



LONDON BOROUGH OF BRENT

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

Wednesday 5 December 2012 at 7.00 pm

PRESENT: Councillor Chohan (Chair), and Councillors Jones

Apologies for absence were received from: Councillors HM Patel

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

Councillor Chohan informed the Committee that he was the ward member for the application under consideration in agenda item two.

2. **Application by Parag Patel for a premises licence for 'Costcutter, 9-10 Heather Park Parade, Wembley HA0 1SL' pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager, Yogini Patel, introduced the application. The application by Parag Patel was for a new premises licence for 'Costcutter, 9-10 Heather Park Parade, Wembley HA0 1SL', to supply alcohol and refreshments from 6am – 12am, seven days a week. The premises had previously held a full premises licence as the Lush Bar and relevant representations had been received from the Police and three local business owners.

The Legal Advisor, Horatio Chance, explained that the application before the Committee was for a new premises licence and documentation relating to previous licences held by the applicant's and a the premises should not be considered as part of the application. He concluded that the application should be considered on its own merits in relation to the objectives of the Licensing Act 2003.

Mr Bahal, representative of two of the local business objecting felt that the character of the applicants' should be brought to the Committee's attention and the consequences of their previous licence.

The applicant's representative, from Licensing Matters was invited to address the Committee. She explained that although the premises had previously operated as a licensed entertainment venue, the application before the committee was for a convenience store which was intended to be run as a family business. The store would form part of the nationally recognised Costcutter's group and would operate from 6am – 12am seven days a week. It was explained that the premises had been fully refurbished to include a modernised CCTV system consisting of 15 cameras, and a computerised till which included age restricting prompts when purchasing alcohol. Additionally, policies and procedures had been drawn up in accordance

with the law as well as an intense training package enabling staff to undertake the national challenge 21 standard and to address issues that may arise with intoxicated customers. The premises had been trading for approximately one month under Temporary Event Notices (TENs) and had not seen any issues arise.

The applicant's representative explained that 21 conditions had been agreed with the Police which demonstrated their commitment to operating the premises to a high standard. Subsequently an agreement between the applicant's and the Police had been reached regarding the Police representation over the sale of AVB beers, ales and ciders to not exceed 6%. Additionally, she felt that the objection from the three local business owners addressed the previous reviews which were not relevant to the application under consideration and should be disregarded. Concern was expressed that the objection may have been vexatious due to potential loss of trade.

During questions of the applicant it was clarified that the Lush Bar caused an unfortunate background to the case and despite the applicants' not having any involvement within the running of the premises, their reputations had been tarnished as a consequence.

The Police were invited to make their representation. They confirmed that an agreement regarding the sale of AVB beers, ales and ciders at 6% had been reached and therefore their objection had since been withdrawn. It was clarified that should the licence be granted, the Lush Bar premises licence would be surrendered.

During questions of the Police it was confirmed that no issues had occurred since the premises had commenced trading.

Mr Bahal was invited to speak. He highlighted that the applicants' were the designated premises supervisor (DPS) and premises licence holder (PLH) for the Lush Bar and had concerns regarding their suitability to run a premises, based on previous experience. It was explained that the premises had a custom of changing hands within the family and it was often unclear who was responsible for the running of the premises.

In summary the applicant's representative concluded that the decision should not be based on the history of the premises as appropriate measures were in place to ensure the premises was run to a high standard and no concern had been raised regarding the requested hours.

Mr Bahal concluded that he felt that a month trading was not a suitable amount of time to base a judgement upon and was concerned that the applicant's previous experience suggested they would not be able to manage the premises to a fit and proper standard.

The Committee adjourned at 7.32pm to make its decision and reconvened at 7.45pm and informed all parties of the decision.

RESOLVED:-

That the application by Parag Patel for a premises licence for 'Costcutter, 9-10 Heather Park Parade, Wembley HA0 1SL' be granted in accordance with all the agreed conditions of the Police and the surrender of the Lush Bar premises licence.

As an informative, there should be an on-going dialogue with Brent Licensing and the Police on all licensing matters, pursuant of the provisions fo the Licensing Act 2003.

3. **Application by Adwood Catering Limited for a variation to premises licence for 'Royal Majestic Suite, 196 Willesden Lane NW6 7PR' pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager explained that the application was made by Adwood Catering Limited for a variation to premises licence for 'Royal Majestic Suite, 196 Willesden Lane NW6 7PR' for the supply of alcohol and regulated entertainment. It was explained that one representation had been received from a resident.

The applicant's daughter, Louise Francis was invited to make her representation. She informed the Committee that her parents were the owners and proprietors of the premises for the last 43 years and prior to that, it had been run in a similar fashion for a further 20 years. The premises had remained in its original form for over 75 years and used as a function venue which subsequently meant that music would be played even though it was situated in a residential area. It was explained that the premises had not been expanded despite the commercial benefits that could be achieved due to the applicant's wishing to maintain a strong relationship with neighbours and be part of the community. The venue had not held club/party nights despite being approached and it was confirmed that the applicants' took their responsibilities seriously by keeping noise within permitted levels and upgrading the venue over time to include air-conditioning to avoid windows being opened. The applicants' felt that music was an important part of a celebration and felt it would be unreasonable to expect a couple celebrating their wedding day to conclude at 10pm. The applicant's daughter highlighted that the complaint and objection received was regarding music being played on Sunday evenings and due to the multicultural area, it was felt that it would not be possible to cease functions on a Sunday, particularly as Jewish weddings were not permitted on a Friday or Saturday. It was noted that over a 40 year period the PLH attended every function and only two complaints had been received which were acted upon, subsequently the Police had never had to be called to the premises.

During questions of the applicant it was confirmed that they had not had any contact which the Environmental Health Noise Team as they had not been called to the premises. The applicant's confirmed they would be willing to engage if the occasion arose.

The Senor Regulatory Services Manager read a statement from the objector who was unable to attend the hearing. The objector highlighted that they had rarely been disturbed on a Sunday night after 11pm and on the two occasions where this had occurred it was prior to 11.30pm. The Senior Regulatory Services Manager highlighted that the objector had been advised on numerous occasions to contact the Noise Team but had failed to do so therefore the complaint could not be substantiated.

The applicant's daughter concluded that her parents were respectful of their neighbours and regularly monitored noise throughout a function to ensure accordance with appropriate levels. She felt that had the venue be playing music to an inappropriate level, a greater number of complaints would have been received in the 43 year period in which they had been operating the premises.

The Senior Regulatory Services Manager concluded that regulated entertainment was permitted until 11pm at a premise with fewer than 200 patrons.

The meeting was adjourned at 8.02pm whilst the Committee made their decision and reconvened at 8.07pm and informed all parties of the decision.

RESOLVED:-

That the application by Adwood Catering Limited for a variation to premises licence for 'Royal Majestic Suite, 196 Willesden Lane NW6 7PR' be granted.

4. **Application by Tesco Stores Limited for a premises licence for 'Tesco 721-733 Harrow Road, Sudbury HA0 2LL' pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager introduced the application by Tesco Stores Limited for a premises licence for 'Tesco 721-733 Harrow Road, Sudbury HA0 2LL' for the supply of alcohol. Relevant representations were received from Sudbury Town Residents Association (STRA).

Jeremy Bark, representing Tesco Stores Ltd was invited to make his representation. He felt that the representation from STRA was a means of opening a dialogue with the store and to draw the Council's attention to on-going issues occurring in the high street. He explained that the store would be of the 'express' variety, consisting of less than 3000 square feet and customers would typically buy goods for two days with alcohol sales equating to approximately 7-8% of total sales, 95% of which were purchased with other goods. Additionally the store would operate Tesco best practice policies and procedures with regard to alcohol sales including; robust training; challenge 25 and enabling staff to refuse the sale of alcohol to customers believed to be less than 25 years old or under exceptional circumstances. It was confirmed that the store kept spirits behind the counter and the lines of alcohol were specifically selected for the express stores, and did not include any beers, ales or ciders other 5.5%.

The Chair of STRA was invited to speak and he informed the Committee that he felt reassured by the policies and procedures in which Tesco operated by. He confirmed that the STRA were here to see what Tesco's could do for them as residents of Sudbury and were pleased to see that they did not intend to sell alcohol for 24 hours a day unlike similar premises in the area. They highlighted on-going concerns of anti-social behaviour in the area and hoped that Tesco would set high standards for nearby companies to follow.

During questions of the applicant it was clarified that the store would operate several self-service tills which would require a till supervisor to enter a customer's date of birth when purchasing alcohol.

The applicant summarised that he felt all parties were in agreement and that the application should be granted in line with the agreed Police conditions.

The meeting was adjourned at 8.30 whilst the panel made their decision and reconvened at 8.32 for all parties to be informed of the decision.

RESOLVED:-

That the application by Tesco Stores Limited for a premises licence for 'Tesco 721-733 Harrow Road, Sudbury HA0 2LL' be approved subject to all the agreed conditions of various parties.

The meeting closed at 8.35 pm

A JOHN
Chair