



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

Thursday 1 August 2013 at 7.00 pm

PRESENT: Councillors Allie and HM Patel

Apologies for absence were received from: Councillors Harrison, Hunter and Jones

1. Declarations of personal and prejudicial interests

None declared.

2. Application by Louriston Lorainey for a Temporary Event Notice (TENs) for Bar 07 Ltd (formally Masters), 217 Kanton Road, HA3 0HD

Simon Martin, Service Manager Licensing, informed the sub committee that the application was for a temporary event notice (TENs) for the provision of regulated entertainment, late night refreshment and the sale of alcohol from 20.00 hours on 3 August 2013 to 05.00 hours on 4 August 2013.

Nick Mortimer, Metropolitan Police was invited to make his representation and highlighted the following points:

- The TENs was for a birthday party and an objection was made on the grounds of crime and disorder and public safety
- The premises had been subject to a review on 9 July 2013 and the Police felt that the amended conditions as set out in the objection had not yet taken been addressed to ensure the promotion of the licensing objectives
- The variation to the capacity as advised at the review hearing had not yet been submitted although the Police were confident internal works had taken place

During questions of the Police the following points were clarified:

- There had been numerous incidents over the past two years at the premises including; thefts, ABH and wounding, GBH and wounding as well as an attempted murder which prompted the emergency review
- The premises had alerted the police to possible gang violence at a function and agreed to close the venue to prevent such an occurrence

The applicant was invited to make his representation and highlighted the following points:

- Work had taken place to address concerns raised at the review including:
 - (i) clear explanation of drugs policy being displayed,
 - (ii) all power sockets for DJ equipment replaced in line with RCD not exceeding 30 milliamps
 - (iii) all electrical equipment PAT tested
 - (iv) staff advised that locks and flush latches on exits to remain unlocked

- whilst public on the premises
- (v) toilets checked every two hours during operation
- (vi) refusal book to be kept and produced on request
- (vii) CCTV recorded for 60 days
- It was hoped that the variation to the capacity would be submitted shortly and if necessary could be submitted the next working day
- Additional security had been hired and a dispersal policy of five guests at a time had been implemented
- The TENs was for a 50th birthday party with 120 guests

Yogini Patel, Senior Regulatory Services Manager highlighted that without the submission of the variation to the capacity, there was no way to verify the capacity of the venue which could cause issues if an emergency such as a fire occurred.

During questions of the applicant the following points were clarified:

- The fire standards of the building were up to regulation
- Although a capacity of 150 had been advised, the applicant did not expect the venue to exceed 90 persons at anyone time
- The additional security were provided and managed by a licensed SIA company
- The applicant was now aware of the importance of calling the Police should issues arise and had made security responsible for ensuring appropriate conduct outside of the premises
- Number of attendees would be monitored through the use of a guest list and checking attendees off once inside the venue
- Guests will only be permitted into the venue on presenting a valid invitation and limited to 5 drink tokens which were to be prepaid for
- The surveyor had not informed the applicant that the variation had not been submitted
- The application was submitted as a late TENs

Nick Mortimer, Metropolitan Police was invited to sum up and highlighted that the reasons the Police did not wish the application to go ahead was clear and expressed concern that allowing such an application may set a precedent for the venue operating as a late night venue through the use of TENs.

In summary the applicant informed the sub committee he would submit the variation to the capacity the next day.

The meeting was adjourned at 7.35pm, and all parties left the room to enable the sub committee to make its decision.

The meeting was reconvened at 7.41pm and the sub committee delivered its decision as detailed below.

RESOLVED:

In accordance with the Licensing Act 2003 for the application of a Temporary Event Notice for the premises Bar 07 (formally Masters) 217 Kenton Road, HA9 0HD be refused and a counter notice will be issued on the grounds of the prevention of crime and disorder and public safety.

The Committee were satisfied that the capacity of the venue would not promote public safety and there were concerns regarding the prevention of crime and disorder.

3. **Application by Cocodelic for a premises licence for 'Cocodelic' (13 Kilburn Lane, London, W10 4AE) pursuant to the provisions of the Licensing Act 2003**

Simon Martin, Service Manager Licensing, informed the sub committee that the application was for a new premises licence to supply alcohol from 12.00 hours to 22.30 hours Monday to Saturday, 12.00 hours to 17.00 hours on Sunday and for regulated entertainment 18.30 to 22.30 hours Thursday to Saturday.

The applicant was invited to make his representation and highlighted the following points:

- The premises had been open for approximately 11 months and had previously sold alcohol under a temporary events notice
- The clientele of the café were centred around the creative arts industry and the café hoped to showcase their talents through unplugged performances approximately once a month
- The objection was received from a resident living behind the premises and although no complaints had been received, they felt it may have taken the resident time to get used to the increased popularity of the area
- Construction had previously taken place on the vent but ceased due to poor weather but had since been completed
- All obligations with the Police had been fulfilled and no objections had been received from responsible authorities

During questions of the applicant, the following points were clarified:

- The guttering and rubbish had been cleared and the applicant was surprised to see that it had been raised as a concern
- The live music session were intended to be unamplified such as singers with an acoustic guitar
- The venue offered seating for 30 people however the local authority had advised this could be increased to 35 although capacity was set to 30
- The applicant was a personal licence holder and aware of challenge 21

Yogini Patel, Senior Regulatory Services Manager informed the sub committee that a regulated entertainments licence was not required for unamplified music before 11pm with a capacity of less than 200 under the Live Music Act 2012.

The meeting was adjourned at 7.57pm, the applicant and representative left the room to enable the sub committee to make its decision.

The meeting was reconvened at 7.59 and the sub committee delivered its decision as detailed below.

RESOLVED:

That the application for a premises licence under the Licensing Act 2003 for Cocodelic, 13 Kilburn Lane, London, W10 4AE be approved as the Committee were

satisfied that the application satisfied the licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm). The Committee noted that an entertainment licence was not required for unamplified music before 11pm for less than 200 people

4. Application by A and S Fast Foods Ltd for a variation of the premises licence for 'Sams Chicken and Ribs' (642 Kingsbury Road, London, NW9 9HN) pursuant to the provisions of the Licensing Act 2003

Simon Martin, Service Manager Licensing, informed the sub committee that the application was to vary the existing licenced hours of late night refreshment to 10.00 to 02.00 hours Sunday to Thursday and 10.00 to 03.00 hours Friday to Saturday.

The applicant was invited to make his representation and highlighted the following points:

- The incident referred to in the objections occurred in 2009 and there had not been any similar incidents since
- Work had been undertaken with Aldi to ensure that a light on a sensor was on at all times in the alleyway to ensure persons were not lingering in the area
- No objections had been received from the responsible authorities and all regulations such as CCTV had been complied with
- The premises had the correct signage, rubbish bins and customers were asked to leave quietly
- There were fast food shops in the vicinity that remained open longer than the requested variation

During questions of the applicant the following points were clarified:

- There had been no issues with young persons lingering on the premises following the installation of the light approximately 4 months ago
- The CCTV covered the front of the shop including the alleyway

The meeting was adjourned at 8.12pm, the applicant and representative left the room to enable the sub committee to make its decision.

The meeting was reconvened at 8.17pm and the sub committee delivered its decision as detailed below.

RESOLVED:

In accordance with the Licensing Act 2003, the application for a variation to the licence for Sams Chicken and Ribs, 642 Kingsbury Road, London, NW9 9HN, be approved as the Committee were satisfied that the licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) will be upheld.

5. Application by Memik Cagan for a premises licence for 'Mir Food Centre' (451-453 Kingsbury Road, London, NW9 9DY) pursuant to the provisions of the Licensing Act 2003

Simon Martin, Senior Manager Licensing, informed the sub committee that the application was for a new premises licence for the supply of alcohol from 08.00 hours to 00.00 hours Monday to Sunday.

The applicant's representative was invited to make his representation and highlighted the following points:

- The representations expressed a recurring concern that the cumulative impact of an additional licenced premises would exasperate existing issues
- Statutory Guidance Section 102 and Brent's own policy stated that cumulative impact should only be a consideration when there was strong evidence that the addition of another licensed premises would undermine the licensing objectives
- The applicant had recognised the concerns of local residents and to mediate these had agreed a raft of conditions as proposed by the Police
- The Police were satisfied with the agreed list of conditions and therefore had withdrawn their representation
- The applicants operated a similar premises successfully in Harrow with a 24 hour licence
- A total of 32 CCTV cameras will be on the premises, with spirits kept behind the counter and in sight of CCTV cameras and staff
- A condition had subsequently been agreed to not sell AVB above 6.5% and the applicant had satisfied all concerns of the Police

During questions of the applicant's representative the following points were clarified:

- CCTV cameras covered the front and rear of the building and were in line with Police conditions and standards
- The applicant's were aware of frustrations in relation to littered beer cans but highlighted they had little jurisdiction over customers once they left the shop and the provision of street bins

The meeting was adjourned at 20.37pm, the applicant and representative left the room to enable the sub committee to make its decision.

The meeting was reconvened at 20.47pm and the sub committee delivered its decision as detailed below.

RESOLVED:

In accordance with the Licensing Act 2003, the application for a new premises licence for Mir Food Centre, 451-453 Kingsbury Road, London, NW9 9DY, be approved subject to the following conditions:

- All conditions as set out and agreed with the Police, and;
- That a challenge 25 Policy be adopted and adhered to at all times

The Committee were satisfied that the licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) will be upheld and therefore approved the application.

The meeting closed at 8.45 pm

J ALLIE
Chair