	<h2>Licensing Sub-Committee</h2> <h3>Tuesday 5th June 2018</h3>
Title	Review of Premises Licence – Lounge 404, 26-28 Cricklewood Lane, London, NW2 1HB
Report of	Trading Standards & Licensing Manager
Wards	Childs Hill
Status	Public (with exempt Police Statement in Annex 1 By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972)
Enclosures	Report of the Licensing Officer Annex 1 – Review Application Annex 2 – Review Application Supporting documents (restricted information) Annex 3 – Representations Annex 4 – Current Premises Licence Annex 5 – Extract from Guidance under section 182 Licensing Act 2003 Annex 6 – Matters for decision
Officer Contact Details	Mariesa Connolly 0208 359 2125 mariesa.connolly@barnet.gov.uk
<h2>Summary</h2>	
This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003.	

<h2>Recommendations</h2>
This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003 for Lounge 404, 26-28 Cricklewood Lane, London, NW2 1HB

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 Council's Constitution, Article 7 – Committees, Forums, Working Groups and Partnerships, responsibility for hearings relating to licensing matters are delegated to the Licensing Sub-Committee

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 Community.

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

6.1 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:

Lounge 404, 26-28 Cricklewood Lane, London, NW2 1HB

1. The Applicant

An application was submitted by Daniel Pattenden on behalf of the London Borough of Barnet Licensing team acting in their role as a Responsible Authority.

2. The Application

This application has been made under Section 51 of the Licensing Act 2003 to review the Premises Licence held by Mr Karshe A Mohamed.

Licensing objectives to which the review application relates are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

Mr Pattenden has stated the following statements within his review application:

“Multiple Complaints have been received by both the Licensing and Noise Nuisance departments in relation to excessive noise levels and the premises operating past their permitted licensing hours.”

“Despite the above issues being communicated with the premises, further issues continue to be witnessed by authorised officers.”

“The Licensing Authority no longer has any confidence that the premises licence holder can operate the business lawfully”

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

The review application supporting documents including a statement from the Police Licensing Team can be found attached to this report in **Annex 2**.

3. Licence History

The current licence was granted by way of grandfather rights in 2005 when the licence was converted from a Justices Licence issued under the 1964 act to a Premises Licence with the introduction of the Licensing Act 2003.

Since its initial grant of the licence this premises licence has had a total of 1 Expedited Summary Review (2014), 12 DPS Variation Applications, and 3 Transfer Application. The last transfer

application being the one which placed Mr Karshe A Mohamed onto the licence as the Premises Licence holder on 25th August 2017.

Our records show that there have been 2 noise nuisance complaints received in relation to this premises since Mr Karshe A Mohamed was placed on the licence.

4. Current Premises licence

The licence currently held for this premises permits the following activities:

Sale or supply of Alcohol –

Standard Days & Timings

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Exhibition of a film - Indoors Only

Standard Days & Timings

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Playing of recorded music - Indoors Only

Standard Days & Timings

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Performance of dance - Indoors Only

Standard Days & Timings

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Entertainment facilities making music - Indoors Only

Standard Days & Timings

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Similar to facilities for music/dance - Indoors Only

Standard Days & Timings

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Provision of late night refreshment - Indoors Only

Standard Days & Timings

Friday to Saturday 23:00hrs - 01:00hrs
Monday to Thursday 23:00hrs - 00:00hrs
Saturday 23:00hrs - 00:00hrs

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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 Timings

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

Non Standard Opening Hours:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

A Full copy of the premises licence with all its conditions can be found in **Annex 3**.

5. Representations

Responsible Authorities

A representation has been received from the Food, Health & Safety Team. The representation relates to contraventions to the smoke free legislations that have been witnessed at the premises. Breaches of the Health & Safety Legislation outlined in the representation could be relevant to the Licensing Objectives of Prevention of Crime and disorder and Public Safety.

Other representations

A representation has been submitted by Lyndales Solicitors on behalf of their client Mr Karshe A Mohamed, the premises licence holder. The representation outlines information relating to the issued outlined in the review application.

The representations received can be found in **Annex 4** attached to this report.

6. Guidance

A Section from the Guidance issued under Section 182 Licensing Act 2003 (April 2018) regarding Reviews Is attached to this report in **Annex 5**.

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 6**

Mariesa Connolly
Licensing Officer
Tuesday 8th May 2018

Annex 1 – Review Application

Annex 2 – Review Application Supporting documents (restricted information)

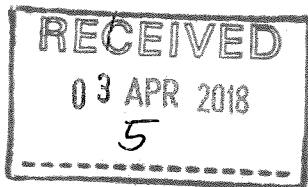
Annex 3 – Current Premises Licence

Annex 4 – Representation received from Premises Licence Holder

Annex 5 – Guidance issued under Section 182 Licensing Act 2003 (April 2018)

Annex 6 – Matters for Decision

Application



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I Daniel Pattenden on behalf of the Licensing Authority (as responsible authority)
(Insert name of applicant)
(delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Lounge 404, 26-28 Cricklewood Lane	
Post town London	Post code (if known) NW2 1HB

Name of premises licence holder or club holding club premises certificate (if known)
Mr Karshe A Mohamed

Number of premises licence or club premises certificate (if known)
LAPRE1/08/10005

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A)

below)

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

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Daniel Pattenden Licensing Officer, Community Protection (Regulation) (Acting as responsible Authority for the Licensing Authority) 2 nd Floor Annex, Barnet House 1255 High Road Whetstone N20 0EJ
Telephone number (if any) 020 8359 7443
E-mail address (optional) Daniel.pattenden@barnet.gov.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 type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Multiple Complaints have been received by both the Licensing and Noise Nuisance departments in relation to excessive noise levels and the premises operating past their permitted licensing hours.

During visits made to the premises the Police and Noise Nuisance Departments identified patrons smoking inside the property, excessive noise (emanating from the premises) and also the premises being open past permitted hours.

Despite the above issues being communicated with the premises, further issues continue to be witnessed by authorised officers.

The licensing authority no longer has any confidence that the premises licence holder can operate the business lawfully.

It is for this reason that the licensing authority acting as a responsible authority respectfully request that the licensing subcommittee consider revoking the premises licence.

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

This Premises Licence was granted in 2005 following the conversion of the Justices Licence issued by the Magistrate Court under Licensing Act 1964.

The licensable activities permitted by the premises licence are:

Sale or supply of Alcohol

Standard Days & Timings:

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Exhibition of a film - Indoors Only

Standard Days & Timings:

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Playing of recorded music - Indoors Only

Standard Days & Timings:

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Performance of dance - Indoors Only

Standard Days & Timings:

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

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Entertainment facilities making music - Indoors Only

Standard Days & Timings:

Friday to Saturday 10:00hrs - 01:00hrs
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Similar to facilities for music/dance - Indoors Only

Standard Days & Timings:

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

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For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Provision of late night refreshment - Indoors Only

Standard Days & Timings:

Friday to Saturday 23:00hrs - 01:00hrs
Monday to Thursday 23:00hrs - 00:00hrs
Saturday 23:00hrs - 00:00hrs

Non Standard Timings & Seasonal Variations:

For all licensable activities an additional hour to the standard and non-standard times on the day British Summertime commences. 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.

Mr Mohamed became the Premises Licence Holder for this premises after the grant of a successful transfer application on 25th August 2017.

The Licensing team received information from the Noise Nuisance team about a complaint received by them on the 10th November 2017. The complaint outlined issues at the premises with regards to a nuisance being made and licensed hours being breached.

As a result of the information received the Licensing Team along with colleagues from the Police Licensing Team visited the premises on December 22nd December 2017 at 22:50 as part of an evening of visits before New Year's Eve. During the visit it was noted that the inside of the property was thick with smoke from patrons smoking shisha in breach of section 7 and 8 of the Health Act 2006. The Licensing officer spoke to the owner over the phone whilst at the premises when it was explained to him that the premises was in breach of smoke free legislation. The members of staff at the premises were unable to provide us with a full copy of the licence during this visit.

On the 30th of December 2017 the Noise Nuisance out of hours service received a complaint about the property. The Out of Hours officers visited the complainant at 02:25 at which point they established that music was audible in the complainant's property. The Noise Nuisance Officers then visited the premises where the Door Staff initially impeded their access into the property. The officers were eventually permitted to enter. Again the premises was thick with smoke as a result of the patrons smoking shisha. The licence holder was again informed that they were operating outside of their permitted licensed hours and were committing an offence under the smoke free legislation. The staff at the premises were told to stop trading and close the premises which they did.

A further visit was made by the police on 31st December 2017 during which it was noted that the premises was again thick with smoke caused by patrons smoking inside the property. It was noted by the officer who attended that there was large numbers of people both inside and outside of the premises.

On the 31st of December 2017 into the early hours of the 1st January 2018 the Licensing Team received a complaint from a member of public relating to nuisance being caused by the premises. This complaint was accompanied by videos showing nuisance being caused at street level.

On Friday 5th January 2018 the Licensing Team sent two letters to the premises licence holder. The first letter related to the allegation that the premises was trading outside of the permitted licensed hours. The letter also informed the licence holder that doing so was an offence under section 136 of the Licensing Act 2003. The second letter related to the issue of the Designated Premises Supervisor (DPS) appearing not to be in the day to day management of the premises. Multiple conversations were held with the premises licence holder on this matter however this letter specified a deadline for which a valid DPS variation application must be made.

On Friday 13th January 2018 the Noise Nuisance team received a complaint from a member of the public. They attended the complainant's residence at 00:30 at which time music could be heard emanating from the licensing premises. The Nuisance Officers later returned to the premises at 01:40 Saturday morning following a further complaint. The owner of the premises was contacted at the time. He stated that the premises was closed however was informed by the Nuisance Officer that it was still open.

On 21st January 2018 The Out of Hours Noise Nuisance Team proactively visited the premises at 00:05 (Monday morning) and witnessed the premises operating past its permitted licensable hours

On the weekend of the 26th and the 27th of January 2018 the premises was again proactively visited both evenings by the Noise Nuisance Out of Hour's team at the request of the licensing department. On Friday the 26th the premises was witnessed operating at 01:50 (Saturday morning) and on Saturday the premises was witnessed

operating at 01:42 (Sunday morning).

As a result of the continued breaches of the licence hours and the failure to adhere to the Health Act 2006 the licensing authority no longer has any confidence that the premises licence holder can operate the business lawfully. In addition the Licensing Authority do not feel that the inclusion of more conditions onto the licence would be effective in ensuring the licence holders compliance with the law.

It is for this reason that the licensing authority acting as a responsible authority respectfully request that the licensing subcommittee consider revoking the premises licence.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

M. J. ...

Date

29.03.18

Capacity Licensing Officer

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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