



LONDON BOROUGH OF BRENT

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

Thursday 27 August 2015 at 5.00 pm

PRESENT: Councillor Bradley (Chair), Councillor and Councillors Hector and Khan

Also present: Councillors

Apologies for absence were received from: Councillors

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

None.

2. **Application by MAXY ROEXPORT (UK) Ltd for extension of the hours for the sale of alcohol from 0600 hours until midnight Monday to Sunday at "Food 4 Less", (201 Edgware Road London NW9 6LP) pursuant to the provisions of the Licensing Act 2003**

The Sub-Committee were informed that the application had been withdrawn by the applicant and therefore there was no decision to be made.

3. **Application for variation to a premises licence held by HAKA International Ltd for the extension of the licence for late night refreshment to 05.00 hours, changes to the internal layout and amendment to condition 9 at "Cocoa", (271-273 Kilburn High Road, NW6 7JR), pursuant to the provisions of the Licensing Act 2003.**

The Sub-Committee were informed that the Metropolitan Police had withdrawn their objections and that the applicant and Public Safety had requested an adjournment to a date to be agreed by the Sub-Committee. Accordingly the Sub-Committee decided to adjourn the hearing to Monday 28 September 2015.

4. **Application by the Metropolitan Police for the review of premises held by Mary -Le Bone Enterprise Limited for the premises "Green Man", (125 Slough Lane London NW9 8YG), pursuant to the provisions of the Licensing act 2003.**

Responsible Authority

Paul Whitcomb

Michael Sullivan

Brent Licensing Police

Brent Licensing Police

Applicants

Robert Sutherland

Agent

Decision:

The Sub-Committee concluded that in all circumstances, the amended application by the Metropolitan Police for the review of premises licence held by Mary Le-Bone Enterprise Limited for the premises known as Green Man (125 Slough Lane , Kingsbury NW9 8YG) be **granted but subject to the restrictions and conditions set out in the decision letter below.**

The application

The Sub-Committee has given careful consideration to an application by Kingsbury Town Management Company, under section 17 of the Licensing Act 2003, for the grant of a premises licence for Kingsbury Town FC, Townsend Lane, Kingsbury NW9 7NE. The premises currently has a club premises certificate and is licensed for the supply of alcohol on Mondays to Sundays from 08.00 hours until 04.00 hours and for regulated entertainment such as live and recorded on Mondays to Sundays from 11.00 hours until 03.00 hours to club members and their guests.

The original application sought the following permissions:

Licensable Activities and opening hours	Days	Hours
Alcohol	Mondays – Sundays	08.00 – 04.00
Live/recorded music and similar entertainment	Mondays – Sundays	11.00 – 03.00
Late night refreshment	Mondays – Sundays	23.00 – 04.00
Opening hours	Mondays – Sundays	08.00 – 04.00

The application received a number of representations/objections from environmental health; the licensing authority; the Silver Jubilee Park Residents' Association and individual residents. The police had also made a representation but this had been withdrawn by the time of the hearing.

In response, the application was amended as follows:

Licensable Activities and opening hours	Days	Hours
Alcohol	Mondays – Thursdays	08.00 – 00.00
	Fridays & Saturdays	08.00 – 02.00
	Sundays	08.00 – 22.00
Live/recorded music and similar entertainment	Mondays – Thursdays	11.00* – 00.00
	Fridays & Saturdays	11.00* – 02.00

	Sundays & Bank holidays	11.00* – 22.00
Late night refreshment	Mondays – Thursdays	23.00 – 00.00
	Fridays & Saturdays	23.00 – 02.00
Opening hours	Mondays – Thursdays	08.00 – 00.00
	Fridays & Saturdays	08.00 – 02.00
	Sundays & Bank holidays	08.00 – 22.00

*The applicant and environmental health agreed a start time of 08.00 hours, however, as the original application itself stated a start time of 11.00 hours, it is not possible for the applicant to amend his application by *extending* the hours for entertainment.

The amended timings, or at least the terminal hours are consistent with a planning permission issued by the Council in July 2015. However, the planning permission restricted the use of the extra two hours on Fridays and Saturdays to 4 events per year. The stated reason for all the restricted timings was to “ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties”.

The applicant also agreed a number of conditions with the environmental health officer which are not set out in this decision notice but form part of the application details and other papers considered by us and published on the Council’s website (see pages 159 & 160 of the Agenda pack) and are therefore not repeated in this decision notice. The conditions are targeted at promoting the licensing objective of preventing public nuisance and safeguarding local residents from noise disturbances.

The residents’ objections expressed concern about noise nuisance and disturbance they stated they already suffered and feared would get worse as a result of music emanating from the premises and customers leaving the premises at closing times. They also expressed their fears about crime and disorder and anti-social behaviour.

The hearing

At the hearing Mr Robert Morris, a Director of the Football Club, represented the applicant.

Ms Jean Sherman represented the Silver Jubilee Park Residents’ Association and one other resident who had submitted a relevant representation.

Ms Mew Privett, a local resident, also attended the hearing in support of her representation.

The decision

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council’s own licensing policy.

We have taken into account our duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of our discretion on, and the need to do all we reasonably can, to prevent crime and disorder in our area and the misuse of alcohol.

We confirm that in making our decision we have sought to promote the licensing objectives.

We have also taken into account that local residents have a right to respect for their private and family life and their home. They are entitled therefore not to be disturbed by unreasonable noise or any other form of nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.

In all circumstances, we concluded that it was appropriate for the **amended** application to be **granted** but **subject to the following restrictions and conditions**.

In order to promote the licensing objectives, and for the reasons set out in the various representations we received, we also felt that it was appropriate to restrict the timings. The reduced timings proposed by the applicant meant that licensable activities could continue until closing times without allowing for what used to be referred to as 'drinking up time' or a natural winding down of activities.

This premises is located in a noise sensitive area and it is imperative that closing times are strictly adhered to. In accordance with what we consider to be best practice and necessary in order to protect local residents from disturbances long after closing times, we have brought forward the finish times for all licensable activities by 30 minutes on Mondays to Saturdays and 15 minutes on Sundays. In line with the planning consent, we have also restricted the longer (02.00 hours) closing times to 4 events per year. This is once again necessary in order to strike a fair and proportionate balance between the competing rights of local residents and the applicant.

These are the activities and times we have permitted.

Licensable Activities and opening hours	Days	Hours
Alcohol	Mondays – Thursdays	08.00 – 23.30
	Fridays & Saturdays	08.00 – 01.30*
	Sundays	08.00 – 21.45
Live/recorded music and similar entertainment	Mondays – Thursdays	11.00 – 23.30
	Fridays & Saturdays	11.00 – 01.30*
	Sundays & Bank holidays	11.00 – 21.45
Late night refreshment	Mondays – Thursdays	23.00 – 23.30

	Fridays Saturdays	&	23.00 – 01.30*
Opening hours	Mondays – Thursdays		08.00 – 00.00
	Fridays Saturdays	&	08.00 – 02.00*
	Sundays & Bank holidays		08.00 – 22.00

*Restricted to four events per year. On all other occasions the timings will be the same as the week days.

We confirm that the agreed conditions which we have already referred to and which were proposed by environmental health will be added to the licence.

Informative

We strongly advise that the applicant incorporates standard terms into its hire agreement regulating the use of noise equipment. The onus will remain on the applicant to ensure that third parties using the premises for licensable activities do not cause a nuisance.

The applicant must also ensure that when youth activities are being run at the premises, particular care is taken to protect children from harm.

Right of Appeal

The parties have a right of appeal to Brent Magistrates' Court against this decision. If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

5. **Application by the Metropolitan Police for the review of premises held by Macneil Ltd for the premises "Everest Spice Lounge", (Honeypot Lane, HA7 1EF"), pursuant to the provisions of the Licensing act 2003.**

RESPONSIBLE AUTHORITY

PC Paul Whitcomb Metropolitan Police
Ms Susana Figueiredo Licensing Inspector

APPLICANT

Mr Nilesh Lukka (Director of MacNeil Limited)
Mr Bhattarai (the DPS) attended the hearing to represent the premises licence holder.

Decision:

The Sub-Committee concluded that the application by the Metropolitan Police to review a premises licence relating to Everest Spice The Honeypot, Honey Pot Lane, Stanmore HA7 1EF be **granted** but **subject to the conditions set out in the decision letter below.**

The application

The Sub-Committee has given careful consideration to an application by the police, under section 51 of the Licensing Act 2003, to review the premises licence relating to Everest Spice The Honeypot, Honeypot Lane, Stanmore HA7 1EF. MacNeil Limited is the premises licence holder and Mr Mitra Bandhu Bhattarai is the designated premises supervisor. The grounds for review are the prevention of crime and disorder and public nuisance, and public safety. The licensing authority, acting in its capacity as a responsible authority, made a relevant representation too.

The premises are licensed for the sale of alcohol and for the provision of regulated entertainment and late night refreshment as follows:

Days of week	Alcohol	Entertainment (with the exception of Mondays)	Late night refreshment	Opening/Closing hours
Sundays to Thursdays	12.00 until 00.30	19.00 until 00.00	23.00 until 00.00	12.00 until 01.00
Fridays and Saturdays	12.00 until 01.30	19.00 until 01.00	23.00 until 01.30	12.00 until 02.00

The premises is also authorised to provide these licensable activities during non-standard timings.

The application details and other papers considered by us are published on the Council's website and are not repeated in this decision notice. In summary, the Police raised concerns about two incidents of violence and disorder on the premises on Sunday 12 April 2015 and on Friday 26 June 2015. According to the police, both incidents involved fights which started inside the premises.

The police pointed out the premises is one of the larger pubs in Brent with a ground floor capacity of 295 and comprises of 3 bar areas with seating, a restaurant, a front beer garden, a rear beer garden, a shisha area (which has its own bar and a capacity of 90) and a car park for approximately 20 cars. As a result of these incidents, the police expressed their concern about the premises relying on a single door supervisor at the weekends even though it is a large premises, is very busy and there have been actual and serious incidents of violence. The police recommended that a minimum of 4 door supervisors should be deployed at the weekends. The police claimed that this was rejected by the management as they do not think a "family restaurant" needs so many door supervisors and because of the "financial cost".

The police requested that the current conditions of licence be varied or additional conditions be imposed.

The licensing authority representation reported on the findings of a visit on 31 July 2015.

The hearing

Mr Nilesh Lukka (Director of MacNeil Limited) and Mr Bhattarai (the DPS) attended the hearing to represent the premises licence holder.

PC Paul Whitcomb represented the police.

Ms Susana Figueiredo represented the licensing authority.

The decision

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We have taken into account our duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of our discretion on, and the need to do all we reasonably can, to prevent crime and disorder in our area and the misuse of alcohol.

We confirm that in making our decision we have sought to promote the licensing objectives.

We also confirm that we have imposed further regulation only if satisfied that it was necessary, proportionate and appropriate to do so in order to promote the licensing objectives and justified on the facts of this particular case.

On the facts of this application, it is particularly noteworthy that, according to statutory guidance, we should accept all reasonable and proportionate representations made by the police unless we have evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

At the hearing, Mr Lukka maintained his objection to deploying 4 door supervisors. This was the main point of contention. We watched the CCTV footage of the fighting at the premises on Friday 26 June 2015 and witnessed for ourselves that it was totally unrealistic and dangerous for a single door supervisor to be expected to maintain order in that kind of situation. Members of the public and members of staff (including the door supervisor himself) were exposed to a greater risk of harm because of an insufficient number of door supervisors. The threat of violence and the fighting itself went on for quite some time; there were a lot of people involved; weapons were wielded and a member of staff was punched in the face. We also got a sense of the size of the premises, the layout of the various bars, and how busy it can be at the weekends.

Mr Lukka described the incident as unfortunate and isolated. He said that the financial cost of 4 door supervisors was not justified and that there had been no further incidents since June. Mr Lukka told us that he was only willing to agree to 2 door supervisors on Fridays and Saturdays.

PC Whitcomb suggested that a 50:1 ratio of customers to door supervisors was considered to be good practice and complained about Mr Lukka's failure to engage with the police after the police made this application to review the premises licence. In our view the incident on 26 June 2015 clearly demonstrated that there is a need for more door supervisors to be deployed at the premises for all the reasons we have already mentioned. This was a very serious incident which actually took place on the premises. It soon got out of hand and the escalation of violence was alarming.

The incident exposed the fact that the premises is ill-equipped to respond to serious incidents of violence and disorder. What happened that Friday night is something which the management need to take responsibility for at least in licensing terms i.e. preventing crime and disorder and ensuring public safety. To date, the management have failed to take adequate steps to reassure the police and us that they could cope better with incidents of violence in the future. The need for us to impose tighter controls is therefore unavoidable.

In all the circumstances, we have decided to replace the following conditions relating to door supervisors with the existing condition:

If the premises is open for the sale of alcohol after midnight on Friday and Saturday, from 20.00 hours, at least one door supervisor per 75 customers shall be deployed at the premises, subject to a minimum of two, until the

premises closes and all customers have left. All door supervisors shall be authorised by the Security Industry Authority.

If the premises is open for the sale of alcohol after midnight on Sunday to Thursday, from 20.00 hours, at least one door supervisor per 75 customers shall be deployed at the premises, subject to a minimum of one, until the premises closes and all customers have left. All door supervisors shall be authorised by the Security Industry Authority.

In our view, this flexible approach to determining the minimum number of door supervisors strikes a fair and proportionate balance between the need to promote the licensing objectives and ensuring that the financial impact of additional regulation on the premises is minimised.

In addition, the parties agreed the following conditions and we confirm that it is appropriate for them to be added to the licence:

From 20.00 hours on Friday, Saturday and Sunday there shall be at least one member of staff who is a personal licence holder on duty. They shall remain on duty until the end of the permitted hours for the sale of alcohol, or at any such time that alcohol sales conclude.

Any staff directly involved in selling alcohol for retail to customers, staff who provide training and all managers shall undergo regular training of the Licensing Act 2003. The training shall be documented and signed by the DPS and the member of staff receiving the training. The training log shall be kept on the premises and made available for inspection by the police and relevant authorities upon request.

In summary, in response to this review application, the additional conditions set out above have been added to the licence.

Informative

We would advise the premises to ensure that there is full CCTV coverage of the premises at all times and implement proper counting systems to ensure that the capacity of the premises is not exceeded and that the correct number of door staff are deployed. We also hope that moving forward the premises will properly engage with the authorities.

The effective date of this decision

This decision does not take effect until the end of the period for appealing this decision or, if appropriate, the outcome of the appeal.

Right of Appeal

The parties have a right of appeal to Brent Magistrates' Court against this decision. If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

6. **Application by Kingsbury Town Management Company for a new premises licence to supply alcohol from 08:00hrs to 04:00hrs Monday to Sunday and undertake regulated entertainment from 1100 hours until 0300 hours for the premises "Kingsbury Town Management Company", (Townsend Lane, Kingsbury NW9 7NE), pursuant to the provisions of the Licensing Act 2003.**

APPLICANT

KINGSBURY TOWN FOOTBALL CLUB

Mr Robert Morris, Director of the Kingsbury Town Football Club

RESIDENTS

Ms Jean Sherman

Silver Jubilee Park Residents' Association

DECISION:

The Sub-Committee decided that the application by Kingsbury Town Management Company for a new premises licence to supply alcohol from 08:00hrs to 04:00hrs Monday to Sunday and undertake regulated entertainment from 1100 hours until 0300 hours for the premises "Kingsbury Town Management Company", (Townsend Lane, Kingsbury NW9 7NE), pursuant to the provisions of the Licensing Act 2003 be **granted but subject to the restrictions and conditions set out in the decision letter below.**

The application

The Sub-Committee has given careful consideration to an application by Kingsbury Town Management Company, under section 17 of the Licensing Act 2003, for the grant of a premises licence for Kingsbury Town FC, Townsend Lane, Kingsbury NW9 7NE. The premises currently has a club premises certificate and is licensed for the supply of alcohol on Mondays to Sundays from 08.00 hours until 04.00 hours and for regulated entertainment such as live and recorded on Mondays to Sundays from 11.00 hours until 03.00 hours to club members and their guests.

The original application sought the following permissions:

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Late night refreshment	Mondays – Sundays	23.00 – 04.00
Opening hours	Mondays – Sundays	08.00 – 04.00

The application received a number of representations/objections from environmental health; the licensing authority; the Silver Jubilee Park Residents' Association and individual residents. The police had also made a representation but this had been withdrawn by the time of the hearing.

In response, the application was amended as follows:

Licensable Activities and opening hours	Days	Hours
Alcohol	Mondays – Thursdays	08.00 – 00.00
	Fridays & Saturdays	08.00 – 02.00
	Sundays	08.00 – 22.00
Live/recorded music and similar entertainment	Mondays – Thursdays	11.00* – 00.00

	Fridays & Saturdays	11.00* – 02.00
	Sundays & Bank holidays	11.00* – 22.00
Late night refreshment	Mondays – Thursdays	23.00 – 00.00
	Fridays & Saturdays	23.00 – 02.00
Opening hours	Mondays – Thursdays	08.00 – 00.00
	Fridays & Saturdays	08.00 – 02.00
	Sundays & Bank holidays	08.00 – 22.00

*The applicant and environmental health agreed a start time of 08.00 hours, however, as the original application itself stated a start time of 11.00 hours, it is not possible for the applicant to amend his application by *extending* the hours for entertainment.

The amended timings, or at least the terminal hours are consistent with a planning permission issued by the Council in July 2015. However, the planning permission restricted the use of the extra two hours on Fridays and Saturdays to 4 events per year. The stated reason for all the restricted timings was to “ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties”.

The applicant also agreed a number of conditions with the environmental health officer which are not set out in this decision notice but form part of the application details and other papers considered by us and published on the Council’s website (see pages 159 & 160 of the Agenda pack) and are therefore not repeated in this decision notice. The conditions are targeted at promoting the licensing objective of preventing public nuisance and safeguarding local residents from noise disturbances.

The residents’ objections expressed concern about noise nuisance and disturbance they stated they already suffered and feared would get worse as a result of music emanating from the premises and customers leaving the premises at closing times. They also expressed their fears about crime and disorder and anti-social behaviour.

The hearing

At the hearing Mr Robert Morris, a Director of the Football Club, represented the applicant.

Ms Jean Sherman represented the Silver Jubilee Park Residents’ Association and one other resident who had submitted a relevant representation.

Ms Mew Privett, a local resident, also attended the hearing in support of her representation.

The decision

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We have taken into account our duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of our discretion on, and the need to do all we reasonably can, to prevent crime and disorder in our area and the misuse of alcohol.

We confirm that in making our decision we have sought to promote the licensing objectives.

We have also taken into account that local residents have a right to respect for their private and family life and their home. They are entitled therefore not to be disturbed by unreasonable noise or any other form of nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.

In all circumstances, we concluded that it was appropriate for the **amended** application to be **granted but subject to the following restrictions and conditions**.

In order to promote the licensing objectives, and for the reasons set out in the various representations we received, we also felt that it was appropriate to restrict the timings. The reduced timings proposed by the applicant meant that licensable activities could continue until closing times without allowing for what used to be referred to as 'drinking up time' or a natural winding down of activities.

This premises is located in a noise sensitive area and it is imperative that closing times are strictly adhered to. In accordance with what we consider to be best practice and necessary in order to protect local residents from disturbances long after closing times, we have brought forward the finish times for all licensable activities by 30 minutes on Mondays to Saturdays and 15 minutes on Sundays. In line with the planning consent, we have also restricted the longer (02.00 hours) closing times to 4 events per year. This is once again necessary in order to strike a fair and proportionate balance between the competing rights of local residents and the applicant.

These are the activities and times we have permitted.

Licensable Activities and opening hours	Days	Hours
Alcohol	Mondays – Thursdays	08.00 – 23.30
	Fridays & Saturdays	08.00 – 01.30*
	Sundays	08.00 – 21.45
Live/recorded music and similar entertainment	Mondays – Thursdays	11.00 – 23.30
	Fridays & Saturdays	11.00 – 01.30*
	Sundays & Bank holidays	11.00 – 21.45

Late night refreshment	Mondays – Thursdays	23.00 – 23.30
	Fridays & Saturdays	23.00 – 01.30*
Opening hours	Mondays – Thursdays	08.00 – 00.00
	Fridays & Saturdays	08.00 – 02.00*
	Sundays & Bank holidays	08.00 – 22.00

*Restricted to four events per year. On all other occasions the timings will be the same as the week days.

We confirm that the agreed conditions which we have already referred to and which were proposed by environmental health will be added to the licence.

Informative

We strongly advise that the applicant incorporates standard terms into its hire agreement regulating the use of noise equipment. The onus will remain on the applicant to ensure that third parties using the premises for licensable activities do not cause a nuisance.

The applicant must also ensure that when youth activities are being run at the premises, particular care is taken to protect children from harm.

Right of Appeal

The parties have a right of appeal to Brent Magistrates' Court against this decision.

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

7. Application by Mr Rod Penk for Temporary Event Notice (TEN) for the sale by retail of alcohol on the premises on 30 to 31 August 2015 from 19:00 hours until 02:30 hours at "Caldo Bar & Kitchen", (79 Salusbury Road, NW6 6NH) pursuant to the provisions of the Licensing Act 2003

The Sub-Committee were informed that the Metropolitan Police had withdrawn their objections to the application having agreed modifications to the application and as such members did not hear the application.

Please note:

At 9.05pm, the meeting was adjourned for 5 minutes after which Councillor Hector left the meeting.

Upon resumption, Councillor Hector was replaced by Councillor Shahzad for the remainder of the meeting.

The meeting closed at 0.15 am

M BRADLEY

Chair