



**MINUTES OF THE ALCOHOL AND ENTERTAINMENT  
LICENSING SUB-COMMITTEE (C)  
Wednesday, 20 July 2011 at 7.00 pm**

PRESENT: Councillor Sneddon (Chair) and Councillors Mistry and Beckman (alternate for Councillor Harrison)

An apology for absence was received from: Councillor Harrison

**1. Appointment of Chair**

As the Chair of the sub-committee was absent, nominations were invited to appoint a chair for this meeting. Councillor Sneddon was proposed by Councillor Mistry. There were no other nominations.

RESOLVED:-

that Councillor Sneddon be elected Chair of the Alcohol and Entertainment Licensing Sub-Committee (C) for this meeting.

**2. Declarations of personal and prejudicial interests (if any)**

None declared.

**3. Application by a local resident to review the premises licence for 'The Paradise' (19 Kilburn Lane, London, W10 4AE) pursuant to the provisions of the Licensing Act 2003**

*Interested parties making a representation*

John Sachs (requester of review of premises licence), Carol Lloyd and E Lloyd (submitters of representations) were neither present nor represented at the meeting.

*Premises licence holder and representatives*

Ken McLeay (premises licence holder's representative)  
Riz Shaikh (Director – The Colombo Group, owners of 'The Paradise')  
Inga Chow (General Manager, 'The Paradise')  
Robert Messham (Licensing Consultant)  
Amann Donnelly

Linda Legister (Principal Licensing Adviser, Health Safety and Licensing) introduced the matter and advised that the request for review was submitted by John Sachs, a local resident. Two other residents had submitted representations in support of the review, however none of the residents, who had all been sent copies of the agenda and a form enquiring whether they would attend the hearing, were present.

In view of the non-attendance of those who had requested the review and made representations, a discussion took place as to whether the application should be considered at this meeting. Ken McLeay (premise licence holder's representative) asserted that as John Sachs was not present at the meeting, nor had he responded to any request from the premises licence holder and their representatives to discuss the concerns that had been raised, there was no opportunity for the premises licence holder to contest the remarks that had been made in the review request. In addition, there had been considerable investment and measures taken to address the concerns raised and there had also been no representations made from the responsible authorities. In view of this, Ken McLeay asserted that there was no case to answer and the application for review should be dismissed.

The Chair sought legal advice from the council's Legal Adviser in respect of this situation. The Legal Adviser acknowledged the comments made by Ken McLeay, however he also reminded Members that all parties concerned should be afforded a right to a fair hearing under Article 6 of the Convention on Human Rights and that it was at the discretion of the Chair if the matter was to be adjourned.

### **Decision**

At this point, the premises licence holder and representatives were asked to leave the room to allow the sub-committee to discuss the relevant issues concerning the application.

Having considered the application by a local resident to review the premises licence for 'The Paradise' (19 Kilburn Lane, London, W10 4AE) ("the premises") pursuant to the provisions of the Licensing Act 2003 the Sub-Committee resolved that the **application be adjourned whilst advice was sought from the council's Monitoring Officer as the best way in taking the matter forward.**

The Alcohol and Entertainment Licensing Sub-Committee (C) accepted the advice given by the council's legal adviser that due to complications that had arisen because of the absence at the hearing by the local resident that had requested the review of the premises licence, that in the interests of natural justice the application be adjourned to seek advice from the council's monitoring officer with a view to re-hearing the matter at a later date.

#### **4. Application by the Metropolitan Police to review the premises licence for 'Lush Bar & Restaurant) (9-10B Heather Park Drive, Wembley, HA0 1SL) pursuant to provisions of the Licensing Act 2003**

*Responsible authority making a representation*

Sergeant Adrian Adolphus (Brent Police)

### *Premises licence holder and representative*

Ken McLeay (proposed new premises licence holder's representative)

Linda Legister introduced the matter and set out the grounds of the police's request for a review of the premises licence. She informed Members of the various options the committee could take upon hearing the evidence of all parties involved.

### *Responsible authority making a representation*

With the approval of the premises licence holder's representative, Sergeant Adrian Adolphus (Brent Police) circulated documents that suggested some conditions that could be added to the premises licence if the committee was minded to accept those. In Sergeant Adrian Adolphus' view, the addition of these conditions, along with the fact that the previous designated premises supervisor and premises licence holder, Mr Aiziz Ahmed, had relinquished his involvement with the premises and returned the keys to the owner of the premises would enable a new premises licence holder to uphold the licensing objectives. Sergeant Adrian Adolphus added that most offences had been committed after 02.00 and that a requested condition that all licensable activities cease at 00.00 and the premises to close by 00.30 would largely address this issue, along with a change of designated premises supervisor. He also wished that any entertainment of an adult nature, including Mujra dancing, not be permitted on the premises. He indicated that he would be prepared to withdraw his representations in respect of the two applications from Parag Patel to transfer the designated premises supervisor and the premises licence should it be agreed that these conditions be added to the premises licence.

### *Case for the premises licence holder*

Ken McLeay (proposed new premises licence holder's representative) confirmed that the conditions requested by the police were in his view reasonable and proportionate to the offences that had been reported.

### **Decision**

At this point, the proposed new premises licence holder 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 application by the Metropolitan Police Licensing Unit to review the premises licence for 'Lush Bar and Restaurant' (9-10B Heather Park Drive, Wembley, HA0 1SL) ("the premises") pursuant to the provisions of the Licensing Act 2003 the Sub-Committee resolved that the **premises licence continue in force subject to additional conditions and amendments to some existing conditions to the premises licence:-**

- (i) that the following conditions be added to the premises licence in addition to the existing conditions:-

1. A reduction in hours of all licensable activities to cease at 00.00 and to close to the public at 00.30 (the following day) Monday to Sunday.
  2. A change of the designated premises supervisor from Mr Aziz Ahmed.
  3. Nudity, striptease and other entertainment of an adult nature (including Mujra) shall not be permitted on the premises.
  4. A minimum of two Security Industry Approved door supervisors to be employed from 00.00 at any time where licensable activities extend beyond 00.00.
- (ii) that the following amendments be made to existing conditions on the premises licence:-

Condition 1 be amended to read:

“CCTV shall be installed to the front and rear areas of the premises and maintained in a working condition.”

Condition 22 be amended to read:

“No entry or re-entry shall be permitted after 23.30 Monday to Sunday.

The Alcohol and Entertainment Licensing Sub-Committee (C) accepted the evidence presented by the police in respect of serious breaches of the premises licence and undermining of the licensing objectives. It also accepted the police's view that these could be overcome by adding conditions 1, 2 and 3 on the premises licence, providing that an additional condition 4 was also added and that these, combined with some amendments to existing conditions and changes to the premises licence holder and designated premises supervisor would help enable the new premises licence holder to uphold the licensing objectives (prevention of crime and disorder, prevention of public nuisance, ensuring public safety and protection of children from harm).

5. **Application by Parag Patel for the transfer of the premises licence for 'The Lush Bar & Restaurant' (9-10B Heather Park Drive, Wembley, HA0 1SL) pursuant to the provisions of the Licensing Act 2003**

The sub-committee was informed that all relevant representations had been withdrawn prior to hearing this case and accordingly this matter did not need to be considered.

6. **Application by Parag Patel to vary the designated premises supervisor for 'The Lush Bar & Restaurant' (9-10B Heather Park Parade, Wembley, HA0 1SL) pursuant to the provisions of the Licensing Act 2003**

The sub-committee was informed that all relevant representations had been withdrawn prior to hearing this case and accordingly this matter did not need to be considered.

The meeting closed at 8.40 pm

G SNEDDON  
Chair