

Heaven: false statements in licensing proceedings

On 16th April 2025 at Westminster Magistrates' Court, Mr. Attanasio D' Aponte (aka Aldo D'Aponte) pleaded guilty to an offence under section 158 of the Licensing Act 2003 of making a false statement in a licensing proceeding, achieving the accolade of being the first person to be convicted of this crime. The false statement consisted of two emails sent to Westminster City Council supporting a Police summary review of the licence of the well-known LGBT nightclub Heaven. The falsity was that the emails purported to be from local residents who either did not exist or were not him. The episode contains a crucially important lesson for licensing authorities.

During the review proceedings, large number of representations were sent to Westminster City Council, it is understood by encrypted email, purportedly from local residents, complaining of the impact of the premises on their amenity. Apart from encryption, the emails were variants of each other, and had plainly been composed by AI. Also sent in was a petition of over 2000 signatures to like effect, remarkably containing not one foreign name, but including 144 Ryans, 128 Zoes, 124 Theos and 116 Olivias.

Despite the licensee's protestations, Westminster City Council was not prepared to investigate whether offences had been committed, and admitted all of the material into evidence. This caused the venue owner understandable stress and anxiety, and meant that while defending his venue from a police summary review and trying to keep his business alive, he had simultaneously to carry out the investigation and assemble the evidence demonstrating that the residents' representations were invented and false.

Fortunately, the representations did not hold sway, and because of a dogged campaign by the owner and his legal team one person has now been convicted in relation to two of the emails.

The full circumstances of the review will come to be told in the fulness of time. However, one very clear and urgent message emerges from this story.

Although this case was a legal first, it is not the only case of false evidence being submitted to a licensing proceeding. It is understood that, at the present moment, the Metropolitan Police itself has other complaints of a similar nature.

This leads me to suggest that licensing authorities should never accept service of a representation by encrypted email. As for AI, while the tool might be used wholly innocently to compose a representation, e.g. by somebody who struggles with the language or the perceived formality of licensing proceedings, it could also, as here, be used to compile a fraudulent case. The use of AI should therefore be considered by licensing officers as a risk factor, and some basic level inquiry should be carried out to make sure that the representation is genuine.

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This is by no means an exclusive list of when inquiry is warranted. In general, it is fair to expect the statutory licensing authority, when there is evidence that a representation is false, and/or that the person allegedly submitting it does not exist, and/or that adequate contact details have not been supplied, to carry out a limited, basic level check not least to find out if the representation is frivolous or vexatious, and has come from a real person.

But for the vigilance of the club's legal team, the support of some admirable councillors, some sleuthing by supportive local residents and, thankfully, a fair minded subcommittee, the venue's licence could have been damaged or worse, with the loss of the business, the jobs and a club which is a cultural icon in the capital city. The fact that this concerted attempt to subvert the licensing process failed outright is no comfort at all. Licensing authorities have a duty of vigilance, and the industry is entitled to look to them to exercise it. It is to be hoped that Heaven provides a lesson which will spur change.

Philip Kolvin KC of 11 KBW represented Heaven, together with Sarah Clover of King's Chambers.