	<p style="text-align: center;">Licensing Sub-Committee Tuesday, 24th September 2019</p>
<p style="text-align: right;">Title</p>	<p>Review of Premises Licence – Mama Africa 25-27 Watford Way London NW4 3JH</p>
<p style="text-align: right;">Report of</p>	<p>Trading Standards & Licensing Manager</p>
<p style="text-align: right;">Wards</p>	<p>West Hendon</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Annex 1 – Review Application Annex 2 – Current Premises Licence Annex 3 - Representations Annex 4 – Guidance issued under Section 182 Licensing Act 2003 (April 2018) Annex 5 – Matters for Decision</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Elisabeth Hammond 0208 359 7443 Licensingadmin@barnet.gov.uk</p>
<p style="text-align: center;">Summary</p>	
<p>This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003.</p>	

<p style="text-align: center;">Recommendations</p>
<p>1. This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003 for Mama Africa 25-27 Watford Way London NW4 3JH</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received a valid review application for an existing premises licence, must hold a hearing to consider that application and any valid representations that may have been submitted.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Where an application is submitted under section 51 of the Licensing Act 2003, the authority must hold a hearing to consider it.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 The decision under section 52 will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration

- 5.1.2 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a "successful London borough" by ensuring that only legal, well regulated licensable activities occur within the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 N/A

5.3 Legal and Constitutional References

- 5.3.1 The Licensing Act 2003 sets out how applications for a review of a premises licence should be dealt with, where a valid application for review has been submitted and valid representations have been submitted.

- 5.3.2 Under the Council's Constitution, Article 7, the licensing sub-committee has responsibility delegated to it (from the Licensing Committee) for licensing hearings concerning all licensing matters.

5.4 Risk Management

- 5.4.1 There is a right of appeal of the decision of the Licensing Sub-Committee to the Magistrates Court on grounds set out in the Licensing Act 2003.

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 has been followed in accordance with the Licensing Act 2003.

6. BACKGROUND PAPERS

- 6.1 The review application and report of the Licensing Officer are necessary appendices and are attached to this report.

LICENSING ACT 2003

REPORT FOR PUBLIC HEARING

Review of the premises licence:

Mama Africa, 25-27 Watford Way, London, NW4 3JH

1. The Applicant

An application for review was submitted by PC Vicky Wilcock on behalf of the Metropolitan Police.

2. The Application

This application has been made under Section 51 of the Licensing Act 2003 to review the Premises Licence held by Mr Abimbola Balogun for Mama Africa, 25 – 27 Watford Way, London, NW4 3JH.

The Police have identified that the Licensing objectives to which their review application relates is:

- The prevention of crime and disorder
- Public safety

PC Vicky Wilcock has made the following statements within Metropolitan police's application:

"We are greatly concerned about the running practices at the venue as we have seen repeated incidents of violence. The premises has been open past the permitted hours and police have not been able to retrieve CCTV footage to assist in bringing offenders to justice."

We met with the licensee back in 2015 to bring to his attention the permitted times and conditions of the licence. The need for good quality CCTV footage and that the CCTV should be provided to police within a reasonable period of the request was made clear.

Over the period of 2015-2019 we have seen that the premises has remained closed for long periods at a time, but when it is open the issues that were raised seem to have been disregarded, having a negative impact on the licensing objectives, in particular the prevention of crime and disorder and public safety."

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

3. Premises Licence History

This premises licence was first applied and granted in 2006 (when it was called Wazobia). Since then there has been only one application to vary the licence submitted. The application was made to allow the performance of live music, the playing of recorded music and the provision of facilities for making music and dancing from 12:00hrs until 00:00hrs Sundays to Thursdays and from 12:00hrs until 04:00hrs (the following morning) on Fridays and Saturdays.

And to allow the provision of late night refreshment and the sale of alcohol from 02:00hrs until 04:00hrs Saturdays and Sundays.

There were objections made by the Police, but these were resolved before the end of the representation period.

The application was granted on 17th June 2010

4. Current Premises Licence

The current licence allows the following licensable activities:

Sale by retail of alcohol off the premises only

Standard Days and Timings:

Sunday to Thursday	12:00hrs - 23:30hrs
Friday to Saturday	12:00hrs - 01:00hrs

Performance of live music indoor only

Standard Days and Timings:

Sunday to Thursday	12:00hrs – 23:30hrs
Friday to Saturday	12:00hrs – 01:00hrs

Playing of recorded music indoor only

Standard Days and Timings:

Sunday to Thursday	12:00hrs – 23:30hrs
Friday to Saturday	12:00hrs – 01:00hrs

Entertainment facilities for making music indoor only

Standard Days and Timings:

Sunday to Thursday	12:00hrs – 23:30hrs
Friday to Saturday	12:00hrs – 01:00hrs

Entertainment facilities for dancing indoor only

Standard Days and Timings:

Sunday to Thursday	12:00hrs – 23:30hrs
Friday to Saturday	12:00hrs – 01:00hrs

Provision of late night refreshment indoor only

Standard Days and Timings:

Sunday to Thursday	23:00hrs – 00:00hrs
Friday to Saturday	23:00hrs – 01:30hrs

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

5. Representations

Responsible Authorities

The licensing team have not received any representations from the responsible authorities.

Other representations

The Licensing Team have received four valid representations from members of the public in support of the premises licence holder. In addition to these a further three letters were received however these could not be accepted as valid representations and are not included within this hearing report.

A further representation letter has been received from the Premises Licence holder in relation to the review application.

The representations can be seen attached to this report in **Annex 3**.

6. Guidance

A Section from the Guidance issued under Section 182 Licensing Act 2003 (April 2018) regarding Reviews Is attached to this report in **Annex 4**.

7. Determination

The sub-committee shall determine the application in accordance with Section 52 of the Licensing Act 2003.

S 52 (3);

“The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

4. The steps are-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

6. Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Full Copies of the Councils Statement of Licensing Policy and the Statutory Guidance to the Act will be available at the Licensing Sub Committee hearing or in advance if required.

A matter for decision sheet is attached at **Annex 5**

Annex 1 – Review Application

Annex 2 – Current Premises Licence

Annex 3 - Representations

Annex 4 – Guidance issued under Section 182 Licensing Act 2003 (April 2018)

Annex 5 – Matters for Decision

Review Application



**METROPOLITAN
POLICE**

TOTAL POLICING



F.A.O: Licensing Authority

Address: London Borough of Barnet Council

8th Floor
2 Bristol Avenue
Colindale
Barnet
NW9 4EW

Barnet Borough

Licensing Office
South Harrow Police Station
Room 3.04, Charter Gate
74 Northolt Road, Harrow
HA2 0DN

Telephone: 02087334195

Email:

NWMailbox.LicensingBarnet@met.police.uk

Our ref: LICREV/MamaAfrica/JUL19
29th July 2019

Dear Licensing team,

Please find enclosed your copy of our application to review the premises licence of Mama Africa 25 – 27 Watford Way NW4.

As required by the legislation, copies of this have been sent to the licensee at the venue address and the other responsible authorities under the licensing act.

If we have any further information that will be relied upon at the hearing, we will send a copy by email to yourselves and the licensee. The licensee has been informed of this.

Regards,

PC Wilcock (Licensing Officer)
South Harrow Police Station

LAPRE6/19/67374

PROTECTIVE MARKING

RECEIVED

31 JUL 2019

4

Form 691

METROPOLITAN
POLICE

TOTAL POLICING

**Application for the Review of a Premises Licence or Club Premises Certificate
under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

Part 1 – Premises or club premises details

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

Mama Africa 25-27 Watford Way

Post town:

London

Post code:
(if known)

NW4 3JH

Name of premises licence holder or club holding club premises certificate (if known):

Mr Abimbola Balogun

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

LAPRE13/18/58299

Part 2 – Applicant details

I am:

Please tick Yes

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

PROTECTIVE MARKING

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

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Any other title (e.g. Rev.) ☐

Surname:

First Names:

I am 18 years old or over ☐

Current postal address if different from premises address:

Post town:

Post code:

Daytime
Tel. No.:

Email: (optional)

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

Name and Address:

Telephone Number (if any):

Email address: (optional)

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

Name and Address:

Licensing Office, Room 3.01 Charter Gate, South Harrow Police Station, 74 Northolt Road, South Harrow, Middlesex HA2 0DN.

Telephone Number (if any): 020 8733 4195

Email address: (optional) NWMailbox.LicensingBarnet@met.pnn.police.uk

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

Please tick one or more boxes

- | | | |
|---|--------------------------------------|-------------------------------------|
| 1 | The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2 | Public safety | <input checked="" type="checkbox"/> |
| 3 | The prevention of public nuisance | <input type="checkbox"/> |
| 4 | The protection of children from harm | <input type="checkbox"/> |

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

We are greatly concerned about the running practices at the venue as we have seen repeated incidents of violence. The premises has been open past the permitted hours and police have not been able to retrieve CCTV footage to assist in bringing offenders to justice.

We met with the licensee back in 2015 to bring to his attention the permitted times and conditions of the licence. The need for good quality CCTV footage and that the CCTV should be provided to police within a reasonable period of the request was made clear.

Over the period of 2015 – 2019 we have seen that the premises has remained closed for long periods at a time, but when it is open the issues that were raised seem to have been disregarded, having a negative impact on the licensing objectives, in particular, the prevention of crime and disorder and public safety.

PROTECTIVE MARKING

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

The most recent incident. On Sunday 21st July 2019 at 0358 hours Police have been called to the venue as there was a fight between two men (both intoxicated) having been arguing over a female. The female has tried to intervene in breaking up the fight and has been punched to the face by the male suspect causing her two front teeth to be knocked out.

Police dealing with this incident have had great difficulty in obtaining the facts of the offence due to conflicting accounts from witnesses who were also intoxicated and the victims. CCTV could not be obtained from the venue at the time as none of the staff had access / could operate the system and the owner was out of the country for the weekend.

Historically police have had numerous issues in carrying out any investigations where a crime has taken place at the premises. The premises appears poorly run and often exceeding their authorised hours for licensable activity. They have a specific condition on the licence stating all customers must be off the premises by 12am Sunday to Thursday and by 1:30am on Friday and Saturday

There were no applications for a temporary event notice for this particular date, and we cannot see there has been any for any other incidents that have previously taken place when outside their permitted hours.

This issue of poor practice have been raised with the licence holder before, yet there seems to be no improvement over a period of 4 years.

We acknowledge that there are gaps in time between some incidents that we will refer to, however, this is due to the venue being completely closed for long periods at a time. We have not always known the reasons for this. One occasion we were aware of was due to the Food Safety department within the local authority closing the venue as a result of a poor cleanliness and a rat infestation. We are waiting for a copy of this report which has been requested.

Previous incidents of note are;

Saturday 14th February 2015 (0145 hrs – 0200 hrs)

Saturday 06th June 2015 (0200 hrs – 0210 hrs)

Friday 6th November 2016 (0230 hrs – 0330 hrs)

Saturday 1st September 2018 (0335 hrs – 0340 hrs)

Saturday 8th June 2019 (0038 hrs - 0055 hrs)

Document 1 attached - Full details of above incidents

Document 2 attached - Details of background enforcement work

Document 3 attached - screen grabs of Mama Africa Promotion adverts from facebook page

PROTECTIVE MARKING

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

☐

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

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

PROTECTIVE MARKING

Please tick Yes

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

☐

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

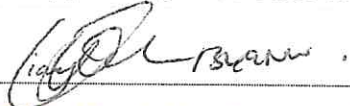
☐

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

Part 3 – Signatures (please read guidance note 4)

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

Signature:



Date:

29th July 2019

Capacity:

Police Constable - Licensing Officer

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

Licensing Office Room 3.04 Charter Gate, Harrow Police Station, 74 Northolt Road,

Post town:

London

Post code:

HA2 0DN

Telephone Number (if any):

02087334195

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

NWMailbox.LicensingBarnet@met.pnn.police.uk

Notes for Guidance

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

①

Saturday 14th February 2015 (0145 hrs – 0200 hrs)

The victim has been at MAMA AFRICA nightclub enjoying a few drinks. The suspect has approached the victim and attempted to speak to him. The victim has told the suspect he did not wish to speak to him. Shortly after the suspect has purchased a drink for the victim in an attempt to engage in conversation. The victim has declined it. Annoyed by this the suspect has told the victim to come outside. The victim has gone outside where the suspect has head-butted and punched him causing a cut to his forehead, bruising to his face, a bloody eye, and grazes to his right knee and elbow. As the victim was intoxicated, he is unsure exactly how this happened. His injuries amount to those of ABH.

Police attempt to obtain CCTV:

- Called in at venue 26th Feb. Owner not there left number to call officer.
- Called by owner 2nd Mar. Agreed to provide footage by appointment the following day.
- Police attend 3rd Mar to collect CCTV. Owner not there. Manager tries to assist. CCTV monitor broken and base unit is out of reach.
- Call to owner 12th Mar. Police request that the base unit be temporarily replaced in order to download footage with specialist unit. He agrees.
- Officer attends police CCTV specialist 11th May. They cannot find any footage from incident date. The earliest footage available is 8th Mar.

As CCTV was not available the suspect could not be identified, therefore the crime was closed.

Venue open past permitted time of 0130 hours

Saturday 06th June 2015 (0200 hrs – 0210 hrs)

Police were called to the location due to a male inside the venue who had been knocked out having been hit with a bottle. Upon police arrival, the victim was found unconscious on the floor in the second room of the venue. There was a smashed bottle around his head. A witness stated that she had seen the victim was sat at a table and the suspect punched him in the face and then smashed a bottle on his head, knocking him to the floor.

A witness stated that he then saw the suspect walk into the first room of the venue, and then walk out of the venue.

The ambulance treated the victim. Prior to being taken to hospital he woke from being unconscious and was talking to paramedics and officers. He stated that he remembers being sat at a table and the suspect sat opposite him. He was then approached by the suspect who hit him in his face and then cannot remember anything else.

The victim stated that the suspect is a friend of his and he could not think of a reason as to why he would have hit him. The only details he knows of suspect is that he is called [REDACTED], with no other details known of him.

The manager told police that there was CCTV but that he could not operate the system. (The licence holder aka Bola was present at the scene)

Police attempts to obtain CCTV:

- Police call to owner 6th June. Message for him to call officer back and expressed the necessity of downloading the CCTV and assistance offered for this.
- Venue attended 6th June. Officer spoke with staff as owner not present. Eventually spoke with him over the phone expressing the urgency of downloading the CCTV. He said that he did not know how to do this and said that he will not seek assistance to download with his engineer. He said that the system is old and that it has been there for 10 years. I have asked him to make efforts to download. Licensing requested by officer to assist with this.
- Licensing have established the following 21st July. Footage provided covering 6/6/2015 from 1918 hours for 9 minutes. This does not cover the incident.

The victim was not willing to provide the suspects name and as CCTV was not provided. Crime was closed.

Venue open past permitted time of 0130 hours

Friday 6th November 2016 (0230 hrs – 0330 hrs)

The victim attended the venue at 0230hrs with a bunch of friends they were all drinking and all put their bags together on a chair, when the victim went to collect his bag to leave it was gone the time was 0330hrs.

The victim didn't see anyone take his bags and states that none of his friends saw anyone either. He has checked with his friends and none of them have taken his bag home

No CCTV. Crime closed.

Venue open past permitted time of 0130 hours

Saturday 1st September 2018 (0335 hrs – 0340 hrs)

Police have been called by an unknown person stating that there was a fight outside the location and that someone had been beaten up and left on the floor outside the venue.

On police arrival there has been an array of persons stood around, however all of these have been intoxicated and un-able to tell officers what has actually happened.

Police have had a conversation with staff within who have said that the victim has been annoying people in the bar prior to going outside. The reasons he went outside were unknown. However, while he has been outside the location a male, at this time unknown has apparently punched the victim in the face. This has caused the victim to fall to the floor. Once on the floor, others

have come outside and found the victim on the floor. It is thought that the others involved have then run from the scene. Whilst on scene the victim presented challenges for Police and it is believed that this was due to the fact he was unable to understand that he was being dealt with as a victim at that point. This perhaps lends weight to his actions prior to the 'fight'. At one point, the male has tried to lash out snatching things back from officers. This has led to him being restrained on the floor and placed into handcuffs.

Victim unwilling to assist police with investigation. Crime closed.

Venue open past permitted time of 0130 hours

Saturday 8th June 2019 (0038 hrs - 0055 hrs)

The Victim stated that he came to the bar for a drink. On approaching the bar he thought he recognised someone and went over to tap them on the shoulder then realised that it wasn't the person he thought it was. The male turned around and pushed him to the floor. He fell to the floor and nasty words were said to him. The victim stated that he had a lump to his head from where he fell after being pushed. There was no signs of any lump or injury to the victim.

On speaking to the owner of the bar he stated that nothing had gone on inside the bar and hadn't seen any altercation occur and has never had any trouble at the venue ever. The victim's accounts were not really matching up as at the beginning he was stating that he was pushed over because of tapping the wrong person on the shoulder, and then later he stated this is all happened because of this honey trap woman that isn't wearing a bra and admitted that he had a dance with her.

No CCTV obtained. Crime closed. (Currently obtaining further information on what attempts were made)

Sunday 21st July 2019 (0345 hrs – 0513hrs)

The male victim and suspect have both been chatting with the female victim. Both males have got in to a verbal argument which has escalated in to a physical fight. The male victim has had a chair thrown at him. The female victim has tried to break up the fight and has been hit in the face by the suspect, knocking out her two front teeth. All parties intoxicated. The suspect has fled in his vehicle which has been caught on camera by a witness. The cars registration number being given to police has led to his capture away from the venue where he was arrested for causing ABH, drink drive and criminal damage. Staff at venue unable to download CCTV. Venue owner away for the weekend.

Venue open past permitted time of 0130 hours

The victim has begun extensive dental treatments to rectify the damage, however, has since withdrawn her support for this prosecution, so a conviction for affray makes the provision of CCTV footage critical.

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Re: SATURDAY 06/06/2015		<p>This incident was brought to the attention of the licensing dept. Checks of the premises licence show specific conditions which require the venue to stop the sale of alcohol at 0100 hours and to be completely closed to the public by 0130 hours on a Friday and Saturday night. This incident did not occur until 0200 hours and customers were still inside the venue.</p> <p>Further checks show that the venue openly advertise DJ nights that go on until 3am on a Friday night. This was advertised on both the Facebook page and the restaurants website. There have been no recent Temporary Event Notice applications from the venue. It therefore appears as though the premises licence holder/DPS has been continuing licensable activities outside of his prescribed hours.</p>
WED 19th JUNE 2015	1300 hours	<p>Pre-arranged licensing compliance meeting was carried out at the following premises: MAMA AFRICA 25-27 WATFORD WAY, NW4</p> <p>Officers present were PC PENNY 529SX & PC WILCOCK 349SX. Upon arrival officers were met by the owner and designated premises supervisor Mr Bola BALOGUN</p> <p>The inspection was conducted as a result of a GBH that occurred at the venue on 6th JUNE 2015. The OIC had concerns that BALOGUN was not providing the CCTV needed to support the investigation. It also appears that officers had difficulty in securing CCTV from the venue after an assault occurred outside the venue in FEB 2015.</p> <p>During the visit, a number of breaches were found:</p> <ul style="list-style-type: none"> • Failing to secure premises licence or a certified copy at the premises or to prominently display a summary of the licence - BALOGUN stated that he took the licence down when he refurbished the premises a year ago and never put it back up. • Failure to produce a premises licence or a certified copy - BALOGUN appeared unaware of this legal requirement and stated that the full copy of this licence was at home. • Failure to produce a personal licence to a Police Officer - BALOGUN again stated that his personal licence was at home. • 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. - Conditions 7 & 8 of the premises licence relate to CCTV. The licence holder must ensure that the CCTV is fully operational when the premises are open to the public for any licensable activity and that they must be made available to the council and Police on request. <p>BALOGUN stated that an engineer had removed his CCTV hard drive to try and download images of the incident. He stated this had been gone for almost a week. When he was reminded that not having working CCTV was a condition of his licence, he then said that he might have actually been given a replacement [he was]. When asked if he could operate it, he said no. There has also been a delay in providing CCTV to Police.</p> <p>As a result of these breaches, BALOGUN was given a 'Notification of Alleged Offences under the Licensing Act' form and also a Section 19 Closure notice for the breach of CCTV condition. At this time both of these have been issued as a warning. A follow up visit will be done in the next week, and further action may be taken if the issues have not been rectified.</p>
2 nd April 2018		<p>Police are passed Crime stoppers intelligence that an individual working at the venue is an illegal immigrant and to be assisting other illegal immigrants prepare Asylum claims for large amounts of money.</p>
4 th August 2018	0245 hours	<p>Noise nuisance complained about direct to officers dealing on another call on opposite side of road. Loud music heard from venue across the Watford Way six lanes of traffic by police at 0245 through till 0310. Must be disturbing neighbours above. Neighbours have apparently complained direct to staff. Licensed venue with crowd outside</p>
7 th September 2018	2114 hours	<p>The premises was visited in response to an assault that took place 01/09/2018 at 0335 hrs and recent intel.</p> <p>As one male member of staff walked out on our arrival, mid service, and we were unable to locate him, this gave us reason to believe that he was not permitted to work in the UK.</p> <p>All remaining staff were checked with the immigration services. Two of the kitchen staff had no right to work in the UK, therefore they were escorted from the premises.</p> <p>The premises was left in the care of the owner's sister who happened to be at the premises with a friend. The owner's solicitor also identified himself as he happened to be at the premises. The owner was spoken to on the phone. He stated he was in Milton Keynes and would not be attending. When he started to receive calls from friends at the premises and was made aware of what was happening, he hung up and stopped answering his phone.</p> <p>Referred to LFB, Immigration and EH for follow up visits due to the poor condition of the kitchen and all areas at back of house.</p> <p>Following this the venue was closed for many months following a closure by food standards.</p>

12 th September 2018		<p>Message left on voicemail</p> <p>Mr Balogun called to advise that we were waiting on the outcome of some enquiries before we arranged a meeting in relation to the visit of the premises on 7th Sep.</p> <p>There was no reply, hence message left.</p> <p>We did not get a response.</p>
September 2018		Venue closed by Environmental Health
22 nd July 2019		<p>Phone call to Mr Balogun regarding the incident 21st July 2019. Questioned as to why the venue was open with patrons inside at nearly 4am. He denied any knowledge of this and claimed he had no idea how they got in. When I questioned was he accusing someone of breaking in, he soon backtracked. He stated that he had been away for the weekend in Paris and had just got back. I have advised him to ensure that the CCTV is retrieved this time. He has been emailed with the date and times between which this took place and his details provided to the officers dealing.</p>
22nd July 2019		<p>Local Authority records checked for any potential TEN that could have been in operation on the night in question. The last one that appears to have been applied for was applied for in November 2006. We have no records of any TENs being applied for, for this premises between 2015 to date.</p>

3

JOZYZ EVENTS & PR PRESENTS



NYE
Celebration


DECEMBER 31ST
6PM-3AM /ENTRY £15

TOAST AND FREE CHAMPAGNE AT 12
FOOD. DRINKS. MUSIC. DJ.

@MAMA AFRICA

25-27 Watford Way, NW4 3JH
Tickets: 07862615363/eventbrite

JOZYZ EVENTS & PR PRESENTS



MAMA AFRICA
CHRISTMAS
PARTY

23 DECEMBER, 6PM-3AM

25-27 Watfordway, London NW4 3JH

ENTRY £35

02/09/2019 14:36:27

From: "Vicky.Johnson@met.police.uk" <Vicky.Johnson@met.police.uk>
Sent: 09/08/2019 15:49:34
To: LicensingAdmin </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=22D0D3A9969541649F88848EEE081E60-LICENSINGAD>
Cc: Rudland, Michelle
Subject: Review: Mama Africa Watford Way NW4 3JH

Michelle,

Please find attached supporting documentation that I have received form PC Dow nes in relation to letters sent to the licence holder in 2015.

Also I have checked up on the tracking of the post I sent to the licence holder at the same time your copy w as sent out. It appears that Royal mail have not been able to deliver. I have sent him the email below in order to make him aw are.

I w ill also send this supporting document to his email as I advised on the original application.

Regards
Vicky Wilcock
PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195

From: Wilcock Vicky T - NW-CU
Sent: 09 August 2019 15:26
To: bola_balogun@hotmail.com
Subject: Review paperw ork

Bola,

I have just checked up on the tracking of the post I sent on 29th July.

Royal mail states the follow ing;

Tracking no. DW646923334GB

Sorry, we tried to deliver your parcel on 31-07-2019 but there didn't seem to be anyone in. Please choose an option below .

1. 05:21pm
Available for Collection or Redelivery - Mill Hill Enquiry Office
I w ould recommend that you collect the item as you w ill need the information contained.

Regards
Vicky Wilcock
PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195

Address: 74 Northolt Road, South Harrow , Middlesex HA2 0DN
Barnet Licensing Email: NWMailbox.LicensingBarnet@met.police.uk<mailto:NWMailbox.LicensingBarnet@met.police.uk>
Brent Licensing Email: NWMailbox.LicensingBrent@met.police.uk<mailto:NWMailbox.LicensingBrent@met.police.uk>
Harrow Licensing Email: NWMailbox.LicensingHarrow @met.police.uk<mailto:NWMailbox.LicensingHarrow @met.police.uk>

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About Mama Africa Restaurant and Bar

Overview

Page Info



25-27 Watford Way Hendon
London, United Kingdom

020 8202 1363

<http://www.mamaafricare>

If you are looking for exceptional food, friendly staff and a vibrant atmosphere in the heart of London's, then Mama Africa should be your first port of call. Come down and boogie on Fridays and Saturdays for Afro Jams with North London finest DJs NOT TO BE MISSED

Drop in or call us now for a taste of authentic African food: 020 8202 1363

Opening Hours

12 noon- 12 (Mon - Fri)
12 noon- 3am (Fri- Sun)

Sign Up Log In Messenger Mobile Find Friends Badges People Pages Places Games
Locations About Create Advert Create Page Developers Careers Privacy Cookies AdChoices Terms
Help

Facebook © 2015
English (UK)

①

Pinecroft Crescent
High Barnet

Herts. EN5

20 July 2015

PC Francesca Penny
Licensing Department
Colindale Police Station
Grahame Park Way
Hendon. NW9 5 TW

Dear PC Francesca

Re: Mama Africa 25/27 Watford Way, Hendon Central. London. NW4 3JH

I write with regards to the above mentioned restaurant and wish to thank you for the recent letter dated 14 July 2015 which I received today.

Enclosed with this letter is the CCTV footage that you seek, my engineer actually gave it to me a while ago after pestering him continuously but due to engaging personal matters, I was unable to expedite on it. With regards to the recorder, I confirm that it has since been returned and functions perfectly well whether on site or off site through a wireless system that we have. I am therefore willing and able to show you how it works.

The issue of the premises licence as well as the personal licence have been equally addressed.

I thank you for your time and should you seek further clarification, please do not hesitate to contact me.

Yours sincerely

Mr Balogun



Re: Crime 21st July 2019



.
.
.
.

Bola Balogun
Mon 22/07/2019 12:57

- Vicky.Johnson@met.police.uk

.

Thank you for this and I am so sorry that this sort of thing happened. Please be assured of my full cooperation and promise that from now on, we will have nothing other than a zero policy tolerance.

Sent from my iPhone



Thanks for booking with Eurostar

Booking reference **RGQEZA**

We hope you had a bon voyage.

If things didn't go to plan and you were delayed for more than 1 hour, it's easy to claim compensation.

Your journey includes travel with SNCF.

Going out

Journey

London St Pancras Int'l to Disneyland Resort (Marne La Vallée/Chessy)

Departure date

19 July 2019

Passengers

2 × adult

Duration

2 hr 53 min

Departure time

15:04

Arrival time

18:57

1 change

Ticket scanned

Coming back

Journey

Disneyland Resort (Marne La Vallée/Chessy) to London St Pancras Int'l

Departure date

21 July 2019

Passengers

3

2 × adult

Duration

2 hr 52 min

Departure time

16:55

Arrival time

18:47

Direct

Ticket scanned

[Add to calendar](#)

Your hotel

Booking reference **7725633**



Radisson Blu Hotel Paris Marne la Vallee
Allee de la Mare Houleuse, Magny Le Hongre, Paris, 77700,
France
33160436400

Fri, 19 Jul 2019 — Sun, 21 Jul 2019

1 × Promo Double

[View hotel](#)

[Map and directions](#)

Passenger details

ABIMBOLA BALOGUN

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

Statement of witness

*(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT of: Emma Phasey

Age of Witness:

(if over 18 enter "over 18") Over 18

Occupation of Witness: Group Manager, Commercial Premises

This statement (consisting of 4 pages 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 in it anything that I know to be false or do not believe to be true.

Dated:.....03-09-2019.....

Signed

.....Emma Phasey.....

My name is Emma Phasey and I am employed as the Group Manager for the Commercial Premises team at London Borough of Barnet. As Group Manager I have access to the database related to all my services, which includes the food, health and safety service.

Our food, health and safety database contains the following information in relation to the premises known as MAMA AFRICA at 25-27 Watford Way, NW4 3JH.

- Since 2014 this food business has scored mainly a 0 and 1 as a result of its food hygiene inspections which means there have been consistently poor food hygiene and safety standards in this premises.
- The food business was closed down formally due to lack of hot water and rodent infestation in March 2016.
- A Health and Safety Improvement notice was also served in 2016 for poor maintenance of electrical equipment.
- The food business was closed down formally for the second time in August 2018 for a rat infestation and lack of cleaning.

- The food business also has a long history of non-compliance with food and health and safety legislation which has led to Food Hygiene Improvement Notices and a Health and Safety Improvement being served on the owner.
- The owner is recorded as being a Mr Balogun. The database also indicates that there have been incidents where the owner has been uncooperative and argumentative with the food, health and safety officers

Dated:.....03-09-2019.....

Signed ..Eunice Phosey.....

Current Premises Licence

Licensing Act 2003 Part A: Premises Licence Premises Licence Number: LN/199906785	Licensing Authority: London Borough of Barnet, Building 4, North London Business Park Oakleigh Road South New Southgate, London, N11 1NP
	23/08/2010

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description Wazobia, 25-27 Watford Way, Hendon	
Post Town London	Post code NW4 3JH
Telephone number 020 8202 1363	

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 Provision of Regulated Entertainment, and The Provision of Late Night Refreshment
--

The times the licence authorises the carrying out of licensable activities <u>Sale by retail of alcohol</u> <u>Standard Days and Timings:</u> Sunday to Thursday 12:00hrs - 23:30hrs Friday to Saturday 12:00hrs - 01:00hrs <u>The Performance of live music - Indoors only</u> <u>Standard Days and Timings:</u> Sunday to Thursday 12:00hrs - 23:30hrs Friday to Saturday 12:00hrs - 01:00hrs <u>The Playing of recorded music - Indoors only</u> <u>Standard Days and Timings:</u> Sunday to Thursday 12:00hrs - 23:30hrs Friday to Saturday 12:00hrs - 01:00hrs
--

The provision of facilities for making music - Indoors only

Standard Days and Timings:

Sunday to Thursday	12:00hrs - 23:30hrs
Friday to Saturday	12:00hrs - 01:00hrs

The provision of facilities for dancing - Indoors only

Standard Days and Timings:

Sunday to Thursday	12:00hrs - 23:30hrs
Friday to Saturday	12:00hrs - 01:00hrs

The Provision of late night refreshment - Indoors only

Standard Days and Timings:

Sunday to Thursday	23:00hrs - 00:00hrs
Friday to Saturday	23:00hrs - 01:30hrs

The hours that the premises are open to the public

Standard Days and Timings

Sunday to Thursday	12:00hrs - 00:00hrs
Friday to Saturday	12:00hrs - 01:30hrs

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

On supplies only

Part 2

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

Mr Bola Balogun
5 Pinecroft Crescent
Barnet
EN5 2NX

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 Bola Balogun
5 Pinecroft Crescent
Barnet
EN5 2NX

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

01SX/LN/199906560 - London Borough of Barnet

Annex 1 - Mandatory Conditions

- 1 No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the operating schedule

- 3 At no point in time will the Premises Licence holder allow for customers to be seated at the bar when there are empty seats within the premises. This is with the exception of persons waiting to be seated at a table.
- 4 Customers will be table served by staff at all times except on occasions where the restaurant is completely full and they are waiting for tables to become available, in that instance the few waiting customers can be served drinks at the bar.
- 5 Substantial food will be available on Sunday to Thursday until 11.30pm and all customers must be off the premises by 12am. On Friday and Saturday, substantial food will be available until 12.30am and last drinks being sold by 1.00am with all customers off the premises by 1.30am.
- 6 Closed circuit television cameras and recorders of an agreed image standard will be installed at agreed locations on the premises and in accordance with advice from the Police.
- 7 All cameras and recording equipment shall be installed and maintained in accordance with the manufacturers instructions and will be fully operational when the premises are open to the public for any licensable activity.
- 8 The system upon which images are recorded shall be suitable and secure. The images shall be retained for a period of not less than one calendar month and be made available to Council and Police Officers on request.
- 9 A system shall be in place to maintain the quality of the recorded image and a complete audit trail of the images maintained.
- 10 All reasonably practicable steps will be taken to minimise the risk of noise that may cause nuisance.
- 11 No children shall be permitted on the premises after 20:00hrs unless accompanied by an adult.
- 12 The premises will be operated in accordance with a written and publicly displayed Policy, which will identify the type of documentation acceptable as reliable evidence of age, when produced by any person appearing to those authorised to sell or supply alcohol to be under the age of 18, and who is attempting to purchase alcohol.
- 14 The premises shall be adequately noise insulated
- 13 Fire exits shall be kept free from obstruction at all times
- 15 The premises licence holder and staff shall ensure that their customers leave the premises in an orderly manner

- 16 Staff shall request relevant forms of photographic identification should they believe any person attempting to purchase alcohol is under the age of 18.

Annex 3 – Conditions attached after hearing by the licensing authority

N/A

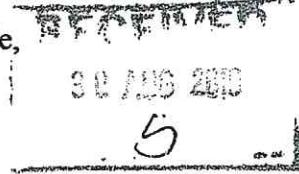
Annex 4 - Plan

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/07/27709

Representations

To: London Borough Of Barnet,
Licensing Team,
2, Bristol avenue, Colindale,
London NW9 4EW

From: Con Brosnan,
Flat 10, Parade Mansions
Watford Way, Hendon,
London NW4 6JF



26 August 2019

Dear Sirs,

Re: Mama Africa Restaurant, 25-27, Watford Way, London NW4 3JH

With reference to your recent notice regarding the review of the license for the above premises, I, the undersigned strongly protest at the granting of a license for this establishment on the grounds of the regular and persistent noise from, firstly, the music on Friday & Saturday nights, usually blasting out until 03.10 or 03.15am on each occasion. The beat from the drums vibrates through my flat & that of my neighbours, leaving me angry & frustrated at the lack of consideration from these people.

The patrons leaving the premises at this early hour are very noisy, congregating on the side walk, generally making a nuisance, shouting, laughing, banging car doors & revving engines, having no regard for the residents of the flats above this Restaurant.

The refuse bins for this Restaurant are in the service road at the back, where we all park our cars & use on a regular basis. The bins are regularly overflowing, with rotten & filthy refuse scattered around the service road, attracting rat infestation & causing terrible smells at all times due to the area not being cleaned with disinfectant.

Cooking oil in large tins is left open & discarded in the service road.

On a number of occasions over the years the management have been approached & have given assurances that things will improve, but this has not happened, in fact they appear to openly flaunt all the laws covering premises such as these.

So therefore, I respectfully ask the authorities to revoke this license and close this establishment.

Yours faithfully,

Mr Con Brosnan

Mob No: [REDACTED]

E-mail: [REDACTED]

Date

Dear Sir/Madam

Representation on Mama Africa Restaurant 25/27 Watford Way, Hendon Central. London.

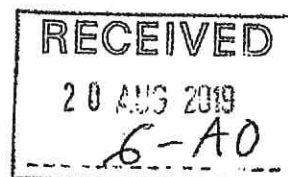
I, ANTHONY ONI of [REDACTED]
BRACKENDENE, ST. ALBANS AL2 1[REDACTED] write with regards to the above
mentioned restaurant.

I wish to state for the record that I have attended this premises as a customer for 10 years
and during this period, I have found it to be safe and friendly. In my opinion, I have not witnessed
any acts which might be considered to be unsafe to members of the public.

I thank you for your time and should you wish to contact me directly, please do not hesitate to do
so.

Yours sincerely

Anthony Oni
.....



Date

Dear Sir/Madam


Representation on Mama Africa Restaurant 25/27 Watford Way, Hendon Central. London.

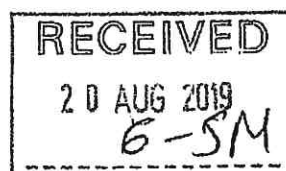
I, Selestina Masiny of E10 [REDACTED] Flat [REDACTED] Goldsmith Road write with regards to the above mentioned restaurant.

I wish to state for the record that I have attended this premises as a customer for 1 years and during this period, I have found it to be safe and friendly. In my opinion, I have not witnessed any acts which might be considered to be unsafe to members of the public.

I thank you for your time and should you wish to contact me directly, please do not hesitate to do so.

Yours sincerely





Date

Dear Sir/Madam

Representation on Mama Africa Restaurant 25/27 Watford Way, Hendon Central. London.

I, Norman Brown of
Waverley Road, NW3 write with regards to the above
mentioned restaurant.

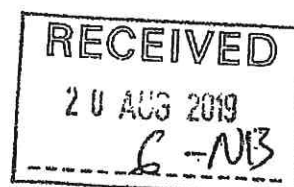
I wish to state for the record that I have attended this premises as a customer for 10 years
and during this period, I have found it to be safe and friendly. In my opinion, I have not witnessed
any acts which might be considered to be unsafe to members of the public.

I thank you for your time and should you wish to contact me directly, please do not hesitate to do
so.

Yours sincerely

Norman Brown

.....



25/27 Watford Way

Hendon Way
London. NW4 3JH

22 August 2019

Licensing Office Room 3.04

Charter Gate, Harrow Police Station

74 Northolt Police Station,

London. HA2 0DN



Dear Sir

Re: Review of Premises licence of 25/27 Watford Way, Hendon, London. NW4 3JH

I write with regards to the above mentioned premises and wish to state that I am the owner and the premises licence holder.

I therefore wish to address each of the points raised by the Police licensing team in as chronologically a manner as possible. First of all, it is a complete misrepresentation by them to imply that the premises was closed and therefore the incidents highlighted would have occurred more often but for the fact that it was closed. For the record, the premises has been in continuous operation for thirteen years and open to the public every single day of the week for over thirteen years. It has only been closed once and that was for a period of about three weeks in September 2018. The false claim by the police that it was closed for a considerable time is nothing other than a shambolic attempt to try and manipulate the court into thinking that whenever it is open, there is a problem.

It would be interesting to find out from them whether any other similar premises has ever had its premises licence reviewed due to five incidents in over thirteen years of uninterrupted and continuous operations. It must be remembered that the same police had at the beginning claimed that gun violence was an issue in their opposition to granting us an initial licence, a concern which was dismissed as fantasy by the council. It is unfortunate that in this day and age, black owned businesses are still being unfairly picked upon.

Even at that, these incidents to which they refer do not tell the real story. For example the first reported incident was nine years after we first opened and was on the 14th of February 2015. According to their own submitted report, it occurred outside our premises and had nothing to do with us. We cannot be held accountable for incidents on the road as these people could have come from anywhere given the facts that there are a few bars around that area which attract a much younger crowd. In any event, when I was contacted by the police, I allowed them access to the CCTV. According to their own report, their own officers attended our premises three months after the incident (11th of May) and saw footage dating back to the 8th of March. This is proof that our CCTV

was working and held records for over the stipulated 28 days. How can we be blamed for the police coming to check information three months after a reported incident which did not occur in our premises.

The other two reported incidents were on 6th of June 2015 and 6th of November 2015 and involved the same individual as on the 14th of February. I remember these incidents well because the individual was working at a shop further up the road and was a male who was making sexual advances to another male who was not that way inclined. I accept that there was a fracas between them and I was the one who actually called the police. I also provided them the CCTV footage at my own expense and dropped off the CD at the Colindale police station. I stayed all night with the officers who came in on that day in order to assist them and I also described to them the suspect. **Attached is the letter that I sent to them and mark as exhibit 1.**

As a result of the fact that the reported first two incidents involved the same individual, I thought it best to bar him from coming to the premises considering the fact that the two times he had visited after coming in from a nearby club called (Galleria, which has since closed), there had been some trouble. It was because of this barring from the premises that he claimed on the 6th of November that his things had been stolen, an incident which had never happened before. Our customers are generally married, responsible professionals such as Doctors, Lawyers and accountants who are middle aged, some even in their 60s. These accusations were simply malicious and without basis. It is also notable that since this particular individual was barred, there has not been another incident for over three years even though we are open every day.

The next two incidents occurred three years later and even as the police records show happened outside. We have a zero tolerance policy towards abusive or aggressive individuals and we ask that they leave the premises in an orderly manner if they prove to be uncooperative. Therefore as can be seen by the evidence provided by the police licensing body, in over thirteen years of opening every single day with the exception of Christmas and Boxing days and new year and we have been opened without fail and in all these time, we have only had one incident of violence occurring within our premises which I **personally** reported because I called them up myself. I abhor any form of violence but I think it is actually quite remarkable that only one such incident took place and I challenge the police officer to show proof of any such record by a similarly owned business for so many years of daily operations.

The last incident is personally a very painful one which again the police perhaps did not understand what I was saying. It is untrue that I accused anyone of breaking in and did not backtrack. I trust the police record telephone conversations with them and I would ask that this be tendered for evidence. It would not only show that that this statement is false but also it would show how aggressively the officer was to me over the phone and how I continued to apologise and promised to assist in investigation. I also emailed her directly after the telephone conversation and **attach this as evidence.** Exhibit 2.

It is unfortunate that the police, a wonderful institution that we fund with our tax payers money would seek to twist words for premeditated objectives. My words to the police was that I was away in Paris for that weekend (**please see attached Eurostar ticket..exhibit 3**) with my son for my first holiday in five years as it is through this business that I feed my family. During my telephone conversation with the police, I told the officers I was away and that my staff had informed me about

the incident when I returned to the country. I also found out through my contacts who the victim was and called the next day after I arrived and comforted the victim. I have been supportive of the victim since this incident in my own little way. I apologised profusely. I told the officer over the phone that I was informed by my staff that someone who has never been inside the restaurant had walked in when we had closed and the security men (**See letter from the Attorp Security Company**) we use had gone home. We had closed but the front door was unfortunately left open when it should have been locked which allowed this individual to come in. This individual was arrested and questioned and I found out he is someone who had never been to our premises before and I am sure the police would agree. I spoke to the victim and I have been assisting in getting over this. I offered my utmost apologies to her. The lady I am sure would vouch for this.

The most preposterous claim is about monies on Asylum seekers which quite frankly is not only ludicrous but completely slanderous. I am going to be seeking legal advice on this. I have never once in my entire life been involved in asylum matters and do not see how nor do I understand how money can be made. I have never written to the Home Office on behalf of anyone and neither has any asked me to. I was not even aware of this ridiculous allegation until I requested the officer to send me a copy of the case by email as I had received nothing in the post. However, I suspect that it may be due to the fact that one of our most regular customers are from a firm of solicitors called DCK Solicitors who are about five doors away and who tend to come in for a meal after office hours but I fail to see how this is connected to us as they are completely independent of us.

It is even more ridiculous that they have pointed out that I did not display the premises licence when they came visiting some years back. This is another unfortunate misrepresentation. The truth is we had repainted the restaurant and the paperwork which we normally displayed had worn out. They failed to mention the fact that there was a backup copy which we showed to them. They also failed to point out that we have ever since displayed it till date. They are merely seeking to create a false image of disorganisation so as to give a dog a bad name in order to hang it.

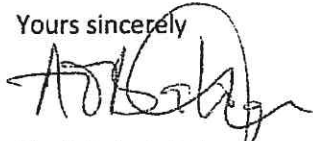
With regards to the operating hours, we close at 1.30am on Fridays and Saturdays. What used to happen was that further down the road were two clubs called The Hendon and Galleria where customers who were leaving those premises would come over to ours for music and because we did not have at that point have any security, they could come in. This accounted for three of the five incidents reported to them and luckily, the club Galleria has now closed permanently and that is why there has been no incidents since then until now and in addition to that, we have doormen who screen customers coming in. I again refer to the letter from the Attorp Group who handle our security and please note the fact that there is no requirement to provide any security on entry and we have had to incur this cost in order to keep out possible miscreants.

The police are supposed to be fair in their dealings but given what I have witnessed so far, I must say that I am very disappointed by their misrepresentations. And in view of these facts, I have instructed my solicitors to be on standby if and when there is a council review meeting as it is clear that the coordinator of the review report cannot be trusted to be neutral.

However in order to combat these matters, we have since increased the hours of work of the security officers and also propose to turn the restaurant to a mainly members only after 10pm. We believe that this simple steps would completely make for a safer zone in line with the objectives of the licensing.

I thank you for your time and should you seek further clarification, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Abimbola Balogun', written over the 'Yours sincerely' text.

Mr Abimbola Balogun

Guidance issued by the Home Office on Reviews



Home Office

Revised Guidance issued under section 182 of the Licensing Act 2003

April 2018

11. Reviews

The review process

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

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

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

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

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

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

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

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Matters for Decision

MATTERS FOR DECISION

An application made under Section 51 of the Licensing Act 2003

Mama Africa, 25-27 Watford Way, London, NW4 3JH

Determination in accordance with Section 52(3) of the Licensing Act 2003.

S 52 (3);

"The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

4. The steps are-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

6. Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify".

Notification in accordance with Section 52 (10) of the Licensing Act 2003.

10. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to-

- (a) the holder of the licence,
- (b) the applicant,
- (c) any person who made relevant representations, and
- (d) the chief officer of police for the police area (or each police area) in which the premises are situated.

11. A determination under this section does not have effect-

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

Steps taken (if any)	Reason(s)