

	<h2>Licensing Sub-Committee</h2> <h3>Wednesday 3rd May 2017</h3>
<p style="text-align: right;">Title</p>	<p>Review of Premises Licence – Supersave Food and Wine, 11A Central Circus, Hendon, NW4 3AS</p>
<p style="text-align: right;">Report of</p>	<p>Trading Standards & Licensing Manager</p>
<p style="text-align: right;">Wards</p>	<p>Hendon Ward</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</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;">Officer Contact Details</p>	<p>Daniel Pattenden 020 8359 2508 daniel.pattenden@barnet.gov.uk</p>

<h3>Summary</h3>
<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>

<h3>Recommendations</h3>
<p>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 Supersave Food and Wine, 11A Central Circus, Hendon, NW4 3AS</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:

Supersave Food and Wine, 11A Central Circus, Hendon, NW4 3AS

1. The Applicant

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

2. The Application

This application has been made under Section 51 of the Licensing Act 2003 to review the Premises Licence held by Supersave stores PLC

Licensing objectives to which the review application relates is:

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

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

- “In January 2017 an analysis was undertaken in relation crime reports within the London Borough of Barnet. The purpose of this analysis was to identify which premises within The London Borough of Barnet contributed to the highest violence with injury offences for the period OCTOBER 2016 - JANUARY 2017. As a result of this analysis it was identified that HENDON SUPERSAVE was the 2nd highest violence with injury contributor within the Borough of Barnet for the above period analysed”

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 the first application, there has been 1 full variation application and 2 applications for a change of details/copy of a licence. The application in 2005 placed Supersave PLC as the premises licence holder.

4. Current Premises Licence

The current licence allows the following licensable activities:

Sale by retail of alcohol off the premises only

Standard Days and Timings:

Monday to Sunday 24:00hrs - 00:00hrs (24 hours)

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

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 3**.

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
Tuesday, 18 April 2017

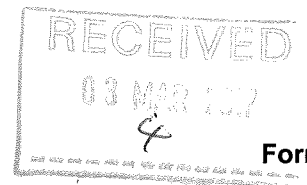
Annex 1 – Review Application

Annex 2 – Current Premises Licence

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

Annex 4 – Matters for Decision

Review Application



TOTAL POLICING

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I **John Akers**

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

Part 1 – Premises or club premises details

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

Supersave Food and Wine, Supersave, 11A Central Circus

Post town:	Hendon	Post code: (if known)	NW4 3AS
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Name of premises licence holder or club holding club premises certificate (if known):

Supersave Stores PLC, 48A - 49A Aldgate High Street, London, EC3N 1AL

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

LN/199906585

Part 2 – Applicant details

I am:

Please tick Yes

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

PROTECTIVE MARKING

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

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

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:	
n/a	
Telephone Number (if any):	n/a
Email address: (optional)	n/a

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:	
PC Akers, Licensing Office Room, Barnet Police Station, 26-32 High Street Barnet, EN5 5RU	
Telephone Number (if any):	02087335147
Email address: (optional)	sx_licensing@met.pnn.police.uk

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

		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>

Please state the ground(s) for review: (please read guidance note 2)

The prevention of crime and disorder.
Public Safety
Prevention of public nuisance

In January 2017 an analysis was undertaken in relation crime reports within the London Borough of Barnet. The purpose of this analysis was to identify which premises within The London Borough of Barnet contributed to the highest violence with injury offences for the period OCTOBER 2016 - JANUARY 2017. As a result of this analysis it was identified that HENDON SUPERSAVE was the 2nd highest violence with injury contributor within the Borough of Barnet for the above period analysed. On completion of the above analysis crime reports relating to the premises were reviewed for a period JANUARY 2016- JANUARY 2017 which identified that part of the reason for the above finding was possibly in part due to the way the premises dealt with shoplifters when detained on the premises. I have outlined a summary of crime reports associated to the premises

PROTECTIVE MARKING

On MONDAY 1ST AUGUST 2016 the victim walked into the supersavers store at Hendon, went to the alcohol section and picked up four (4) bottles of martini and placed it in his bag. As the victim was about to walk out without paying he was approached by a member of staff who held him by his collar. A further two (2) other staff members came and the three (3) staff members dragged the victim into the Back Office at the premises before starting to punch, kick and hit him for three (3) hours

On SATURDAY 27TH AUGUST 2016 the member of staff was sitting in the office viewing CCTV when the suspect entered the store. The suspect has then taken a bottle of Dragonstout beer. The suspect placed the beer down his trousers before proceeding to walk out of the store. The member of staff has witnessed the theft on CCTV and has stopped the suspect by the exit from the store and told the suspect to take the beer out of which the suspect has complied. The member of staff has then said "GET OUT OF MY SHOP" and grabbed the suspects arm to which the suspect replied "GET YOUR HANDS OFF ME, GET YOUR HANDS AWAY FROM ME" The member of staff has then slapped the suspect and pushed the suspect out

On SATURDAY 1ST OCTOBER 2016 the suspect entered the store and after browsing the shop floor purchased a can of lager. The suspect had however placed a single spicy sausage into his pocket and left the store not paying for it. Members of staff have been alerted to this and latterly become aware that the suspect had made off to a internet café located two (2) doors away. Members of staff have have approached the suspect in the internet café who was now eating the sausage, confronted the suspect and taken £1.00 from the suspects bag to pay for the cost of the items. The members of staff have then gone to return to the supersavers store informing the suspect they'd be calling police. The suspect has then become confrontational towards members of staff, making threats to return to the store they had earlier stolen from. The members of staff have then taken hold of the suspect before taking the suspect to the ground to try and restrain him pending police arrival. Witnesses reported to Police that shop staff appeared to be the main aggressors in relation to detaining the suspect whom was attempting to hit and kick out apparently according to witnesses in self defence.

On MONDAY 3RD OCTOBER 2016 the suspect has entered supersavers with a group of friends. A member of staff has witnessed the suspect pick up a packet of crisps valued at 0.89p and leave the store making no attempt to pay. At 15.30 the same member of staff has waited outside supersavers as he knew the suspect attended a local school due to the uniform being worn by the suspect. The member of staff upon seeing the suspect has detained the suspect telling the suspect Police had been called and were on route. Some of the suspects friends have intervened trying to release the members of staffs grip on the suspect. During this the suspect has made off with the member of staff being assaulted by two other males. Upon Police arrival the suspect has again made off from police before being chased and detained by officers. The suspect stating the reason he ran was because of the way the member of staff was holding him, of which the suspect described as aggressive.

On the above same date of 03/10/2016 as a result of the member of staff detaining the suspect responsible for the theft of a 0.89p bag of crisps and the subsequent assault that followed a contractor who was working at the premises of supersavers installing CCTV has seen the assault on the member of staff taking place. The contractor has gone to assist and pushed one (1) of the suspects away from the member of staff. The contractor has then grappled with the second suspect resulting in them along with the member of staff and the suspect stumbling inside the store. The contractor has fallen to the floor on top of the suspect with both the suspect and contractor trading blows with each other. The contractor as a result of a prolonged assault consisting of grabbing at his neck, kicks to the face, bruising, swelling and reddening to his eyes, forehead and left shoulder has required admittance to hospital. Upon Police arrival the member of staff who had originally detained the suspect for the theft of a 0.89p bag of crisps did not disclose there had been any assault or any suspects inside the store and was more concerned with pointing out the boy who had stolen the bag of crips.

On SUNDAY 1ST DECEMBER 2016 the member of staff was working at Supersavers and had gone outside for a smoke a break. The member of staff has then been approached by a suspect who started shouting "YOU'RE THE ONE WHO GOT ME ARRESTED I'M GOING TO SMASH YOUR FACE IN" and that the suspect wanted to fight him. At this point the member of staff has stood up for himself and said fine i'll fight you here.

On THURSDAY 22ND DECEMBER 2016 Police were called to Supersavers by a third party witness stating that there was a fight going on inside the shop. The third party witness stated that the fight had moved outside and that staff had one of the males involved in the fight on the floor and were beating him. It became apparent that the suspects entered the shop and were challenged over a can of coke. One of the suspects it transpired had entered the shop and were challenged over a can of coke to which one of the suspects have said "ITS ONLY A JOKE" and words to the effect of he'll do him over.

On THURSDAY 19TH JANUARY 2017 Police arrived on scene at Supersavers and were met by an irate and excitable group of IC3 males who were all outside the store. There was a approximately 8-10 males who all gave a similar version of events that their mate had been dragged off the street by staff from Supersave following a shoplifting. Police had attended the Supersavers store on WEDNESDAY 18TH JANUARY 2017 but the suspect was gone. Police on this occasion told staff to take pictures of the male and ban him from the store next time he returned, however the male did not actually set foot in the store he was merely waiting for a bus in the vicinity of the store outside the premises. Having been dragged into the store and staff taking his pictures two friends have entered the store. After verbal confrontation a fight has occurred. The victim is then seen being dragged along the floor to the back store room by his coat after the melee has concluded.

On SATURDAY 21ST JANUARY 2017 the victim went to Supersave with a old friend that he used to hang around with. The victim stated that his friend asked him to get a drink for him. The friend then took a packet of crisps and left the store without the victim knowing. The victim did not realise what his friend had done and was looking around holding a can of drink. The victim has then stepped outside the store to see if his friend was there with every intention of paying for the can of drink. The victim has then been hussled back into the premises by staff members and taken to a dark room at the rear of the premises. The victim then states that he was dragged to the ground which scuffed his left hand. Staff members have then put there knee on the victim chest, of which the victim has then been slapped around the face. The victim states that he was assaulted for approx fifteen (15) minutes. The victim was then allowed to leave but only once the victim issued a banning order and £20 taken from the victim wallet. Staff members told the victim should he return they'd seriously assault him.

PROTECTIVE MARKING

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

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?	<input type="checkbox"/>	(Please tick yes)							
	Day		Month		Year				
If yes, please state the date of that application:	1	4	0	2	2	0	1	7	
If you have made representations before relating to this premises please state what they were and when you made them:									

PROTECTIVE MARKING

N/A

Please tick Yes

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



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




PROTECTIVE MARKING

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

Part 3 – Signatures (please read guidance note 4)

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

Signature:		Date:	14/02/2017
Capacity:	Police Officer		

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

PC Akers, Licensing Office Room, Barnet Police Station, 26-32 High Street Barnet, EN5 5RU			
Post town:	Barnet	Post code:	EN5 5RU
Telephone Number (if any):			
02087335147			
If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):			
john.akers2@met.pnn.police.uk			

Notes for Guidance

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

Current Premises Licence

Part 2

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

Supersave Stores PLC
48A - 49A Aldgate High Street
London
EC3N 1AL

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

2269814

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

Mr Kamran Sadeeq
76 Christchurch Avenue
London
NW6 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

149814 - London Borough of Brent

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
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the operating schedule

- 4 Alcohol shall not be sold or supplied except during permitted hours.
- 5 The above restrictions do not prohibit:
 - a. During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - c. The sale of alcohol to a trader or club for the purposes of the trade or club;
 - d. 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;
- 6 Alcohol shall not be sold in an open container or be consumed in the licensed premises
- 7 A digital CCTV shall be in operation and maintained at the premises.
- 8 The CCTV system shall be recording at all times whilst the premises is open.
- 9 A panic alarm system linked to the central Police Station shall be in operation at the premises
- 10 Shutters shall be installed over the shop floor alcohol displays and kept closed between 01:00hrs and 07:00 hrs every day and alcohol shall only be sold from behind the counter during these times.
- 11 All persons who appear to be under the age of 25 years shall be challenged to produce photographic identification
- 12 A refusals book shall be maintained and available for inspection by the Police or the Council officers upon request.

Annex 3 – Conditions attached after hearing by the licensing authority

- 13 A minimum of four members of staff must be present on the premises between 23:00hrs and 01:00hrs Monday to Sunday
- 14 A personal licence holder must be present on the premises between 01.00hrs and 07.00hrs Monday - Sunday
- 15 A minimum of four members of staff must be present on the premises between 01:00hrs and 07:00hrs Monday to Sunday

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/06/14987

Guidance issued by Home Office on Reviews

11. Reviews

The review process

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

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

Repetitious grounds of review

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

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

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - for unlawful gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

Matters for Decision

MATTERS FOR DECISION

An application made under Section 51 of the Licensing Act 2003

Supersave Food and Wine, 11A Central Circus, Hendon, NW4 3AS

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)