

**MINUTES OF THE ALCOHOL AND ENTERTAINMENT  
LICENSING SUB-COMMITTEE (A)  
Thursday, 24th September, 2009 at 10.00 am**

PRESENT: Councillor Jones (Chair) and Councillors Jackson and HB Patel

1. **Declarations of Personal and Prejudicial Interests (if any)**

None at this stage.

2. **Application by Brent Police Licensing Unit for a Review of the Premises Licence for 'Tonkey Gorilla (Tonkey Bites)' (539-541 Kingsbury Road, London, NW9 9EG) pursuant to the Licensing Act 2003.**

The Sub-Committee was informed that this application had been deferred by Health Safety and Licensing after the premises licence holder and the responsible authority making the representation had requested that this application be deferred and accordingly this matter did not need to be considered.

3. **Application by Silverback Entertainment to transfer the Premises Licence for 'Tonkey Bites' (539-541 Kingsbury Road, London, NW9 9EG) pursuant to the Licensing Act 2003.**

The Sub-Committee was informed that this application had been deferred by Health Safety and Licensing after the applicant and the responsible authority making the representation had requested that this application be deferred and accordingly this matter did not need to be considered.

4. **Application by Silverback Entertainment to vary the Designated Premises Supervisor for the Premises Licence of 'Tonkey Bites' (539-541 Kingsbury Road, London, NW9 9EG) pursuant to the Licensing Act 2003.**

The Sub-Committee was informed that this application had been deferred by Health Safety and Licensing after the applicant and the responsible authority making the representation had requested that this application be deferred and accordingly this matter did not need to be considered.

5. **Application by Zabiullah Rahmani to vary the Premises Licence for 'Broadway Supermarket' (145 Cricklewood Broadway, London, NW2) pursuant to the Licensing Act 2003.**

***Responsible Authority Making a Representation***

PC Nicola McDonald (Brent Police)

***Applicant***

Chris Odell (Applicant's Representative)

Zabiullah Rahmani, the applicant, and Mr Najeep, attended in support.

Linda Legister (Health Safety and Licensing Officer) introduced the matter and drew Members' attention to the applicant's requests for the variation of the premises licence as set out in the report.

### ***Responsible Authority Making a Representation***

With the agreement of the applicant, the applicant's representative and the Sub-Committee, the meeting was adjourned for 5 minutes to allow time for the statement circulated by PC McDonald detailing a visit by Sergeant Adrian Adolphus to the premises at 6.15am on Thursday, 24<sup>th</sup> September 2009. PC McDonald explained that Sergeant Adrian Adolphus had been sold alcohol at 6.15am, outside the permitted hours of the current premises licence. PC McDonald referred to 2 other incidences detailed in the written representation concerning breaches of the premises licence on 6<sup>th</sup> December 2008 and 16<sup>th</sup> January 2009 following visits by police officers and Health Safety and Licensing officers and the subsequent hearing at Brent Magistrate's Court on 9<sup>th</sup> June 2009. PC McDonald then stated that in view that there had been repeated breaches of the premises licence, she did not feel that the applicant would be able to uphold the licensing objectives if the application for variation was granted and therefore she requested that the application be refused.

With regard to the applicant's statement that staff training on licensing issues had been provided by the applicant since the incident on 16<sup>th</sup> January 2009, PC McDonald commented that the training had clearly not been sufficient in light of latest breach of the premises licence on 24<sup>th</sup> September 2009.

### ***Case for the Applicant***

Chris Odell (Applicant's Representative) indicated that in view of the evidence provided concerning the police's visit to the premises on the 24<sup>th</sup> September 2009, that the applicant still wished to pursue their application for variation but with a number of conditions to be attached. Turning to the 2 previous breaches of the premises licence, Chris Odell stated that on 6<sup>th</sup> December 2008, although alcohol was still on display outside the permitted hours, there was no evidence that alcohol had been sold. Turning to the 16<sup>th</sup> January 2009 incident, Chris Odell acknowledged that alcohol had been sold outside the permitted hours, however Zabiullah Rahmani, the applicant, had not been on the premises at the time and had subsequently dismissed the member of staff who had issued the sale. Members also noted that Zabiullah Rahmani was not on the premises when the breach of the premises licence was committed on the 24<sup>th</sup> September 2009. Chris Odell advised that staff had been trained in respect of licensing regulations since the incident on the 16<sup>th</sup> January 2009. The Sub-Committee heard that there were a number of other premises in the area which had licences to sell alcohol 24 hours or that had

extended hours and Chris Odell added that therefore extending the hours of sale for alcohol for these premises would not be setting a precedent for the area. Members also heard that there was no evidence to suggest that the applicant had sold alcohol to unsuitable persons.

Chris Odell confirmed that the applicant would be willing to agree to there being 1 other personal licence holder to assist Zabiullah Rahmani with staff training on licensing matters and to marking the name of the premises on the price labels. Chris Odell stated that CCTV, a refusal book and a staff training book already existed on the premises.

Zabiullah Rahmani added in support of the application that there had been training of staff on licensing matters, although he acknowledged that staff sometimes made errors which in his view were sometimes beyond his control. However, staff had been dismissed where there had been clear breaches of the premises licence.

Councillor H B Patel commented that selling alcohol outside the permitted hours of the premises licence was a serious breach of the licensing regulations and he suggested that use of shutters to cover alcoholic drinks during hours would be useful. The Chair enquired if shutters to cover alcoholic drinks were installed on the premises.

In reply, Zabiullah Rahmani stated that no shutters to cover alcohol drinks were presently installed on the premises.

### **Decision**

At this point, the applicant, the applicant's representative and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

Having considered the views of the applicant, the applicant's representative and the responsible authority, the Sub-Committee determined:-

that the application by Zabiullah Rahmani for a Variation of the Premises Licence for 'Broadway Supermarket' (145 Cricklewood Broadway, London, NW2) pursuant to the Licensing Act 2003 be **refused**.

The Alcohol and Entertainment Licensing Sub-Committee (A) was concerned about the 3 breaches of the premises licence that had been reported, including the most recent one on 24<sup>th</sup> September 2009, and in view of the number and significance of the breaches, did not feel that the applicant would be able to meet the licensing objectives if the variation was granted and accordingly the application was refused.

6. **Application by Hillside Housing Trust to transfer the Premises Licence for 'Stonebridge Centre' (The Hub, 6 Hillside, London, NW10 8BN) pursuant to the Licensing Act 2003.**

The Sub-Committee was informed that all relevant representations had been withdrawn before the meeting and accordingly this matter did not need to be considered.

7. **Application by Michael Meegan to vary the Premises Licence for 'Maggies' (102 Chamberlayne Road, London, NW10 3JN) pursuant to the Licensing Act 2003.**

The Sub-Committee was informed that all relevant representations had been withdrawn before the meeting and accordingly this matter did not need to be considered.

8. **Application by Neza Muddin Aslami and Salahuddin Sultani for a Premises Licence for 'Favourite Chicken & Ribs' (73 Kilburn High Road, London, NW6 6HY) pursuant to the Licensing Act 2003.**

***Responsible Authority Making a Representation***

PC Nicola McDonald (Brent Police)

***Applicant***

Neza Muddin Aslami and Salahuddin Sultani (Applicants)

Linda Legister (Health Safety and Licensing Officer) introduced the matter and drew Members' attention to the applicant's requests as set out in the report.

***Responsible Authority Making a Representation***

PC Nicola McDonald stated that she had originally requested a number of conditions regarding the application, however since being informed of a breach of licensing regulations following a visit by Health Safety and Licensing Officers on 3<sup>rd</sup> July 2009, after the application had been made, she was now requesting that the application be refused. PC Nicola McDonald stated that she had earlier witnessed the applicant selling hot food at 00.45 on 24<sup>th</sup> May 2009, in breach of the licensing regulations. The further breach reported on the 3<sup>rd</sup> July 2009 also involved selling of hot food after permitted hours, in this instance, at 23.20. PC Nicola McDonald felt that in view of the 2 breaches of licensing regulations, that applicant could not be relied upon to uphold the licensing objectives and therefore the application should be refused. If Members were minded to grant the application, PC Nicola McDonald requested that hours only be extended to 00.00 and that conditions be attached to the licence as set out in her written representation.

The Chair enquired if the applicant had agreed to the conditions requested by the police and whether it was thought that these premises were contributing to anti-social activities in Kilburn High Road.

In reply, PC Nicola McDonald confirmed that the conditions requested had not been agreed with the applicant, and although there was no direct evidence that the premises added to anti-social activities, such activities occurred frequently in Kilburn High Road and as the applicant had already shown to not be complying with licensing regulations that this should be taken into account when considering the application.

***Case for the Applicant***

Neza Muddin Aslami (Applicant) asserted that Health Safety and Officers visited the premises at 23.08 on the 3<sup>rd</sup> July 2009, that there were no customers present and

that the lights had been turned off. He also stated that when he took over the premises he was under the impression that it already had a premise licence.

In reply to queries from Members, Neza Muddin Aslami indicated that he would be willing to comply with all the conditions as set out in the police's representation, adding that CCTV was already installed. The Sub-Committee also heard that the Head Office was responsible for staff training.

### **Decision**

At this point, the applicant and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

Having considered the views of the applicant, the applicant's representative and the responsible authority, the Sub-Committee determined:-

that the application by Neza Muddin Aslami and Salahuddin for a Premises Licence for 'Favourite Chicken & Ribs' (73 Kilburn High Road, London, NW6 6HY) pursuant to the Licensing Act 2003 be **granted subject to conditions**.

(i) that the following hours for the provision of licensable activities be agreed:-

to be permitted to remain open for late night refreshment until 00.00 Sunday to Thursday and until 01.00 the following day Friday and Saturday

(ii) that the following conditions be attached to the premises licence:- conditions relating to CCTV, capacity limit for premises, operating hours to be displayed on the premises, security measures, access, prevention of nuisance, litter and customers leaving the premises as set out in the police's representation.

The Sub-Committee did not feel that there was sufficient evidence of crime and disorder associated with the premises, however it acknowledged that the applicant had breached licensing regulations and therefore reduced the extended hours applied for and added the conditions to the licence as set out by the police to address these concerns and also because the applicant had indicated that they would accept the conditions.

### **9. Application by Pararajasingam Jegatheeswaran for a Premises Licence for 'Chickenland' (65 Dudden Hill Lane, London, NW10 1BD) pursuant to the Licensing Act 2003.**

The Chair declared an interest as a ward councillor for where the premises were located. However, she did not view the interest as prejudicial and took part in discussion and consideration of this application.

### ***Responsible Authority Making a Representation***

PC Nicola McDonald (Brent Police)

## ***Applicant***

Mr Suvagaran (Applicant's Representative)

Pararajasingam Jegatheeswaran, the applicant, attended in support.

Linda Legister (Health Safety and Licensing Officer) introduced the matter and drew Members' attention to the applicant's requests as set out in the report.

## ***Responsible Authority Making a Representation***

PC Nicola McDonald (Brent Police) advised Members that there had not been any progress with regard to the conditions requested in her written representation being agreed by the applicant due to applicant's limited understanding of English. She felt that as the premises was located near a residential area and because there had been anti-social behaviour in the vicinity, she felt that it would be more appropriate for the hours to be until 00.00 Sunday to Thursday and until 01.00 the next day Friday and Saturday.

The Chair commented that there were a number of other takeaways in the High Road and stated that she had not received complaints from residents regarding the applicant's premises. She enquired whether crime was a concern in the area.

In reply, PC McDonald stated that although crime was not a concern, anti-social behaviour was and she felt that if the extended hours the applicant was applying for was granted then it could exacerbate this problem.

## ***Case for the Applicant***

Mr Suvagaran (Applicant's Representative) informed the Sub-Committee that the applicant had run the premises for approximately 5 years and in that time had received no complaints from the police concerning anti-social behaviour associated with the premises. Mr Suvagaran claimed that a nearby shop operated for 24 hours and he also stated that there were a number of visitors to the area late at night and the applicant therefore wished to have the opportunity to be open for potential customers during these times.

In reply to a query from the Chair, Mr Suvagaran confirmed that the applicant was willing to adhere to the conditions as set out in the police's representation.

## **Decision**

At this point, the applicant and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

Having considered the views of the applicant, the applicant's representative and the responsible authority, the Sub-Committee determined:-

that the application by Pararajasingam Jegatheeswaran for a Premises Licence for 'Chickenland' (65 Dudden Hill Lane, London, NW10 1BD) pursuant to the Licensing Act 2003 be **granted subject to conditions**.

- (i) that the following hours for the provision of licensable activities be agreed:-  
  
to be permitted to remain open for late night refreshment until 00.00 Sunday to Thursday and until 01.00 the following day Friday and Saturday
- (ii) that the following conditions be attached to the premises licence:-  
conditions relating to CCTV, capacity limit for premises, operating hours to be displayed on the premises, security measures, access, prevention of nuisance, litter and notices for customers leaving the premises as set out in the police's representation. These conditions must be met before the premises operated for the later hours granted.

The Sub-Committee felt that there was no evidence to suggest that the applicant would be unable to meet the licensing objectives, however it accepted the police's concerns regarding public nuisance and accordingly reduced the extended hours applied for and imposed the conditions as requested by the police and accepted by the applicant at the meeting.

10. **Application by Douro Wines Ltd for a Premises Licence for 'Tamariz Cafe' (156 Manor Park Road, London, NW10 4JR) pursuant to the Licensing Act 2003.**

The Sub-Committee was informed that all relevant representations had been withdrawn before the meeting and accordingly this matter did not need to be considered.

11. **Application by M Adil, I Adil and R J Adil to Vary the Designated Premises Supervisor on the Premises Licence for 'Quality Hotel' (3-9 Kilburn High Road, London, NW6 5SB) pursuant to the Licensing Act 2003.**

The Sub-Committee was informed that the applicant had withdrawn their application and accordingly this matter did not need to be considered.

The meeting closed at 11.20 am.

L JONES  
Chair