



## LONDON BOROUGH OF BRENT

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

Thursday 4 February 2016 at 10.30 am

PRESENT: Councillor Long (alternate for Councillor Ketan Sheth) and Councillors Hector and Kansagra

Also present: Councillors Mahmood

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

None.

#### 2. **Application by Mr Ahmed Mumtaz for a new premises licence 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.**

Applicant

Robert Jordan

Applicant

Agent

Ahmed Mumtaz

In noting the absence of the residents, members decided to proceed in their absence as the hearing had been postponed previously to accommodate their representative. The Sub-Committee were informed that the applicant had agreed to all the conditions requested by the Police.

Decision:

That the application by Mr Ahmed Mumtaz for a new premises licence 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 granted but subject to the agreed conditions (as set out elsewhere below).

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 Mumtaz Ahmed, under section 17 of the Licensing Act 2003, for the grant of a premises licence relating to Metro Supermarket, 72 Craven Park Road NW10 4AE.

Mr Ahmed's original application sought permission to supply alcohol for consumption off the premises 7 days a week and 24 hours a day.

The application received an objection from a local resident who lives on Craven Park Road, known only as 'Ali', complaining about night time disturbance which he attributed to the premises already licenced to sell alcohol in the area for consumption off the premises. According to the objection, another off-licence would "cause more trouble and disturbance in the area".

As for the representation by the police, this was withdrawn in advance of the hearing as the applicant had agreed to limit the scope of the application and vary the premises' operating schedule by agreeing a number of additional conditions (which during the course of our discussion we refined and amended and are set out in full below).

Most significantly, the operating hours were reduced as follows:

<b>Licensable Activities and opening hours</b>	<b>Days</b>	<b>Hours</b>
Alcohol	Sundays - Thursdays	08.00 – 00.00
Alcohol	Fridays & Saturdays	08.00 – 01.00
Opening hours	Sundays - Thursdays	06.00 – 00.00
Opening hours	Fridays & Saturdays	06.00 – 01.00

Mr Ahmed attended the hearing in support of his application and was represented by his agent, Mr Robert Jordan.

The objector, Ali, did not attend the hearing but he emailed the council the day before stating that he was on holiday until 6 March and asked for the hearing to be adjourned. Mr Jordan objected to the adjournment on the grounds that the hearing had already been adjourned on one occasion. At the last hearing, neither the applicant nor the objector attended the hearing but the applicant was represented by Mr Jordan.

Having deliberated, we decided, in all the circumstances, to proceed with the hearing because a further adjournment would not be in the public interest or acceptable. The interests of the objector have to be weighed against the interests of the applicant in ensuring that his application is determined within a reasonable timescale and without incurring further delay and costs as well as the interests of the council in ensuring that it discharges its statutory obligations in a timely and cost effective manner. We confirm however that we took Ali's objection into account in deciding the application.

During the course of the hearing, the following issues in particular were discussed: training; the use of a security or night hatch and concerns about disturbance and people queuing in the street at night time; deliveries and the labelling of alcohol. Wherever appropriate the outcome of our discussions is reflected in the wording of the conditions set out below.

### **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 agreed conditions (as set out below), and for the following reasons.**

The reduction in hours and the additional conditions agreed with the police (as varied in discussion with us) address the potential harm to the licensing objectives arising from the original application.

It weighed heavily with us that the police are satisfied with the scope and terms of the amended application and none of the other responsible authorities objected or raised concerns about the application.

The single objection that the application received was couched in very basic and general terms and, at least in part, expressed concerns about the wider area and related to matters beyond the control of the applicant. In conclusion, the objection could not reasonably have justified a refusal of the application which is why it was appropriate to grant the application.

**These are the additional conditions which the applicant agreed with the police and us.** We confirm that we consider these conditions to be necessary, proportionate and appropriate.

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 police and authorised officers of Brent Council. CCTV is to display correct time and date stamp.

A CCTV camera shall be installed to cover the entrance of the premises.

The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or using the night hatch of the premises.

A 'Challenge 25 policy' shall be adopted and adhered to at all times.

A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.

After 2100 hours a minimum of two (2) members of staff must be on duty and at least one (1) of these two (2) members of staff must be the holder of a personal licence.

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:

- All crimes reported to the venue
- All ejections of patrons
- Any complaints received
- Any faults in the CCTV system

Any refusal of the sale of alcohol  
Any visit by a relevant authority or emergency service.

A clear view into the premises shall be maintained at all times so as to enable the inside of the premises to be seen clearly from the outside of the premises in spite of the display of posters and materials.

Notices requesting customers to leave quietly shall be displayed at the exit.

All deliveries to the premises shall take place between the hours of 0800 - 2000 hours.

A sign stating “No proof of age – No sale” shall be displayed at the point of sale.

A personal licence holder fluent in English shall be present on the premises at all times.

No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked or sold.

A suitable intruder alarm complete with panic button shall be fitted and maintained.

Outside of the hours authorised for the sale of alcohol, all alcohol within the trading 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.

No use shall be made of a security/night hatch at the premises.

The following crime prevention measures shall be implemented:

a time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area; and

Regular robbery awareness and cash minimisation training shall be given to all staff.

### **Informative**

Although requiring the premises to label the alcohol that it sells so that the police and the other authorities can identify where problem street drinkers are buying alcohol from cannot be justified at this stage, we recommend it and note that the applicant is going to consider it.

### **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.

- 3. Application by Ground Round Limited for a new premises licence to provide regulated entertainment and the supply alcohol from: 10:00hrs to 00:00hrs Monday to Sunday and provide late night refreshment from 23:00hrs to 00:00hrs Monday to Sunday and to remain open from 09:30hrs to 00:30hrs Monday to Sunday at Burger Fi (Unit 17, Building 1, Wembley Central Square, High Road, HA9 7AJ), pursuant to the provisions of the Licensing Act 2003.**

Decision:

The Sub-Committee decided to adjourn the hearing to 2 March 2016 following a request by the applicant to which the Police had agreed.

4. **Application by the Metropolitan Police for the review of a premises licence held by Mr Nadarajah Sivapalan for the premises known as Sidneys Off Licence, (216 Ealing Road, Wembley HA0 4QG) pursuant to the provisions of the Licensing act 2003.**

Decision:

The Sub-Committee decided to adjourn the hearing to 2 March 2016 following a request by the Police.

The meeting closed at 12.43 pm

J LONG  
In the Chair