	<p><b>Licensing Sub-Committee</b>  <b>Monday 13<sup>th</sup> February 2017</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Review of Premises Licence – The Hendon, 377 Hendon Way, London, NW4 3LP</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</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 – Extract from Guidance under section 182 Licensing Act 2003                  Annex 4 – 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>

<b>Summary</b>
<p>This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003.</p>

<b>Recommendations</b>
<p><b>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 The Hendon, 377 Hendon Way, London, NW4 3LP</b></p>

## **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:**

**The Hendon, 377 Hendon Way, London, NW4 3LP**

**1. The Applicant**

An application was submitted by Pc Wilcock on behalf of the Metropolitan police.

**2. The Application**

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

Licensing objectives to which the review application relates is:

- The prevention of Crime and Disorder,
- Public safety.

Pc Wilcock has made the following statements within the application:

- This premises licence holder is failing to promote the licensing objectives of the prevention of crime and disorder and public safety. The police have reports of a number of incidents of violence with injury taking place at the premises over the last year.

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

**3. Premises Licence History**

This premises licence was first applied and granted in 2005. Since then there has been 10 applications to vary the designated premises supervisor and 1 application for a minor variation and 2 full variation applications. The licence holder has always been green king Ltd.

#### **4. Current Premises Licence**

The current licence allows the below licensable activities:

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

###### Standard Days and Timings:

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

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

###### Standard Days and Timings:

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

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

###### Standard Days and Timings:

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

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

###### Standard Days and Timings:

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

##### **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 - 01:00hrs

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

###### Standard Days and Timings:

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

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

###### Standard Days and Timings

Sunday to Thursday	08:00hrs - 00:30hrs
Friday to Saturday	08:00hrs - 01:30hrs

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

## 5. Representations

The licensing team have not received any representations from any parties.

## 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 4**

Daniel Pattenden  
Licensing Officer  
Wednesday, 18 January 2017

Annex 1 – Review Application

Annex 2 – Current Premises Licence

Annex 3 – Guidance issued under Section 182 Licensing Act 2003 (June 2013)

Annex 4 – Matters for Decision

# Review Application





**METROPOLITAN  
POLICE**

**TOTAL POLICING**

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

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

Telephone: 020 8733 4195  
Email:  
Barnet.Licensing@met.pnn.police.uk  
Our ref: The Hendon Review Dec 16  
8<sup>th</sup> December 2016

Dear Barnet Licensing Team

Please find enclosed a copy of a review application for The Hendon, 377 Hendon Way, London, NW4 3LP.

We have sent copies of this application to the licence holder (Greene King Retailing Ltd) and the other responsible authorities as required in the act.

The DPS, Denise Green, is also aware this application will be submitted.

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

Yours sincerely,

Licensing Officer





**METROPOLITAN  
POLICE**

**TOTAL POLICING**

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I **PC Wilcock**, for and on behalf of the **Commissioner of the Metropolitan Police Service**  
apply for the review of a premises licence under Section 51 of the Licensing Act 2003  
for the premises described in Part 1 below

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

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

The Hendon, 377 Hendon Way, London.

<b>Post town:</b>	London	<b>Post code: (if known)</b>	NW4 3LP
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Name of premises licence holder or club holding club premises certificate (if known):

Green King Retailing Ltd

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

LN/199905929

**Part 2 – Applicant details**

I am:

Please tick Yes

- |          |  |                                     |
|----------|--|-------------------------------------|
| <b>1</b> | <b>an individual, body or business which is not a responsible authority</b><br>(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/>            |
| <b>2</b> | <b>a responsible authority (please complete (C) below)</b>   | <input checked="" type="checkbox"/> |
| <b>3</b> | <b>a member of the club to which this application relates (please complete section (A) below)</b>  | <input type="checkbox"/>            |

**PROTECTIVE MARKING**

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

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

<b>(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT</b> (fill in as applicable)	
Name and Address:	
Licensing Office, Barnet Police Station, 26-32 High Street Barnet EN5 5RU.	
Telephone Number (if any):	020 8733 4195
Email address: (optional)	barnet.licensing@met.pnn.police.uk

<b>This application to review relates to the following licensing objective(s)</b>		
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 type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
<b>Please state the ground(s) for review:</b> (please read guidance note 2)		
This premises licence holder is failing to promote the licensing objectives prevention of crime and disorder and public safety.		
The police have reports of a number of incidents of violence with injury taking place at the premises over the last year.		
The latest incident which took place on 3rd December was a large pub fight involving numerous people with bar staff and innocent customers being injured.		
Issues with the CCTV and security were believed to be responsible for these incidents and had affected the way in which police have been able to investigate offences, but the implementation of an action plan to address these issues seems to have failed to rectify the problem. We are concerned that if left to continue as things are, disorder continue to take place, more people could be injured and pressure will continue to be put on the emergency services, we therefore respectfully request a review of the premises licence.		

## PROTECTIVE MARKING

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

Sunday 20th December 2015 (2330 hrs) The victim was approached by 4 males who started a fight. The reasons for this are unclear. The victim was punched in the face. The suspects ran off when security intervened. The victim had a lump to above the left eye. There were no known suspects and CCTV was poor quality so was unsuitable for circulation. (ABH)

Friday 25th December 2015 (0100 hrs) A fight has spilled out from the men's toilets to by the pool tables. 10+ people involved. The reason for the fight is unknown. The victim has a possible broken jaw/nose and black swollen eyes. Some cameras provided good quality footage, some very poor. No identification of suspects made. (ABH)

Sun (Sat night) 24th January 2015 (0001 hrs - 0023 hrs) A group of males who have been in the venue have become involved in an altercation outside the venue. They have then become involved in another altercation further up the road (near Hendon Central) The victim in this group has been assaulted and has received a puncture wound to his abdomen at some point during the two incidents. (ABH)

Friday 4th March 2016 (2330 hrs) A male has been attacked by another male after accidentally bumping in to a female. The victim states he was punched a number of times. Believed that the victim suffered a 4" cut to above his left eye, bruising to the forehead and a suspected broken jaw. Later after CCTV was reviewed, the victim admitted his own behaviour probably contributed to the incident and he was described as heavily intoxicated.

Thursday 10th March 2016 (0050 hrs - 0055 hrs) A male who had been in the venue and had popped to a nearby shop, returned and when he has been back in the venue for no more than 5 minutes, has been struck over the head with a glass by an unknown suspect. Prior to this there has been a minor argument between some females. There was a high profile sporting event screened in the pub that night (boxing) so it was very busy. The victim was taken to hospital for a 3" cut to the head. The CCTV footage was not of good enough quality to circulate for identification purposes.

Saturday 3rd December 2016 (2340 hrs - 2347 hrs) A fight has broken out inside near the main entrance. The reason for this fight is still unknown. Numerous people have become involved and the incident has progressed across the bar to the other end where the pool tables are. Glasses, pool cues and balls have been used as weapons. 4 males have been assisted by police with their injuries due to severity, but most (victims and suspects alike) seemed to have left prior to police being able to identify who the aggressors were. Bar staff and customers expressed their dissatisfaction at levels and competency of the security staff that night.

PROTECTIVE MARKING

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

(Please tick yes)

Day      Month      Year

If yes, please state the date of that application:

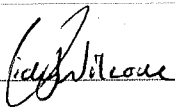
If you have made representations before relating to this premises please state what they were and when you made them:

PROTECTIVE MARKING

		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.		<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.		<input checked="" type="checkbox"/>
<b>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.</b>		

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

<b>Signature:</b>		<b>Date:</b>	08/12/2016
<b>Capacity:</b>	Police Constable - Licensing Officer		

**Contact name** (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

Licensing Office (@SA), C/O Colindale Police Station, Graham Park Way,

<b>Post town:</b>	London	<b>Post code:</b>	NW9 5TW
<b>Telephone Number (if any):</b>			
02087334195			
<b>If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):</b>			
barnet.licensing@met.pnn.police.uk			

**Notes for Guidance**

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

# Current Premises Licence

<p><b>Licensing Act 2003</b></p> <p><b>Part A:</b></p> <p><b>Premises Licence</b></p> <p><b>Premises Licence Number:</b> <b>LN/199905929</b></p>	<p><b>Licensing Authority:</b> London Borough of Barnet, Building 4, North London Business Park Oakleigh Road South New Southgate, London, N11 1NP</p> <p style="text-align: right;">LPRL/06/16752 (16/11/2012)</p>
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**Part 1 – Premises details**

<p><b>Postal address of premises, or if none, ordnance survey map reference or description</b> The Hendon, 377 Hendon Way</p>	
<p><b>Post Town</b> London</p>	<p><b>Post code</b> NW4 3LP</p>
<p><b>Telephone number</b> 020 8202 6691</p>	

<p><b>Where the licence is time limited the dates</b> This premises licence is not time limited</p>
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<p><b>Licensable activities authorised by the licence</b> The Sale by Retail of Alcohol, The Provision of Regulated Entertainment, and The Provision of Late Night Refreshment</p>
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<p><b>The times the licence authorises the carrying out of licensable activities</b></p> <p><b><u>Sale by retail of alcohol</u></b></p> <p><u>Standard Days and Timings:</u> Sunday to Thursday                      10:00hrs - 00:00hrs Friday to Saturday                        10:00hrs - 01:00hrs</p> <p><u>Non Standard Timings and Seasonal Variations:</u> An additional hour to the terminal hour (to not exceed 01:00) as listed in the Standard Days and Timings above on the following days:</p> <p>Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring &amp; August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the proceeding and preceding day before a bank holiday, St. Georges Day, St. Patrick's Day and any other publicly declared holiday.</p> <p>On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>
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### **The Performance of live music - Indoors only**

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

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

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

An additional hour to the terminal hour (to not exceed 01:00) as listed in the Standard Days and Timings above on the following days:

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the proceeding and preceding day before a bank holiday, St. Georges Day, St. Patrick's Day and any other publicly declared holiday.

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

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

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

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

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

An additional hour to the terminal hour (to not exceed 01:00) as listed in the Standard Days and Timings above on the following days:

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the proceeding and preceding day before a bank holiday, St. Georges Day, St. Patrick's Day and any other publicly declared holiday.

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

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

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

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

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

An additional hour to the terminal hour (to not exceed 01:00) as listed in the Standard Days and Timings above on the following days:

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the proceeding and preceding day before a bank holiday, St. Georges Day, St. Patrick's Day and any other publicly declared holiday.

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

**The 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 - 01:00hrs

**Non Standard Timings and Seasonal Variations:**

An additional hour to the terminal hour (to not exceed 01:00) as listed in the Standard Days and Timings above on the following days:

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the proceeding and preceding day before a bank holiday, St. Georges Day, St. Patrick's Day and any other publicly declared holiday.

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

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

**Standard Days and Timings:**

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

**Non Standard Timings and Seasonal Variations:**

An additional hour to the terminal hour (to not exceed 01:00) as listed in the Standard Days and Timings above on the following days:

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the proceeding and preceding day before a bank holiday, St. Georges Day, St. Patrick's Day and any other publicly declared holiday.

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

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

**Standard Days and Timings**

Sunday to Thursday	08:00hrs - 00:30hrs
Friday to Saturday	08:00hrs - 01:30hrs

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

On and Off supplies

## Part 2

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

Greene King Retailing Ltd  
Abbot House  
PO Box 337  
Bury St Edmunds  
Suffolk  
IP33 1QW

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

526541

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

Denise Green

**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
  - (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.
- 5
  - i. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in

the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

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

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

v. The responsible person shall ensure that–

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

(i) beer or cider: ½ pint;

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

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

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

## **Annex 2 – Conditions consistent with the operating schedule**

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

7 The above restrictions do not prohibit:

a. during the first twenty minutes after the above hours the consumption of the alcohol on the premises;

b. during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

c. during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

d. consumption of the alcohol on the premises or the sale or supply of alcohol to any person residing in the licensed premises;

e. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

f. the sale of alcohol to a trader or club for the purposes of the trade or club;

g. the sale or supply of alcohol to any canteen or mess, being a canteen in which the

sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

h. the taking of alcohol from the premises by a person residing there;

or

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

or

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

8 The Licence Holder shall employ registered door supervisors at the main entrance to open and close entrance doors for patrons entering and leaving the premises; also to ask that all patrons leave the premises quietly in order not to disturb the nearby residents.

9 At the end of any live performance or discos, a public announcement is to be made requesting patrons leave the premises quietly in order not to disturb nearby residents.

10 An effective sound system shall be installed with a noise limiter permanently set at a level that does not lead to disturbance to nearby residents. This level should be determined in conjunction with officers from Barnet Council.

11 The total number of persons accommodated in the licensed area shall not exceed 430.

12 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.

13 Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock in the morning following *[three o'clock in the metropolis]* *[or, if an earlier hour is specified in the special hours certificate, that hour]*, except that—

a. the permitted hours shall end at midnight . . . on any day on which music and dancing is not *(or, in the case of casino premises, gaming facilities are not)* provided after midnight;

and

b. on any day that music and dancing end *(or, in the case of casino premises, gaming ends)* between midnight and two o'clock in the morning *[three o'clock in the metropolis]*, the permitted hours shall end when the music and dancing end or, as the case may be, when the gaming ends;

14 In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect—

a. with the substitution of references to three o'clock in the morning *[four o'clock in the metropolis]* for references to two o'clock in the morning *[three o'clock in the metropolis]* *[or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.]*

- 15 Except as provided in 15 below, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following [*or, if an earlier hour is specified in the special hours certificate, that hour*], except that—
  - a. the permitted hours shall end at midnight on any Sunday on which music and dancing is not (*or, in the case of casino premises, gaming facilities are not*) provided after midnight;
  - b. where music and dancing end (*or, in the case of casino premises, gaming ends*) between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.
- 16 On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 2 a.m. in the morning following [*3 a.m. in the metropolis*], except that—
  - a. the permitted hours shall end at midnight on any Sunday on which music and dancing is not (*or, in the case of casino premises, gaming facilities are not*) provided after midnight;
  - b. where music and dancing end (*or, in the case of casino premises, gaming ends*) between midnight on any Sunday and 2 a.m. [*3 a.m. in the metropolis*], the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.
- 17 There will be additional training for all house manager (DPS's) on dealing with illegal activities & aggressive customers
- 18 The Manager (DPS) will be involved in the local pub watch (if one exists)
- 19 A sensible drinking policy & training will be in operation (restrictions on discounting promotions, sale to under 18 and drunks)
- 20 Additional training on communicating with customers when service is refused for no proof of ID will be given to staff.
- 21 Additional training on communicating with customers when service is refused for drunkenness shall be given to staff.
- 22 Adequate provision will be made (by way of Door supervisors) for:
  - i. Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder
  - ii. Keeping out excluded individuals
  - iii. Maintaining orderly queuing of customers wishing to gain entry to the venue.
- 23 A CCTV system equipment will be installed and maintained in accordance with the manufacturers instructions and will be fully operational when the premises are open to the public
- 24 There will be external lighting of the car park and patio area
- 25 There will be signs displayed asking patrons to leave the premises quiet
- 26 All windows and external doors will be kept shut during live performance save for customer access and egress.

27 Children will not be allowed on the premises after 20:00

28 Children are to be allowed in the dining area only unless passing from one area of the establishment to another.

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

29 No empty bottles or other containers associated with the sale by retail of alcohol be removed or collected from the premises between the hours of 21:00 and 09:00 on any day

30 No admittance of new patrons after 24:00 on Friday and Saturday nights.





# Guidance issued by Home Office on Reviews

# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](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

The Hendon, 377 Hendon Way, London, NW4 3LP

### 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.

<b>Steps taken (if any)</b>	<b>Reason(s)</b>