38
To: LicensingAdmin
Subject: Sequoia Nightclub, Whetsone

The Manager,
Licensing Department
Barnet Council

I would like to state my strong objection to the licensing of this club on the following grounds:

As The Stone Marquee it caused unwanted anti-social problems and illegal activity within the immediate neighbourhood of the club.

They were:

- 1) Anti-social behaviour by club goers who, on leaving, were extremely noisy, especially on Saturday nights/early Sunday mornings, shouting at each other as they walked away from the club. This was probably caused by the exceptionally loud music played inside.
- 2) Club goers turning music on in their cars at a very loud volume, often with car doors and windows open notably between 1.30 and 3.00pm. Since they parked, often inconsiderately, in my road this frequently woke me up.
- 3) Club goers leaving bottles and other litter along Athenaeum Road and on Whetstone High Street.
- 4) Club goers acting in a drunk and disorderly manner. On one occasion they rolled my dustbin 30/40 metres along the road.
- 5) Club goers often raced their cars up and down Athenaeum Road and adjoining roads at speeds well in excess of the speed limit, revving their engines.
- 6) When the club was shut down last year these problems disappeared so it is likely that they were connected to those who used the club.

I appeal to Barnet Council not to grant a license to any club that would attract such anti-social, illegal and dangerous activity to the area. This is a peaceful settled neighbourhood which does not deserve to have to tolerate this behaviour.

Yours faithfully,
Joyce Hughes
Athenaeum Road, N20

Extract from Guidance issued under Section 182 Licensing Act 2003 June 2013 - 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

Sequoia, 1277 High Road, Whetstone, N20 9HS

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 necessary 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)