	<p style="text-align: center;"><b>Licensing Sub-Committee</b></p> <p style="text-align: center;"><b>Tuesday 5<sup>th</sup> June 2018</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p style="text-align: center;"><b>Review of Premises Licence – Wallace Bar, 1023 Finchley, London, NW11 7ES</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>Garden Suburb</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 – Representations  Annex 4 – Extract from Guidance under section 182 Licensing Act 2003  Annex 5 – Matters for decision</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Mariesa Connolly 0208 359 2125  mariesa.connolly@barnet.gov.uk</p>

## Summary

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

## Recommendations

**This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003 for Wallace Bar, 1023 Finchley, London, NW11 7ES**

## **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:**

**Wallace Bar, 1023 Finchley, London, NW11 7ES**

**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 Masoud Yasini Ardekani.

Licensing objective to which the review application relates is:

- The Prevention of Public Nuisance

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

*“There has been a history of complaints related to this premises in relation to excessive noise levels from music at the venue.*

A full copy of the Review application and its supporting documents are attached to this report in **Annex 1**

**3. Licence History**

The original premises licence for this premises was granted back in 2005. The licence however was later revoked by a licensing subcommittee following the submission of a review application from the Licensing Authority (Acting in their capacity as a Responsible Authority). At the hearing on the 9<sup>th</sup> November 2016 the subcommittee decided that that the licence was to be revoked.

Following the revocation of the old licence Mr Masoud Yasini Ardekani submitted a new premises licence application for 1023 Finchley Road on 4<sup>th</sup> June 2017. This application received multiple representations and was put before a licensing subcommittee for determination. On 22<sup>nd</sup> August 2017, a Licensing Sub Committee was held and determined that the New Premises Licence application be refused.

An appeal was then lodged with Willesden Magistrates court by the applicant. The local authority and Mr Ardekani agents entered into a dialog with respect to the outcome of the appeal and the potential grant of the premises licence.

On 19th December 2017 Willesden Magistrates Court signed a Consent Order which outlined the agreement reached between HB Public Law (Barnet's Solicitors) and Kings Solicitors (Mr Masoud Yasini Ardekani's Solicitors) in relation to the premises licence application. The consent order is exhibited within the review application submitted by Mr Pattenden (ref DP6). The decision was made to grant the licence with a reduction in the activities permitted and also with multiple added conditions attached.

#### **4. Current Premises licence**

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

##### **Sale or supply of Alcohol –**

###### Standard Days & Timings

Monday to Thursday	10:00hrs - 23:00hrs
Friday to Saturday	10:00hrs - 23:30hrs
Sunday	11:00hrs - 23:00hrs

###### Non Standard Timings & Seasonal Opening Times:

Until 23:30hrs any day preceding a bank holiday  
New Years Eve until 02:00hrs

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

###### Standard Timings

Monday to Thursday	10:00hrs - 23:30hrs
Friday to Saturday	10:00hrs - 00:00hrs
Sunday	11:00hrs - 23:30hrs

###### Non Standard Opening Hours:

Until 00:00hrs on any day preceding a bank holiday  
New Years Eve until 02:30hrs

A Full copy of the premises licence with all its conditions can be found in **Annex 2**.

#### **5. Representations**

##### Responsible Authorities

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

## Other representations

The licensing team have received two representations from other parties. In general, the representations relate to the effect that the premises has on the licensing objective 'The Prevention of Public Nuisance'.

The representations can be seen in full on **Annex 3**

## **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 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.

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

Mariesa Connolly  
Licensing Officer  
Tuesday 8<sup>th</sup> May 2018

Annex 1 – Review Application (with supporting documents)  
Annex 2 – Current Premises Licence  
Annex 3 – Representations  
Annex 4 – Guidance issued under Section 182 Licensing Act 2003 (April 2018)  
Annex 5 – Matters for Decision



# Application

RECEIVED

09 APR 2018

3

**Application for a 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 in block capitals. In all cases ensure that you answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

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

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

<b>Postal address of premises or, if none, ordinance survey map reference or description</b> Wallace Bar, 1023 Finchley Road	
<b>Post Town</b> London	<b>Post code (if known)</b> NW11 7ES
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Masoud Yasini Ardekani	
<b>Number of premises licence or club premises certificate (if known)</b> LAPRE1/17/55973	

**Part 2 – Applicants 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 (premise complete (C) below)

a) a responsible authority

☒

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

☐

**BARNET**



**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicant)**

Please tick

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other  
(for example, Rev)

Surname

First names

Please tick yes

☐

I am 18 years old or over

Current postal address  
if different from  
premises address

Post town

Post code

Daytime contact telephone number

Email 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 on behalf of the London Borough of Barnet Licensing Team  
Barnet House  
1255 High Road  
London  
N20 0EJ

Telephone number (if any)

0208 359 2175

**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 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)**

There has been a history of complaints related to this premises in relation to excessive noise levels from music at the venue.

During 2 visits made to the premises the Licensing team identified that the licence holder was in breach of condition 5 as no one was able to operate the CCTV.

The Licence holder was also in breach of condition 11 as they confirmed that recorded music had been played at the premises.

The licence holder was also in breach of Condition 9 as the complainant states that they could only find one number to call for the premises and it this was not answered.

The premises licence was recently applied for and refused following the revocation of the previous premises licence; however the holder appealed and during the process the Licensing Authority agreed by consent order to allow the licence to remain, provided additional conditions were placed on the licence, the hours were reduced and regulated entertainment activities removed. The licence holder was told that that we would have zero tolerance to any issues being generated from this premises given its history. Despite giving the licence holder an opportunity to continue to hold a licence, they have continued to fail to adhere to the licence and its conditions.

The licensing authority no longer has confidence that the premises licence holder can operate the premises in a way that adheres to the 4 licensing objectives.

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 on the 19th December 2017 by way of a consent order from the magistrate court following an appeal of a rejected licence application by the licensing subcommittee.

The licensable activities permitted by the premises licence are:

Sale or supply of Alcohol –

Standard Days & Timings:

Monday to Thursday 10:00hrs - 23:00hrs  
Friday to Saturday 10:00hrs - 23:30hrs  
Sunday 11:00hrs - 23:00hrs

Non Standard Opening Times:

Until 2330 any day preceding a bank holiday New Year's Eve until 0200

The hours that the premises are open to the public

Standard Days & Times:

Monday to Thursday 10:00hrs - 23:30hrs  
Friday to Saturday 10:00hrs - 00:00hrs  
Sunday 11:00hrs - 23:30hrs

Non Standard Opening Hours:

Until 0000 on any day preceding a bank holiday New Year's Eve until 0230

The licence has numerous conditions attached to it by way of consent order but the 3 that have been breached are:

- Condition 5.1 - At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet.
- Condition 9 - A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
- Condition 11 - This condition relates to activities during deregulated hours and further hours permitted by the licence:
  - a) No live music inside or outside of the premises at any time.
  - b) No recorded music inside or outside of the premises at any time.
  - c) There will only be background music, which is at a level for ambience and not for entertainment.

On the 12th February 2018 we received a complaint from a local resident stating that on the 2nd and 3rd February 2018 the premises was playing loud music which terminated at 11pm.

On the 17th March 2018 at 23:03 we received another complaint. The complainant said that they were again breaking the terms of their license with regards to music. They had been playing extremely loud music 8pm until 11pm and it had got louder as the evening progressed. It is audible both inside the complaints flat, and outside at the rear of the flat.

The complaint stated that they had a look in the premises and people were dancing to the music, which implied that it is for entertainment and not background ambient music. It was also stated by the complainant that they tried to call the phone number listed on their Facebook page to complain; whilst the call was answered and was then hung up three times. (This is non-compliant with Condition 9)

(DP) Licensing Officer visited the premises on Tuesday 20th March 2018, when entering the premises the officer identified themselves to the person working behind the bar. DP requested to speak to Mr Ardkani the bar person stated they weren't in, DP said it was extremely important that he speak with Mr Ardkani. Mr Ardkani was contacted by phone. DP explained that he was there investigating a complaint regarding loud music from the 17th March 2018. Mr Ardkani said the music wasn't "that loud", DP explained that it didn't matter as they had no permissions that allowed them to play music. (This is non-compliant Condition 11)

DP asked to see the CCTV and the person at the premises was unable to access it, DP explained that by failing to have someone that could use the CCTV at the premises they were breaching the CCTV condition on the premises licence (this is non-compliant Condition 5). Mr Ardkani said he could send the footage by

phone but DP said this was not acceptable due in part that it could be tampered with. DP arranged to visit again on the 22nd March at 10am.

On the 22nd March at 10am DP visited Mr Ardkani at the Wallace, DP again explained the reason for being there. DP requested to see the CCTV footage but Mr Ardkani said the system was password locked and the person who could help him was away, DP requested the footage be brought up on his phone as he said on the 20th he could do this but he couldn't. (This in non-compliant Condition 5).

DP asked about the night in question and Mr Ardkani explained he had 2 large groups in and he had asked them to be quieter, he admitted there was music. DP said to him that he would need the CCTV footage as it would need to show to the managers as they would be deciding on whether there would be a need for a review, DP said they would be looking for persons dancing and similar such activities that would indicate persons enjoying music as entertainment, Mr Ardkani admitted that if they saw the footage they would likely decide to review the licence.

At the time of submitting this review the CCTV footage still had not been provided. (This in non-compliant Condition 5).

Please tick yes

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



If yes please state the date of the application

Day	Month	Year
1	6	09

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

Please tick yes

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

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

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

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

Signature

Date 29/03/2018

Capacity Licensing Officer

**Contact name (where not previously given) and postal address for correspondence associates 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 on 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.

DP1

**Pattenden, Daniel**

---

**From:**  
**Sent:** 20 March 2018 09:25  
**To:** LicensingAdmin  
**Subject:** Re: Complaint regarding the Wallace Bar NW11 7ES

Thanks Daniel, that is very helpful.

It was on Saturday 17th March. The noise started at approx 8pm. It was at its loudest and most disruptive 9pm - 11pm, although I could still hear the bass until just gone midnight.

I will submit a noise complaint if it happens in the future.

Many thanks,

On 19 March 2018 at 13:51, LicensingAdmin <[LicensingAdmin@barnet.gov.uk](mailto:LicensingAdmin@barnet.gov.uk)> wrote:

Dear I

I am sorry to hear you are having issues again could you inform me of the exact time as near as possible this was going on please?

I will go down to the premises and view their CCTV and if I evidence what you are saying this may go further, such a decision isn't mine to make but I put the evidence forward and my recommendation.

I may need to get a statement from you if we were to proceed but for now we are unlikely to need anything.

I would also say that no matter the time of day you can be subject to a noise nuisance in which case you need to contact the noise team so they can come and assess.

Kind regards

**Daniel Pattenden**

**Licensing Officer, Trading Standards & Licensing Department**

**Community Protection (Regulation)**




DP1

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 2175

Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)

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**From:**

**Sent:**

**To:** LicensingAdmin

**Subject:** Complaint regarding the Wallace Bar NW11 7ES

Dear licensing team,

I am very sorry to have to complain again regarding The Wallace, however, they are yet again breaking the terms of their license, again in regards to music. They have been playing extremely loud music since 8pm tonight and it has only got louder as the evening has progressed. It is audible both inside my flat, and outside at the rear of my flat (on Portsdown Mews). I have checked the newly issued license and, as I understand it, music cannot be played in the bar at any time above 'ambient' level. I have had a look in the premises and people are dancing to the music, which implies that it is for entertainment and not background noise. I am afraid that, as a woman living on my own next to the bar I am not comfortable going in and asking them to turn the music down. I tried to call the phone number listed on their Facebook page to complain (the only number I can locate for them), and, whilst the call was answered I was hung up on three times.

All of this is clearly a breach of their new license, and I am disappointed to have to complain again about this premises. As I understand it, the license holder had given assurances that they would not play such loud and disturbing music, and I would ask you or your colleagues to explain that this is not acceptable.

DP1

I did email you last month regarding noise on 3rd and 4th Feb, and I was hopeful that the excess noise on those nights were a momentary slip on behalf of the management. However, this does not look to be the case.

I am aware that it is not late, nearing 11pm, however this is still managing to disturb my enjoyment of my home.

Please can you investigate this or talk to the bar and get them to adhere to their conditions. If there is anything I can do to help then do let me know.

Regards,

This email and any attachments to it are intended solely for the individual to whom it is addressed. It may contain sensitive or confidential material and should be handled accordingly. However, it is recognised that, as an intended recipient of this email, you may wish to share it with those who have a legitimate interest in the contents.

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DP2

**Pattenden, Daniel**

---

**From:** LicensingAdmin  
**Sent:** 23 February 2018 14:54  
**To:**  
**Subject:** RE: Complaint about The Wallace bar


Good Afternoon

They don't have any music on their licence, it must always be at an ambient level.

I am glad that the quality of life has greatly improved any further issues please let me know.

Kind regards

**Daniel Pattenden**  
**Licensing Officer, Trading Standards & Licensing Department**  
**Community Protection (Regulation)**  
London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ  
Tel: 020 8359 2175  
Barnet Online: [www.barnet.gov.uk](http://www.barnet.gov.uk)


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**From:**  
**Sent:** 12 February 2018 12:18  
**To:** LicensingAdmin  
**Subject:** Re: Complaint about The Wallace bar

Hi Daniel,

Thanks for your reply. The issue was the volume of the music, rather than the time it was playing; it was significantly louder than what anyone could reasonably term ambient. However, I didn't want to complain if they were operating within their license as they do need to be able to run their business, hence seeking clarification.

I suspect it was a momentary aberration, as it was not audible at all at the weekend just gone.

DP2

Generally, there has been a huge improvement in the bar and, therefore, my quality of home life, with no noise from patrons at the rear and, end of Jan aside, the music has been quiet/barely audible.

Thanks for your assistance and for all the work you and your colleagues have done over the last few years in managing the complaints and issues around The Wallace, I really do appreciate it.

On 8 February 2018 at 15:22, LicensingAdmin <[LicensingAdmin@barnet.gov.uk](mailto:LicensingAdmin@barnet.gov.uk)> wrote:

Dear I

The licence is very restricted now having gone through court and re issuing the licence with greatly reduced hours (which from your email they have adhered to) and a great number of conditions.

I am unsure from your email what type of noise it was music, patrons or anti-social behaviour?

Kind regards

Daniel Pattenden

Licensing Officer, Trading Standards & Licensing Department

Community Protection (Regulation)

London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ

Tel: 020 8359 2175

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DP 2

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**Fro**

**Sent:** 06 February 2018 19:41

**To:** LicensingAdmin

**Subject:** Re: Complaint about The Wallace bar

Dear Licensing Team,

I was wondering what the outcome of the licensing issues surrounding the Wallace Bar ([1023 Finchley Road, NW11](#)) were. I have had a look on the Barnet Licensing Register and cannot find any information more recent than the application for a new license from last year.

I'm curious as I was again disturbed on Saturday 3rd Feb and Sunday 4th Feb nights by very loud noise from the premises. Thankfully it shut down at around 11/11.30pm, but I have some concern that this was far too loud and beyond 'ambient' disturbing my enjoyment of the evening.

I have discussed this with my neighbour at [1025 Finchley Road](#) and he was also disturbed by this on the same nights.

Many thanks,

DP 3

Wallace 10.23 Finchley London NW11 7PS

Start 15:32 20/03/2018

Entered the premises and spoke to a young lady behind the bar, she was roughly 5'10" middle eastern complexion with long black curly hair. I identified myself and showed her my Identification, I requested Mr Ardkeni, she said he was not there I asked her to contact him and she did so on the phone. I spoke to Mr Ardkeni and identified myself and asked if he remembered who I was, he confirmed he did. I explained I was there ~~was~~ regarding a complaint about loud music received for Saturday 17<sup>th</sup> March from 8pm.

Wallace continued,  
~~until~~ until 11pm. Mr Ardkeni said  
 the music wasn't that loud to  
 which I explained it didn't matter that  
 he was not allowed to play music  
 other than ambient which is not  
 licensable. I then requested CCTV  
 and the young lady did not know  
 how, I explained this was a  
 further breach to Mr Ardkeni ~~he~~  
 he said he could message it to  
 me and I said that was not  
 good enough that he could  
 send me anything we arranged  
 to meet Thursday at 10am,  
 Finish 15:51pm

---



---

Wallace 10:00 22/03/18  
 met with Mr Ardkeni, Discussed  
 why I was there again I asked  
 to see the CCTV but it  
 was password locked, Mr Ardkeni  
 stated that the person was away  
 so was unable to access it.  
 I asked him about the night and  
 he said he had 2 large groups  
 in and was asking them to turn  
 it down, he said there was music  
 when I said that we needed to  
 see the CCTV to see what  
 happened, as we might have to  
 review the licence and this could  
 lead to it being revoked, I stated  
 we needed to see if people  
 were dancing and similar  
 Activities.

---



DP3

Wallace continued ———

Mr Ardiani stated that if they saw the CCTV we would likely decide to review the licence. Mr Ardiani was apologetic and honest with me. He said he was struggling in terms of making money. I explained that's when people most likely make mistakes. I explained that all this information would go to my managers and they would make the decision. He asked for a warning. I explained that I would still need the CCTV. Mr Ardiani has read this and signed below as it is a true reflection of what was said.

- Yain



**Decisions of the Licensing Sub-Committee**

DPL4

22 August 2017

**Members Present:-**

Councillor John Hart  
Councillor Claire Farrier  
Councillor Agnes Slocombe

**Also in attendance:**

**Officers:**

Mr Daniel Pattenden – Licensing Officer  
Mr Andrew Lucas – HB Public Law  
Miss Abigail Lewis – Governance Officer  
Mr Anthony Galicia – Governance Support Officer

**Applicant**

Mr Ardekani  
Applicants Representatives

**Responsible Authority:**

PC Vicky Wilcox

**1. APPOINTMENT OF CHAIRMAN**

Councillor Claire Farrier, seconded by Councillor Agnes Slocombe nominated Councillor John Hart as Chairman of the meeting.

**2. ABSENCE OF MEMBERS (IF ANY)**

None.

**3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)**

None.

**4. LICENSING SUB-COMMITTEE HEARING PROCEDURE**

The Chairman explained the procedure that would be followed for the meeting.

**5. NEW PREMISES APPLICATION, WALLACE BAR, 1023 FINCHLEY ROAD, LONDON, NW11 7ES**

The Committee considered the application for a new premises license for Wallace Bar, 1023 Finchley Road, London, NW11 7ES. The Committee heard submissions from the Licensing Officer, the Responsible Authority, the Applicant, the Applicants representatives and public residents objecting to the decision.

**6. MOTION TO EXCLUDE THE PRESS AND PUBLIC**

Councillor Claire Farrier moved a motion to exclude the press and public in order to discuss the exempt item. The motion was seconded by the Chairman.

**RESOLVED** that the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations) 2005.

**7. RE- ADMISSION OF THE PRESS AND PUBLIC**

The press and public were re-admitted to the meeting after discussion of the exempt item.

All parties were told that the Sub-Committee would deliberate in private session with the Legal Officer and Governance Officer.

The parties were informed that they would receive written notice of the decision within 5 working days.

**8. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION**

The Sub-Committee deliberated in private session with both the Legal Officer and Governance Officer present.

**9. DECISION OF THE SUB-COMMITTEE**

This is an application for a new premises licence in respect of The Wallace Bar, 1023 Finchley Road, London, NW11 7ES (hereinafter referred to as "the Premises"). The details are set out in the application form but in essence it requests both live and recorded music, and the sale of alcohol.

Objections were received from three responsible authorities: the Police, Environmental Health and the Licensing department of the London Borough of Barnet. Environmental Health and Licensing have withdrawn their representations having agreed with the Applicant conditions to be inserted in the operating schedule. It should be noted that as part of that agreement it is now a condition agreed by the Applicant that the only music to be played at the Premises is ambient background music and that neither live nor recorded music will be played at the Premises for the purposes of entertainment. The Applicant also agrees that sales of alcohol will be for consumption on the Premises only.

There have also been 27 objections to the Application from local residents and one representation in favour of the Application.

The Sub-Committee notes that the Premises licence was revoked on 9 November 2016 following a review at which various breaches of the licence conditions were cited. That decision is now subject to an Appeal to the Magistrate's Court which is due to be heard on 5 September. This Application is not made by the current premises licence holder or DPS and must be treated on its merits.

It is clear however that the Premises has a chequered past. There have been persistent complaints from residents about noise emanating from the Premises; noise abatement notices were served and there have been attendances by Environmental Health that detected a statutory noise nuisance.

The Police refer to consistent breaches of the licensing conditions and the involvement of the applicant Mr Ardekani in the running of the premises during these breaches. They also refer to an incident on 18 February 2017 involving the Applicant and carried out at the Premises after he had consumed alcohol, for which the Applicant accepted a caution.

The objections from local residents are almost entirely on a template letter which has been signed by various objectors. There is one objection not using the template. The objectors refer to the problems with the Premises since 2005, including noise nuisance from music, customers drinking and/or smoking outside the premises and leaving the premises. There were fights late at night and intimidating crowds outside. Stricter conditions were imposed on the Licence in 2013 but the Objectors state that these conditions were often breached and that loud music could be heard inside their homes both before and after the music was supposed to have ended. Contrary to the conditions on the licence windows and doors have been left open enabling noise to escape and annoy residents. Customers have used the fire escape to drink, smoke and/or leave the premises causing late night noise. It seems that when the matter is referred back to the Committee such problems are resolved for a short period before resuming again.

Various dates have been noted by residents as being when a nuisance occurred. They range through April, May and June of this year.

Finally insofar as the Objectors are concerned they refer to the Applicant having been a director of Wallace Bar Ltd between 8 October 2014 and 22 March 2016, and since 4 April 2016 a director of Wallace Lounge Ltd, showing that he has been involved in the operating of the business during many of the breaches complained of. They argue that he cannot therefore be trusted to ensure that the premises are run properly and without causing a nuisance.

While the residents would much prefer the application to be refused they have set out their minimum requirements for conditions should it be granted.

One representation in favour of the Application has been received from the gentleman living above the Premises. He states that since the Applicant has been running the Premises there has not been any problem with noise either for him or other residents.

In his written statement the Applicant states that although he worked part time at the Premises for the previous licence holder, usually on Friday and Saturday evenings, this was so he could continue to live above the Premises. The Applicant says that the previous licensee and his bar manager ran the Premises and the Applicant never had anything to do with this. The Applicant goes on to say that he was never trained by the bar manager or the previous licensee and that he was not aware of the ongoing breaches of the Licence. The Applicant further states that Wallace Bar Ltd never traded and that Wallace Lounge Ltd was set up in anticipation of buying the business from the previous Licensee. The Applicant states that he has only been responsible for running the Premises since 1 May 2017.

At the meeting of the Sub-Committee, on the Applicant's behalf, it was submitted that on the main issue, being the proposed later closing hour on Fridays and Saturdays and seasonal variations, the Applicant and Objectors were only an hour apart from being agreed. The main conditions that the Applicant had agreed with Environmental Health and Licensing were explained to the Sub-Committee. The Applicant offered to reduce the hours on Friday and Saturday night to 11.30pm for the sale of alcohol with the Premises closing at midnight. The Applicant also said that the Sub-Committee could impose a time

limit on the licence so that it expired in say 18 months or two years, at which point the Applicant would need to apply for a new premises licence. This time limited licence would, in effect, be a trial period for the Applicant and the Premises.

In their submissions, the Police emphasised the previous poor running of the Premises, the Applicant's involvement in the limited companies relating to the Premises and that the Applicant had had an opportunity to run the Premises without complaint and he had not done so. The Police said that they did not see how the Applicant could comply with the conditions proposed.

Mr Paul Alter and Ms Cecelia Peruad, two of the objecting residents, attended the meeting of the Sub-Committee. They noted that no-one was denying that there had been problems with the Premises. They said they wanted strict conditions that were properly enforced. Mr Alter emphasised that the Applicant had been involved with the Premises, since it began trading as 'Wallace', was known locally as someone connected to the Premises and that as a director of a company he had responsibilities to make sure it complied with all relevant laws. Mr Alter conceded that there had been some recent improvement in the way the Premises was being run, notably that it was closing on time, but submitted that as recently as 7 July there had been an extremely loud party that had caused a nuisance.

The Sub-Committee heard that the Applicant had allowed a number of pre-arranged parties to take place after he had taken control of the Premises. Although the Applicant told the Sub-Committee that he felt he had to honour these pre-existing commitments, the Sub-Committee were of the view that the Applicant must have known that these events would cause nuisance and annoyance and disturb local residents. Despite the precarious licensing position, the Applicant had chosen to host the parties anyway. The Sub-Committee put weight on this. It would have been reasonable to expect the Premises to have quietened down pending the hearing of the Appeal against the revocation of the previous Licence but instead there have continued to be problems.

The Sub-Committee put weight on the fact that the Applicant had no previous experience of running similar premises, his background being in owning a supermarket. The Sub-Committee took the view that this was a difficult premises to run, particularly for someone with no prior experience of running similar premises. The Sub-Committee noted that on the Applicant's own case until 1 May 2017, he had only worked at the Premises on a couple of evenings each week and had not been involved in any matters relating to the licensing or the management of the Premises.

Notwithstanding his claimed lack of involvement in the running of the Premises prior to 1 May 2017, the Sub-Committee were concerned by the Applicant's lack of intervention in the previous breaches of the Licence. This was when he was an officer of a company connected to the management of the Premises. The Sub-Committee were concerned that the Applicant would display the same attitude to any licence that he was granted which could cause the Licensing Objectives to be undermined.

The Sub-Committee also put weight on the fact that when they asked the Applicant what reassurance they had that things would be different at the Premises this time, the Applicant only promised that he would abide by the conditions of the Licence. The Applicant did not offer any explanation of what steps he had already taken to support the licensing objectives or what new practices he had put in place. The Sub-Committee put weight on the fact that the Applicant had not managed to establish any relationship with

the residents despite them being the main objectors to the Application and the Applicant having run the Premises since 1 May 2017.

The Sub-Committee also put weight on the incident that the Applicant had been involved in in February. Although this incident was of a personal nature, it had taken place at the Premises and involved the consumption of alcohol. The Applicant would continue to have access to both and the Licensing Objectives could be undermined should a similar incident occur involving a customer or a resident.

The Sub-Committee concluded that they did not have any faith in the Applicant being able to uphold the Licensing Objectives. They concluded that the matters to which they had given weight outweighed the proposed conditions proposed by the Applicant and no licence would be granted.

#### **Right to appeal**

Any party aggrieved with the decision of the Licensing Panel on one or more of the grounds set out in Schedule 5 to the Licensing Act 2003 may appeal to the Magistrates' Court within 21 days of notification of this decision.

#### **10. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 11.40am

## Decisions of the Licensing Sub-Committee

9 November 2016

### Members Present:

Councillor John Hart (Chairman)  
Councillor Alison Cornelius  
Councillor Claire Farrier

### Officers:

Mariesa Connolly - (Licensing Officer)  
Harinder Dhaliwal - (Legal Officer)  
Salar Rida - (Governance Officer)

Responsible Authority and Applicant:  
Daniel Pattenden

### Licensee:

Mohammed Reza Pouressmaell  
Staff member

**1. APPOINTMENT OF CHAIRMAN (Agenda Item 1):**

**RESOLVED** - that Councillor John Hart be appointed as Chairman.

**2. ABSENCE OF MEMBERS (IF ANY) (Agenda Item 2):**

None.

**3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY) (Agenda Item 3):**

None.

**4. LICENSING SUB-COMMITTEE HEARING PROCEDURE (Agenda Item 4):**

The Chairman noted the procedure following an introduction of the Members of the Sub-Committee, the officers, licensee, public speaker and the Responsible Authority and Applicant.

**5. THE WALLACE - 1023 FINCHLEY ROAD, LONDON, NW11 7ES (Agenda Item 5):**

The Sub-Committee considered a Review of Premises Licence for The Wallace, 1023 Finchley Road, London, NW11 7ES, together with submissions from the Licensing Officer, Responsible Authority and Applicant, licensee and public speaker.

**6. MOTION TO EXCLUDE THE PRESS AND PUBLIC (Agenda Item 6):**

**RESOLVED** - That the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations) 2005.

**7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION (Agenda Item**

7):

The Sub-Committee retired in private session, accompanied by the council's legal and governance officers, to consider the facts of the application and the measures necessary (if any) to ensure the promotion of the licensing objectives.

**8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE (Agenda Item 8):**

The parties to the application were readmitted to the meeting and the Chairman conveyed the Sub-Committee's decision as follows:

This was an application for a review of the premises licence under section 51 of the Licensing Act 2003 for the Wallace, 1023 Finchley Road, London, NW11 7ES. The review had been brought by the licensing team who reported numerous occasions when the licensee had failed to adhere to its licence conditions. The review application related to the licensing objectives of crime and disorder and public nuisance. A number of complaints were received by members of the public largely based on breaches of the licence conditions.

The Sub-Committee noted that the complaints related to a failure to adhere to condition 13, which states: 'Doors and windows to remain closed except for ingress and egress'. In addition, the Sub-Committee noted that there were several complaints related to the business operating past the hours permitted by the licence.

The Sub-Committee also noted that the licensing team had on more than one occasion spoken directly to the premises licence holder and the DPS and in addition sent letters in order to address these complaints. The premises licence holder stated that he had not seen these letters but Mr Pattenden confirmed that these letters had been sent to the DPS and the premises licence holder highlighting the gravity of the situation.

The Sub-Committee noted that there was a history of complaints in relation to the premises concerning breaches of the licence conditions and noise nuisance. In particular, a complaint was received on 11<sup>th</sup> July 2015 by the licensing team in relation to alleged breaches of the premises licence and in relation to condition 13. Consequently, Daniel Pattenden, licensing officer visited the premises to discuss the licence and its conditions with the premises licence holder. During the course of this meeting, it was explained to Mr Pouressmaeli that he had responsibilities under his premises licence and that he must adhere to the conditions placed on the licence at all times. At this meeting, a letter was also handed to the premises licence holder highlighting the complaints and covering the matters discussed during the course of the meeting.

The Sub-Committee also noted that on 12<sup>th</sup> May 2016 the licensing department received a further complaint from a member of the public alleging that condition 13 of the licence was being breached. A further complaint was received from the same resident on 14<sup>th</sup> May 2016 in relation to the premises operating past its permitted hours and further breaches of condition. A letter was sent to Mr Pouressmaeli on 20<sup>th</sup> May 2016 and an email on 23<sup>rd</sup> May 2016 outlining the allegations. However, no response was received. During the course of the hearing, the premises licence holder stated that the email address was no longer in operation and so he had not received any emails. Mr Pattenden however highlighted that he had sent letters to the premises and Mr Pouressmaeli's home address.

On the 11<sup>th</sup> June 2016, Daniel Pattenden and PC Wilcock attended the premises and witnessed that there was another breach of condition 13. Following a discussion with the DPS, a notice was issued by the police in relation to condition 9, 13 and 14. Hence, it was evident that there was a failure to maintain an accident and incident logbook, that the doors and windows were kept open, and in addition there was a failure to display a public notice requesting patrons to respect their neighbours and to leave quietly. A further visit was made on 29<sup>th</sup> July 2016 and at approximately 20:00 hours, PC Wilcock and Daniel Pattenden witnessed the bi-fold doors open at the premises and music emanating from the premises. A letter was sent to Mr Pouressmaeli on 12<sup>th</sup> August 2016 outlining the breaches and complaints. However, no response has been received.

During the course of the Sub-Committee hearing, Mr Pouressmaeli made an admission that he had not read the licence together with its conditions throughout the 2 years of his ownership. In fact, he had only read the licence and its conditions a few days ago upon discussion with his solicitor. The Sub-Committee was gravely concerned that Mr Pouressmaeli had not read the licence conditions until recently and they did not feel that these were in accordance with his responsibilities as a responsible premises licence holder. This was particularly worrying in light of the fact the licensing team had raised concerns about non-compliance with these conditions on a number of occasions. The Sub-Committee also noted that a member of the bar staff, who attended the hearing, had been informed by the DPS that in the summer, she should be closing the doors and windows after 7.30pm. This was despite the fact that there was an existing condition on the licence which required doors and windows to be closed at all times.

The Sub-Committee noted that Mr Pattenden had been heavily involved in dealing with complaints received by residents and that this was one of the most complained about premises since he joined Barnet Council.

The Sub-Committee also heard from a local resident, Mr Paul Alter who made representations that there were numerous occasions when the premises were leaving their windows and doors open and that on these occasions there was increased noise emanating from the premises. Mr Alter acknowledged that although the situation had improved since Mr Pouressmaeli had taken ownership of the business, there were still concerns with loud music from the premises, and noise coming from the premises when the doors were open. He stated that there had been parties late into the night, urination in residents' gardens, and noise by individuals smoking and drinking outside the premises. Further, he was concerned by the noise of customers leaving the premises and also when getting into their cars. Mr Alter felt that music should be disallowed altogether from the licence and a further reduction in the hours to 11.00pm on Fridays and Saturdays in line with the rest of the week. This was a further reduction to the hours that had already been reduced at the previous hearing. Mr Alter expressed concerns that this was a residential area and the noise was causing an increased disturbance to neighbours in the vicinity of the premises. Upon realisation that the licence holder had failed to read the licence conditions, Mr Alter expressed serious concern that the premises licence holder did not understand his responsibilities under his licence.

Having fully considered the written and oral representations from all of the parties, the Sub-Committee discussed the matter and decided to revoke the licence. The Sub-Committee felt that there was a history of public nuisance associated with the premises and that these issues had not been addressed thus far. Further, the matter had already been before the Sub-Committee in 2013, where stringent conditions were imposed upon the licence. The decision made it clear that serious consideration at the time had been given to revoking the licence and that a serious view would be likely to be taken if these added conditions did not improve the situation at the premises. The Sub-Committee was



gravely concerned about the continued non-compliance with licence conditions and also that staff had not been trained in relation to the Licensing Act 2003. The Sub-Committee was also concerned that the premises were not being managed in a responsible manner and in accordance with the promotion of the licensing objectives. It was evident that the licensing team had tried to work with the licensee in order to address these issues to no avail. The Sub-Committee did not feel that any other of the options available to it would redress the concerns of the police, the licensing team and the public. The Sub-Committee were not satisfied that the continued operation of the premises licence would promote the licensing objectives and so has decided to revoke the licence.

Right of Appeal:

Any party aggrieved with the decision of the Licensing Sub-Committee on one or more grounds set out in schedule 5 of Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision.

**9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 9):**

There were none.

The meeting finished at 5.20 pm

DP6

IN THE WILLESDEN MAGISTRATES COURT

CASE NUMBER 011603082261

BETWEEN:

MOHAMMED REZA POURRESSMAELL

Appellant

- v -

THE LONDON BOROUGH OF BARNET

Respondent

CONSENT ORDER

Upon Mr Pouressmael agreeing to withdraw his appeal against revocation of his premises licence in respect of the same premises, namely Wallace Bar, 1023 Finchley Road, NW11 7ES which is listed for an appeal hearing on 18<sup>th</sup> January 2018 at Willesden Magistrates Court


BY CONSENT IT IS ORDERED THAT:

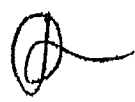
1. Mr Pouressmael's appeal be dismissed.
2. There be no order as to costs

We consent to an order in the above terms.

Dated this

23 day of November 2017

  
Kings Solicitors  
185 Holloway Road  
London  
N7 8LX

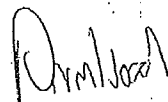
  
HB Public Law  
Harrow Council  
Civic Centre  
PO Box 2, Station Road  
Harrow HA1 2UH

Solicitors for the Appellant

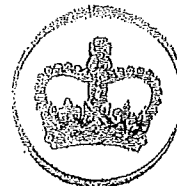
Solicitors for the Respondent

BY ORDER OF THE COURT

MAGISTRATE

  
Legal Ben Morgan

DATED 19.12.17



DP6

IN THE WILLESDEN MAGISTRATES COURT

CASE NUMBER

BETWEEN:

MR MASOUD YASINI ARDEKANI

Appellant

- v -

THE LONDON BOROUGH OF BARNET

Respondent

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CONSENT ORDER

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Upon consideration of the consent order and the agreement of the parties as set out in the attached Schedule 1

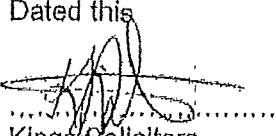
BY CONSENT IT IS ORDERED THAT:

1. The application for a premises licence in respect of Wallace Bar, 1023 Finchley Road, London, NW11 7ES be granted to Mr Masoud Yasini Ardekani in accordance with the terms set out in the attached Schedule 1.
2. There be no order as to costs

We consent to an order in the above terms.

Dated this

23 day of November 2017

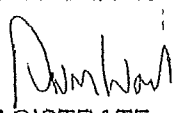
  
Kings Solicitors  
185 Holloway Road  
London  
N7 8LX

*HB Public Law*  
HB Public Law  
Harrow Council  
Civic Centre  
PO Box 2, Station Road  
Harrow HA1 2UH

Solicitors for the Appellant

Solicitors for the Respondent

BY ORDER OF THE COURT

  
MAGISTRATE

*Legal Team Manager*

DATED 19.12.17



DP6

IN THE WILLESDEN MAGISTRATES COURT

CASE NUMBER

B E T W E E N:

MR MASOUD YASINI ARDEKANI

Appellant

- v -

THE LONDON BOROUGH OF BARNET

Respondent

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SCHEDULE 1

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The hours (as amended) to be as follows:

**Supply of alcohol (On sales only)**

Monday – Thursday 1000 – 2300

Friday – Saturday 1000 – 2330

Sunday 1100 – 2300

**Seasonal variations:**

Until 2330 any day preceding a bank holiday

New Years Eve until 0200

**Hours open to the public**

Monday – Thursday 1000 – 2330

Friday – Saturday 1000 – 0000

Sunday 1100 – 2330

**Seasonal variations:**

Until 0000 on any day preceding a bank holiday

New Years Eve until 0230

1. The performance of Live music and playing of recorded music are removed from the application.
2. Digital recording colour CCTV comprising of a multi camera system
  - a) The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium
  - b) If the head unit (recorder) is kept on the premises it must be located in a secure cabinet or other secure area, preferably out of the sight and reach of the public.  
(The unit must be further secured by physical means to prevent anyone from

- merely picking up and removing the unit, e.g. a secure metal boot, or metal case strap, bolted to an immovable object like a wall or floor)
- c) A CD, DVD burner or USB type device will also form part of the system to facilitate making copies of the footage
  - d) The quality of the images must be of a sufficiently high standard to allow identification of the subject matter
  - e) Cameras will cover key areas identified by the operator and Police. These will include clear headshots of persons entering the premises and comprehensive coverage of the Bar, approach to the toilets and seated areas. The footpath immediately outside the premises (smoking area) and path at the rear on Portsdown Mews must also have coverage.
  - f) Images must be retained for a **minimum period of 31** days before overwriting
  - g) The images will be made available in reasonable time on demand by the Police and authorised officers of the London Borough of Barnet
  - h) At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet
  - i) This system will be fully maintained at all times to ensure correct operation
3. A refusals / incidents register shall be maintained at the premises recording:
- a) All known incidents of crime and disorder occurring at the premises with dates and times
  - b) Details of occasions when the emergency services are called or visit from a relevant authority to the premises
  - c) All refusals of alcohol sales
  - d) Ejections from the premises.
  - e) Any minor faults with the CCTV system.
  - f) Any seizure or occasion where drugs or weapons are found
  - g) This register will be available for inspection by a police officer or other authorised officer on request
4. The premises shall operate a "challenge 25" style policy. Anyone attempting to purchase alcohol who appears under the age of 25 years shall be required to produce valid photo ID (such as a photo card driving licence, passport or PASS accredited age verification card) to prove they are 18 years or older. Failure to produce acceptable ID shall result in a refusal of the sale. This refusal shall be documented in the refusals / incident log.
5. Notices are to be displayed at the exit advising customers to respect the needs of the local residents and businesses and leave the area quietly
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
7. All doors and windows (front and back) to be **kept closed** from **20:30 until closing**, except for the purposes of ingress and egress.
8. This condition relates to activities during deregulated hours and further hours permitted by the licence:
- a) No live music inside or outside of the premises at any time.
  - b) No recorded music inside or outside of the premises at any time.

- c) There will only be background music, which is at a level for ambience and not for entertainment.
9. The premises licence holder is to ensure that all patrons entering are not to bring in alcohol from outside the premises.
10. Drinks (glass or any other container) are not to be taken outside the premises at any time.
11. There shall be no tables and chairs set up for use outside the premises.
12. The management shall take an active role in controlling any patrons outside the premises (i.e. when outside smoking) to ensure that a nuisance is not being caused.
13. The management shall ensure that patrons of the premises will not congregate at the rear of the bar on Portsdown Mews. In addition, the rear door to the premises which leads out on to Portsdown Mews shall not be used by patrons except in the event of an emergency.
14. No persons under 18 years old to be on the premises after 1900 hours on Friday Nights, Saturday nights or any night preceding a bank holiday. (i.e. Thursday Before Easter bank holiday Friday, Sunday Nights before a bank holiday Monday and Christmas Eve)
15. All staff involved in alcohol sales will have training in relation to age restricted sales and the current licensing act legislation. Proof that such training has been given will be recorded in a log. This log will be kept at the premises and will be available for inspection by the police or authorised local authority officer when requested.
16. There will be no new admittance to the premises during the last hour the premises is open to the public on Friday's, Saturdays and any day preceding a bank holiday.
17. No noise is to emanate from the premises that give rise to cause a statutory noise nuisance to residents.
18. Patrons will be discouraged from congregating outside the front of the premises. This area will be used for smoking only. Management will encourage patron(s) back inside the premises or to move along if they are no longer using the establishment.
19. All speakers need to be isolated from the premises structure – including: the walls, floors and ceilings with resilient rubber pads or anti-vibration pads.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. No involvement by Mr Pouressmael in the management or running of the premises

# Current Licence

<b>Licensing Act 2003</b>  <b>Part A</b> <b>Premises Licence</b>  <b>Premises Licence Number :</b> <b>LAPRE1/17/55973</b>	<b>Licensing Authority:</b> London Borough of Barnet, Community Protection (Regulation) Barnet House 1255 High Road Whetstone London N20 0EJ  <div>14/02/2018</div>
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## Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey reference or description</b> Wallace Bar , 1023 Finchley Road									
<b>Post Town</b> London	<b>Post Code</b> NW11 7ES								
<b>Telephone number</b> None given									
<b>Where the licence is time limited the dates</b> This premises licence is not time limited.									
<b>Licensable activities authorised by the licence</b> The Sale by Retail of Alcohol									
<b>The times the licence authorises the carrying out of licensable activities</b> <b><u>Sale or supply of Alcohol</u></b> <table> <tr> <td colspan="2"><u>Standard Days &amp; Timings</u></td> </tr> <tr> <td>Friday to Saturday</td> <td>10:00hrs - 23:30hrs</td> </tr> <tr> <td>Monday to Thursday</td> <td>10:00hrs - 23:00hrs</td> </tr> <tr> <td>Sunday</td> <td>11:00hrs - 23:00hrs</td> </tr> </table> <u>Non Standard Timings &amp; Seasonal Opening Times:</u> Until 2330 any day preceding a bank holiday New Years Eve until 0200		<u>Standard Days &amp; Timings</u>		Friday to Saturday	10:00hrs - 23:30hrs	Monday to Thursday	10:00hrs - 23:00hrs	Sunday	11:00hrs - 23:00hrs
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Sunday	11:00hrs - 23:30hrs								



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

Both on and off the premises

## **Part 2**

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

Masoud Yasini Ardekani  
1023 Finchley Road  
London  
NW11 7ES

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

N/A

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Masoud Yasini Ardekani

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

Personal Licence number: LAPERS/  
Personal Licence Issuing Authority: London Borough of Barnet

## 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.
  - i. (1) The responsible person must 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—
    - (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 in a manner which carries a significant risk of undermining a licensing objective;
    - (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 in a manner which carries a significant risk of undermining a licensing objective;
    - (d) 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;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
  - ii. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  - iii. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

iv. The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

4. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Act Duties 1979

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) The holder of the premises licence

(ii)The designated premises supervisor (if any) in respect of such a licence,

or

(iii)The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)"value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3.Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1)Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as paragraph a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

5. A CCTV system will be installed that complies with the following:

- a. Digital recording colour CCTV comprising of a multi camera system
- b. The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium
- c. If the head unit (recorder) is kept on the premises it must be located in a secure cabinet or other secure area, preferably out of the sight and reach of the public. (The unit must be further secured by physical means to prevent anyone from merely picking up and removing the unit, e.g. a secure metal boot, or metal case strap, bolted to an immovable object like a wall or floor)
- d. A CD, DVD burner or USB type device will also form part of the system to facilitate making copies of the footage
- e. The quality of the images must be of a sufficiently high standard to allow identification of the subject matter
- f. Cameras will cover key areas identified by the operator and Police. These will include clear headshots of persons entering the premises and comprehensive coverage of the Bar, approach to the toilets and seated areas. The footpath immediately outside the premises (smoking area) and path at the rear on Portsdown Mews must also have coverage.
- g. Images must be retained for a minimum period of 31 days before overwriting
- h. The images will be made available in reasonable time on demand by the Police and authorised officers of the London Borough of Barnet

- i. At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet
  - j. This system will be fully maintained at all times to ensure correct operation
- 6. A refusals / incidents register shall be maintained at the premises recording.
  - a. All known incidents of crime and disorder occurring at the premises with dates and times
  - b. Details of occasions when the emergency services are called or visit from a relevant authority to the premises
  - c. All refusals of alcohol sales
  - d. Ejections from the premises.
  - e. Any minor faults with the CCTV system.
  - f. Any seizure or occasion where drugs or weapons are found
  - g. This register will be available for inspection by a police officer or other authorised officer on request
- 7. The premises shall operate a "challenge 25" style policy. Anyone attempting to purchase alcohol who appears under the age of 25 years shall be required to produce valid photo ID (such as a photo card driving licence, passport or PASS accredited age verification card) to prove they are 18 years or older. Failure to produce acceptable ID shall result in a refusal of the sale. This refusal shall be documented in the refusals / incident log.
- 8. Notices are to be displayed at the exit advising customers to respect the needs of the local residents and businesses and leave the area quietly
- 9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
- 10. All doors and windows (front and back) to be kept closed from 20:30 until closing, except for the purposes of ingress and egress.
- 11. This condition relates to activities during deregulated hours and further hours permitted by the licence:
  - a. No live music inside or outside of the premises at any time.
  - b. No recorded music inside or outside of the premises at any time.
  - c. There will only be background music, which is at a level for ambience and not for entertainment.
- 12. The premises licence holder is to ensure that all patrons entering are not to bring in alcohol from outside the premises.
- 13. Drinks (glass or any other container) are not to be taken outside the premises at any time.
- 14. There shall be no tables and chairs set up for use outside the premises.
- 15. The management shall take an active role in controlling any patrons outside the premises (i.e. when outside smoking) to ensure that a nuisance is not being caused.
- 16. The management shall ensure that patrons of the premises will not congregate at the rear of the bar on Portsdown Mews. In addition, the rear door to the premises which leads out on to Portsdown Mews shall not be used by patrons except in the event of an emergency.

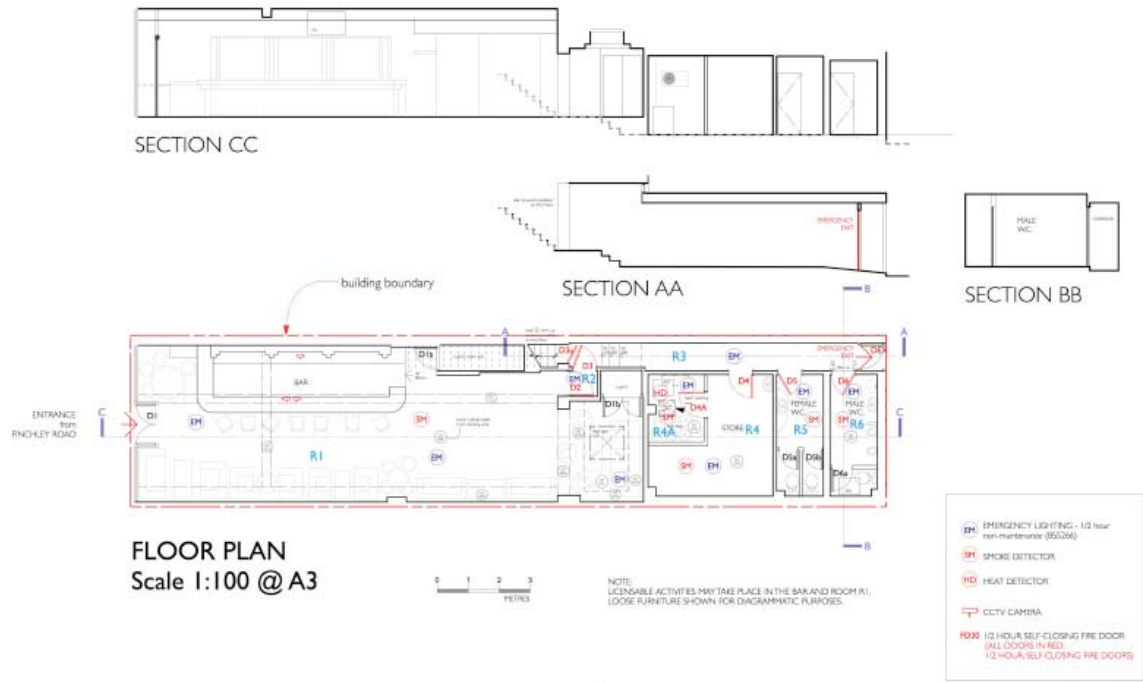
17. No persons under 18 years old to be on the premises after 1900 hours on Friday Nights, Saturday nights or any night preceding a bank holiday. (i.e. Thursday Before Easter bank holiday Friday, Sunday Nights before a bank holiday Monday and Christmas Eve)
18. All staff involved in alcohol sales will have training in relation to age restricted sales and the current licensing act legislation. Proof that such training has been given will be recorded in a log. This log will be kept at the premises and will be available for inspection by the police or authorised local authority officer when requested.
19. There will be no new admittance to the premises during the last hour the premises is open to the public on Friday's, Saturdays and any day preceding a bank holiday.
20. No noise is to emanate from the premises that give rise to cause a statutory noise nuisance to residents.
21. Patrons will be discouraged from congregating outside the front of the premises. This area will be used for smoking only. Management will encourage patron(s) back inside the premises or to move along if they are no longer using the establishment.
22. All speakers need to be isolated from the premises structure - including: the walls, floors and ceilings with resilient rubber pads or anti-vibration pads.
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. No involvement by Mr Pouressmael in the management or running of the premises

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

N/A

## 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 LAPRE1/17/55973



# Representation(s)



**Rudland, Michelle**

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**Subject:** FW: Representation for the licence review of Wallace bar

**From:** Rachel Scott Halls  
**Sent:** 03 May 2018 23:17  
**To:** LicensingAdmin <[LicensingAdmin@barnet.gov.uk](mailto:LicensingAdmin@barnet.gov.uk)>  
**Subject:** Representation for the licence review of Wallace bar

Dear Sir,

I would like to submit a representation regarding the premises licence review of the Wallace, 1023 Finchley Road, NW11 7ES.

I live next door to the bar at 1025b Finchley Road (the rear of the property), and I have complained several times from May 2016 onwards regarding the Wallace breaking the terms of their licence, most notably in terms of noise. I was pleased with the conditions placed on the new licence, noting that music was not to exceed ambient level at any time. However, since February I have already had cause to complain twice regarding music in the bar well above ambient level, and significant enough to disturb my enjoyment of my home.

On both 3rd and 4th February 2018 the bar was playing very loud music, clearly audible in my home.

On 17th March I was again disturbed by extremely loud music which started around 8pm, grew louder and was at its peak from 9pm - 11pm. The words to the songs were audible, as well as the heavy bass. I note that the licence instructs the owner to make a phone number available to neighbours to call in the event of a disturbance, I have never received that number and could not find anything online. I did find a phone number on their Facebook page, which I attempted to call, but was hung up on as soon as it was answered. Whilst the music got quieter after 11pm, it remained audible until midnight. This was a clear breach of their licence.

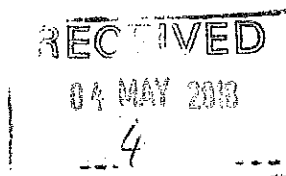
Given the number of complaints that I and neighbours have made about the Wallace in the past, and the number of concessions that the past and present licensees have been given, and multiple chances to improve their adherence to their licence conditions I feel very strongly that the current licence holder is not a responsible person and should not hold a premises licence. I hope that you take this into consideration whilst reviewing the premises licence.

Yours sincerely,

Rachel

Rachel Scott Halls  
[REDACTED] Finchley Road, NW11 [REDACTED]

The Licencing Team, LB Barnet  
Building 4  
North London Business Park  
Oakleigh Road South  
N11 1NP



02 May 2018

**Extended Licence Application – The Wallace 1023 Finchley Road NW11 7ES**  
[Correspondence Closing Date 04 May 2018]

Dear Licencing Team

Following the decision of the Licencing Team to reject and Extended Licence Application in 2017, we note the applicant has reapplied for same. The objections to the previous application Ref: LAPRE1/17/55973 apply to the current application.

Following the decision of the Licencing Sub-Committee on 9 Nov 2016 to revoke the Licence of the Wallace Bar (and the prior review The Grove in May 2013 reducing opening hours) we object to the current licence application on the grounds of Public Nuisance, Crime and Disorder and Public Safety. When the previous extended licence was in place there were issues of Crime and Disorder (late night finishing) and Public Safety (large intimidating crowds outside the establishment late at night) which contributed to the adjustments of May 2013.

At the November 2016 hearing, residents argued that to reduce the continuing public nuisance, at the very least, licencing hours should be reduced to 2300hr finish on every day of the week. This was because finishing at 0030 on Saturday and Sunday mornings contributed to creation of unreasonable noise and nuisance for residents. The licencing conditions were disregarded previously, leading to the revocation.

The previous applicant Mr M Yasini Ardekeni was the registered director of the Wallace Bar Ltd from 08 October 2014 to 22 March 2016 and, following its dissolution, has been director of Wallace Lounge Ltd, registered at 1023 Finchley Road since 04 April 2016. It would not be unreasonable to expect that, as a director, he would have read and noted the reasons for the licence revocation. Yet, during the Appeal period, people continued to drink outside on tables provided by the establishment. This was despite advice at the hearing and subsequent written report that this was a breach of the revocation. There were also late-night weekend parties beyond closing times and regular late-night noise from patrons in front of or when leaving the premises.

Residents have faced more than twelve years of evidenced, continuing nuisance, mainly on Friday and Saturday late nights following the award of an extended licence to The Grove in 2005. Despite regular complaints regarding noise, a Licence Review was not carried out until

2013. Since The Wallace opened in 2015, the situation has worsened, culminating in its licence being revoked.

Despite a short lull, late night nuisance has recurred again and again, causing distress to residents and demanding the attention of the Licencing Team.

These premises are in the middle of a residential area where loud music, people drinking on the streets and general late-night noise are completely inappropriate. There is no rear garden or outdoor facilities for smokers so that people spilling onto the streets make noise inevitable. Such disturbances must be avoided by this or any other owner of the premises.

Considering the record of these premises, history and impact of its location on residents, awarding any extended hours licence would be unreasonable and unacceptable.

To minimise public nuisance, the risk of crime and disorder and protect public safety we request:

- Closing at 2300hr seven days a week without exception
- No amplified or live music at any time
- Low level background music or playing a TV until 2300hr only Mon-Sat and until 2230 on Sundays, subject to appropriate sound proofing
- Windows and doors to remain closed at all times, to prevent noise pollution, except only for access and egress.
- No extended hours, TENs – no late night private parties or "temporary event notices" at any time
- No drinking outside the premises after 2100hr. This assumes the management will ensure good behaviour from patrons.

Yours Sincerely,



H. Levene

B. A. Levene pp



# Section 182 Guidance – Reviews (April 2018)

# 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 that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. 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 or the sexual exploitation of children. 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 14 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 hard copy, unless the licensing authority waives this requirement.
- 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 promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 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)<sup>10</sup>;
- 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 to address the causes of concern that instigated the review.
- 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.



## 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, the sale of firearms, or the sexual exploitation of children. 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 and the prevention of illegal working 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 drugs controlled under the Misuse of Drugs Act 1971 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 or illegal working compliance 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 under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. 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;
- notice of the hearing must be given no later than five working days before the first hearing 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**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where 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 appropriate.

# Matters for Decision

# MATTERS FOR DECISION

## An application made under Section 51 of the Licensing Act 2003

The Wallace, 1023 Finchley Road, London, NW11 7ES

### 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)