	<p style="text-align: center;"><b>Licensing Sub-Committee</b></p> <p style="text-align: center;"><b>26<sup>th</sup> January 2015</b></p>	
<p style="text-align: right;"><b>Title</b></p>	<p><b>Review of Premises Licence – Funky Brownz, The Glen, 63 The Hyde, London, NW9 6LE</b></p>	
<p style="text-align: right;"><b>Report of</b></p>	<p>Trading Standards &amp; Licensing Manager</p>	
<p style="text-align: right;"><b>Wards</b></p>	<p>West Hendon</p>	
<p style="text-align: right;"><b>Status</b></p>	<p>Public (with exempt Annex 1 By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972)</p>	
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Report of the Licensing Officer  Annex 1 – Review Application  Annex 2 – Current Premises Licence  Annex 3 – Additional Information  Annex 4 – Extract from Guidance under section 182 Licensing Act 2003  Annex 5 – Matters for decision</p>	
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Daniel Pattenden 020 8359 2508  daniel.pattenden@barnet.gov.uk</p>	

## Summary

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

## Recommendations

1. This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003 for Funky Brownz, The Glen, 63 The Hyde, London, NW9 6LE.

## **1. WHY THIS REPORT IS NEEDED**

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

## **2. REASONS FOR RECOMMENDATIONS**

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

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 N/A

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The decision will have immediate effect

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration
- 5.1.2 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a "successful London borough" by ensuring that only legal, well regulated licensable activities occur within the borough.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 N/A

### **5.3 Legal and Constitutional References**

- 5.3.1 The Licensing Act 2003 sets out how applications for premises licences should be dealt with where valid representations have been submitted.
- 5.3.2 Under the Constitution, Responsibility for Functions (Annex A), the Licensing Act 2003 and associated regulations, as delegated to it by the Licensing Committee, including the determination of review applications.

### **5.4 Risk Management**

- 5.4.1 N/A

## **5.5 Equalities and Diversity**

- 5.5.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the

## **5.6 Consultation and Engagement**

- 5.6.1 The statutory consultation process that has been followed in accordance with the Licensing Act 2003

## **6. BACKGROUND PAPERS**

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

# Officers Report

**LICENSING ACT 2003**  
**REPORT FOR PUBLIC HEARING**

**Review of the premises licence:**

**Funky Brownz, The Glen, 63 The Hyde, London, NW9 6LE**

**1. The Applicant**

An application was submitted by Janet Mead on behalf of the London Borough of Barnet Environmental health.

**2. The Application**

This application has been made under Section 51 of the Licensing Act 2003 to review the Premises Licence held by Ms Vaishali Patel & Mrs Ragini Patel.

Licensing objectives to which the review application relates is:

- Public safety

Environmental health has made the following statements within their application:

- An inspection on the 14/11/2014 found an uncontrolled Rat infestation, an uncontrolled Mouse infestation and no hot water supply to the premises. Despite knowing about these issues the premises continued to sell food, drink and shisha to be consumed by members of the public. They also had severe flooding in the kitchen and were unable to produce a valid and current electrical safety certificate.

A full copy of the Review application is attached to this report in **Annex 1**. Environmental Health has also provided additional information which can be found in **Annex 3**.

**3. Premises Licence History**

This premises licence was first applied and granted back in 2005. Since then there has been 4 applications to vary the designated premises supervisor, 1 application to transfer the premise licence, 1 application to Vary the premises licence and 2 applications to review the premises. The last transfer granted on 06<sup>th</sup> November 2006 placed Ms Vaishali Patel & Mrs Ragini Patel as the premises licence holders.

## 4. Current Premises Licence

The current licence allows the below licensable activities:

### **The times the licence authorises the carrying out of licensable activities**

#### **Sale by retail of alcohol**

##### Standard Days and Timings:

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

##### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

#### **The Exhibition of film's - Indoors only**

##### Standard Days and Timings:

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Sunday	10:00hrs - 02:00hrs

##### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

#### **The Performance of live music - Indoors only**

##### Standard Days and Timings:

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

##### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

#### **The Playing of recorded music - Indoors only**

##### Standard Days and Timings:

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

##### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

### **The Performance of dance - Indoors only**

#### **Standard Days and Timings:**

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

#### **Non Standard Timings and Seasonal Variations:**

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following 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 Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

#### **Non Standard Timings and Seasonal Variations:**

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

### **The provision of facilities for making music - Indoors only**

#### **Standard Days and Timings:**

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

#### **Non Standard Timings and Seasonal Variations:**

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

### **The provision of facilities for dancing - Indoors only**

#### **Standard Days and Timings:**

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

#### **Non Standard Timings and Seasonal Variations:**

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

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

#### **Standard Days and Timings:**

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

#### **Non Standard Timings and Seasonal Variations:**

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

### **The Provision of late night refreshment - Indoors only**

#### Standard Days and Timings:

Sunday to Wednesday	23:00hrs - 00:00hrs
Thursday	23:00hrs - 01:00hrs
Friday to Saturday	23:00hrs - 02:00hrs

#### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

### **The hours that the premises are open to the public**

#### Standard Days and Timings

Sunday to Wednesday	10:00hrs - 00:30hrs
Thursday	10:00hrs - 01:30hrs
Friday to Saturday	10:00hrs - 02:30hrs

#### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31<sup>st</sup> December until the start of the sale of alcohol on the following day.

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

## **5. Representations**

No representations were received by the licensing authority in relation to this review application.

## **6. Guidance**

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

## **7. Determination**

The sub-committee shall determine the application in accordance with Section 52 of the Licensing Act 2003.

S 52 (3);

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

4. The steps are-



- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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

5. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

6. Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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

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

Daniel Pattenden  
Licensing Officer  
Friday, 02 January 2015

Annex 1 – Review Application  
Annex 2 – Current Premises Licence  
Annex 3 – Additional Information  
Annex 4 – Guidance issued under Section 182 Licensing Act 2003 (June 2013)  
Annex 5 – Matters for Decision

# Review Application

London Borough of Barnet, Building 4, North London  
Business Park, Oakleigh Road South, London N11 1NP

**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.

1 ENVIRONMENTAL HEALTH, LONDON BOROUGH OF BARNET  
(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the  
review of a club premises certificate under section 87 of the Licensing Act 2003  
for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> FUNKY BROWN 2 63-65 THE HYDE, COLINDALE LONDON NW9 6LE	
<b>Post town</b> LONDON	<b>Post code (if known)</b> NW9 6LE
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> MS VAISHALI PATEL	
<b>Number of premises licence or club premises certificate (if known)</b> 199906627	

**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 ☐
- 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	
ENVIRONMENTAL HEALTH FOOD AND HEALTH AND SAFETY TEAM BUILDING 4 NORTH LONDON BUSINESS PARK OAKLEIGH ROAD SOUTH LONDON N11 1NP	
Telephone number (if any)	0208 359 7995
E-mail address (optional)	

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review** (please read guidance note 1)

THE OWNER OF FANCY BROWNZ IS ALSO THE DPS  
+ LICENSE HOLDER  
AN INSPECTION ON 14.11.14 FOUND AN UNCONTROLLED  
BAT INFESTATION, AN UNCONTROLLED MOUSE INFESTATION  
AND NO HOT WATER SUPPLY TO THE PREMISES.  
DESPITE KNOWING ABOUT THESE ISSUES THE  
PREMISES CONTINUED TO SELL FOOD AND DRINK  
AND STRAVA TO CONSUMERS (MEMBERS OF THE  
PUBLIC) THEY ALSO HAD SEVERE FLOODING IN  
THE KITCHEN & HAVE NOT PRODUCED A VALID AND  
CURRENT ELECTRICAL SAFETY CERTIFICATE.  
IT IS OUR BELIEF THAT THE PUBLIC SAFETY WAS  
COMPROMISED BY THESE ACTIONS AND THAT THE  
DPS IS NOT FIT TO HOLD A LICENSE.  
WE CLOSED THE PREMISES DUE TO THE RISKS  
WE FOUND. AS AT TODAY'S DATE IT REMAINS  
CLOSED BY ORDER OF THE MAGISTRATES.

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

SEE ATTACHED COPIES OF HYGIENE EMERGENCY  
PROHIBITION ORDER AND HEALTH AND SAFETY  
NOTICES.

**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

--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

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

*C. J. Corabian*

Date

*28/11/14*

Capacity

*Group manager - Environmental Health*

**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.





# HYGIENE EMERGENCY PROHIBITION ORDER

(The Food Safety and Hygiene (England) Regulations 2013, Reg. 8)

Willesden

Magistrates' Court

Date

Eighteenth day of November 2014

WHEREAS complaint has been made by  
Ms Elaine Mandy Blencowe (senior environmental health officer)

("the Complainant")  
of Environmental Health London Borough of Barnet  
Building 4 North London Business park.  
Oakleigh Road South, London N11 1NP  
a duly authorised officer of the  
London Borough of Barnet

that at the premises at Funky Brownz  
63-65 THE HYDE LONDON NW9 6LE

which are used for the purposes of a food business a health risk condition is fulfilled by reason of

- 1) Uncontrolled Rat infestation
- 2) Uncontrolled mouse infestation
- 3) No hot water supply, for hygiene purposes
- 4) Flooding and foul water ingress in a food room

And the Complainant having made application to the court for the making of a Hygiene Emergency Prohibition Order under the provisions of Regulation 8 of the Food Safety and Hygiene (England) Regulations 2013.

Decision

- : The court is satisfied that  
(a) by evidence tendered by the Complainant  
(b) after affording to Rajinder Patel (manager)

being the operator of the said food business, an opportunity to be heard and tender evidence,

a health risk condition is fulfilled by such use of the [process] [treatment] [equipment] [premises]

and it is ORDERED that

Order

- : ~~[the use of the said [process] [treatment] for the purposes of the food business]~~  
~~[the use of the said [premises] [equipment] for the purposes of [the food business]]~~ [any other food business of the same class or description, namely

[any food business]]  
is prohibited.

[By Order of the Court]

[District Judge] [Justice of the Peace] [Justices' Clerk]

## Improvement Notice

Serial No. FHIN/08/10433

HEALTH and SAFETY at WORK etc. ACT  
1974,

Sections 21, 23, and 24

Name and  
address  
(see sec.46)

To Funky Brownz Ltd

Of 28 Belmont Circle, Kenton Lane, Harrow HA3 8RF

trading as Funky Brownz

Inspector's full  
name and  
official  
designation.  
Official address

I Elaine Blencowe, Senior Environmental Health Officer

of London Borough of Barnet  
Building 4, North London Business Park  
Oakleigh Road South  
N11 1NP

Location of  
premises or  
place and activity

Tel. 020 8359 2952

hereby give you notice that I am of the opinion that at

63 - 65 The Hyde, London, NW9 6LE

Other specified  
capacity

You, as an employer wholly in control of the premises, are contravening

The Health and Safety at Work etc Act 1974 S2(1) & S3(1)

The Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 12(1)

Provisions  
contravened,

The reasons for my said opinion are:

That the staircase leading from the ground floor to the basement kitchen, store room and cellar is not safe because the staircase is constructed of bare metal with no grip on the treads and open risers which is likely to cause a person to slip, trip or fall.

Date.

and I hereby require you to remedy the said contraventions, or, as the case may be, the matter occasioning them by making the staircase fit for use in the manner stated in the schedule which forms part of the notice by the 28th January 2015.

(Signature)



(Date) Third day of December  
2014

being an inspector appointed by an instrument in writing made pursuant to Section 19 of the said Act and entitled to issue this notice.

This is a relevant notice for the purposes of the Environment and Safety  
Information Act 1988

Appeals guidance booklet enclosed

**FHIN/08/10433**

**63 - 65 The Hyde, London, NW9 6LE**

**Schedule**

Replace or provide a suitable non slip surface to the bare metal staircase leading from the ground floor to the basement kitchen, cellar and store room ensuring that the treads and risers are suitable for use in a food environment and no longer constitute a slip, trip or fall risk.

Or any other equally effective means agreed beforehand with the Officer.

# Improvement Notice

Serial No. FHIN/08/10433/1

HEALTH and SAFETY at WORK etc. ACT  
1974,

Sections 21, 23, and 24

Name and  
address  
(see sec.46)

To Funky Brownz Ltd

Of 28 Belmont Circle, Kenton Lane, Harrow HA3 8RF

trading as Funky Brownz

Inspector's full  
name and  
official  
designation.  
Official address

I Elaine Blencowe, Senior Environmental Health Officer

of London Borough of Barnet  
Building 4, North London Business Park  
Oakleigh Road South  
N11 1NP

Location of  
premises or  
place and activity

Tel. 020 8359 2952

hereby give you notice that I am of the opinion that at

63 - 65 The Hyde, London, NW9 6LE

Other specified  
capacity

You, as an employer wholly in control of the premises, are contravening

The Health and Safety at Work etc Act 1974 S2(1) & S3(1)  
The Electricity at Work Regulations 1989 Part II 4(1) & (2)

Provisions  
contravened,

The reasons for my said opinion are

Open conduit to the light in the basement storeroom.  
Exposed and damaged wiring in the basement storeroom.  
Evidence of overheating to the neon sign at the front of the premises.

Date.

and I hereby require you to remedy the said contraventions, or, as the case may be, the matter occasioning them by 28th January 2015 in the manner stated in the schedule which forms part of the notice

(Signature) 

(Date) Third day of December 2014

being an inspector appointed by an instrument in writing made pursuant to Section 19 of the said Act and entitled to issue this notice.

This is a relevant notice for the purposes of the Environment and Safety  
Information Act 1988 delete if not a public notice

Appeals guidance booklet enclosed

**FHIN/08/10433 /1**

**63 - 65 The Hyde, London, NW9 6LE**

**Schedule**

**Arrange for a competent NICEIC electrician or equivalent - to inspect the electrical installation at the premises.**

**The inspection should include an assessment as to the suitability of the location of the water pipe running on top of the fuse box.**

**Carry out any repairs identified in the inspection**

**Provide a copy of a valid and current electrical safety certificate for the premises known as Funky Brownz 63-65 The Hyde, Colindale London NW9 6LE to Mrs Elaine Blencowe**

# Premises Licence

<b>Licensing Act 2003</b>  <b>Part A:</b> <b>Premises Licence</b>  <b>Premises Licence Number:</b> <b>LN/199906627</b>	<b>Licensing Authority:</b> London Borough of Barnet, Building 4, North London Business Park Oakleigh Road South New Southgate, London, N11 1NP  <div style="text-align: right;">LPRL/07/15320 (22/01/2014)</div>
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## Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Funky Brownz, The Glen, 63 The Hyde	
<b>Post Town</b> London	<b>Post code</b> NW9 6LE
<b>Telephone number</b> 020 8205 6266	

<b>Where the licence is time limited the dates</b> This premises licence is not time limited
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<b>Licensable activities authorised by the licence</b> The Sale by Retail of Alcohol The Provision of Regulated Entertainment The Provision of Late Night Refreshment
--

<b>The times the licence authorises the carrying out of licensable activities</b> <b><u>Sale by retail of alcohol</u></b>  <u>Standard Days and Timings:</u> Sunday to Wednesday                      10:00hrs - 00:00hrs Thursday    10:00hrs - 01:00hrs Friday to Saturday                              10:00hrs - 02:00hrs  <u>Non Standard Timings and Seasonal Variations:</u> On the commencement of British Summer Time one hour to be added to the finish time above.  From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.  <b><u>The Exhibition of film's - Indoors only</u></b>  <u>Standard Days and Timings:</u> Sunday to Wednesday                      10:00hrs - 00:00hrs Thursday    10:00hrs - 01:00hrs Friday to Sunday                                      10:00hrs - 02:00hrs  <u>Non Standard Timings and Seasonal Variations:</u> On the commencement of British Summer Time one hour to be added to the finish time above.
--

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

**The Performance of live music - Indoors only**

Standard Days and Timings:

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

**The Playing of recorded music - Indoors only**

Standard Days and Timings:

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

Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

**The Performance of dance - Indoors only**

Standard Days and Timings:

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following 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 Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.



### **The provision of facilities for making music - Indoors only**

#### Standard Days and Timings:

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

#### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

### **The provision of facilities for dancing - Indoors only**

#### Standard Days and Timings:

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

#### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

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

#### Standard Days and Timings:

Sunday to Wednesday	10:00hrs - 00:00hrs
Thursday	10:00hrs - 01:00hrs
Friday to Saturday	10:00hrs - 02:00hrs

#### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

### **The Provision of late night refreshment - Indoors only**

#### Standard Days and Timings:

Sunday to Wednesday	23:00hrs - 00:00hrs
Thursday	23:00hrs - 01:00hrs
Friday to Saturday	23:00hrs - 02:00hrs

#### Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

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

Sunday to Wednesday	10:00hrs - 00:30hrs
Thursday	10:00hrs - 01:30hrs
Friday to Saturday	10:00hrs - 02:30hrs

Non Standard Timings and Seasonal Variations:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31<sup>st</sup> December until the start of the sale of alcohol on the following 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**

Mr Vaishali & Mrs Ragini Patel  
51 Heber Road  
Cricklewood  
NW2 6AB  
07939192487

**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Vaishali Patel  
38 Norwood Drive  
North Harrow  
Middlesex  
HA2 7PE

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

09VP-00AQ-CP43-WEHC - Harrow Council

## 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 This licence is granted in accordance with the published terms and conditions set out in the London Borough of Barnet's Entertainment Licensing Rules of Management for Places of Public Entertainment dated the 15th May 1989
- 8 The Premise Licence Holder and Premises Supervisor shall ensure that music provided at the premises shall not create any disturbance or annoyance to residents in the area. The Premise Licence Holder and Premises Supervisor shall monitor the music noise levels outside the premises, whenever the premises is in use under this licence, and take immediate action to reduce music levels so that music is inaudible in any residential premises.
- 9 The total number of persons present at any one time in the Function Room shall not exceed 150.
- 10 The total number of persons present at any one time in the Main Bar shall not exceed 100.
- 11 The premises shall be provided with adequate facilities to monitor and control the number of people present.

- 12 Staff are trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health safety, first aid, alcohol and drug awareness and conflict management.
- 13 Customers will not be permitted to take open glass containers outside the premises, as defined in the plan submitted with the operating schedule and approved by the Licensing Authority.
- 14 The consumption of alcohol will be restricted to those parts of the premises identified on the plan submitted with the operating schedule and approved by the Licensing Authority.
- 15 A summary of the Premises Licence will be displayed at each public entrance to the premises.
- 16 In line with our Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.
- 17 Bag searches are conducted at random
- 18 No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises. Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area). Staff are not allowed to be in sole supervision of children which remains the responsibility of the accompanying adult at all times.
- 19 The Designated Premises Supervisor/ Personal Licence Holder and staff will at all times remain aware of their responsibilities under this objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty have been trained and made aware of these requirements and the need to demand an acceptable form of age I.D. (i.e. an accredited 'Proof of Age' card or 'new type' driving licence with a photograph or passport with (photograph) where considered appropriate.
- 20 Children under the age of 18 will only be allowed on the premises as long as they are accompanied by their parents or other adults as part of a 'family' taking a table meal.
- 21 Challenge 21 Scheme will be adopted. Customers who appear to be 21 years or less are to be challenged when attempting to purchase alcohol.

### **Annex 3 – Conditions attached after hearing by the licensing authority**

- 22 No patrons allowed in the northern access area of the premises next to 69 The Hyde NW9 at any time.
- 23 No patrons to be admitted or readmitted to rear smoking area after 11pm on Sunday, Monday, Tuesday, and Wednesday or after midnight on Thursday, Friday and Saturday.
- 24 Security staff to regularly monitor rear smoking area after 9pm each night to ensure no noise from patrons is clearly audible at nearest residential premises situated at Malvern Court and 69 The Hyde NW9. The partition of the smoking area connected to the premises structure is to be extended (by the 9th October 2007) so there are no gaps from the doors, roof or partition where it connects to the site perimeter fence to minimise noise break out from patrons in the smoking area.
- 26 The License holder is to attend all pub watch meetings and arrange meetings with the Area residents Association on a quarterly (3-monthly) basis.
- 25 No empty bottles to be disposed of until after 10am the following morning.
- 27 SIA door supervisors will be employed on Thursday, Friday and Saturday from 8:30pm (20:30hrs) until 30 minutes after the premises have closed

- 28 The SIA door supervisors will wear a clearly identifiable jacket with high visibility (light reflective) panels.
- 29 5 SIA door supervisors will be employed at any time when the club is open.
- 30 If the club is closed then the requirement for SIA door supervisors may be reduced to 2. This reduction in doors supervisors is at the discretion and risk assessment of the premises licence holders and the Designated Premises Supervisor (DPS).
- 31 If the club is closed and the bar/restaurant also closes no later than 12:30am (00:30hrs) there shall be no requirement for door supervisors. This decision is at the discretion and risk assessment of the premises licence holders and the Designated Premises Supervisor (DPS).
- 32 A digital CCTV system is installed to the requirements of the Crime Prevention Officer and include:
- 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 copies of the images.
  - d. If the head unit (recorder) is kept at the premises it must be located in a secure cabinet or other secure area, preferably out of 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 head shots 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.
  - j. This system will be fully maintained at all times to ensure correct operation.
  - k. The CCTV system will be checked at least once every 24 hours normally at the beginning of the night shift to ensure it is working properly and images are being recorded. The check must be recorded and signed in a records book.
- 33 There shall be no entry to the premises one hour before the end of the licensable activities.
- 34 When the premises are open, staff will carry out security checks to the premises including the toilet areas. A log will be kept of those checks.
- 35 Regular checks of the toilets to be made and recorded, with intervals being no greater than one hour.

- 36 Police and London Borough of Barnet approved signs to be clearly displayed. The signs will be worded to advise clients that CCTV covers the premises and that there is zero tolerance to drugs and other criminal activity.
- 37 Besides any prosecution for offences, anyone barred from these premises will also be barred from all of the other premises in the pubwatch scheme.
- 38 When the "Club" section of the premises is open there shall be at least one Personal Licence Holder on duty during the hours, as shown on the licence, where the premises are open to the public.
- 39 Public transport information and taxi cab numbers will be available to all customers.
- 40 Acceptable forms of ID are (but not limited to) valid passport, photocard driving licence, PASS approved proof of age card.
- 41 The applicant must ensure that the amplified music system in use at the premises includes a noise limiting device which:
- Measures the sound level in the premises by use of a tamper proof device permanently sited at the premises. Such sound pressure levels are to be measured in octave band frequencies of 16, 32, 63, 125, 250 and 500 Hz
  - Immediately withdraws power to the amplifier in the event that preset sound levels of any or all of the individual octave bands which have previously been agreed by the Group Manager, Public Health and Nuisance at the London Borough of Barnet are exceeded. Such levels will be based upon inaudibility in residential properties between the hours of 2300 and 0700 hours. Outside of these times noise must not be at a level which causes a nuisance.
  - Is permanently fixed in the premises and cannot be altered, bypassed or tampered with in any way.
  - Is correctly installed by a competent person, being an electrician who is enrolled with NICEIC.
  - Includes electrical contact point switches fitted on all open able windows to the property; such switches to be fitted in series in a single electrical circuit loop such that in the event of the electrical contact switches becoming separated (by a window being opened) then the power to the amplifier is withdrawn immediately.
  - Includes electrical contact point switches fitted on all openable doors which are fire doors used other than to enter or leave the premises under normal circumstances; such switches to be fitted in series in a single electrical circuit loop together with the electrical contact switches fitted to the windows, such that in the event of the electrical contact switches becoming separated (by a fire door being opened) then the power to the amplifier is withdrawn immediately.
- 42 There shall be no external promotions at the venue. All functions at the premises shall be controlled by the premises licence holders and the Designated Premises Supervisor (DPS). This includes the advertising and promotion of events.
- 43 There shall be no direct access for the public via the intercommunicating doors between the bar/restaurant area and the club
- 44 The terminal hour for all licensable activities shall be no later than 1am (01:00hrs) on any Friday with the premises being closed and cleared by 1:30am (01:30hrs) of all persons with the exception of staff employed at the premises.
- 45 There shall be a 'calm down' period of 20 minutes in the night club prior to closing at 2.00am

(02:00hrs)

- 46 All licensable activity in the restaurant/bar area of the premises will end 30 minutes prior to any current terminal hour of the club. The restaurant/bar area will also close 30 minutes earlier than any terminal hour for the club.
- 47 All drinks must be served in plastic, polycarbonate or similar non glass receptacles. If drinks are consumed directly from bottles they must also be plastic or a similar material. This shall not apply to pre booked functions for which the Police, having been given reasonable notice , have made no objection in writing to the premises licence holder.

#### **Annex 4 - Plan**

As submitted to the Council with the application for the grant of a premises licence under schedule 8 of the Licensing Act 2003. Reference: LPRL/07/15320





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KEEP ANIMALS  
AND  
CHILDREN AWAY**

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- WATER RESISTANT
- WIPEABLE

**NEW**

- DRAPES LIKE TEXTILE
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**NEW**

- DRAPES LIKE TEXTILE
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- WATER RESISTANT
- WIPEABLE

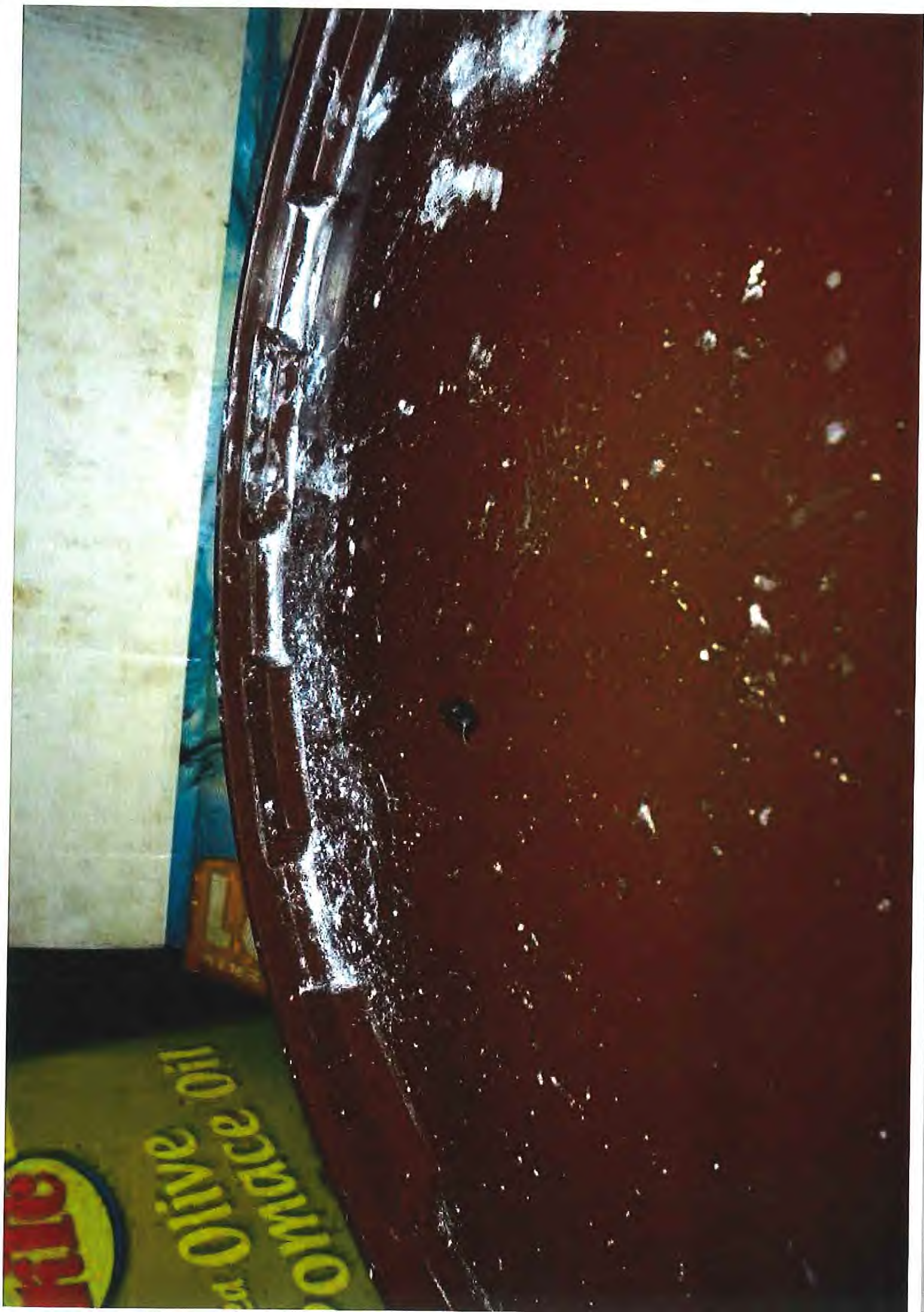






























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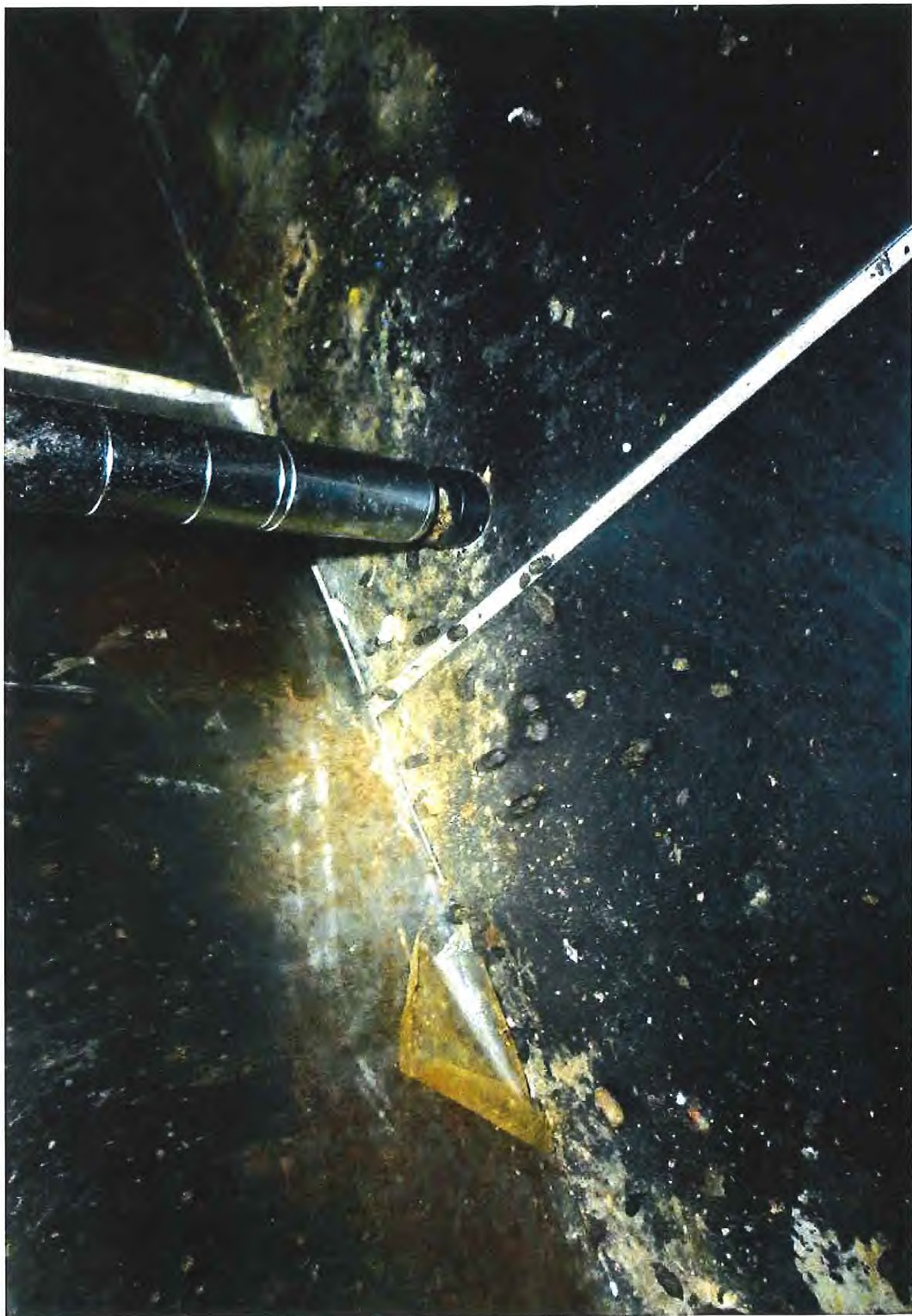




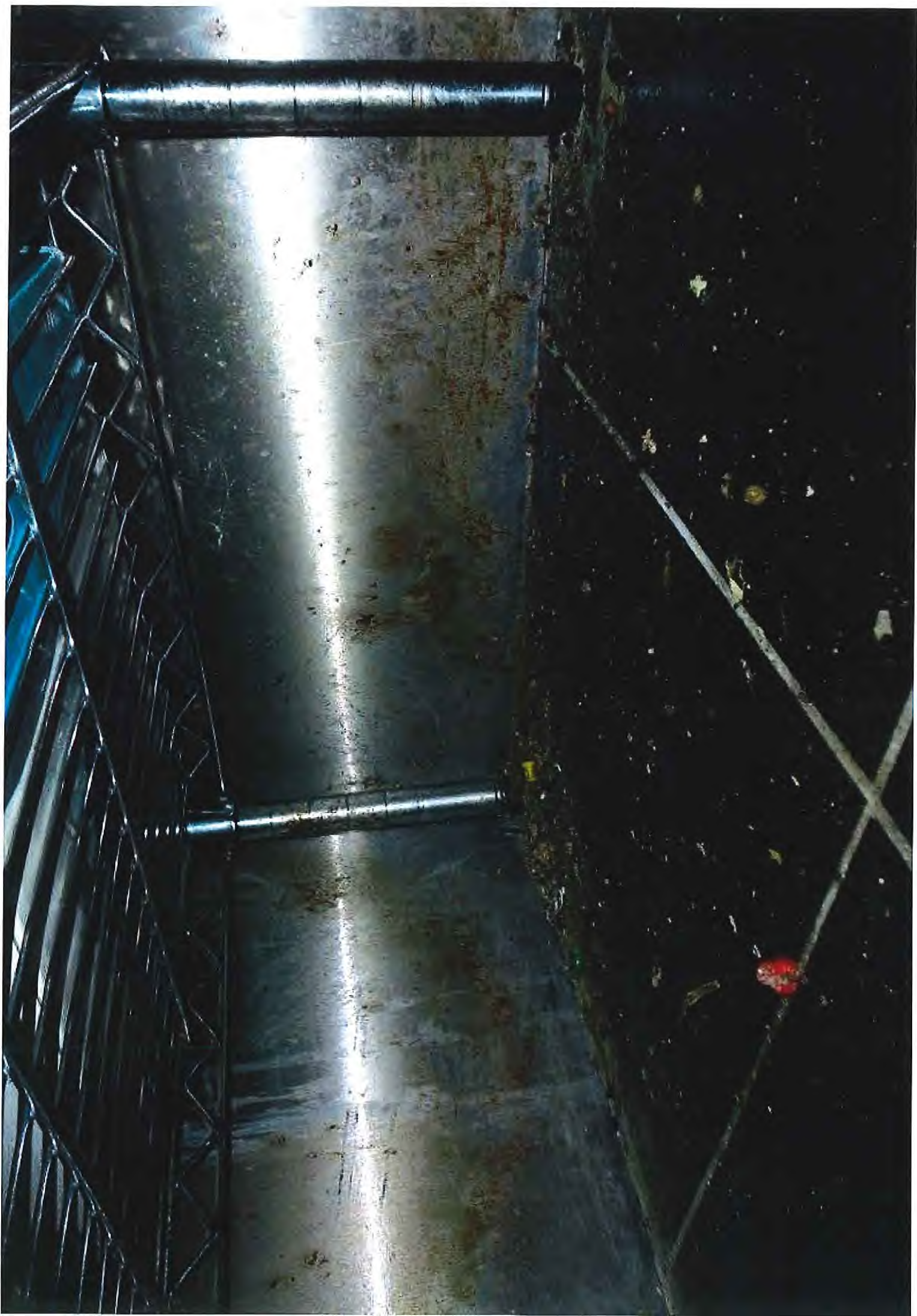




























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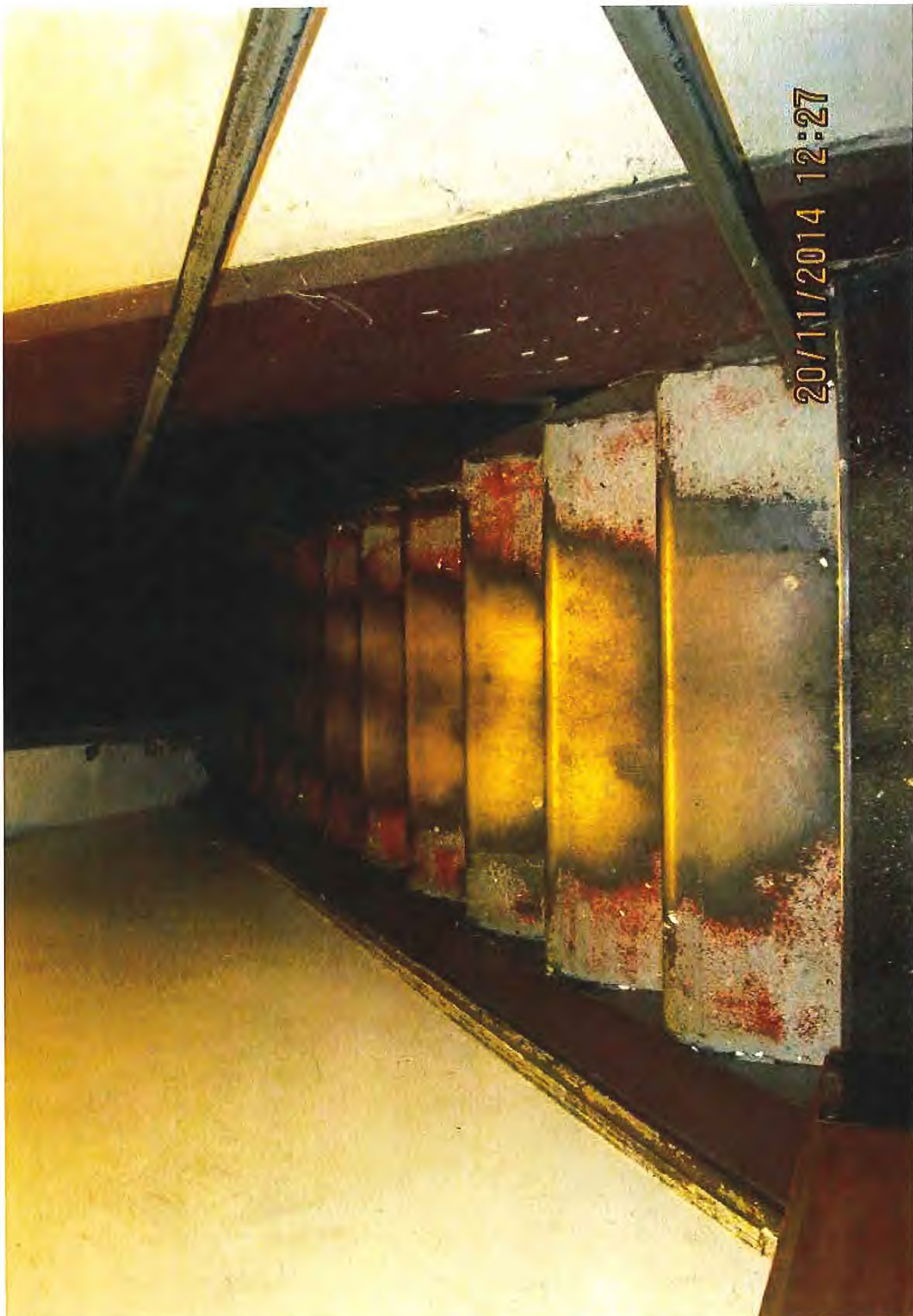
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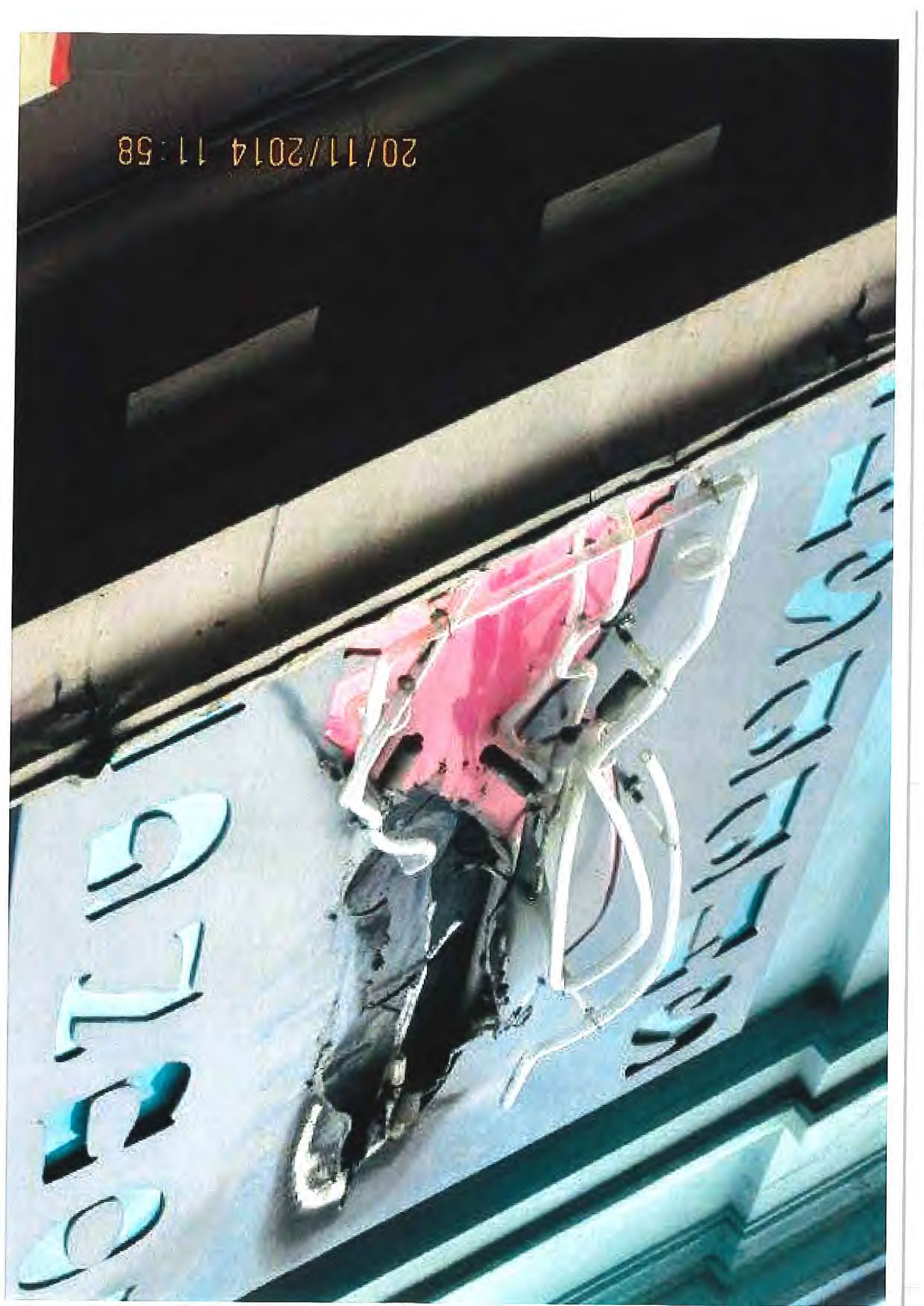


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# BARNET LONDON BOROUGH

## Hygiene Emergency Prohibition Notice

Reference No:

The Food Safety and Hygiene  
(England) Regulations 2013  
Regulation 8

1. To: Emergency Response Ltd Food Business Operator

At: 63-67 The Highway, Barnet, London United Company Registered Address

2. I am satisfied that THE NEW TUSHY CONDITION IS FULFILLED with respect to:

Emergency Response Ltd Name of Food Business

At: 63-67 The Highway, Barnet, London Address of Food Business

Reason: The business is involved in production of cakes and biscuits and is subject to the Food Safety and Hygiene Regulations 2013. There is a failure to comply with the regulations in relation to the use of food safety and hygiene measures. The business is not taking appropriate measures to ensure the safety of its products and the health of its customers.

(This notice is issued)

YOU MUST NOT USE IT FOR THE PURPOSES OF THIS NOTICE ON ANY DAY FROM THE DATE OF ISSUANCE OF THIS NOTICE.

Signature: [Signature] Authorised Officer

Name in Capital: Elaine Blomfield Date: 14-11-14

Address: Development and Regulatory Services  
London Borough of Barnet  
Building 4, North London Business Park  
Oakleigh Road South  
London N11 1AB

Tel: 020 8996 3434

Fax: 020 899 4793

E-mail: Elaine.Blomfield@barnet.gov.uk

This notice is issued under the Food Safety and Hygiene Regulations 2013. It is a criminal offence to contravene the provisions of these regulations. If you are in breach of these regulations, you may be liable to prosecution and/or a fine.



















# Guidance issued by Home Office on ~~ÁÁÁÁÁ~~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](http://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

**Funky Brownz 63 – 65The Hyde, Colindale, London, NW9 6LE**

### **Determination in accordance with Section 52(3) of the Licensing Act 2003.**

S 52 (3);

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

4. The steps are-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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

5. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

6. Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify”.

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

10. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to-

- (a) the holder of the licence,
- (b) the applicant,
- (c) any person who made relevant representations, and
- (d) the chief officer of police for the police area (or each police area) in which the premises are situated.

11. A determination under this section does not have effect-

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

Steps taken (if any)	Reason(s)