



LONDON BOROUGH OF BRENT

MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (A) Thursday, 14 July 2011 at 10.00 am

PRESENT: Councillor Kataria (Chair) and Councillors Cheese and Hector

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Application by Pararajasingam Satheeswaran for a premises licence for 'Costcutters' (205 Edgware Road, Colindale, London, NW9 6LP) pursuant to the provisions of the Licensing Act 2003**

Interested party making a representation

Adil Ali (local resident and businessman)

Applicant and representatives

Jenny Hughes (applicant's representative)

Pararajasingam Satheeswaran (applicant, attended in support)

Geoff Galilee (Head of Health Safety and Licensing) introduced the matter and set out the applicant's request. He confirmed that the police had withdrawn their representation following the applicant agreeing to the conditions requested and to amend the hours of alcohol and opening times until 02.00 the following day.

Interested party making a representation

Adil Ali (local resident and businessman) confirmed that he owned a shop in the locality and had at one time lived above the shop. He stated that he was representing the views of both staff from local businesses and local residents. Adil Ali asserted that there were a number of premises already in the area that had licences to sell alcohol and felt that approving another licensed premise would exacerbate the problems associated with noise, litter, anti-social behaviour and selling of fake and duty free goods. The sale of cheap alcohol in particular was the root cause of anti-social behaviour in the area. Adil Ali suggested that there should be a cap on the number of off-licences in the area.

In reply to a query from Councillor Cheese, Adil Ali stated that the police had been contacted a few times in respect of young persons buying alcohol in the area

around two years ago, although he acknowledged that this was not such a problem now.

The Chair advised that commercial reasons relating to competition were not valid in respect of determining an application. He sought clarification as to whether there were any policies in place in the area restricting the number of premises selling alcohol. In reply, Geoff Galilee advised that there was no such policy and this would only be possible in respect of a cumulative impact being identified and a specific policy put in place in the area. Even if such a policy was in place, it would not prevent applications being made for licensed premises to sell alcohol.

Case for the applicant

With the agreement of the interested party, a letter was circulated to Members and the interested party by the applicant's legal representatives. Jenny Hughes (applicant's representative) felt that Adil Ali's representation was based on perceived competition to local businesses that the application may pose and therefore was not a relevant consideration. Members heard that the applicant had been a personal licence holder for a number of years and had never experienced any problems in respect of managing licensed premises. In view that the police had withdrawn their representation and the opening hours had been reduced, Jenny Hughes felt that the applicant had taken sufficient steps to uphold the licensing objectives.

In reply to queries from Councillor Hector, Pararajasingam Satheeswaran (applicant) confirmed that he had extensive experience of selling alcohol and would always ensure that at least two experienced staff were on the premises at any time it was open to sell alcohol.

Decision

At this point, the interested party, applicant and applicant's representative were asked to leave the room to allow the sub-committee to discuss the relevant issues concerning the application.

That the application by Parajasingam Satheeswaran for a premises licence for 'Costcutters' (205 Edgware Road, Colindale, London, NW9 6LP) ("the premises") pursuant to the provisions of the Licensing Act 2003 be **agreed**.

that the following provision of licensable activities be agreed:-

- (a) that the hours during which the supply of alcohol be permitted as set out under box M of the operating schedule be:-

Monday to Sunday – 06.00 to 02.00 (the following day)

- (b) that the hours during which the premises is permitted to open to the public as set out under box O of the operating schedule be:-

Monday to Sunday – 06.00 to 02.00 (the following day)

The Alcohol and Entertainment Licensing Sub-Committee (A) felt that there was no evidence to suggest that the application would undermine the licensing objectives and accordingly the premises licence was agreed.

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

Responsible authority making a representation

PC Nicola McDonald (Brent Police)

Premises licence holder and representatives

Jeffrey Israel and Joshua Simmons (premises licence holder's representative)

Geoff Galilee introduced the matter and informed Members that the police had made a request for a review of the premises licence on the grounds of prevention of public nuisance and prevention of crime and disorder. Members noted that the current licence permitted the premises to sell alcohol from 08.00 to 23.00 Monday to Saturday and 08.00 to 22.30 Sunday.

Responsible authority making a representation

PC Nicola McDonald (Brent Police) began by stating that the premises was located in a controlled drinking zone area that suffered from the activities of habitual street drinkers. A request to review the licence had initially been submitted in September 2010 and Members were referred to statements made by two police community support officers on 18 August 2010 which described an incident involving a street drinker who had had been sold alcohol by the premises whilst intoxicated before subsequently being refunded by staff after they had allegedly sighted the two officers. PC Nicola McDonald then referred to her statement after a follow-up visit to the premises on 27 August 2010 when she witnessed another intoxicated person in the process of being sold alcohol that had only been prevented by her own intervention. It was also discovered that the CCTV was not in operation. Following these incidences there had been a number of discussions between the police and the premises licence holder about attaching additional conditions to the licence and Members noted that these were set out in the report in a letter sent by the police to the premises licence holder's legal representatives. Although the premises licence holder had agreed to most of the conditions requested, they did not agree with the one requiring that no cheap high strength beers, lagers or ciders above 5.5% ABC were to be stocked. A subsequent incident on 18 February 2011 summarised in a statement from another police community support officer involving an alleged sale of alcohol to an intoxicated person and a known street drinker had led to CCTV footage of the day in question being viewed by police which appeared to confirm that the offence as described had been committed.

PC Nicola McDonald concluded by stressing that she had tried to work with the premises licence holder and given him plenty of opportunities to address the concerns raised, however there had been three separate breaches each witnessed

by the police and she added that this may mean that other breaches that had not been witnessed were also taking place. She felt that the condition with regard to cheap alcohol drinks of 5.5% ABV or more was necessary because of the incidents referred to involving street drinkers and if the premises licence holder was not prepared to accept this then the licence should be revoked.

Case for the premises licence holder

Jeffrey Israel (premises licence holder's representative) began by stating that the police had not included a submission to revoke the licence in their written representation which he argued would be wholly disproportionate to the breaches committed by the premises licence holder. He stated that the designated premises supervisor (DPS) had held the licence since 2006 largely without incident, however he accepted the breaches committed on the premises in August 2010, although the DPS was not present in relation to the incident on 27 August 2010. Since then, the DPS had been in extensive discussions with his legal representatives and the police to take steps to address the issues raised and had accepted all the conditions requested by the police apart from the one relating to cheap alcoholic drinks of 5.5% ABV and above. The premises licence holder had implemented all other conditions and in addition had ensured that all staff had the necessary training. Jeffrey Israel contested that the statement in relation to the CCTV footage of 18 February 2011 at no point suggested that customer concerned was intoxicated at the point of sale. For these reasons, he asserted that the outstanding condition that had not been agreed and the request for revocation were both wholly disproportionate in view of the efforts that had been made by the premises licence holder.

The Chair sought clarification with regard to relevance of the requested condition concerning cheap alcoholic drinks of 5.5% ABV and above and whether there was a justification for it.

In reply, Jeffrey Israel reasserted that the CCTV footage on 18 February 2011 provided no evidence of sale to an intoxicated person and whilst he acknowledged that this condition was included in premises licences elsewhere, the lawfulness of it was yet to be challenged. Geoff Galilee advised that the condition had been included on other premises' licences where it was felt that street drinking in the area was an issue.

In reply to a query from the council's Legal Adviser, Joshua Simmons (premise licence holder's representative) confirmed that a visit to the premises on 7 July 2011 confirmed that the CCTV was fully operational.

Decision

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

Having considered the application by the Metropolitan Police Licensing Unit to review the premises licence for 'JJ Food and Wine' (4 Park Parade, Harlesden, London, NW10 4JH) ("the premises") pursuant to the provisions of the Licensing

Act 2003 the Sub-Committee resolved that the **premises licence continue in force subject to conditions being added to the premises licence:-**

- (i) that the following hours for the provision of supplying alcohol be:-

Monday to Saturday – 08.00 to 23.00
Sunday – 10.00 to 22.30
- (ii) that the following conditions be added to the premises licence in addition to the existing conditions:-
 - (a) CCTV shall be installed to Home Office Guidance standards and maintained in a good working order condition and recordings shall be kept for 31 days and shall be made available to the police and licensing officers on demand.
 - (b) CCTV cameras shall be installed to cover the entrance and the rear of the premises.
 - (c) A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
 - (d) A “Challenge 21” policy shall be adopted and adhered to at all times.
 - (e) A refusal book shall be kept and maintained and be readily available upon request.
 - (f) A time delay safe to be securely installed.
 - (g) The licensee shall keep an incident book which shall be made readily available to the police and the licensing authority upon request.
 - (h) A clear and unobstructed view into the premises shall be maintained at all times.
 - (i) A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from outside of the entrance to the premises.
 - (j) A suitable intruder alarm complete with panic button shall be fitted and maintained.
 - (k) A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

The Alcohol and Entertainment Licensing Sub-Committee (A) felt that the conditions added that had been requested by the police in the representation would meet the licensing objectives (prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm) and accordingly agreed that the premises licence should remain in force with these conditions added.

4. Application by the Environmental Health Noise Nuisance Team for a review of the premises licence for 'McGowan' (88 Walm Lane, London, NW2 4QY) pursuant to the provisions of the Licensing Act 2003

The sub-committee noted that this application had been adjourned at the request of the premises licence holder and with the agreement of the police and the Environmental Health Noise Nuisance Team who had made representations on this application.

5. **Application by Akbar Tahir to vary the designated premises supervisor for 'Craven Park Off Licence' (102 Craven Park Road, London, NW10 8QD) pursuant to the provisions of the Licensing Act 2003**

The sub-committee noted that this application had been adjourned at the request of the applicant and with the agreement of the police who had made a representation on this application.

6. **Application by Katarzyna Szczudlik for a premises licence for 'Zagorska Polish Bakery & Delicatessen (22A Harrow Road, Wembley, HA9 6PG) pursuant to the Licensing Act 2003**

that the application by Katarzyna Szczudlik for a premises licence for 'Zagorska Polish Bakery & Deli' (22A Harrow Road, Wembley, HA9 6PG) ("the premises") pursuant to the provisions of the Licensing Act 2003 be **deferred**.

Responsible authority making a representation

Sergeant Adrian Adolphus (Brent Police)

Applicant

The applicant was neither present nor represented at the meeting.

Geoff Galilee introduced the matter and referred to the applicant's requests as set out in the operating schedule.

Responsible authority making a representation

Sergeant Adrian Adolphus (Brent Police) referred to the conditions he requested in his written representation, stating that they were the normal conditions the police would request for an application of this nature. However, despite repeated attempts to contact the applicant with regard to these, he had not been able to have any discussion with them and nor had they responded to any of his attempts. He added that he had visited the premises in an attempt to start discussions, however the property was closed at the time. Sergeant Adrian Adolphus advised that the conditions were also necessary to address youth crime, robberies and gang related crime that occurred in the area.

Councillor Cheese enquired whether the applicant had been sent the conditions requested by the police. Councillor Hector commented that the applicant should be making attempts to contact the police and the licensing authority especially as they wished to sell alcohol.

In reply, Sergeant Adrian Adolphus confirmed that the applicant had been sent the requested conditions but a response was awaited.

Decision

At this point, the responsible authority was asked to leave the room to allow the sub-committee to discuss the relevant issues concerning the application.

In view of the fact that the applicant was not present at the meeting to answer queries from the police and members of the sub-committee and had not responded to repeated attempts by the police to contact them before the meeting, the Alcohol and Entertainment Sub-Committee (A) felt that the application be adjourned in order to give the applicant the opportunity to address the concerns raised.

The meeting closed at 11.55 am.

D KATARIA
Chair