



Supplementary: Alcohol and Entertainment Licensing Sub-Committee (C)

Friday 6 October 2017 at 10.00 am

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Long (Chair)
Harrison (substituting for Khan)
McLeish

Substitute Members

Councillors:

Ahmed, Allie, Daly, Denselow,
Eniola, Jones, Kansagra,
Naheerathan, Pavey, Ms Shaw and
Stopp

For further information contact: Nikolay Manov, Governance Officer

Tel: (020) 8937 1348 Email: nikolay.manov@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting.

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

Agenda

Item	Page
3 Application by Packiarajah Jeramia Jaseendran for a new Premises Licence for the premises known as Bruce Road Food & Wine (44A Bruce Road NW10 8RB), pursuant to the Licensing Act 2003	108 - 115
4 Application by Moncada Brewery Ltd for a new Premises Licence for the premises known as Moncada Brewery (37 Humber Road London NW2 6EN), pursuant to the Licensing Act 2003	116 - 117

Conduct of the Hearing:

The hearing shall proceed as follows:

- General introduction by the Regulatory Services Manager
- Case for the Responsible Authority – Police/Regulatory Services
- Questioning of the Responsible Authority by Applicant and Members
- Representations by interested parties (if any)
- Case for the Applicant
- Questioning of the Applicant by the Responsible Authority and Members
- Summing up by the Responsible Authority
- Summing up by a representative of interested parties (if any)
- Summing up by the Applicant

Members' Deliberation

The Chair will then ask the representatives of the Responsible Authority and the Applicant to leave the meeting room whilst the panel goes into close session to deliberate the application. The applicant and the representatives of the responsible authority will be recalled to the meeting room when the Sub-Committee has made its decision. The decision will be confirmed in writing to the applicant within 7 days.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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MR NOEL ANTHONY SAMAROO (MioL)
NTAD CONSULTANTS LTD
2 SPRINGFIELD ROAD
CRAWLEY
WEST SUSSEX
RH11 8AD

26th September 2017

Our Ref 223728106

Licensing Representation to the Initial Application for the Premises License for BRUCE ROAD FOOD & WINE, 44A Bruce Road NW10 8RG

I certify that I have considered the application shown above and I wish to make a representation that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

Officer: Esther Chan– Licensing Inspector

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the Act.

Following my initial representation dated 7th September 2017, I have had the opportunity to meet the applicant and proposed DPS, Mr Packiarajah Jeramia Jaseendran since returning from his trip abroad.

On Friday 22nd September 2017, a meeting was held at Brent Civic Centre with Mr Jaseendra, PC Michelle Health, PC Paul Whitcombe from Brent Licensing Police Unit and I to discuss the application for a new premise licence to supply alcohol. Mr Jaseendra's agent was not present at the time of the meeting.

Mr Jaseendra confirmed he has not taken over the premise as it is subject to the grant of this application.

The Licensing Police asked Mr Jaseendra what he knew about the shop. He stated he has visited a few times and he is aware that there are some issues with the sale of off licensed products. He felt it was a good opportunity to buy as the premise is close to his home. Mr Jaseendra said he knew about the shop from 'him' who is a friend in South Harrow. Mr Jaseendra was asked to confirm who he was referring as 'him'. He stated the lease holder Mrs Thayarubini Ganesalingam.

Furthermore, Mr Jaseendra said he is an accountant and has been doing the accounts for one of shops since 2000. For this particular shop, he has been doing the accounts for 6 months, therefore he is familiar with the business and some of the problems linked to the shop.

Mr Jaseendra said Mrs Thayarubini Ganesalingam told him to announce the sale of the shop to his acquaintances but he was also offered to buy the shop, however he has no intention to buy the shop straight away. Mrs Thayarubini Ganesalingam would stay for a least a year, essentially he will be her tenant but employ his own staff. He will pay her £1500 per month which includes the rent and 'commission'. He would like to run the shop for 1 to 2 years. If the business does well, he will buy it but if not, he will leave the shop.

Mr Jaseendra said he is currently a DPS at BP petrol station, 170 Portsmouth Road, Southampton SO19 9AS. He is also a part time freelance accountant. In terms of experience, he ran a grocery shop in 2005 for 3 years, which was in a partnership business. The business was registered in his friend's name. The shop was called Easy, 80 St James Lane, Muswell Hill, which sold alcohol. However he is not sure whether the shop had a licence as he believed a premise licence did not exist at the time. He only worked in the weekend.

Mr Jaseendra was asked to explain the four licensing objectives but appeared confused. I asked Mr Jaseendra to confirm if he had read the application prior to his agent submitting the application form. He said yes and was happy with the application prior to submission.

In terms of the licensing objectives, Mr Jaseendra then stated the following:

- protecting the vulnerable people
- keep the environment calm
- not to serve alcohol & stuff to under 18
- display the licensing objectives in the shop'

For clarity and aid Mr Jaseendra explain the licensing objectives in more depth, I asked him to explain how he would uphold each licensing objective based on his application.

In relation to Crime and Disorder, Mr Jaseendra stated the following:

1. Don't sell alcohol/tobacco to under 18's
2. Training to staff. An agent will train staff
3. Not sell high strength beers above 6%
4. Keep shop tidy and visible from outside
5. Keep a refusal book

In relation to the prevention of protection of children from harm, Mr Jaseendra stated the following:

6. Don't sell alcohol/tobacco to under 18's

In relation to the prevention of public nuisance, Mr Jaseendra stated the following:

7. Reduce noise inside the shop

In relation to public safety, Mr Jaseendra stated the following:

8. CCTV recorded for 28 days - *According to the application it states 31 days.*
9. Only the boss would have access to CCTV recordings – *According to the application, a staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must*

be able to provide a police or authorised officer copies of recent CCTV images or data with the minimum delay when requested.

10. Notices 'No ID No sale'

11. Don't sell to under 18's

Mr Jaseendra confirmed he would like to open the shop from 7am to 10pm, however the proposed hours on the application states from 8am to 10pm.

I then asked Mr Jaseendra if he was aware of street drinkers in the area and how he would deal with a street drinker who wished to buy alcohol. Mr Jaseendra believed there are no street drinkers in the area but would be able to identify a street drinker by their smell and behaviour.

Mr Jaseendra said he would like to sell beers like Budweiser, Fosters, Heineken, Dragon Stout and Guinness. Single cans would be sold for around £1.25. This contradicts to what has been proposed to uphold crime and disorder objective as it stipulates 'No sales of single cans of beer, lager or cider'.

As mentioned in my previous representation, this premises falls within a high crime hot spot area and in terms of the actual premises location, it tends to attract loitering. Mr Jaseendra does not appear to understand the issues in the area and the implications of having a premise licence in high crime hot spot area. Whilst the Licensing Authority appreciate that a range of conditions have been proposed on the application form in order to uphold the licensing objective, I have no confidence that Mr Jaseendra will be able to conform to all the conditions. Mr Jaseendra demonstrated limited understanding of licensing. Moreover, Mr Jaseendra confirmed that he will continue to work at BP station in Southampton and have no intention to leave the job until he has fully taken over the shop. This leaves the Licensing Authority in doubt of who exactly will be running the premises on a day to day basis and moreover, take responsibility.

I would therefore request the application to be refused on the grounds that the applicant cannot satisfy the Licensing Authority that he will be able to promote the licensing objectives.

Yours faithfully,



Esther Chan
Licensing Inspector
Planning, Transportation & Licensing

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**METROPOLITAN
POLICE**

TOTAL POLICING

The Licensing Officer
Health, Safety and Licensing
Brent Civic Centre
Engineers Way
Wembley
HA9 7FJ

Your ref: N/A

Our ref: 01QK//17/928

**Brent Borough Licensing Unit
Brent Civic Centre
Fifth Floor
Engineers Way
Wembley
HA9 7FJ**

Tel: 020 8733 3206

Mob: 07785253940

Email: michelle.heath@met.police.uk

Web: www.met.police.uk

Date: Monday 25th September 2017

Police representation to the application for a new Premises Licence for Bruce Road Food & Wine 44A Bruce Road, Harlesden London NW10 8RB.

I certify that I have considered the application shown above and I wish to make representations that the likely effect of the grant of the application is detrimental to the licensing objectives for the reasons indicated below.

Officer: **Michelle Heath 928QK**

Brent Borough Police Licensing Constable

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the act. The Police representations are primarily concerned with the prevention of crime and disorder.

Bruce Road Food and Wine store based at 1a Alric Avenue, NW10 has had a long history of issues. The premises licence was reviewed by Brent Council's licensing committee following an application being submitted by the Metropolitan Police back in mid 2016. As a result of this, the licensing committee decided to revoke the premises licence. The licence holder appealed the decision but on 27th September 2016, the licence holder decided to withdraw the appeal and the licence subsequently revoked. At the time, the licence holder and DPS was Mr. Ganesalingam RAMANATHAN.

On 11th August 2017, Mr. Packiarajah Jeramia JASEENDRAN submitted a new premises licence application to the London Borough of Brent.

On Friday 22nd September 2017 PC Whitcomb, Esther Chan (Licensing Inspector) and I met with the new applicant, Mr. JASEENDRAN. He attended alone. The applicant told me that he lives in Harrow HA2. He also proposes to become the DPS himself. The applicant told me he was approached by the lease holder Mrs Thayarubini GANESALINGAM and asked to buy the business lease. He had been doing the accounts at this premise for around 6 months so was familiar with the business and some of its problems but despite this decided to submit an application through an agent for a new premises licence. He stated the lease holder Mrs Thayarubini GANESALINGAM would remain for at least one year but he would be her tenant and employ his own staff in the shop and then after a year would decide whether or not to buy the lease. Mr JASEENDRAN stated he also worked part time and was a DPS at BP petrol station 170 Portsmouth Road SO19 9AS in Southampton. Prior to this he was a silent partner for approximately 2-3 years in a grocery shop called Easy - 80 St James Lane Muswell Hill. This was mainly weekend work.

I asked Mr JASEENDRAN could he tell me anything about the shop. He said he knew it had some problems in the past and that the shop had its alcohol licence taken away but appeared to know nothing about the business or the challenging area it is situated in. I then asked Mr JASEENDRAN could he tell me what the licensing objectives were. Initially he looked blank, therefore Esther Chan asked him had he read the application and was he happy with it before it was submitted by his agent. Mr JASEENDRAN stated he was happy with it and had read it and gave the objectives as 'protecting the vulnerable people, keep the environment calm, not to serve alcohol & stuff to under 18 and to display the licensing objectives in the shop. This concerned me as he did not appear to have much of an understanding of the shop or the running of it. How could he adhere to the licensing objectives when he does not even know them?

Mr JASEENDRAN would not have 'day to day control of the business' as per the licensing guidelines expected of a responsible DPS as he also works part time in the BP Petrol station Southampton. He would be visiting the shop 2 possibly 3 times a week. This also concerns me as this premise has been problematic in the past and is in a very challenging area on the borough. It is imperative that any new premises licence holder/DPS has a firm grip of the shop, its staff and the day to day running of the business.

As Mr JASEENDRAN was unable to give an explanation of the 4 licensing objectives we went through each objective individually and asked what he would do to uphold them. These are listed below with his replies in bullet point:-

1. Prevent of crime and disorder

- Provide training to staff through an agent (unknown when, how many times a year etc)
- By not selling strong beers - only those less than 6%
- Mr JASEENDRAN did not know the age verification he stated 18 but stated he would ask for a passport or driving licence as ID.
- Mr JASEENDRAN stated that the shop has CCTV which records for 28 days (This in fact should be 31 days)

2. Protection of children from harm

- Don't sell alcohol/tobacco to under 18's

- Training to staff (unsure how or when at this moment in time)
- Keep a refusal book

3. Prevention of public nuisance

- Reduce noise inside the shop

4. Public safety

- CCTV recorded for 28 days. Mr JASEENDRAN stated only he would have access
- Notices 'No ID no sale'
- Don't sell to under 18 (This should be challenge 25)

Mr JASEENDRAN was asked were there street drinkers in the area and how he would deal with a drunken person who wished to buy alcohol. Mr JASEENDRAN stated he didn't believe there were any street drinkers around the premises but would deal with any drunken people by refusing them sale and would identify a drunken person by the smell and behaviour.

Police are extremely concerned that the applicant knows very little about this application despite claiming to have read it. The applicant appears to have very little basic licensing knowledge so much so that he was unable to tell us the licensing objectives. The applicant is already a DPS at a petrol station in Southampton where he works part time. He is also a freelance book keeper/accountant. I do not believe that with such commitments held by the applicant already that he will be able to have sufficient control over this premises which will require a hands on, full time DPS.

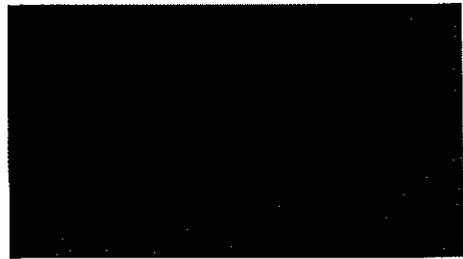
To conclude police feel that it will be detrimental upon the 4 licensing objectives if this application was granted. Therefore police respectfully request that this application is refused.

Michelle Heath 928QK

Licensing Constable for
Brent Borough Police

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Regulatory Services
London Borough of Brent
Brent Civic Centre
Enginross Way
Wembley HA9 0FS



25 September 2017

Dear Sir / Madam,

Re: Licensing Act 2003
Moncada Brewery Ltd
37 Humbes Road
London NW2 6EN



Thank you for the letter dated 21 September 2017 informing me of a Hearing on 6 October 2017 to consider the application by Moncada Brewery Ltd for a premises licence for the sale and supply of alcohol from 10.00 hrs to 23.00 hrs Monday to Sunday, at the above site.

Due to my mother's age and infirmity, I avoid prolonged absence from the house and regret being unable to attend the Hearing. I confirm the concerns against the application expressed in my letters dated 21 August 2017 and 4 September 2017 and again request the restriction of a licence, if any, to the period 10.00 hrs to 18.00 hrs. This application - adjacent to family homes - is clearly untenable, however circumscribed.

Thank you for a copy of the Notice of Determination of the Application.

Yours faithfully,



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