



**MINUTES OF THE ALCOHOL AND ENTERTAINMENT
LICENSING SUB-COMMITTEE (C)
Thursday 27 March 2014 at 10.00 am**

PRESENT: Councillor Harrison (Chair) and Councillors Hunter and Jones

1. Declarations of personal and prejudicial interests

None.

2. Application by Mark Davidson for a Temporary Event Notice on 5-6 April 2014 for 'Heritage Inn' (301 Cricklewood Broadway, London, NW2 6PG) pursuant to the provisions of the Licensing Act 2003

Yogini Patel, Regulatory Services Manager 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 midnight hours on Saturday 5 April until 07:00 hours on Sunday 6 April and again from midnight hours on Sunday 6 April until 07:00 hours on Monday 7 April 2014. She added that about 499 people were expected to attend each event described as "Lovers Rock".

PC Nicola McDonald was invited to make her representation and highlighted the following points:

- The Police's objections to the applications were primarily concerns about the crime and disorder and nuisance objectives.
- The premises had come to the attention of the police with a high volume of complaints from local residents principally in relation to noise nuisance from the visitors to the premises especially at dispersal.
- This was observed after the last TEN on 23 February 2014 when several complaints were received from residents.
- The footage of the front of the premises submitted by Mr Davidson and followed by a subsequent casual visit confirmed several cars were parked in Gratton Terrace, resulting in chaos when customers were dispersing including general and vehicular nuisance
- The Police observed lack of leadership and management by door supervisors.
- Brent Police met with Mr & Mrs Davidson and an action plan to prevent recurrence of similar problems was compiled.
- In view of the closeness of this event and the timings Police were of the opinion that the action plan had not had sufficient time to bed in.
- The applicant had not provided any indication in the application for alternative measures to the action plan aimed at reducing the problems caused by Heritage Inn customers.

In response to members' questions, PC McDonald clarified that the action plan required the applicant to ensure quiet and quick dispersal of customers managed by security staff in high visibility jackets and traffic management. She added that on a subsequent visit to the premises, the parking in Gratton Terrace was observed to

be lighter and that the vehicles parked had been leafleted, although noise nuisance was still a problem.

The applicants were invited to make their presentations and highlighted the following points;

- They had complied with all four licensing objectives
- The only issue yet to be addressed was in relation to noise during dispersal of customers which they had tried to minimise
- Stewards were stationed in Gratton Terrace when customers were dispersing and a cctv footage recorded.
- Up to date reports to the Council had been kept.
- Following a meeting with Brent Police, satisfactory progress had been made on the agreed action plan.
- Leaflets advising customers to refrain from noise and leave quietly were being placed on vehicles parked in Gratton Terrace.
- Customer parking in Gratton Terrace only commenced when residents influenced Wickes to withdraw the parking facility for the customers.

During questioning of the applicants, the following points were clarified:

- CCTV footage showed that a marked improvement including the interaction of stewards in high visibility jackets with customers had been made.
- A recorded message advising customers to exit the premises quietly was constantly being played.
- Full acceptance of the conditions set by Safer Streets as set out in the report.
- Barnet Safer Neighbourhood Team had not complained about Heritage Inn.
- Would get a balance of security staff to overcome the observation that due to familiarity, existing staff were reluctant to challenge customers.
- Customers caught urinating in the streets had been banned.

PC Nicola McDonald, 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 before the agreed action plan had been in and without alternative measures to achieve the action plan could only add to the problems being created by Heritage Inn.

In summing up, Mr and Mrs Davidson, the applicants stated that in addition to agreeing to the condition set by Safer Streets, they would abide by all recommendations and the action plan agreed with the Metropolitan Police.

The hearing was adjourned at 11.05am, and all parties left the room to enable the sub-committee to make its decision.

The hearing was reconvened at 11.15am and the sub-committee delivered its decision as detailed below.

That the application by Mr Mark Davidson for a Temporary Event Notice on 5-6 April 2014 for 'Heritage Inn' (302 Cricklewood Broadway, London NW2 6PG) pursuant to the provisions of the Licensing Act 2003 **be granted**.

The Sub-Committee added the following conditions to those set out in the report and agreed by the applicant;

- (i) Door security and parking attendant staff shall wear high visibility jackets at all times and be seen to be pro-active in their interaction with all patrons.
- (ii) The parking attendants shall be out patrolling the streets between the hours of 5:30am and 6:30am on both days.

The Sub-Committee also added an informative to the applicants recommending that they shall arrange a meeting involving ward members, objectors and officers with a view to identifying measures that would address the issues that gave rise to residents' complaints.

3. Application by Tavi Thevarajah for Temporary Event Notice on 6-7 April 2014 for 'Carlton Lounge' (232-234 Kingsbury Road, London, NW9 0BH) pursuant to the provisions of the Licensing Act 2003

Members decided to receive representations for the applications relating to Carlton Lounge at the same time.

Yogini Patel, Regulatory Services Manager informed the Sub-Committee that the application was for temporary event notices (TENs) for the sale of alcohol, provision of regulated entertainment and late night refreshment on Saturday 6 April from 03:01 hours until 06:00 hours on Sunday 6 April and on Sunday 7 April until 01:01 hours until 0300 hours on Monday 7 April 2014. She clarified that the premises had current premises licence for licensable activities until 0100 hours Sunday – Thursday and until 0300 hours Friday and Saturday.

PC Nicola McDonald, Metropolitan Police was invited to make her representation and highlighted the following points:

- The current operator and notice giver Mr Tavi Thevarajah was the designated premises supervisor (DPS) for the venue.
- On 2nd March 2014 at around 0330 hours five emergency calls were made to Police relating to a large fight and serious disturbance at the Carlton Lounge.
- Two allegations of assault were made to police that involved continuing investigations. Officers who attended the scene reported there were drunkenness and young persons involved.
- Mr Thevarajah had informed the Police that the event was for an 18th birthday party at the venue but despite two written requests, Mr Thevarajah had not made available to the Police a copy of the CCTV footage in accordance with the premises licence for the venue or offered an explanation for his failure to do so.
- The Police learnt that that the CCTV machine was not recording the event.
- Mr Thevarajah the DPS failed to provide an incident book and falsified evidence relating to door supervisors, a breach of conditions.
- The Police would need to examine the footage, speak to the DPS and risk assess where that party went so badly wrong leading to serious disorder and crime.
- Without the submission of further details at this stage to manage and reduce the risks associated with another birthday party, it was the Police's view that

if this event was allowed to go ahead there would be an increased risk of public nuisance and crime at the location.

In response to members' questions, PC McDonald offered the following clarifications;

- A written submission from Mr Thevarajah confirming that the door supervisors left the premises before the end of the event constituted a breach of licence condition.
- Instead of qualified door supervisors Mr Thevarajah used appropriate adults to control the event.

Mr Tavi Thevarajah the applicant was invited to make his representations and submitted the following:

- He read out a copy of an email submission from one of the door supervisors circulated at the hearing and which recounted the circumstances leading up to the events that happened at the birthday party on 2 March 2014.
- Since 2012, he had applied for three TENs which had all passed without any incident.

In response to members' questions, Mr Thevarajah confirmed the following;

- He was not aware of the licensing objectives and that he had not offered external training to his staff.
- The incident book had been always been kept in his office, although it was not made available to the Police.
- He would use all three bars including the sisha bar in order to accommodate a capacity of 450 persons for each event

In her summing up, PC McDonald submitted the following:

- There was a demonstrable need for the DPS to run the premises in accordance with the licensing objectives.
- Mr Thevarajah the DPS had shown a total lack of the licensing objectives.
- The grant of this TEN would further exacerbate the licensing objectives of crime and disorder.

In summing up, Mr Thevarajah submitted the following:

- The incident that took place on 2 March 2014 was beyond his control.
- The TENs for 6 and 7 April would be for parties for those within age range 45 and 50.
- He would close the lounge and the Sushi lounge and the restaurant to facilitate the parties.
- He would ensure that all trouble makers were banned from the premises.

The hearing was adjourned at 12:30pm and all parties left the room to enable the sub-committee to make its decision.

The meeting was reconvened at 12:40pm and the sub-committee delivered its decision as detailed below.

That the application by Mr Tavi Thevarajah for a Temporary Event Notice on Saturday 6 April from 0301 hours until 0600 hours on Sunday 6 April and on Sunday 7 April from 0101 hours until 0300 hours on Monday 7 April 2014 for

'Carlton Lounge' (232-234 Kingsbury Road, London NW9 0BH) pursuant to the provisions of the Licensing Act 2003 **be refused**.

The Alcohol and Entertainment Licensing Sub-Committee (B) felt that the applicant had not provided sufficient information demonstrating that he would be able to promote the licensing objectives (**prevention of crime and disorder, prevention of public nuisance, ensuring public safety and protection of children from harm**). In view of these circumstances, the sub-committee refused the application for a Temporary Event Notice.

4. **Application by Tavi Thevarajah for Temporary Event Notice on 26 May 2014 for 'Carlton Lounge' (232-234 Kingsbury Road, London, NW9 0BH) pursuant to the provisions of the Licensing Act 2003**

For preamble, see item 3.

That the application by Mr Tavi Thevarajah for a Temporary Event Notice from 0100 hours until 0600 hours on 26 May 2014 for 'Carlton Lounge' (232-234 Kingsbury Road, London NW9 0BH) pursuant to the provisions of the Licensing Act 2003 **be refused**.

The Alcohol and Entertainment Licensing Sub-Committee (B) felt that the applicant had not provided sufficient information demonstrating that that he would be able to promote the licensing objectives (**prevention of crime and disorder, prevention of public nuisance, ensuring public safety and protection of children from harm**). In view of these circumstances, the sub-committee refused the application for a Temporary Event Notice.

The meeting closed at 12.45 pm

P HARRISON
Chair