



Brent

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

**Tuesday 15 December 2015 at 10.30 am**

PRESENT: Councillor Long (Chair) and Councillors Hylton and McLeish

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

None.

**2. Application for a new premises licence by Mr Kuppusamy Kirupagaran to provide regulated entertainment, late night refreshment and supply alcohol from: 18:00hrs to 05:00hrs Monday to Friday and from 10:00hrs to 05:00hrs Saturday & Sunday at Unit 2 Popin Business Centre, South Way, HA9 0HB pursuant to the provisions of the Licensing Act 2003.**

**Decision:**

That the application for a new premises licence by Mr Kuppusamy Kirupagaran to provide regulated entertainment, late night refreshment and supply alcohol from: 18:00hrs to 05:00hrs Monday to Friday and from 10:00hrs to 05:00hrs Saturday & Sunday at Unit 2 Popin Business Centre, South Way, HA9 0HB pursuant to the provisions of the Licensing Act 2003 be not heard as the applicant had agreed conditions with Public Safety officers.

**3. Application for a new premises licence by Mr Ahmed Mumtaz to supply alcohol and remain open from 00:00hrs to 00:00hrs Monday to Sunday at Metro Supermarket (72 Craven Park Road NW10 4AE) pursuant to the provisions of the Licensing Act 2003.**

Responsible Authority

Nick Mortimer

Amrit Cheema

Brent Licensing Police

Public Health

Applicant

Robert Jordan

Agent

The Sub-Committee were informed by the agent that the applicant's mother was receiving surgery for which the family had been waiting for a year and accordingly requested a deferral.

**Decision**

That the application for a new premises licence by Mr Ahmed Mumtaz to supply alcohol and remain open from 00:00hrs to 00:00hrs Monday to Sunday at Metro Supermarket (72 Craven Park Road NW10 4AE) pursuant to the provisions of the Licensing Act 2003 be deferred to a future date.

**4. Application for a new premises licence by Mr Abdul Aslami to supply alcohol and remain open from: 10:00hrs to 00:00hrs Monday to Sunday and provide**

**late night refreshment from 23:00hrs to 00:00hrs Monday to Sunday Wembley Bay at Fish & Chips (13 Wembley Hill Road HA9 8AF) pursuant to the provisions of the Licensing Act 2003.**

Responsible Authority

Nick Mortimer

Amrit Cheema

Brent Licensing Police

Public Health

Applicant

S Panchal

Abdul Aslami

Agent

Designated Premises Supervisor

### **Decision**

**That the application for a new premises licence by Mr Abdul Aslami to supply alcohol and remain open from: 10:00hrs to 00:00hrs Monday to Sunday and provide late night refreshment from 23:00hrs to 00:00hrs Monday to Sunday Wembley Bay at Fish & Chips (13 Wembley Hill Road HA9 8AF) pursuant to the provisions of the Licensing Act 2003 be granted as amended.**

The full record of the Sub-Committee's decision and the reasons are as set out in the decision letter, set out below.

### **The application**

The Sub-Committee has given careful consideration to an application by Mr Aslami under section 17 of the Licensing Act 2003, for a new premises licence relating to Wembley Bay Fish & Chips 13 Wembley Hill Road HA9 8AF. Mr Aslami is the proposed designated premises supervisor (DPS). The application is for the premises to be licensed for both on and off sales of alcohol from 10:00 hrs to 00:00 Monday to Sunday and the provision of late night refreshment from 23:00hrs to 00:00hrs Monday to Sunday.

The Sub Committee heard representations from the police.

In summary, the Police raised concerns about the following licensing objectives: prevention of crime and disorder. The police licensing officer Nick Mortimer informed the Sub Committee that this area of Wembley has a consistent problem with street drinking and more recently with homeless persons sleeping rough. There are numerous rough sleeping areas behind businesses in the vicinity of this premises. There is existing evidence of makeshift beds, mattresses and vast amounts of disused rubbish including fast food packaging and alcohol cans generated by the rough sleepers. Photographs of the area taken by the police were handed to the Sub Committee.

The Sub Committee were informed that during the application process PC Nicola McDonald had met with Mr Aslami and that during the course of that meeting it became apparent that Mr Aslami seemed unaware of what a controlled drinking zone was. Upon this being explained to him Mr Aslami's response was that he would put up a sign telling customers not to drink in the street. Police concerns are that this would not be sufficient/practicable as homeless customers would have nowhere else to drink. Furthermore, on major event days at Wembley Stadium, this area is exceptionally busy with pedestrian footfall. There is no indication in the operating schedule as to how Mr Aslami would be able to control off sales of

alcohol consumption in the street as visitors to the area would only have access to the street to eat and drink.

Representations were also made by Public Health in relation to the prevention of crime and disorder and public nuisance. The Wembley Fish and Chip Shop is located within an area of Wembley Central which has a high level of alcohol related crime. Data held by public health shows that Wembley Central is ranked the worst of the 21 wards in Brent in respect of alcohol related treatments by the London Ambulance Service, has the 2nd worst record of alcohol related violence against British Transport Police and the 8th worst record alcohol related violence against Transport for London Staff. The premises are also located in a hotspot for street drinking, violent crime and anti-social behaviour.

The full details of the application made by the Police and the representation made by the Public Health, amongst other information, is contained within the Document pack and Supplementary information/photographs attached to the Agenda for our meeting. This information is publicly available and is therefore not repeated in detail in our decision notice.

### **The hearing**

Mr Abdul Aslami attended the hearing and he was represented by his agent Mr Panchal of Personal Licence Courses Ltd

Nick Mortimer represented the police.

Ms Cheena represented the Public Health

A petition objecting to the application had been submitted by local residents non of whom attended the hearing

Both the Police and Public Health confirmed that they would be supportive of on sales of alcohol **only** to be provided by staff with sit down meals that are consumed on the premises and not with take away meals.

Mr Panchal informed the Sub Committee that the Fish and Chip Shop had been there for 7 years and the market has changed in that there is now a high demand for alcohol to be supplied with food. Mr Panchal stated that there was an off licence next door to the premises and that people could purchase alcohol from the off licence and drink it in the street. However, having heard the concerns raised by public health and the police in regard to the problem with street drinking and crime in the area Mr Aslami agreed to amend his application to only sell alcohol with a meal eaten on the premises and in accordance with the conditions requested by the police.

### **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 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.

**We have decided to grant the amended application. This means that the sale of alcohol with food is agreed and the provision of late night refreshment subject to the conditions imposed by the Police as follows:-**

These are the conditions recommended by the Police

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to the police and authorised officers from Brent Council upon request.
2. CCTV cameras shall be installed to cover the entrance of the premises.
3. Notices shall be displayed at the entrance to the premises and in prominent positions throughout the premises, advertising that CCTV is in operation
4. A notice displaying the opening hours, the type of activity and licence conditions shall be clearly displayed and visible to patrons. This may be incorporated the summary of the licence, which must be displayed, or take the form of a separate item. Likewise the name of the designated premises supervisor (DPS) should be similarly displayed. This will allow the Police and other responsible authorities to readily identify the licence details. Clearly displayed opening hours will also reduce any confusion for customers prior to entering the premises and possible conflict when the premises close, stop selling alcohol.
5. A “Challenge 25” policy shall be adopted and adhered to
6. A sign stating “No proof of age - No sale” shall be displayed at the point of sale

An incident log shall be kept at the premises and made available for inspection on request to an authorised officer of Brent Council or the Police which will record the following:

- (a) All crimes reported to the venue
- (b) All ejections of patrons
- (c) Any complaints received
- (d) Any faults in the CCTV system
- (e) Any refusal of the sale of alcohol
- (f) Any visit by a relevant authority or emergency service

7. Customers shall not be permitted to take open drink containers of alcohol outside the premises as defined on the plan submitted to and approved by the Licensing Authority
8. Customers carrying open or sealed alcohol drinking vessels shall not be admitted to the premises
9. Substantial food and non intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided
10. The sale of alcohol at the premises shall only be to a person seated taking a table meal and for the consumption by such a person as ancillary to their meal.
11. The supply of alcohol shall be by waiter or waitress service only
12. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading bar area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff
13. Customers should not be allowed to sit, stand or be served from the bar area
14. No high strength beers, lagers and ciders above 6%ABV shall be stocked
15. Alcoholic beverages shall be decanted into a suitable drinking vessel
16. On major event days at Wembley Stadium:
  - Customers shall not be allowed to congregate outside of the premises
  - No drinks shall be served in glass containers
  - The DPS or deputy shall work in partnership with the police and if necessary comply with any direction given by a senior Police Officer on duty at the event
  - No alcohol or “alcopop” type drinks shall be displayed or sold in glass containers with the exception of wines and spirits
  - Door Supervisor shall be deployed 3 hours before designated kick off to prevent persons leaving with opened alcoholic drinking vessels
  - Alcohol sales shall cease 1 hour before the designated kick off time, until 15 minutes after the actual kick off

We also felt that the above conditions were necessary, proportionate and appropriate and we therefore decided to add them to the licence along with the following additional conditions:

17. All alcohol should be stored behind the counter with no direct access by the public.

We proposed this condition as a result of the concerns raised during the hearing regarding the location and storage of alcohol on the premises

18. A personal licence holder fluent in English to be present on major event days.

At the hearing we had considerable difficulty communicating with the applicant and getting him to understand what was required of him as a licence holder and with

regard to the sale of alcohol. Mr Panchal could not express to us how he would address the concerns that we raised.

We amend condition 13 as follows:

13. Alcohol shall be decanted by staff into a plastic or toughened glass vessel.

#### **Informative**

The applicant will need to submit a revised floor plan to show the new location for storage of alcohol and removal of the bar area. The variation should also include the additional conditions presented by Mr Panchal at the hearing in order to promote the licensing objectives.

#### **The effective date of this decision**

This decision takes effect immediately.

#### **Right of Appeal**

The applicant has 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 Timothy Sheahan to vary a premises licence to specify an individual as designated premises supervisor (DPS) at Greenes (362-364 Neasden Lane North NW10 0BT) under the Licensing Act 2003.**

The Sub-Committee were informed that that the applicant has withdrawn the application.

#### **Decision**

**That the application by Timothy Sheahan to vary a premises licence to specify an individual as designated premises supervisor (DPS) at Greenes (362-364 Neasden Lane North NW10 0BT) under the Licensing Act 2003 be not heard as the application had been withdrawn.**

6. **Application is for a new premises licence by Dor De Casa to supply alcohol from: 08:00hrs to 22:00hrs Monday to Sunday and to remain open from 06:00hrs to 22:00hrs Monday to Friday and 07:00hrs to 22:00hrs Saturday & Sunday at Dor De Casa (377 High Road Wembley HA9 6AA) pursuant to the provisions of the Licensing Act 2003.**

The Sub-Committee were informed that the applicant had agreed to all the conditions imposed by the responsible authority.

#### **Decision**

**That the application for a new premises licence by Dor De Casa to supply alcohol from: 08:00hrs to 22:00hrs Monday to Sunday and to remain open from 06:00hrs to 22:00hrs Monday to Friday and 07:00hrs to 22:00hrs Saturday & Sunday at Dor De Casa (377 High Road Wembley HA9 6AA) pursuant to the provisions of the Licensing Act 2003 be not heard as the applicant had agreed to all conditions imposed by the responsible authority.**

7. **Application for a new premises licence by Catalin Savin to supply alcohol and remain open from 07:00hrs to 23:00hrs Monday to Friday and from 08:00hrs to 23:00hrs Saturday & Sunday at Tache Magazin Romanesc (20 The**

**Broadway East Lane HA9 8JU) pursuant to the provisions of the Licensing Act 2003.**

The Sub-Committee were informed that the applicant had agreed to all the conditions imposed by the responsible authority.

**Decision**

**That the application for a new premises licence by Catalin Savin to supply alcohol and remain open from 07:00hrs to 23:00hrs Monday to Friday and from 08:00hrs to 23:00hrs Saturday & Sunday at Tache Magazin Romanesc (20 The Broadway East Lane HA9 8JU) pursuant to the provisions of the Licensing Act 2003 be not heard as the applicant had agreed to all the conditions imposed by the responsible authority.**

The meeting closed at 12.45 pm

J LONG  
Chair