



LONDON BOROUGH OF BRENT

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

Friday 30 January 2015 at 10.00 am

PRESENT: Councillor Mahmood (Chair and substitute for Councillor Bradley) and Councillors Ahmed and Duffy (substitute for Councillor Conneely)

Also present: Horatio Chance (Legal Adviser, Legal and Procurement), Toby Howes (Senior Democratic Services Officer, Legal and Procurement) and Yogini Patel (Senior Regulatory Service Manager, Environment and Neighbourhoods) and as listed for each application below.

1. **Appointment of Chair**

As the Chair of the sub-committee was absent, nominations were invited to appoint a chair for this meeting. Councillor Mahmood was proposed by Councillor Ahmed and seconded by Councillor Duffy. There were no other nominations.

RESOLVED:

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

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

None declared.

3. **Application by Mutenia Ltd for a premises licence for '41 Burnt Oak Broadway' (Edgware HA8 5JZ) pursuant to the provisions of the Licensing Act 2003**

The Sub-Committee was informed by the applicant at hearing that they had withdrawn their application and accordingly this matter did not need to be considered.

4. **Application by Sellathurai Prabakaran to vary the designated premises supervisor for 'Variety Food & Wine' (261 High Road, London, NW10 2RX) pursuant to the provisions of the Licensing Act 2003**

Responsible authority present:

PC Sam Lewis-Evans (Brent Police Licensing)
PC Nicola McDonald (Brent Police Licensing)

PC Paul Whitcomb (Brent Police Licensing)

Applicant present:

Sellathurai Prabakaran (Applicant)

Having considered the matter, the Sub-Committee then asked the police and the premises licence holder to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

RESOLVED:

that the application by Sellathurai Prabakaran to vary the designated premises supervisor for 'Variety Food & Wine' (261 High Road, London, NW10 2RX) pursuant to the provisions of the Licensing Act 2003 **be refused**.

The Alcohol and Entertainment Licensing Sub-Committee (A), having carefully considered the application, noted that the proposed designated premises supervisor had a relevant unspent criminal conviction involving alcohol. In addition, the Sub-Committee noted that the proposed designated premises supervisor had failed to declare to the Court during his conviction that he was a personal licence holder. It therefore felt that the proposed designated premises supervisor had failed to demonstrate that he would be able to uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, ensuring public safety and protection of children from harm) and accordingly refused the application on the basis of the evidence that there were no compelling reasons that would justify granting such an application.

Members during the decision making process considered the application in the light of Articles 1, 6 and 8 of the Human Rights Act 1998 (incorporating the European Convention of Human Rights) the Council's Statement of Licensing Policy and Government Guidance issued under section 182 of the Licensing Act 2003 as amended from time to time.

The Sub-Committee also issued an informative advising the applicant that if they made any future applications to vary the designated premises supervisor and the matter went before an Alcohol and Entertainment Licensing Sub-Committee, that the proposed designated premises supervisor should attend the hearing in case the Sub-Committee wished to raise any queries with them.

5. **Application by Mohsin Aziz, Jahangir Akhtar and Rifaqat Choudry for a premises licence for 'Ladan General Trading' (216 Church Road, London NW10 9NP) 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 the Metropolitan Police to review the premises licence for 'Bar 07 (Masters)' (217 Kenton Road, Harrow HA3 0HD) pursuant to the provisions of the Licensing Act 2003**

Responsible authority present:

PC Sam Lewis-Evans (Brent Police Licensing)
PC Nicola McDonald (Brent Police Licensing)
PC Paul Whitcomb (Brent Police Licensing)

The premises licence holder was neither present, nor represented.

The Sub-Committee noted that this was the second time that the premises licence holder had failed to attend the application for the review of their premise licence after the first review hearing was adjourned at the meeting of the Alcohol and Entertainment Licensing Sub-Committee (B) on 13 January 2015. The Sub-Committee had regard to the decision to adjourn on 13 January 2015 which included notifying the premises licence holder that should they fail to attend a future hearing for whatever reason, then the application may be considered in their absence. In addition, it was noted that the premises licence holder had confirmed in writing to the licensing authority that he would not be attending the hearing and that he had instructed a firm to start proceedings with a view to placing the holding company in respect of Bar 07 (Masters) into liquidation. In view of these facts, the Sub-Committee felt that it was reasonable to proceed with the application taking into account all the circumstances of the case.

Having considered the matter, the Sub-Committee then asked the police to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

RESOLVED:

Having considered the application by the Metropolitan Police to review the premises licence for 'Bar 07 (Masters)' (217 Kenton Road, Harrow HA3 0HD) pursuant to the provisions of the Licensing Act 2003, the Sub-Committee resolved that the **premises licence be revoked.**

The Alcohol and Entertainment Licensing Sub-Committee (B), having carefully considered the application, accepted the evidence in the Metropolitan Police's written representation that there had been numerous incidents of serious crime and disorder associated with the premises, whilst there had also been a number of significant breaches of the premises licence. The Sub-Committee also noted the evidence in the Metropolitan Police's written representation that there had been poor management of the premises which could not continue indefinitely thereby adversely affecting the licensing objectives. It therefore felt that the premises licence holder had failed to demonstrate over an extensive period of time their ability to uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, ensuring public safety and protection of children from harm). Accordingly, in all of the circumstances of the case the Sub-

Committee felt that it was reasonable, proportionate and necessary to revoke the premises licence.

The Sub-Committee during its decision making process considered all of the evidence having regard to the Council's Statement of Licensing Policy, amended guidance issued under section 182 of the Licensing Act 2003 and the licence holders human rights under the Human Rights Act 1998 (namely Article 6, Article 8 and Article 1 of the First Protocol).

The meeting closed at 1.15 pm.

A. MAHMOOD
Chair