



LONDON BOROUGH OF BRENT

MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (B)

Wednesday, 24 February 2010 at 7.00 pm

PRESENT: Councillor Mrs Fernandes (Chair) and Councillor Gupta

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

None declared.

2. **Application by Kentucky Fried Chicken for a Variation of Premises Licence for 'KFC' (167 Edgware Road, London, NW9 6LP) pursuant to the Licensing Act 2003**

Interested Parties Making Representations

Councillor J Moher (representing local residents who had made representations) A. Ambjocke, G. McBain, N. Lala and L. Pindoria (local residents) made written representations but were not present at the meeting.

Applicant and Applicant's Representative

Lordes Barnes (Applicant's representative)
Ms Yousef, an employee of the applicant, attended in support.

Alan Howarth (Health Safety and Licensing Manager) introduced the matter and confirmed that the applicant, Kentucky Fried Chicken (KFC) was seeking an additional 30 minutes to serve late night refreshment Sunday to Thursday and an additional hour on Friday and Saturday. Members noted that the Police had withdrawn their representation after agreeing on conditions to be attached to the licence with the applicant.

Interested Parties Making Representations

Councillor J Moher, speaking on behalf of local residents who had made representations, confirmed that he had been asked to speak on their behalf. He referred to the petition in the written representation and advised that the signatories lived directly opposite the premises concerned. He stated that the area already suffered from excessive noise which residents had frequently complained about and that the Police had recently issued a dispersal order to the area. In light of this, he expressed surprise that the Police had withdrawn their representation. The Sub-Committee heard that the nature of the food on sale attracted younger people to the area who were often the cause of noise and disturbance. Excessive litter was also

a major concern with bins often overflowing which attracted foxes and rats to the area. Councillor J Moher felt that the applicant did not have a good record in keeping the area around their premises clean under the existing hours and despite the Head Office of KFC being alerted to concern about litter, no response had been received. In addition, crime and disorder was a problem in the area, especially at weekends, and therefore Councillor J Moher did not think an extension of the hours was appropriate.

During discussion, Councillor Gupta asked who was responsible for the bin that was overflowing and would the litter issue be helped by an extra bin being provided. He also sought further details with regard to the recent dispersal orders. The Chair asked Councillor J Moher whether he felt that the noise was caused by those passing through the area or by visitors to the KFC.

In reply, Councillor J Moher stated that he understood that KFC were responsible for the upkeep of the bin and he explained that there had been a second bin but this had since vanished. Although an additional bin would be welcomed, it would not address the concerns about excessive noise late at night and a particular problem was young people congregating on the balcony of a block of flats just behind the premises where drinking and drug taking was taking place. Members noted that the Safer Neighbourhood Team had identified the area as a trouble spot in January 2010 and although a dispersal order had been applied recently, it could only take effect for a temporary period. Councillor J Moher felt that the noise was mainly attributable to those stopping off at KFC to buy food.

The Sub-Committee then considered the written representations from A. Ambjocke, G. McBain, N. Lala and L. Pindoria (local residents).

Case for the Applicant

Lordes Barnes (applicant's representative) began by stating that the applicant carried out four litter picks every day, however the bin was owned by the Council. He indicated that the applicant would consider sponsoring an additional bin, whilst notices were placed on the premises requesting that customers keep noise levels to a minimum when leaving the premises.

Councillor Gupta sought comments with regard to complaint to the KFC head office in respect of these premises. The Chair enquired where the notices asking customers to be quiet were located and whether there was seating for dining on the premises.

Comments with regard to balcony issue raised by Councillor J Moher were also sought.

In reply, Lordes Barnes confirmed that signage asking customers to be quiet was located just inside the entrance door and that there was no seating for dining on the premises. Members heard that young people causing noise on the balcony of the flats to the rear of the premises did not visit KFC and were usually gone by 20.00. It was confirmed that the balcony was not part of the premises. Lordes Barnes stated that the manager of the premises would be instructed to inspect the area outside the premises for litter. He was not aware that a complaint had been made

to the Head Office since the premises had opened and it was usual for any complaints to be addressed by the premises manager in the first instance.

Ms Yousef (employee of the applicant) added that she had been made aware of a complaint in respect of these premises a few years ago, however she had met the complainants and the issue had been resolved. She stated that to her knowledge there had been no complaints to Head Office concerning these premises in the last two years. She felt that most residents understood that KFC were not the cause of excessive noise in the area and that staff were instructed to clear litter outside the premises that had fallen onto the street.

Decision

At this point, the representative of the interested parties and the applicant's representatives were asked to leave the room to allow the Sub-Committee to consider the matter in private.

that the application by Kentucky Fried Chicken for a Variation of the Premises Licence for 'KFC' (167 Edgware Road, London, NW9 6LP) pursuant to the Licensing Act 2003 be **granted with a condition**.

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

(a) that the hours during which the applicant is permitted to supply late night refreshment as set out in Box L of the operating schedule be:

Sunday to Thursday – 23.00 to 01.00 (the following day)

Friday and Saturday – 23.00 to 02.00 (the following day)

(b) that the hours during which the applicant is permitted to remain open to the public as set out in Box O of the operating schedule be:

Sunday to Thursday – 10.00 to 01.00 (the following day)

Friday and Saturday – 10.00 to 02.00 (the following day)

(ii) that the following condition be attached to the licence:-

that the applicant provide an extra bin outside the front of the premises and ensure that the bin is cleared regularly and not be allowed to overflow.

The Alcohol and Entertainment Licensing Sub-Committee (B) acknowledged that the premises was located in a busy area but felt that there was no evidence that an extra hour to the existing licence would lead to noise nuisance in the vicinity. However, it acknowledged the concerns raised by residents concerning litter and felt that the condition attached would address these concerns and accordingly approved the application with this condition added.

3. **Application by Vitor Sebastiao Aleixo Pedroso for a Premises Licence for 'Manos Grill' (1026 Harrow Road, London, NW10 5NN) pursuant to the Licensing Act 2003**

Interested Parties Making Representations

James Price (local resident)

Iman Harb, M. Morgan, Koulla Rousou, P. French and one other local resident (name not disclosed) made written representations, but were neither present nor represented at the meeting.

Applicant and Applicant's Representative

Manuel Rocha (applicant's representative)

Vitor Sebastian Alexio Pedro, the applicant, attended in support.

Alan Howarth (Health Safety and Licensing Manager) introduced the matter and drew Members' attention to the requests made in the application. He confirmed that he had received a letter from the police confirming that their representation had been withdrawn after agreeing conditions to be attached to the licence with the applicant.

Interested Parties Making Representations

James Price (local resident) began by stating that the application, if granted, would mean the premises opening much later than other licensed premises in the area and he expressed concern that the nature of the premises would fundamentally change from being a restaurant to a late night bar. Members heard that the premises currently closed at 10.30pm and if these times were retained and the premises remained a restaurant, that this would be acceptable. James Price stated that the premises were located in a quiet, residential area and it would not be appropriate to give approval for it to become a late night bar and he expressed concern that it could set a precedent for similar applications in the area. James Price confirmed that he lived just two doors down from the premises and that noise, including those from customers smoking outside, was a concern, especially as he left home for work early each day.

Councillor Gupta sought clarification concerning complaints made about noise before the present owner had acquired the premises which he noted was not presently sound insulated. He enquired about opening times for other licensed premises in the area and whether they provided music. He also asked whether customers making noise outside the premises was a problem now and what the width of the pavement outside the premises was. The Chair also sought further clarification with regard to any present noise issues.

The question was also posed as to whether it would be acceptable if provision for recorded music was not included on the premises licence, in view that the applicant may only be intending to play background music.

In reply, James Price stated that there noise from the premises or customers standing on the pavement outside was not presently a problem, however if the

premises opened later, there would be concerns that this could lead to excessive noise late at night, especially on the pavement as there was no smoking area within the licensed area. Under the previous owners, there had been incidents of excessive noise when the premises had operated as a bar. James Price added, however, that the applicant had indicated that they did not intend to play amplified music. The Sub-Committee heard that other licensed premises in the area closed around 10.00 - 10.30pm, apart from a large public house approximately 500 yards from the premises which opened later and was licensed to play live music and another similar establishment a further distance away. James Price estimated the width of the pavement outside the premises to be approximately two metres wide. James Price stated that if the music element of the licence was not included, then concerns would be restricted to noise from customers entering and leaving the premises and he indicated that a closing time of 10.30 Sunday to Thursday and at 00.00 Friday and Saturday would be acceptable to him.

The Sub-Committee then considered the written representations from Iman Harb, M. Morgan, Koulla Rousou, P. French and one other local resident (name not disclosed).

Case for the Applicant

Manuel Rocha (applicant's representative) stated that the applicant had recently acquired the premises, with Manos Grill opening about 3 months ago and there was no connection with the previous owner. He explained that the premises intended to attract a Portuguese clientele and that it was normal for such a community to eat and drink later, especially at weekends. Members heard that the applicant was keen to meet with local residents to address any concerns on a monthly basis. Manuel Rocha stated that the sale of alcohol was an essential element to the success of the business and there was no intention for the premises to become a public house or to provide dancing facilities. The applicant was willing to work with residents and the Council and he would ensure that customers left the premises swiftly and quietly. It was also intended to make considerable investments in facilities to ensure that high standards were met. Manuel Rocha confirmed that the applicant was happy to withdraw the music element of the application and later hours were sought on Friday and Saturday as these were weekend nights.

Councillor Gupta highlighted that the late hours applied for, particularly on Friday and Saturday, was of concern to residents and he sought further comments in respect of this. He enquired whether customers of other nationalities would also be visiting the premises.

Clarification was also sought with regard to what hours had been agreed with the Police.

In reply, Manuel Rocha stated that noise in the area was caused by other bars and pubs in the area and traffic was also a contributing factor. He suggested that as most customers on the premises would be eating, this would mean they were less likely to become intoxicated. He confirmed that the applicant wished to provide background music only and he understood this to mean that music cannot be heard outside the premises. Members noted that most customers were likely to be Portuguese and that it had a capacity of 35 people. Manuel Rocha stated that the hours agreed with the Police were to supply alcohol until 23.00 Sunday to Thursday

and until 01.30 the following day Friday and Saturday, with opening times being until 23.30 Sunday to Thursday and until 02.00 the following day Friday and Saturday.

Decision

At this point, the interested party, the applicant and the applicant's representative were asked to leave the room to allow the Sub-Committee to consider the matter in private.

that the application by Vitor Sebastiao Aleixo Pedroso for a Premises Licence for 'Manos Grill' (1026 Harrow Road, London, NW10 5NN) pursuant to the Licensing Act 2003 be **granted**.

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

- (a) that the hours during which the applicant is permitted to supply late night refreshment as set out in Box L of the operating schedule be:

Friday and Saturday – 23.00 to 00.00

- (b) that the hours during which the applicant is permitted to supply alcohol as set out in Box M of the operating schedule be:

Monday to Thursday – 08.00 to 23.00

Friday and Saturday – 08.00 to 00.00

Sunday – 10.00 to 23.00

- (c) that the hours during which the applicant is permitted to remain open to the public as set out in Box O of the operating schedule be:

Monday to Thursday – 07.00 to 23.30

Friday and Saturday – 07.00 to 00.30 (the following day)

Sunday – 10.00 to 23.30

The application under Box F of the operating schedule (recorded music) was refused.

The Alcohol and Entertainment Licensing Sub-Committee (B) acknowledged the concerns raised by residents with regard to noise and public nuisance in a residential area. However, it felt these could be addressed by restricting the hours of licensable activities and by not permitting recorded music. It was noted that the applicant had indicated that they intended to play background music only and therefore did not need recorded music as a licensable activity on the premises licence.

4. **Application by Brent Police for a Review of the Premises Licence for 'Conways 3' (2-3 Holmstall Parade, Burnt Oak Broadway, Edgware, HA8 5HX) 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.

The meeting closed at 8.15 pm

U. FERNANDES
Chair