

**MEETING**

**LICENSING SUB-COMMITTEE**

**DATE AND TIME**

**TUESDAY 1ST NOVEMBER, 2016**

**AT 10.30 AM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF LICENSING SUB-COMMITTEE (Quorum 3)**

Councillor Jim Tierney      Councillor Brian Salinger      Councillor Alison Cornelius

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: Governance Service [governance.service@barnet.gov.uk](mailto:governance.service@barnet.gov.uk)

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Appointment of Chairman	
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Licensing Sub-Committee Hearing Procedure	5 - 8
5.	Fine Foods Final Review	9 - 68
6.	Motion to exclude the Press and Public	
7.	Deliberation by the Sub-Committee in Private Session	
8.	Re-admission of the Press and Public: Announcement of the decision of the Sub-Committee	
9.	Any other Item(s) the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Governance Service [governance.service@barnet.gov.uk](mailto:governance.service@barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

# LONDON BOROUGH OF BARNET

## LICENSING SUB COMMITTEE

### HEARINGS PROCEDURE

AGENDA ITEM 4

#### *General points*

The following procedure is based on Regulations made by the Secretary of State under the Licensing Act 2003 (“the Hearings Regulations”) which may be viewed or downloaded from the website of the Department for Culture, Media and Sport by following links from [www.culture.gov.uk](http://www.culture.gov.uk)

The procedure is intended as a general framework to ensure natural justice and a fair hearing. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed.

The procedure allows each party a maximum period of 5 minutes in which to present their case (Regulations 16 & 24). At the end of the time allowed, the Chairman will terminate the presentation and the hearing will proceed in the form of a discussion led by the authority to explore points of dispute. The discussion will not be timed.

The procedure is subject to periodic review and amendment to reflect best practice and relevant legislative changes. An updated version of this procedure is published as soon as possible following any such amendments.

#### **Governance Officer**

- To seek nominations for Chairman
- Elect Chairman
- Hand over to the Chairman

#### **Chairman**

- Introduces him/herself and Members of the Committee, and outlines their roles.
- Introduces Licensing, Legal and Governance Officer.
- Explains that Legal and Governance Officers will be present during the Committee’s deliberations to advise only, and that the Licensing Officer will be excluded from deliberations.
- Asks parties present to introduce themselves.
- Outlines procedure to be followed.
- Asks all parties to confirm their understanding of the procedure.
- Clarifies any aspect(s) of the procedure where any parties are uncertain or asks Legal or Governance Officer as appropriate to clarify.

#### **Governance Officer**

- Informs Committee of absent parties.
- Details persons whom a party is seeking permission to represent them at hearing.
- Panel confer regarding permission.
- Chairman announces decision regarding permission.

### **Licensing Officer presents the report to the Committee**

- Is a statement of the facts including details of the application and operating schedule, relevant policy details, detail representations made, a chronology of events and highlights the points on which the Authority requires clarification.

### **Applicant**

- Presents opening submissions and clarifies points raised by Authority in notice of hearing. Time allowed 5 mins.

### **Other parties**

- Presents opening submissions either in person or by spokes person Time allowed 5 mins per interested party.

### **Note regarding use of video evidence**

Video evidence must be in DVD format and will form part of the relevant party's five minutes opening submission. Any party wishing to use video evidence must submit a copy to the Authority along with sufficient, identical extra copies to serve on all the opposing parties – i.e. if the applicant is submitting it, there must be enough copies for all parties making representations and if a party making representations is submitting it there must be a copy for the applicant. The recording must be edited down to the highlights, containing only relevant matter which relates to the written representation previously submitted. In addition, a description of how, when and where the video was recorded and what it contains must be submitted. These must be supplied to the Authority at least five working days before the hearing.

### **Members question Licensing Officer on Policy**

### **Discussion**

#### **Chairman leads a discussion concentrating on points of dispute:**

Chairman asks Applicant what he disputes in other parties' submissions, and asks other parties to comment.

Chairman proceeds through all objectors dealing with all matters of contention.

When Chairman feels all matters have been thoroughly discussed and all parties have been given a fair and equal opportunity to comment and make representations, she/he closes discussion.

### **Determination**

There are two procedures depending on whether or not determination is to be made at the end of the Hearing or within five working days of the Hearing. This later announcement of determination is permitted in terms of the Legislation for certain types of applications.

### **Chairman informs all present that the Committee will deliberate, that Legal and Governance Officer will remain to advise but will not be part of decision-making process, and that all others must leave (under Regulation 14).**

- Parties, apart from Legal and Governance Officer, leave the room.
- The Committee deliberates, with advice as required from Legal and Governance Officer, and reaches a conclusion. The Legal officer may assist, as required, in formulating the wording of the determination.
- Parties return.
- Chairman reads out determination, and advises it will be sent in <sup>6</sup>

writing to all parties.

- Opportunity for determination to be clarified by any interested party who is unclear.
- Chairman gives advice about appealing against the determination.
- Chairman thanks all for attending and closes the meeting.

### **...Within five working days of the hearing**

- Chairman explains requirement to determine the Hearing within five working days, and advises that the Committee will proceed to deliberate and announce the determination within that time.
- During deliberations, Legal and Governance Officers remain to advise on law and procedure as required. The Legal Officer may assist, as required, in formulating the wording of the determination. The Licensing Officer plays no part in the determination and withdraws for this part of the proceedings.
- Chairman advises all parties that they will receive written notification of the determination within five working days of the Hearing date, together with general information on how to appeal against the determination.
- Chairman thanks all parties for attending and invites the applicant, objector(s), other party(ies) and the Licensing Officer to leave.

### **Information on Appealing against the decision**

You may at any time before the expiration of a period of 21 days from notification appeal to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

This page is intentionally left blank



	<p style="text-align: center;"><b>Licensing Sub-Committee Tuesday 1<sup>st</sup> November 2016</b></p>
<p style="text-align: center;"><b>Title</b></p>	<p><b>Expedited Summary Review, Fine Foods, 78 Colindale Avenue, London, NW9 5ES</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Trading Standards &amp; Licensing Manager</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>Colindale</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public Public (with exempt Annex 1, 2 and 3 By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972)</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Officers Report Annex 1 – Certificate under Section 53A (1)(b) (exempt) Annex 2 – Summary Review Application (exempt) Annex 3 – Police Additional information Annex 4 – Decision of first interim hearing Annex 5 – Premises Licence Annex 6 – Home Office Summary Review Guidance Annex 7 – Chapter 3 - Violent Crime Reduction Act 2006 Annex 8 – Matters for decision</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Daniel Pattenden 020 8359 2508 <a href="mailto:daniel.pattenden@barnet.gov.uk">daniel.pattenden@barnet.gov.uk</a></p>

<h3>Summary</h3>
<p>This report asks the Sub-Committee to consider the application for a Summary Review of a premises Licence, submitted under section 53A of the Licensing Act 2003.</p>

<h3>Recommendations</h3>
<p>1. This report asks the Sub-Committee to note the application for an Expedited Summary Review of a Premises Licence, under section 53A of the Licensing Act 2003 for Fine Foods, 78 Colindale Avenue, London, NW9 5ES.</p>

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

- 1.1 The London Borough of Barnet's Chief Officer of Police has applied under section 53A of the licensing Act to the licensing authority for an expedited summary review of the premises licence. The expedited summary review application is accompanied by a certificate that it is his opinion that the named premises are associated with serious crime or serious disorder or both.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 On receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is appropriate to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 2.2 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee.

## **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 in sections 53A, 53B and 53C how applications for expedited summary review of premises licences should be dealt with.

5.3.2 Section 53A(2) requires that within 48 hours of receiving a summary review application, the licensing authority must consider whether it is necessary to take any interim steps pending the determination of the review of the premises licence, the latter which must be done within 28 days of receipt of the application.

5.3.3 Under section 53B, the interim steps that a licensing authority must consider taking are:

- (a) The modification of the conditions of the premises licence;
- (b) The exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) The removal of the designated premises supervisor from the licence;
- (d) The suspension of the licence.

It should be noted that the conditions of a licence are modified if any of them is altered or omitted or any new condition added.

5.3.4 The decision to take one or more of the above steps takes effect immediately or as soon after that as the authority directs, but the authority must give immediate notice of its decision and of its reasons for making it to the premises licence holder and the Chief Officer of Police in the relevant area.

5.3.5 If the holder of the premises licence makes (and does not withdraw) representations against any interim steps taken by the licensing authority, the authority must, within 48 hours of the time of receipt of those representations, hold a hearing to consider those representations.

5.3.6 Under the Council's Constitution, Responsibility for Functions (Annex A), the Licensing Sub-Committee is given responsibility in relation to functions under the Licensing Act 2003 which includes the determination of applications such as this.

### **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.

## 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 application, certificate and report of the Licensing Officer along with the annexes are attached to this report.

# Officers Report

**Section 53A - LICENSING ACT 2003**  
**'Summary reviews in serious cases of crime and disorder'**

**OFFICERS REPORT – EXPEDITED REVIEW**

**Fine Foods, 78 Colindale Avenue, London, NW9 5ES**

**APPLICATION**

On the 4<sup>th</sup> October 2016 at 12:54hrs a Certificate under Section 53A(1)(b) and an application for a review of a premises licence under section 53A of the Licensing Act 2003 were delivered to the licensing team by Pc Francesca Penny on behalf of the Metropolitan Police Service. Both documents are attached as **annexes 1** and **2** of this report.

Under Section 53 A of the Act, the licensing authority must within 48 hours of receipt of the senior police officer's application, consider whether it is necessary to take interim steps pending determination of a review of the premises licence. A full review of the premises licence must be held within 28 days receipt of the application.

The Metropolitan Police have made this application due to a serious case of Crime and Disorder. On Thursday 29<sup>th</sup> September at approximately 2310 hours, police were called to a disturbance at Fine Foods. During the call to the police someone was heard to say that they were getting a hammer. Upon arrival there were signs of a disturbance and droplets of blood were seen inside the store. Staff maintained that nothing had happened in the shop and gave a version of event the police believe to be false. It is suspected that a member of staff had used a hammer to assault a customer; this was corroborated by an eye witness. The staff member was arrested on suspicion of GBH.

The police have provided additional information that can be found attached to this report in **annex 3**.

**INTERIM HEARING – 5<sup>TH</sup> OCTOBER 2016**

A hearing was held at Hendon Town Hall on Wednesday 5<sup>th</sup> October 2016 at 13:00hrs in order for a licensing subcommittee to determine what interim steps if any should be taken to prevent serious crime occurring at the premises.

In order to determine what interim steps were appropriate at this hearing the committee considered the following:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol by retail from the scope of the licence;
- The removal of the designated premises supervisor;
- The suspension of the licence

(Modification includes altering, omitting or even adding new conditions)

The Sub-Committee's view was that immediate measures were necessary to prevent serious crime occurring as well as to promote the licensing objectives of the prevention of crime and disorder.

The Sub-Committee agreed that in the circumstances, the only measure that would promote the licensing objective of the prevention of crime and disorder and would prevent serious crime and serious disorder from occurring at the premises was the immediate suspension of the premises licence. Suspension would take immediate effect pending the determination of any review.

The decisions of this hearing can be found in **Annex 4**

## **CURRENT PREMISES LICENCE**

Fine Foods has a Premises License under the Licensing Act 2003 which was first issued by this authority in August 2005. Since then there has been 1 transfer and 1 full variation. Mr Javad Iqbal was placed on the licence as the licence holder in July 2008.

A copy of the premises licence detailing the hours the premises can be used for certain licensable activities and the conditions to which it is subject to is attached at **Annex 5**

## **REPRESENTATIONS**

There have been no representations received from any other parties identified in the Licensing Act 2003.

### Responsible Authorities

There have been no representations received from any of the responsible authorities identified in the Licensing Act 2003.

## **Officer's Comments**

### **– Guidance and Policy**

Attached as **annex 5** of this report is the Guidance issued by Secretary of State for Culture, Media and Sport on Expedited and Summary Licence Reviews – October 2007 (includes flow chart of the entire process)

The Council's Policy at Section 2.1- 2.3, 3.1 and 3.2 refer to our Policy Objectives and Licensing Principles.

The Guidance issued under Section 182 Licensing Act 2003 April 2012 at 2.39 & 2.40 refers to the control of behaviour away from licensed premises.

2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

2.40 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

### **– Determination**

The sub-committee shall determine the application in accordance with Section 53C of the Licensing Act 2003.

S 53C

- (2) The relevant licensing authority must –
  - (a) hold a hearing to consider the application for the review and any relevant representations;
  - (b) take such steps as mentioned in subsection (3) (if any) as to consider necessary for the promotion of the licensing objectives; and
  - (c) secure that, from the coming into effect of the decision made on the determination of the review any interim steps having effect pending that determination cease to have effect (except so far as they are compromised in steps taken in accordance with paragraph (b))
- (3) Those steps are –
  - (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of a licensable activity from the scope of the licence,
  - (c) the removal of the designated premises supervisor from the licence,
  - (d) the suspension of the licence for a period not exceeding three months, or
  - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added
- (5). Subsection (2)(b) 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 (3) (a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period(not exceeding three months).

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act and the Council's Guide to Good Practice at Licensed Premises will be available at the Licensing Sub Committee hearing or in advance if required.

**ATTACHMENTS:**

- ANNEX 1 - Certificate under Section 53A(1)(b)
- ANNEX 2 - Application for a review of a premises licence under section 53A of the LA 2003
- ANNEX 3 - Police additional information
- ANNEX 4 - Decision
- ANNEX 5 - Premises Licence
- ANNEX 6 - Section 53A Licensing Act 2003 Summary Review Guidance
- ANNEX 7 - Part 1, Chapter 3, Section 21 of the Violent Crime Reduction Act 2006 (c.38)
- ANNEX 8 - Matters for decision

Report By: Daniel Pattenden  
Date: 26<sup>th</sup> October 2016



**Certificate  
Under Section  
53A (1) (b)**



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Certificate under Section 53A(1)(b) of the Licensing Act 2003**

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:  
serious crime**

**Premises** (Include business name and address and any other relevant identifying details):

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

Fine Foods, 78 Colindale Avenue

**Post town:**

London

**Post code:  
(if known)**

NW9 5ES

**Premises licence number (if known):**

LN/199906213

**Name of premises supervisor (if known):**

Mr Javid IQBAL

## PROTECTIVE MARKING

**I am a Superintendent\* in the Metropolitan Police Service.**

**\*Insert rank of officer giving the certificate, which must be superintendent or above.**

**I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:**

**(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)**

**On Thursday 29<sup>th</sup> September 2016 at approximately 2310 hours, Police were called to a disturbance at Fine Foods, 78 Colindale Avenue, NW9. During the call to Police, someone was heard to say that they were getting a hammer.**

**Upon Police arrival a significant amount of blood droplets were seen inside the shop along with signs of a disturbance. However, staff at the store maintained that nothing had happened inside the shop and gave Police a version of events, which is believed to be false.**

**It is in fact suspected that one of the staff members has used a hammer to assault a customer who had left prior to Police arrival. At the time of the incident, this was corroborated by an independent eyewitness. This staff member was arrested on suspicion Grievous Bodily Harm (GBH), on the basis that with the amount of blood found and the possibility of a hammer being used as the weapon - the injuries would amount to GBH.**

**Since the date of the initial incident a victim has come forward to report that he was hit over the head with a hammer by staff at the premises. A full statement will be taken from the victim in due course.**

**The seriousness of the alleged offence is aggravated by other factors:**

- 1. The second member of staff was arrested on suspicion of perverting the course of justice. The arrest was made on the grounds that the version of events he gave police was false in an effort to hinder the investigation.**
- 2. The CCTV at the premises appears to have been deleted, in another attempt to hinder the investigation. There is no footage from the period before the morning of 30<sup>th</sup> SEPTEMBER 2016.**
- 3. The male arrested for GBH is the Son of the premises licence holder/ DPS (confirmed by a visit to the store by licensing officers). This means that he is likely to have a significant involvement in the day to day running of the store.**

**It is clear that there is a complete failure to promote the licensing objectives, in particular the prevention of crime and disorder and public safety.**

**It is not thought that a standard review is appropriate, due to the length of time it takes to come before a licensing sub committee. It is felt that immediate steps are necessary to prevent licensable activity being conducted at the premises.**

**The alleged seriousness of the offence and the fact that staff members were involved and uncooperative means that Police have no faith that this premises is being run in a responsible manner, and have no confidence that it will be in the immediate future.**

**Signature**

PROTECTIVE MARKING

<b>Signature:</b>	<i>Pauli [unclear]</i>	<b>Date:</b>	<i>03<sup>10</sup> 2016.</i>
-------------------	------------------------	--------------	------------------------------

Retention Period: 7 years  
MP 147/12

# Summary Review Application



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Form for Applying for a Summary Licence Review**  
**Application for the review of a premises licence under section 53A of the Licensing Act 2003**  
 (premises associated with serious crime, serious disorder or both)

**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 the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

**Use additional sheets if necessary.**

**Insert name and address of relevant licensing authority and its reference number:**

<b>Name:</b>	London Borough of Barnet Licensing Team		
<b>Address:</b>	Barnet House, 1255 High Road, Whetstone		
<b>Post town:</b>	London	<b>Post code:</b>	N20 0EJ
<b>Ref. No.:</b>			

I PAULA LICHT (SUPERINTENDENT)  
 on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details**

**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**  
 Fine Foods, 78 Colindale Avenue,

<b>Post town:</b>	London	<b>Post code:</b> (if known)	NW9 5ES
-------------------	--------	---------------------------------	---------

**2. Premises licence details**

**Name of premises licence holder or club holding club premises certificate (if known):**  
 Mr Javid IQBAL

**Number of premises licence or club premises certificate (if known):**  
 LN/199906213

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

**PROTECTIVE MARKING**

**4. Details of association of the above premises with serious crime, serious disorder or both**  
(Please read guidance note 2)

**PROTECTIVE MARKING**

**On THURSDAY 29<sup>th</sup> SEPTEMBER 2016 at approximately at 2310 hours, police received a call from the location of FINE FOODS, 78 COLINDALE AVENUE, NW9. A disturbance, with shouting and swearing could be heard in the background. The operator who had taken the call, heard mention of someone using a hammer.**

**Officers were dispatched to the location, and on arrival saw that the front door of the shop was damaged, and there were blood droplets on the floor - inside the shop. Officers also noted boxes of sweets scattered across the floor of the shop, indicating that a disturbance may have occurred.**

**A male who worked inside the shop, came to the front door of the shop and informed Police that nothing had happened inside his shop. He claimed that there had been a fight outside his shop between two unknown males, who had since left the location. Another male, who also works at the shop, approached Police to give them the same version of events.**

**A short time later, an independent witness flagged down an officer on patrol to inform her that they had just witnessed staff at the shop, hit someone over the head with a hammer.**

**To assist with the initial investigation, officers requested to view the store CCTV, but this request was denied by the 2 members of male staff as they claimed to not know how the system worked. The store owner, who is the premises licence holder and DPS, was contacted to see if he could attend the store, but said he would not be able to due to sickness. There doesn't appear to have been any other persons available to assist with the request.**

**Due to the evidence the officers had before them, and the independent witness, both male members of staff were arrested. Male 1 was arrested on suspicion of Greivous Bodily Harm (GBH), as due to the amount of blood droplets and the suggestion that the weapon was a hammer, any injuries would amount to GBH. Male 2 was arrested on suspicion of Perverting the Course of Justice (for potentially providing officers with a false account and for giving a false direction of travel in relation to the victim).**

**At the time of arrest, no victim had been identified, however one has since come forward. On 30<sup>th</sup> SEPTEMBER 2016, a male called Police stating he had been hit over the head with a hammer. A full statement is yet to be obtained from the victim at the time of writing this application.**

**Officers had seized the CCTV hard drive, so that investigating officers could attempt to retrieve any footage. Unfortunately, it was found that there was no footage prior to the morning of 30<sup>th</sup> SEPTEMBER 2016. There is a strong suspicion that this footage has been deliberately wiped, possibly from a remote location.**

**Whether the CCTV had been wiped or was never recording in the first place - this is a breach of condition 7 (parts a & g). The investigation into an offence of serious crime has been significantly hindered by this breach.**

**In a licensing visit conducted by licensing officers on 3<sup>rd</sup> October 2016, it was also found that condition 8 is also not being adhered to. Condition 8 reads:**

**- No beer, lager, cider, or perry above 5.6% ABV to be sold, displayed or kept on the premises for retail sale.**

**Several brands of high strength alcohol was seen to be on sale during the visit. The appropriate warning forms were issued to the premises licence holder.**

**Police believe that the licensing objectives are not being promoted at the premises. In particular the prevention of crime and disorder and public safety, and an immediate suspension of the premises licence is necessary.**

**It is believed that the male arrested for the GBH is a close relative of the premises licence holder &**



**PROTECTIVE MARKING**

**DPS, as they have the same family name and same address. I have been made aware that this male has been given bail pending further investigation, so will be free to continue working at the store meaning the risk to other members of the public remains.**

**Signature of applicant**

<b>Signature:</b>	<i>Paul Light</i>	<b>Date:</b>	<i>03/02/2016</i>
<b>Capacity:</b>	<i>SUPERINTENDENT BARNET POLICE</i>		

**Contact details for matters concerning this application**

<b>Surname:</b>		<b>First Names:</b>	
<b>Address:</b>			
<b>Post town:</b>		<b>Post code:</b>	
<b>Tel. No.:</b>		<b>Email:</b>	

**Notes for guidance**

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years  
MP 146/12

# Additional Information

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of John Akers ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 41/237691.....

This statement (consisting of: .... 3..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 03.10.2016.....

Tick if witness evidence is visually recorded [ ] (supply witness details on rear)

On MONDAY 3RD OCTOBER 2016 I attended FINE FOODS at 78 COLINDALE AVENUE, COLINDALE, LONDON, NW9 5ES. Premises Licence LN/199906213 & CAD2560/3rd October 2016 refers.

I attended this location from a licensing perspective in regard to in regard to CRIS numbers 2423244/16 and 2423239/16 which relate to a GBH and perverting the course of justice respectively which occurred on THURSDAY 29TH SEPTEMBER 2016 with the purpose of my visit to the premises being to carry out a licensing inspection.

On arrival I spoke with Javid IQBAL who is the premises licence holder and designated premises supervisor for the premises. This is in addition to Mr IQBAL being a personal licence holder.

The personal licence number for Mr IQBAL is 148139. This personal licence was issued by the London Borough of Brent, Health, Safety and Licensing Dept, PO Box 411, Brent House, 349-357 High Road, Wembley, Middlesex, HA9 6EP and had an expiration date of SEPTEMBER 2015. However on viewing paperwork from Brent Health, Safety & Licensing; it appeared that personal licences no longer had an expiration date.

Mr IQBAL stated that it's only himself and Rizwan ALI 13.6.1980 who hold personal licences for the premises. No further details are known at this stage in regard to Rizwan ALI personal licence details as Mr ALI was not present at the time of the inspection. Mr IQBAL did however state that Mr ALI personal licence was issued by the London borough of Brent.

During the course of the licensing inspection CCTV was in good working order with footage showing clear colour images on all the cameras located both within the store and external areas. Timings and dates were also correct. It appears that the above CCTV system is on loan from the Metropolitan Police Service with the stores own CCTV system currently in the possession of police, who are investigating as to why footage appeared to have been wiped that related to CRIS 2423244/16.

Mr IQBAL was unable to give any explanation as to why footage appeared to have been deleted remotely from the stores own CCTV as a result of the GBH which occurred on THURSDAY 29TH SEPTEMBER 2016. Mr IQBAL stated that it was only himself and his son Hamza IQBAL that could access the CCTV footage.

Whilst I was able to view a copy of Part A of the premises licence of which part of the premise licence was obstructed by a display unit, Mr IQBAL was unable to produce to me Part B of the premises licence. I was also able to observe during my licensing inspection the following high strength alcohols that were on sale:

Signature: [Signature] Signature witnessed by: .....

Continuation of Statement of **John Akers** .....

- TENNANTS SUPER 8.0% - £1.79 each
- SPECIAL BREW 8.0% - £1.89 each
- KESTREL SUPER 9.0% - £1.49 each
- SKOL SUPER 8.0% - £1.69 each
- PERLA 6.0% - £1.19 each
- KCIDER 8.4% - £1.29 each
- DRAGON STOUT 7.5% - £1.99 each
- DEBOWE 14.0% - £1.09 each

The sale of the above alcohol is a contravention of the premises licence for the venue as per ANNEX 2, POINT 8 of the premises licence that stipulates; no beer, lager, cider or Perry above 5.6% ABV to be sold, displayed or kept on the premises for retail sale. As such the following has been issued to the venue:

**NOTIFICATION OF ALLEGED OFFENCES UNDER THE LICENSING ACT 2003**

1. Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the licence.
2. Section 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.
3. Section 138(1) Keeping alcohol on a premises for an unauthorised sale

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Issued in regard to the following:

1. Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the licence.
2. Section 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.
3. Section 138(1) Keeping alcohol on a premises for an unauthorised sale

Upon leaving the premises Mr IQBAL was in the process of removing the above high strength alcohol from the display units within the venue.

*John Akers*

14:42 NO 3 OCT 16 88

Signature:

*John Akers*

Signature witnessed by: .....

Witness contact details

Home address: **C/O Colindale Police Station** ..... Postcode: .....

Home telephone number ..... Work telephone number .....

Mobile/pager number ..... Email address: .....

Preferred means of contact: .....

**Male / Female** (delete as applicable) Date and place of birth: .....

Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: *PC John Akers* ..... Print name: .....

Signature of parent/guardian/appropriate adult: ..... Print name: .....

Address and telephone number if different from above: .....

Statement taken by (print name): **PC 41/237691 AKERS** ..... Station: **COLINDALE** .....

Time and place statement taken: **Writing Room, Colindale Police Station** .....



**TOTAL POLICING**

**Licensing Act 2003 - Record of Visit to Licensed Premises**

Visit Details			
Name Of Premises	Five Foods	Licence Number	LN/199906213
Premises Address	78 Colindale Avenue		
Premises type/Event	Pub / Bar / Club / Off-Licence / Other (specify)		
Date of Visit	Licensing Inspection	Time	11 : 32
Officers Attending	PC John Walters	Reason	Licensing visit
		CAD Reference	256047 Oct.
		CRIS Reference	
		CRIMINT Reference	

SX RT 00 456033-

Premises Details	
Is the Designated Premises Supervisor (DPS) Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (give details below) N/A <input type="checkbox"/>
Record details of DPS (DPS N/A only if no alcohol is sold)	Full name
	Contact Number
	Personal Licence Number
	Issuing Authority
If No DPS, details of person in charge	Full name
	Contact Number
	Personal Licence Number
	Issuing Authority
Is Part B of the premises licence displayed correctly?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Where:
Is a full premises licence (or copy) available?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If no, why?
How many staff on duty?	1
How many Personal Licence Holders?	2
Trained first aider?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ali Rizwan - Brent

Operation of the Premises			
Is CCTV installed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is it a condition on the licence?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is a member of staff trained and able to operate the CCTV system?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	N/A <input type="checkbox"/>	
Are there any defects or breaches of CCTV conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	
(Detail any defects or issues)			
Age verification policy	N/A <input type="checkbox"/>	Is it well advertised?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Are they running irresponsible drinks promotions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes please state what they are below	
Is there an Incident log book?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is this a condition on the licence?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Log Inspected?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Is it up to date?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

**Bar and public areas management**

This section is for bars, nightclubs, pubs, late night cafes and restaurants.

**Entry to the premises**

Is there an entry fee? Yes  No  (if yes £ . )

Are customers searched prior to entry? Yes  No

If yes, is this area covered by CCTV? Yes  No

**Smoking Area**

Is there a designated smoking area? Yes  No

Is it covered by CCTV? Yes  No  N/A

Is it controlled by staff? Yes  No  N/A

Is there a re-entry policy? Yes  No  N/A

**Public Areas:**

Is the lighting adequate? Yes  No

Is there a VIP area? Yes  No

Does CCTV cover public areas & dance floor? Yes  No

Do the staff regularly clear glassware? Yes  No

Do the venue use plastic drinkware? Yes  No

Is there a cloakroom? Yes  No  N/A

Is there a medical facility room? Yes  No  N/A

**Toilets**

Are the toilets regularly checked by staff? Yes  No

Are there toilet attendants? Yes  No

Are the toilets covered by CCTV? Yes  No

Are the toilets and environs well maintained? Yes  No

Is there any evidence of drug use? Yes  No

If yes, give details \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Security**

Are Door/Security Staff required on the premises licence? Yes  No

If yes, when?

**Security Log During Inspection**

Name	DOB	Badge Number

**RESTRICTED**


**Retail process and management**

This section is for retail off licences (i.e. superstores and convenience stores)

**Shop Floor**

Is the shop floor clear of hazards?	Is the shop floor clear of hazards?
Are there any food hygiene issues?	Are there any food hygiene issues?
Are the fire exits kept clear of obstructions?	Are the fire exits kept clear of obstructions?
Is there clear signage for age restricted sales?	Is there clear signage for age restricted sales?
Are the licence owner details correct?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are the DPS details correct?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Is the floor plan correct?	Yes <input type="checkbox"/> No <input type="checkbox"/> (if no explain in notes)

**High Strength ABV products**

Brand	ABV %	Price	Sale units	
TENNANTS SPER	8.0	£ 1.79p	Packs of 4 <input type="checkbox"/>	Single Cans <input checked="" type="checkbox"/>
SPECIAL BREW	8.0	£ 1.89p	Packs of 4 <input type="checkbox"/>	Single Cans <input checked="" type="checkbox"/>
WESTMEL SPER	9.0	£ 1.49p	Packs of 4 <input type="checkbox"/>	Single Cans <input checked="" type="checkbox"/>
SHOCK SPER	8.0	£ 1.69p	Packs of 4 <input type="checkbox"/>	Single Cans <input checked="" type="checkbox"/>
PERLA	6.0	£ 1.19p	Packs of 4 <input type="checkbox"/>	Single Cans <input checked="" type="checkbox"/>
LC CIDER	8.4	£ 1.29p	Packs of 4 <input type="checkbox"/>	Single Cans <input checked="" type="checkbox"/>
DRAGON STOUT	7.5	£ 1.99p	Packs of 4 <input type="checkbox"/>	Single Cans <input checked="" type="checkbox"/>
DE SCWE	14.0	£ 1.09p	Packs of 4 <input type="checkbox"/>	Single Cans <input checked="" type="checkbox"/>
		£ . p	Packs of 4 <input type="checkbox"/>	Single Cans <input type="checkbox"/>
		£ . p	Packs of 4 <input type="checkbox"/>	Single Cans <input type="checkbox"/>
		£ . p	Packs of 4 <input type="checkbox"/>	Single Cans <input type="checkbox"/>

**Summary:**

General Attitude of staff	Helpful <input checked="" type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive <input type="checkbox"/> Other <input type="checkbox"/>
Have any conditions on the licence been breached?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**Details** HIGH STRENGTH ALCOHOL ON SALE AS PER THE CONDITIONS OF THE LICENCE

---



---



---

Section 19 (Police & Criminal Justice Act 2001 Closure notice issued?)	Yes <input type="checkbox"/> No <input type="checkbox"/>
--	--



RESTRICTED

Warning Letter Required?

Yes  No

Action Plan Required?

Yes  No

Reasons for needing a warning or action plan

---

---

---

---

---

---

---

---

---

---

General Notes of Inspection

---

---

---

---

---

---

---

---

---

---

Actions to follow by licensing officers

Contact Appropriate Authority

Yes  No

Local Licensing Authority  Fire Safety  Environmental Health  Trading Standards

Food Hygiene  HM Customs & Excise

Does the licence require a review?

Yes  No

If yes, Why?

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

# Notification of alleged offences under the Licensing Act 2003

Venue Name: FINE FOODS REF: (CAD/CRIS etc.) CAD 2560  
Address: 78 COUNDALE AVENUE, LONDON, NW9 5ES  
Date: 3.10.16 Time: 11.32

Details of person in charge at the relevant time: Javid IQBAL 29-9-68 Personal  
Licence Holder: 1st Dawood Rd, Ldn, NW2 7JH DPS  Personal Licence Holder   
07309683006

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:  
HIGH STRENGTH ALCOHOL IS ON SALE AS PER LICENCE INSPECTION REPORT, CONTRARY TO ANNEX 2 POINT 8. PART B OF PREMISES LICENCE NOT DISPLAYED.

Issuing officer: PC John Walters Print: John Walters

I acknowledge receipt of this form: (venue) [Signature]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or ~~34~~ application for a closure order under section 20 Criminal Justice and Police Act 2001

# 1st Interim Hearing Decision

## Decisions of the Licensing Sub-Committee

5 October 2016

Councillor John Hart

Councillor Brian Salinger

Councillor Jim Tierney

**1. APPOINTMENT OF CHAIRMAN:**

The Sub-Committee agreed that Councillor John Hart was Chairman of the expedited review.

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

None.

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

None.

**4. INTERIM STEPS MEETING - EXPEDITED SUMMARY REVIEW, FINE FOODS, 78 COLINDALE AVENUE, LONDON, NW9 5ES:**

The Sub-Committee considered an expedited summary review which included representations from the Licensing Authority and the Metropolitan Police.

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

The Sub-Committee considered and made a determination in a private session.

**6. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE**

This was an application for a summary expedited review of the premises licence for Fine Foods, 78 Colindale Avenue, London, NW9 5ES. The application for the review of the premises licence under section 53A of the Licensing Act 2003 was made by the Metropolitan Police due to the premises being associated with an alleged serious crime. In particular, the necessity for an expedited review was as a result of a an alleged serious crime that took place on the evening of Thursday 29<sup>th</sup> September 2016 at 23:10 hours.

Under section 53A of the Licensing Act 2003, the licensing authority must within 48 hours of receipt of the senior officer's application, consider whether it is necessary to take interim steps pending determination of a review of the premises licence. A full review of the premises licence must be held within 28 days of receipt of the application. An interim hearing was held at Hendon Town Hall on Wednesday 5<sup>th</sup> October 2016 at 13.00pm in order for a licensing sub-committee to determine what interim steps should be taken to prevent serious crime recurring at the premises. The Sub-Committee's view was that immediate measures were necessary to prevent serious crime recurring as well as to promote the licensing objectives of the prevention of crime and disorder. The Sub-Committee agreed that in the circumstances, the only measure that would promote the licensing objective of the prevention of crime and disorder and in addition serious crime and serious disorder from recurring at the premises was the immediate suspension of the premises licence. The suspension would take immediate effect pending the determination of any review.

The premises licence holder may make representations against the interim steps taken by the licensing authority. Such representations should be communicated to the licensing team. On receipt of such representations, the licensing authority must hold a hearing within 48 hours of receipt.

The licensing authority must hold a review of the premises licence within 28 days after the date of receipt of the chief officer's decision.

#### Right of Appeal

There is no right of appeal to the magistrates court against the licensing authority's decision at this stage.

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

There were no urgent items.

The meeting finished at 14:10

# Premises Licence

<p><b>Licensing Act 2003</b></p> <p><b>Part A:</b></p> <p><b>Premises Licence</b></p> <p><b>Premises Licence Number:</b> <b>LN/199906213</b></p>	<p><b>Licensing Authority:</b> London Borough of Barnet, Building 4, North London Business Park Oakleigh Road South New Southgate, London, N11 1NP</p> <p style="text-align: right;">LPRL/08/06492 (17/05/2011)</p>
--	---

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
Fine Foods, 78 Colindale Avenue

<p><b>Post Town</b> London</p>	<p><b>Post code</b> NW9 5ES</p>
------------------------------------	-------------------------------------

**Telephone number**  
020 8205 3951

**Where the licence is time limited the dates**  
This premises licence is not time limited

**Licensable activities authorised by the licence**  
The Sale by Retail of Alcohol

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

**Sale by retail of alcohol**

Standard Days and Timings:

Friday to Saturday	06:00hrs - 01:00hrs
Sunday to Thursday	06:00hrs - 00:30hrs

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

Standard Days and Timings

Monday to Sunday	00:00hrs - 24:00hrs
------------------	---------------------

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

## Part 2

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

Mr Javid Iqbal  
134 Dawpool Road  
London  
NW2 7JY

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

N/A

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

Mr Javid Iqbal  
134 Dawpool Road  
London  
NW2 7JY

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

148139 - London Borough of Brent



## **Annex 1 - Mandatory Conditions**

- 1 No supply of alcohol may be made under the premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

- 4 Alcohol shall not be sold or supplied except during permitted hours
- 5 The above restrictions do not prohibit:
  - a. During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
  - b. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - c. The sale of alcohol to a trader or club for the purposes of the trade or club;
  - d. The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- 6 Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- 7 A CCTV system shall be installed at the premises to the following specifications:
  - 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 or DVD burner will also form part of the system to facilitate making copies of the images.
  - 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 shop area, the till area and areas where alcohol are displayed for sale.
  - g. Images must be retained for a period of 31 days before overwriting.

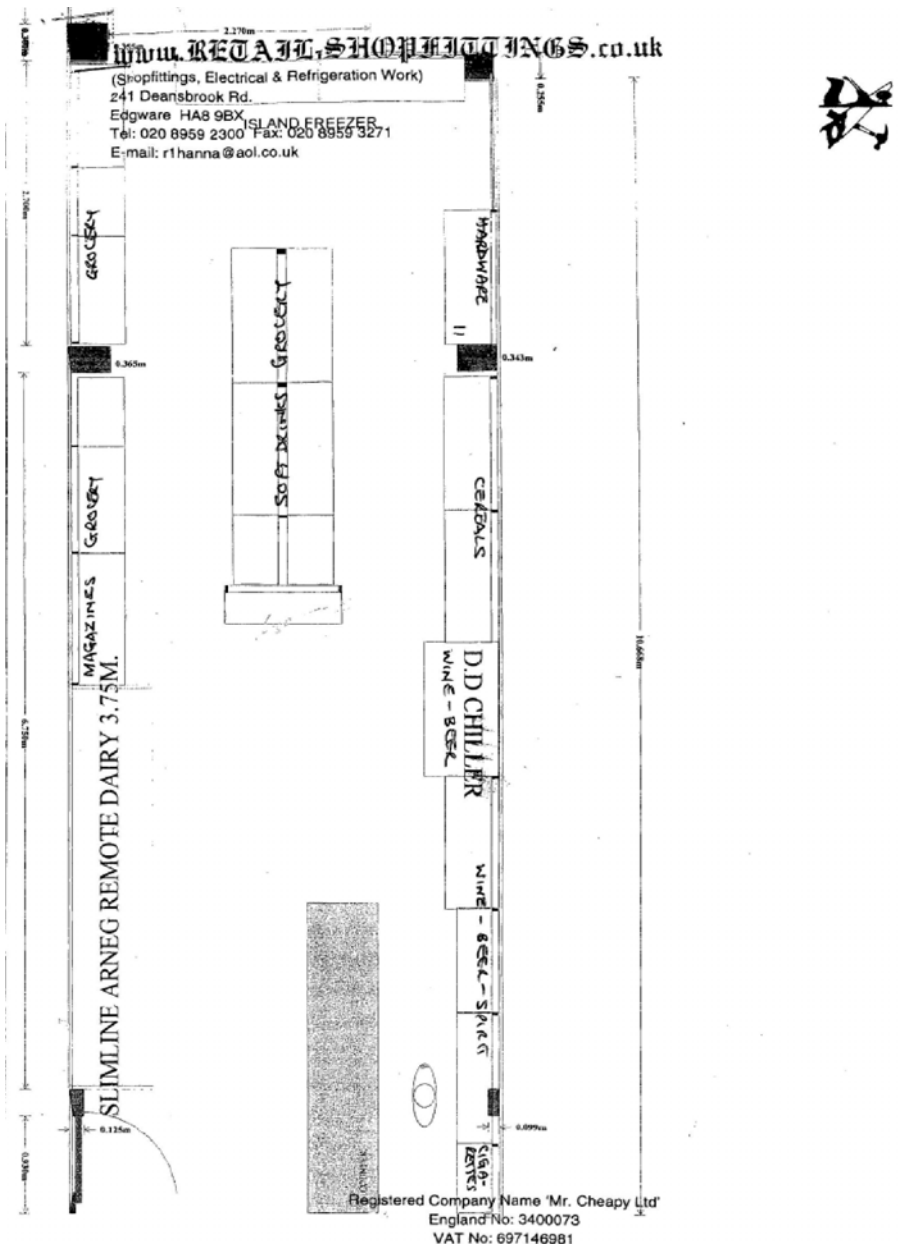
- h. The images will be made available in reasonable time on demand by the Police and authorized officers of the London Borough of Barnet.
  - i. At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet.
  - j. This system will be fully maintained at all times to ensure correct operation.
- 8 No beer, lager, cider, or perry above 5.6% ABV to be sold, displayed or kept on the premises for retail sale

**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: LPRL/08/06492



# Guidance issued by Home Office on Summary Reviews



Home Office

# Section 53A Licensing Act 2003

## Summary Review Guidance

## **CONTENTS**

- 1. Introduction**
- 2. The Steps – Summary Review**
- 3. The Licensing Authority and the Interim Steps**
- 4. Making representations against the Interim Steps**
- 5. The Review of the Premises Licence**
- 6. Right of Appeal**

## **ANNEX A**

- 1. Certificate Under section 53A(1)(b) of the Licensing Act 2003**

## **ANNEX B**

- 2. Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

## INTRODUCTION

- 1.1 This guidance explains how to use the provisions in the Licensing Act 2003 (“the 2003 Act”), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.
- 1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in Part 8 of the 2003 Act provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C, which are in Part 3 of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.4 The powers allow:
  - the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and
  - the licensing authority to respond by taking interim steps quickly, **where appropriate**, pending a full review.
- 1.5 In summary, the process is:
  - the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
  - on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.
- 1.6 The options open to the licensing authority at the interim steps stage include:
  - modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - removal of the designated premises supervisor from the licence; and

- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

## THE STEPS

### 2. Triggering the expedited review

2.1 Section 53 A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

#### Application for expedited review

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.
- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
  - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
  - (b) Involves the use of violence, results in substantial financial gain or is conducted by a large number of persons in pursuit of a common purpose.
- **Serious disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.
- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the

2003 Act. **The application must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.**

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).
- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, **where appropriate**, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aims to provide a selective



tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

### 3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.<sup>1</sup>

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the Licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub-committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act (available at:

[www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing](http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing)).

3.5 If the licensing authority decides to take steps at the interim stage:

---

<sup>1</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon as possible after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

#### 4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend

at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

## **5. The review of the premises licence**

5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

### 5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority<sup>2</sup>.

### 5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

### 5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

---

<sup>2</sup> Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

## **6. Right of Appeal**

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

**Example Form**

**Annex A**

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>3</sup>.

*Premises*<sup>4</sup>:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a <sup>5</sup> in the  
police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>6</sup>:

.....

---

<sup>3</sup> Delete as applicable.

<sup>4</sup> Include business name and address and any other relevant identifying details.

<sup>5</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>6</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

(Signed) (Date)

**Statutory Form For Applying For A Summary Licence Review**

**Annex B**

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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 the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I [on behalf of] the chief officer of police for the police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Post town:

Post code (if known):

**2. Premises licence details:**

Name of premises licence holder (if known):

Number of premises licence holder (if known):

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

*(Please tick the box to confirm)*

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

Signature of applicant:

Date:

Capacity:

**Contact details for matters concerning this application:**

Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.





Home Office



ISBN: 978-1-84987-918-7  
Published by the Home Office

**Part 1, Chapter 3,  
Section 21 of the  
Violent Crime  
Reduction Act 2006  
(c.38)**



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### PART 1

#### ALCOHOL-RELATED VIOLENCE AND DISORDER

#### CHAPTER 3

#### OTHER PROVISIONS

#### *Licence reviews*

#### **21 Power of police to require review of premises licence**

After section 53 of the Licensing Act 2003 (c. 17), insert—

*“Summary reviews in serious cases of crime or disorder*

#### **53A Summary reviews on application of senior police officer**

- (1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—
  - (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
  - (b) a senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both;and that certificate must accompany the application.
- (2) On receipt of such an application, the relevant licensing authority must—

---

*Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 21. (See end of Document for details)*

---

- (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
  - (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.
- (3) The Secretary of State must by regulations—
- (a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;
  - (b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;
  - (c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and interested parties;
  - (d) prescribe the period after the making of the application within which the advertisement must be published;
  - (e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any interested party; and
  - (f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).
- (4) In this section—
- “senior member”, in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and
  - “serious crime” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).
- (5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

### **53B Interim steps pending review**

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) The interim steps the relevant licensing authority must consider taking are—
  - (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence.

---

*Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 21. (See end of Document for details)*

---

- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
  - (a) its decision takes effect immediately or as soon after that as that authority directs; but
  - (b) it must give immediate notice of its decision and of its reasons for making it to—
    - (i) the holder of the premises licence; and
    - (ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (6) If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (7) The relevant licensing authority must give advance notice of the hearing to—
  - (a) the holder of the premises licence;
  - (b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (8) At the hearing, the relevant licensing authority must—
  - (a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and
  - (b) determine whether to withdraw or modify the steps taken.
- (9) In considering those matters the relevant licensing authority must have regard to—
  - (a) the certificate that accompanied the application;
  - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
  - (c) any representations made by the holder of the premises licence.
- (10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

### **53C Review of premises licence following review notice**

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.
- (2) The relevant licensing authority must—
  - (a) hold a hearing to consider the application for the review and any relevant representations;
  - (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
  - (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending

---

*Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 21. (See end of Document for details)*

---

that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).

- (3) Those steps are—
- (a) the modification of the conditions of the premises licence,
  - (b) the exclusion of a licensable activity from the scope of the licence,
  - (c) the removal of the designated premises supervisor from the licence,
  - (d) the suspension of the licence for a period not exceeding three months, or
  - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (7) In this section “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
- (a) that the representations are made by the holder of the premises licence, a responsible authority or an interested party within the period prescribed under subsection 53A(3)(e),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—
- (a) the holder of the premises licence,
  - (b) any person who made relevant representations, and
  - (c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (11) A decision under this section does not have effect until—
- (a) the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, the time the appeal is disposed of.”

---

*Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 21. (See end of Document for details)*

---

**Annotations:**

**Commencement Information**

**I1** S. 21 in force at 1.10.2007 by S.I. 2007/2180, art. 3(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 21.



# Matters for Decision

**Section 53A - LICENSING ACT 2003**  
**'Summary reviews in serious cases of crime and disorder'**

**OFFICERS REPORT – EXPEDITED REVIEW**

**Fine Foods, 78 Colindale Avenue, London, NW9 5ES**

**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,
- (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 decision under this section does not have effect until -

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

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

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