



LONDON BOROUGH OF BRENT

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

Tuesday, 24 May 2011 at 10.00 am

PRESENT: Councillor HM Patel (Chair), Councillor Mrs Bacchus and Beckman (alternate for Chohan)

Also Present: Councillor Kataria

Apologies were received from: Councillors Chohan and Jones

Election of Chair

Councillor HM Patel was elected to chair this meeting.

1. Declarations of personal and prejudicial interests

None at this meeting.

2. Application by the Metropolitan Police for a review of the premises licence for 'The Plough' (253 Ealing Road, Wembley, HA0 1ET) pursuant to the provisions of the Licensing Act 2003

Relevant authority making a representation

PC Nicola McDonald (Licensing Officer, Brent Police)
Nick Mortimer (Brent Police)

Premises licence holder

Jonathan Smith (premises licence holder's legal representative)
Greene King (premises licence holder)
Bob Luke (area manager) attended in support.

Alan Howarth (Licensing Manager, Health Safety and Licensing) introduced the matter and advised that the police had applied for a review of the premises licence on the grounds of prevention of crime and disorder. Members noted that the premises had been subject to an earlier expedited review which had resulted in a suspension of the licence until the outcome of this full hearing.

Relevant authority making a representation

Nick Mortimer (Licensing Officer, Brent Police) advised that following the outcome of the expedited review, a new set of conditions had been agreed with the premises

licence holder. In the view of the police, the agreed conditions would overcome the problems with crime and prevention of crime, reasons that led to the expedited hearing and the closure of the premises.

Case for the premises licence holder

Jonathan Smith (premises licence holder's legal representative) informed Members that since the expedited review hearing Greene King, (premises licence holder) had instructed Mr Jacek Kozminski (the tenant) not to re-open the premises and that failure to do so could result in forfeiture proceedings against him. Since the tenant had opened the premises contrary to the instructions, the premises licence holder had served an S.146 Notice under the law of Property Act 1925 for various breaches of his lease covenants. A hearing for the possession of the premises was to be heard at Willesden County Court on 20 June 2011. The successful outcome of the pending forfeiture action would effectively terminate Mr Kozminski's tenancy at 'The Plough'.

Jonathan Smith continued that a new tenant (Sean Flynn) had been identified for the premises and a designated premises supervisor would be put in place. He added that 'The Plough' would be totally re-furnished within 6 weeks to give it a new lease of life. In tabling a set of conditions that had been agreed with the Police, Jonathan Smith drew members' attention to an amendment in condition 6 (location map) and added that the measures that were being put in place together with the conditions would enable the licensing objectives of preventing crime and disorder to be satisfied.

Decision

At this point, the premises licence holder, his representatives and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues of the application in closed session.

Having considered the application by the Metropolitan Police to Review the Premises Licence for 'The Plough (253 Ealing Road, Wembley, HA0 1ET)) ("the premises") pursuant to the provisions of the Licensing Act 2003 the Sub-Committee resolved that the **premises licence continue in force subject to amendments to the premises licence and conditions as follows:-**

- 1) The hours for licensable activities to be reduced to 10:00 to midnight Sunday to Thursday and 10:00 to 01:00 Friday, Saturday and Bank Holiday Sundays.
- 2) The opening hours of the Premises to be reduced to 07:00 to 00:30 Sunday to Thursday and 07:00 to 01:30 Friday, Saturday and Bank Holiday Sundays.
- 3) Door supervisors of a sufficient number and gender mix, shall be employed from 21:00 on any day when the Premises are open for the sale of alcohol past midnight.

- 4) A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority, if requested.
- 5) CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to Police and Licensing Officers if requested.
- 6) Customers shall not be permitted to take open glass containers outside the Premises as defined on the plan submitted to and approved by the Licensing Sub-Committee on the 24 May 2011 and headed "Location Map", London Borough of Brent, 100025260, 2010.
- 7) An Incident Book which shall be kept at the Premises which shall be made available to the Police and Licensing Authority, if requested.
- 8) The use of the outside drinking areas for the consumption of alcohol shall cease at 23:00.
- 9) After 23:00 outside areas shall be limited to 15 persons and each area shall be suitably supervised.
- 10) On major event days at Wembley Stadium the following shall apply:
 - Customers shall not be allowed to congregate outside the Premises.
 - No glass bottles shall be handed over the bar but decanted into plastic vessels.
 - The DPS/ manager shall work in partnership with the Police and if necessary comply with any direction given by a senior Police Officer on duty at the event.
- 11) Nudity, striptease and other entertainment of an adult nature shall not be permitted on the Premises.

3. **Application by the Metropolitan Police to review the premises licence for 'JJ Food & Wine' (4 Park Parade, Harlesden, London, NW10 4JH) pursuant to the provisions of the Licensing Act 2003**

Relevant authority making a representation

PC Nicola McDonald (Licensing Officer, Brent Police)
Nick Mortimer (Brent Police)

Premises licence holder

Jeffrey Israel (premises licence holder's legal representative)

Mariyathas Jeyaraja (premises licence holder, also designated premises supervisor) and Joshua Simmons attended in support.

Alan Howarth (Licensing Manager, Health Safety and Licensing) introduced the matter and advised that the police had applied for a review of the premises licence on the grounds of prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. He drew members' attention to the evidence submitted by the Police in support of the review as set out in the report before the Sub-Committee.

Prior to the relevant authority's representation, Jeffrey Israel the premises licence holder's legal representative stated that he had just been informed that the police were seeking a revocation of the premises licence rather than a review. Mr Israel he had not been instructed to prepare against a revocation, so he requested a deferral of the review hearing on that basis.

Relevant authority making a representation

PC Nicola McDonald (Licensing Officer, Brent Police) informed the Sub-Committee that the shop had operated with a severe lack of staff training and supervision from the premises licence holder who was also the designated premises supervisor. She continued that the shop was selling cheap high strength alcohol to drunk persons who went on to cause anti social behaviour in the area. PC McDonald concluded that in her view there was no merit in deferring the hearing.

Decision

At this point, the premises licence holder, his representatives and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues in closed session.

Having considered the application by the Metropolitan Police to review the Premises Licence for 'JJ Food & Wine' (4 Park Parade, Harlesden, London, NW10 4JH) ("the premises") pursuant to the provisions of the Licensing Act 2003 the Sub-Committee resolved **that in the interest of natural justice and fairness, the application be deferred at the request of the applicant to the next suitable hearing date.**

4. Application by Brent Police to review the premises licence for 'Boozewell' (383 Church Lane, Kingsbury, London, NW9 8JB) pursuant to the provisions of the Licensing Act 2003

Relevant authority making a representation

PC Nicola McDonald (Licensing Officer, Brent Police)
Nick Mortimer (Brent Police)

Premises licence holder

Mark Agombar (premises licence holder's legal representative)

Mahesh Hamraj Shah (premises licence holder and designated premises supervisor)

Alan Howarth (Licensing Manager, Health Safety and Licensing) introduced the matter and advised that the police had applied for a review of the premises licence on the grounds of prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. He drew members' attention to the evidence submitted by the Police in support of the review as set out in the report before the Sub-Committee which included the following; the use of the licensed premises for criminal activity, namely the storage and sales of illegal drugs; poor management and unsatisfactory supervision which had impacted on the licensing objectives.

Relevant authority making a representation

PC Nicola McDonald (Licensing Officer, Brent Police) informed the Sub-Committee that the licensed premises had been used for criminal activity namely to store and sell illegal drugs, cannabis resin. She continued that on 16 June 2010 Brent Police Officers executed a search warrant issued under Section 23 of the Misuse of Drugs Act 1971 at the licensed premises and the residential flat above the shop. Mr Punit Shah, being the son of the DPS was detained behind the counter working in the shop and when searched, officers found £150 cash in his trouser pocket and a large quantity of herbal cannabis resin in foil wraps in the rear store room of the licensed premises. Officers also searched Punit's bedroom and found three large bags of herbal cannabis, more small wraps of cannabis resin and £15,795 cash. Punit Shah was bailed to appear at Wembley Police Station on 17 November 2010. PC McDonald emphasised that Mr Shah the DPS was present at the premises during the execution of the search warrant and was aware of the drugs seized.

PC McDonald informed members that on 12 November 2010, 5 days prior to his bail return, further evidence received by Brent Police executed a second warrant which resulted in a sum of £400 found in his trouser pocket, a large block of cannabis resin, thirty wraps of cannabis resin and £3,000 cash. Again Mr Shah the DPS was present at the licensed premises during the execution of the warrant.

The Sub-Committee was also informed that on 28 January 2011 Brent Police executed a third warrant at the licensed premises during which Punit and his brother Rishi were working in the shop. It was reported that officers found several clear plastic bags of cannabis resin in a disused refrigerator on the premises and more cannabis in the shower room adjoining Punit and Rishi's bedroom.

PC McDonald continued that Mr Shah (DPS) had never contacted Brent Police to discuss any issues and pressures from his son Punit and in fact continued to allow Punit to work in the shop with little or no supervision knowing the seriousness of the allegations. PC McDonald submitted that in her opinion, a revocation of the premises license was the appropriate course of action to take given the circumstances so as to uphold the licensing objectives.

Nick Mortimer added that the licensed premises was used for illegal activities hence the recommendation to the Sub-Committee to revoke the premises licence in order to uphold the licensing objectives. He continued that all three warrants executed resulted in substantial amounts of cash and cannabis being found at the premises when the PLH was supposed to be in control but clearly failed to exercise it. In endorsing the views expressed by PC McDonald, Nick Mortimer added that any support required by the PLH should have come from his legal representatives and not Brent Police.

Case for the premises licence holder

Mark Agombar, legal representative for the premises licence holder (PLH) submitted that the application for review of the premises licence was based on the activities of the son Punit and that Mr Shah the PLH had no knowledge of his son's activities prior to the execution of the first warrant on 16 June 2010. He added that the claim by the police that the licensing objectives had been breached relied on what they referred to as 'intelligence reports' but had failed to put forward evidence to clarify the source and validity of those reports. He continued that the case against Punit Shah was a presumption but not yet proven and that Mr Shah's presence was no coincidence as he lived on the premises at the first floor flat.

Mr Agombar informed the Sub-Committee that Mr Shah had successfully run the family business for over 25 years in the face of competition from large supermarkets. In his view Mr Shah was an iconic British businessman who was wholly horrified by the activities of his sons and continued to struggle to accept the hideous acts by his sons. In advance of the court hearing and in order to preserve his licence, Mr Shah had taken a decisive action to evict his own son from the family home and banned him from the licensed premises. Mark Agombar submitted that a revocation of the premises licence would be disproportionate and destroy the family. He urged members to impose conditions including the exclusion of Punit from participating in the business.

Questioning by Members

Councillor Mrs Bacchus sought confirmation on how many times that cannabis had been found at the licensed premises and whether Mr Shah was aware of illegal drugs activities at the premises. Councillor Beckman enquired as to the residential address of Punit since he was evicted by his father. In response, Mark Agombar stated that cannabis was found on three occasions and although Mr Shah was present, he could not smell its presence at the licensed premises as he had no experience in illegal drugs. He added that Punit was currently living about 45 minutes drive away from Church Lane although he had not told his father about the exact address.

Decision

At this point, the premises licence holder, his representatives and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues in closed session.

Having considered the application by the Metropolitan Police to Review the Premises Licence for 'Boozewell' (383 Church Lane, Kingsbury, London NW9 8JB) ("the premises") pursuant to the provisions of the Licensing Act 2003 the Sub-Committee resolved **that the licence be agreed to continue in force subject to amendments to the premises licence and conditions as follows:-**

- 1) Mr Punit Shah, being the son of Mr Mahesh Hamraj Shah the Designated Premises Supervisor (DPS) be specifically excluded from the premises.
- 2) A Personal Licence Holder (PLH) fluent in English language shall be present at the premises and supervise the sale of alcohol throughout the licensable hours.
- 3) CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to Police and Licensing Officers if requested.
- 4) The CCTV cameras shall be positioned to cover the following areas;
 - Shop entrance area
 - Till area
 - Entrance to store room.

5. **Application by Shahpoor Bazmangal to vary the premises licence for 'Bridge Grocery Ltd' (126 Acton Lane, London, NW10 8TX) pursuant to the provisions of the Licensing Act 2003**

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

The meeting closed at 12.10 pm

HM PATEL
Chair