



Alcohol and Entertainment Licensing Sub-Committee (C)

Tuesday 19 July 2016 at 10.00 am
Training Suite 4 - 1st Floor, Brent Civic Centre,
Engineers Way, Wembley HA9 0FJ

Membership:

Members

Councillors:

Long (Chair)
Hylton
McLeish

Substitute Members

Councillors:

Allie, Daly, Harrison, Mahmood
and Perrin

For further information contact: Joe Kwateng, Democratic Services Officer
(020) 8937 1354; joe.kwateng@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:
democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
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1	Declarations of personal and prejudicial interests	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2	Application by the Metropolitan Police for the review of a premises licence held by Enfield High Street (AGG21) Ltd, Mr Mukesh Aggarwal at the premises known as The Cock Tavern (125 Kilburn High Road NW6 6JA), pursuant to the Licensing Act 2003.	1 - 34
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Conduct of the Hearing:

The hearing shall proceed as follows:

- General introduction by the Regulatory Services Manager
- Case for the Responsible Authority – Police/Regulatory Services
- Questioning of the Responsible Authority by Applicant and Members
- Case for the Applicant
- Questioning of the Applicant by the Responsible Authority and Members
- Summing up by the Responsible Authority
- Summing up by the Applicant

Members' Deliberation

The Chair will then ask the representatives of the Responsible Authority and the Applicant to leave the meeting room whilst the panel goes into close session to deliberate the application. The applicant and the representatives of the responsible authority will be recalled to the meeting room when the Sub-Committee has made its decision. The decision will be confirmed in writing to the applicant within 7 days



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

LICENSING ACT 2003

Application for the Review of a Premises Licence following Expedited Review

Name of Applicant:	Metropolitan Police
Name & Address of Premises:	The Cock Tavern 125 Kilburn High Road NW6
Applicants Agent:	TLT Solicitors

1. Application

The application is for the review of a premises licence held by Enfield High Street (AGG21) Ltd, Mr Mukesh Aggarwal. The premises are known as The Cock Tavern 125 Kilburn High Road NW6 6JA

2. Grounds for Review

The grounds for review are Crime and Disorder and Public Safety following the expedited review on 29th June 2016.

3. Relevant Representations

Representation has been received from Nick Mortimer of the Metropolitan Police.

4. Background

These premises are currently licensed for regulated entertainment from 20:00hrs to 02:00hrs Monday to Saturday and from 14:00hrs to 01:00hrs Sunday; the sale of alcohol from 09:00hrs to 02:30hrs Monday to Saturday and 10:00hrs to 01:00hrs Sunday and to remain open from 07:00hrs to 03:00hrs Monday to Saturday and 09:00hrs to 01:30 Sunday.

The Designated Premises Supervisor is Mr Rogerio Mendes.

The premises were previously reviewed by the Police on 9 June 2016.

Members should note that police officers applied for an expedited review which was heard on 29th June 2016. As an interim measure members agreed to add additional conditions pending a full review of the licence which must take place within 28 days.

Photographic evidence has been submitted by the Police but is not included in this pack for data protection purposes. The pictures will be distributed at the hearing.

The steps a Committee may take are:

- To modify, remove or add conditions
- To exclude the sale of alcohol or other licensable activity
- Remove the Designated Premises Supervisor
- Suspend the licence for up to 3 months.
- Revoke the licence

5. Associated Papers

- A. Copy of Review Application
- B. Supporting Evidence from the Police
- C. Copy of Expedited Review Decision
- D. Copy of Current Licence



APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I...Nick Mortimer, Licensing Manager on behalf of the Commissioner of the Metropolitan Police Service.....

[insert name of applicant] **apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).**

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description	
The Cock Tavern 125 Kilburn High Road Kilburn	
Post Town London	Post Code (if known) NW6 6JH
Name of premises licence holder or club holding club premises certificate (if known) Director Mr. Mukesh Aggarwal of Enfield High Street (AG221) Ltd	
Number of premises licence or club premises certificate (if known) 261584	

Part 2 - Applicant details

I am

Please tick ✓ Yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) **X**
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title ☐
(for example, Rev)

Surname

First names

Please tick ✓ Yes

I am 18 years old or over

☐

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nick Mortimer, Licensing Manager Brent Police Licensing Unit Wembley Police Station 603 Harrow Road Wembley Middlesex HA0 2HH
Telephone number (if any) 02087333206
E-mail address (optional) nick.mortimer@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|----------|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | |

Please state the ground(s) for review (please read guidance note 1)

The Cock Tavern is failing to promote two of the licensing objectives, namely the prevention of crime and disorder and public safety.

The venue was reviewed on 9th June 2016 under the Crime and Disorder and Public Safety objectives.

On Sunday 26th June 2016 at approximately 1840 hours an affray occurred at the venue that was reported to Police by CAD 07428 and then recorded on CRIS 1915969/16. The alleged facts of this case are SUS4 and SUS2 (DPS) have stated that VIW4 has been refused alcohol as he was too drunk. VIW4 has then become abusive and was escorted off the premises after becoming violent. CCTV evidence is viewed and VIW4 is wearing a black T-shirt and does appear to be causing a disturbance in the pub (there is no audio but his actions would suggest it). It would appear he is being asked to leave but is refusing and has to be led out. VIW4 then appears to become violent, clenching his fists as if he is about to fight. SUS2 and SUS4 have to physically remove him as he is being violent. Once outside VIW4 is still coming back as if he wants to fight. At this point other customers have come to the front of the pub and VIW1 has also come to the front of the pub and appears to be trying to take VIW4 away. VIW4 keeps going back and has a go at some people and throws a punch at the man in the green football shirt which looks like it connects. This has then started the first disturbance where the man in the green top has punched VIW4 a number of times till he fell to the floor. I believe VIW1 was also throwing punches at people. VIW1 has then attacked the man in the green football shirt but fallen to the floor also, he may have been hit by someone else. There are some conversations but then the man in the green football top has left them both once they have stopped attacking him, believe he went back into the pub. VIW1 has then kept going back to the door of the pub and looking like he wants a fight. After a while he confronts SUS2 as SUS2 wife VIW3 is also stood there. VIW1 throws a punch at SUS2 which grazes his wife's VIW3 nose and looks like it hits SUS2 in the face. This is when the main fight kicks off. SUS2 pushes and kicks VIW1 back and is joined by a number of other people, SUS4, SUS5, SUS6 and the unknown male.

SUS2 has been the main attacker at the start, throwing a sign board at VIW1 and then the rest appear to join in. This is when the fight has gone round the side of the pub and out of CCTV view for a short time. During this time VIW3 has taken a chair from outside the front of the pub and taken it round the corner. It is unknown what she has done with this chair but seconds later the fight comes back into camera view and VIW1 has the chair. He smashes it over SUS2 and there is more fighting. The unknown male then throws a punch at VIW1 which hits him in his chest, This would be the area where VIW1 has suffered his injury. He is also hit by SUS5, it appears in the chest area also where the injury is. It is not clear enough on the CCTV but this could be when VIW1 has been stabbed. After these hits the fight dies down and VIW1 is holding his chest and keeps lifting up his vest.

As a result of this incident the DPS, the assistant manager, two bar staff and VIW4 are arrested and are in custody (at time of writing) at Colindale Police Station.

This is the second incident involving violence within the last three months at this premise and it has already been reviewed. The Police have no faith in the ability of the management to operate the premise responsibly under the current authority and therefore wish to bring the matter before the committee for consideration. Police are primarily concerned with the severity of the crime and disorder occurring from the venue as a result of complete disregard of the existing conditions. Police are asking that the licence for the premise be revoked.

Police reserve the right to give evidence on any further incidents which may take place at, or in the vicinity of the premises, between the service of this application and the hearing and/or during the time allowed for any appeal proceedings.

Please tick ✓ **Yes**

Have you made an application for review relating to this premises before?

☐

If yes, please state the date of that application

Day

Month

Year

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If you have made representations relating to this premises before, please state what they were and when you made them

Checklist

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

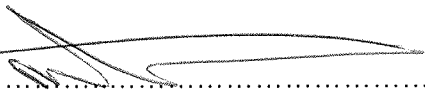
X

☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature  (Nick Mortimer)

Date27th June 2016

Capacity Licensing Manager on behalf of the Chief Officer of Police

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets
Brent Council
Brent House
3rd Floor West, 349-357 High Road
Wembley,
Middlesex
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: environmentandprotection@brent.gov.uk

Please send copies of your application and any supporting documents to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Wembley Police Station
603 Harrow Road
Wembley
Middlesex
HA0 2HH

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 7587 2778

Trading Standards
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5555

Environmental Health Department
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5252

Children's Services
Brent Council
Chesterfield House
9 Park Lane
Wembley
HA9 7RJ

Tel: 020 8937 4175

Licensing Authority
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5359

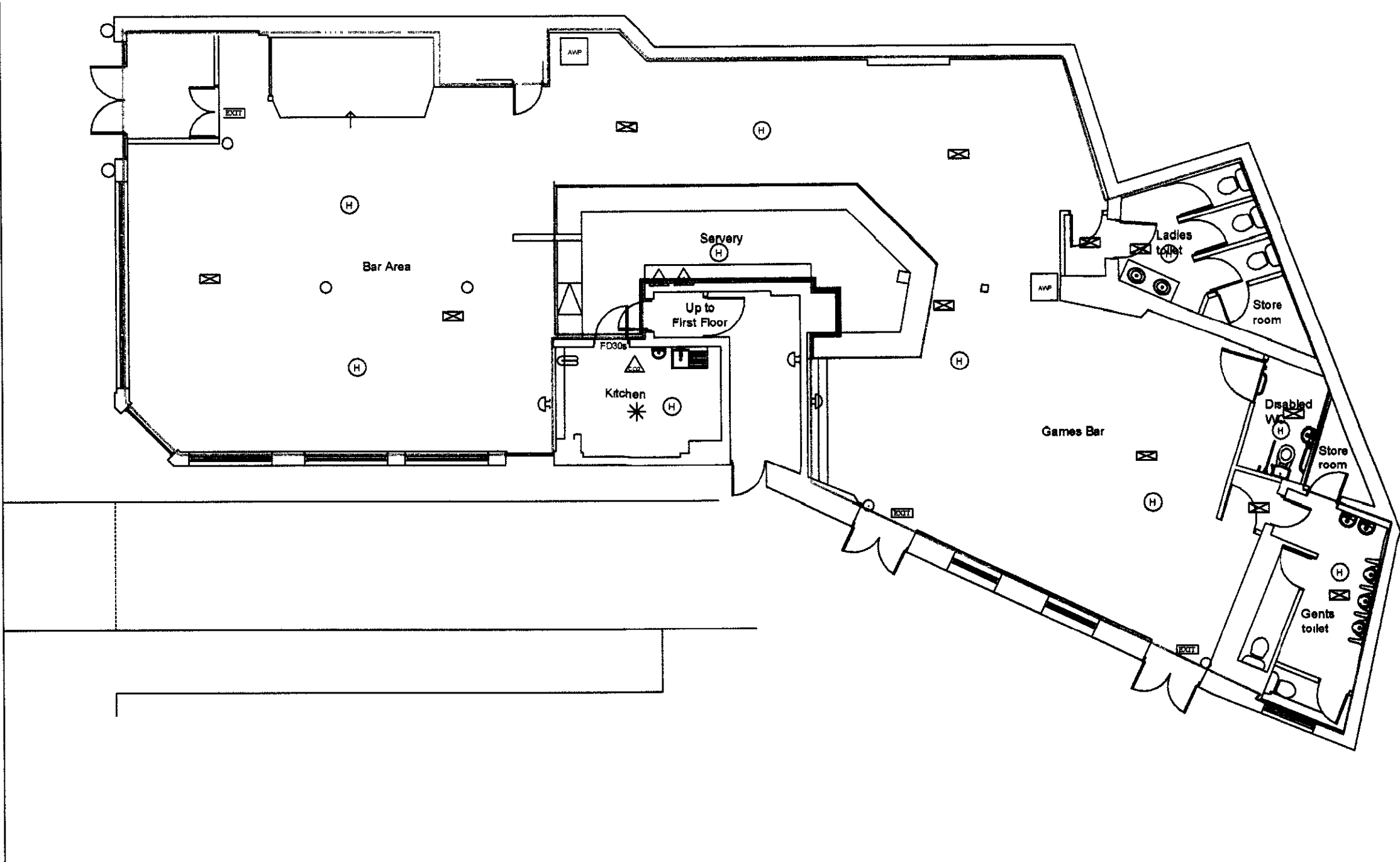
Area Planning Service
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5210

Public Safety Team
Brent Council
Brent House
3rd Floor East
349-357 High Road
Wembley, Middlesex
HA9 6BZ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ



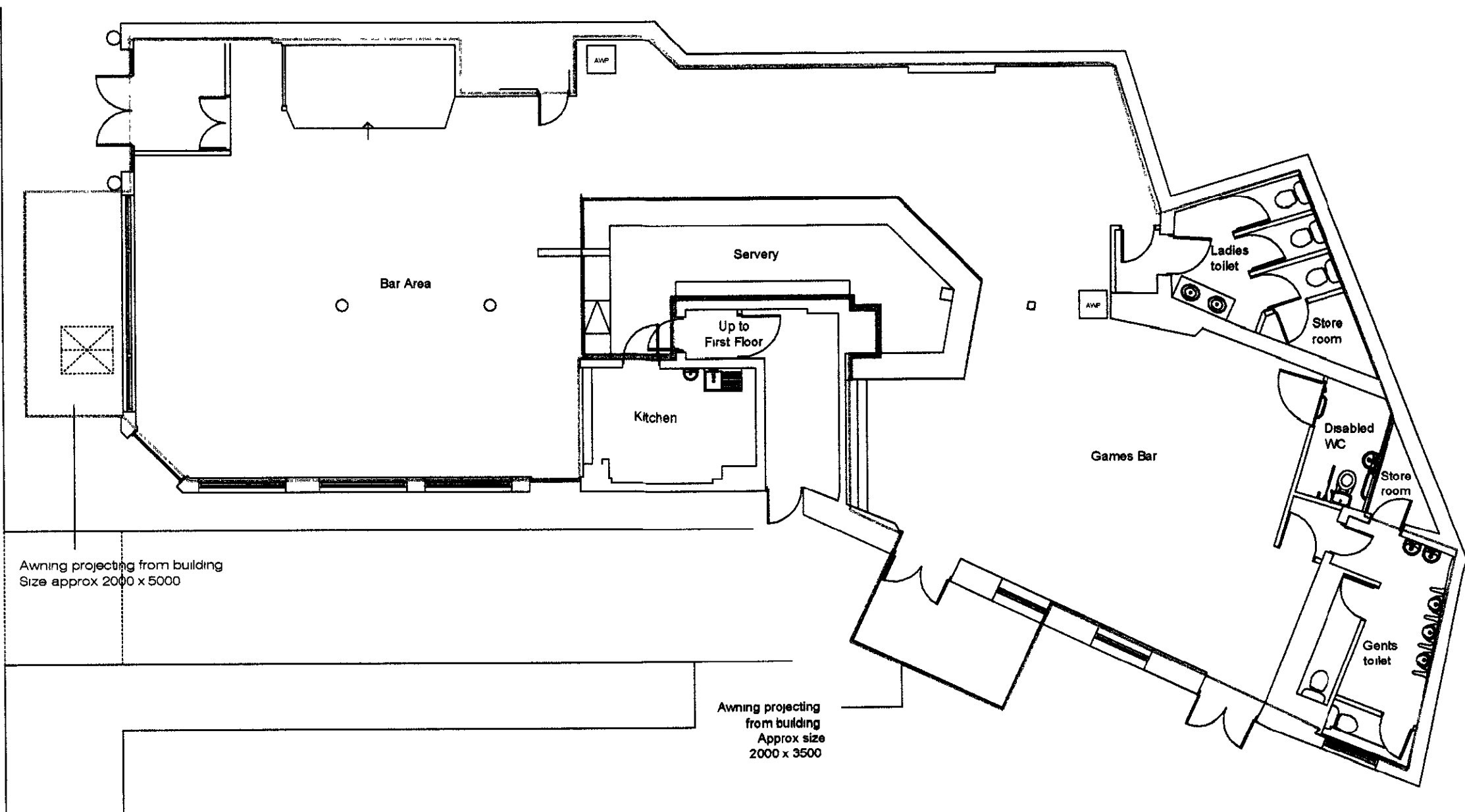
EXISTING PLAN

FIRE PRECAUTIONS LEGEND

- Maintained Exit sign to B S
- Emergency lighting unit to be fitted with red LED indicating healthy supply, the units are to incorporate battery back up for three hours
- Non-maintained Fire Exit sign
- Smoke detector
- Heat detector
- Fire Alarm push button
- Fire Alarm sounder
- FD00s Half hour fire resisting doors fitted with closer, & intumescent smoke seals
- FD00 Half hour fire door with intumescent strip, non-self closing
- PB Push Bar
- 9 litre water extinguisher
- CO2 extinguisher
- Fire blanket
- Foam extinguisher
- Sprinkler outlet

LICENSING LEGEND

- PERIMETER OF LICENSED AREA
- PERIMETER OF LIQUOR SALES



PROPOSED PLAN

design

i.d.

Client GREENE KING PUB PARTNERS	Drawing Title EXISTING and PROPOSED LICENCING PLANS	Drawing No 06 86 GK-100
Project THE COCK P.H. 125 Kilburn High Road Kilburn London NW6 6JH	Status March 2007	Rev 1 100
Drawn By March 2007		As per agreement with Greene King, the plans are to be used for the purpose of the application for a licence to sell alcohol for consumption on the premises only. The plans are not to be used for any other purpose without the written consent of Greene King.

Low Barn, Hornestall Lane, Faversham, Kent ME13 8UT
Tel 01795 537896 Fax 08712 516713

E-mail mail@design-id ltd uk

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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC 782QK Paul Whitcomb** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date:

Friday 1st July 2016

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Wednesday 29th June 2016, Brent council licensing sub-committee imposed the following interim steps on The Cock Tavern public house, 125 Kilburn High Road, Kilburn NW6 6JH:

1. SIA accredited door supervisors shall be on duty at the premises in the following number and at the following times:

a. at least 1 door supervisor Monday to Friday from 18:00 hours and at least 2 door supervisors from 20:00 hours until close of business.

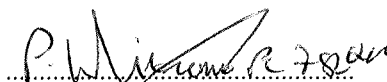
b. at least 1 door supervisor Saturday and Sunday from 16:00 hours and at least 2 door supervisors from 20:00 hours until close of business.

2. No patron suspected of being intoxicated shall be allowed entry to the premises at any time.

3. The Police shall, at a time to be arranged, but no later the end of the week commencing 18 July 2016 conduct security and door management training with any employee of the premises who is concerned with the management and/or retail sale of alcohol and/or food.

On Thursday 30th June 2016, I was on duty in plain clothes working with PC 368QK Michael Sullivan. PC Sullivan and I are the licensing constables for Brent borough police and are attached to Brent police licensing unit. As the above conditions became enforceable from midnight, we decided to attend the Cock Tavern, to check for compliance. We arrived at around 8.10pm and we spoke with the designated premises supervisor (DPS), Mr. Rogerio Mendes. It became apparent that there were no door supervisors on duty. This is a breach of interim step

Signature:



Signature witnessed by:

Continuation of Statement of **PC 782QK Paul Whitcomb**

condition number 1a, as stated above. Mr. Medez was told that he must stop serving alcohol. Mr. Mendes appeared very nervous. He stated that his door supervisor had been in at 6.00pm but left for a break and had not returned?? However, when PC Sullivan spoke with a male member of bar about the door supervisor, this account was contradicted. The bar staff said that the door supervisor was 'running late' and 'starts at 8.30pm'. I do not have this member of staff's details but describe him as being Asian in appearance, mid twenties, slim build, black beard and wearing a black shirt. PC Sullivan asked Mr. Mendes where the second door supervisor was. Mr. Mendes stated that he only had requested one door supervisor as he was told by his solicitor that he only requires two, if he stays open past midnight, which he did not intend to do this particular evening. PC Sullivan pointed out this is not the case. Mr. Mendes confirmed that he had a copy of the interim steps sent to him by his solicitor and showed us it on his PC, so in my opinion there was no excuse for any confusion. PC Sullivan asked to inspect his door supervisor log, which he was unable to produce it. However, he stated that he did get the door supervisor to sign in on an A4 sheet of paper and said that it was in his office. Mr. Mendez asked his bar manage; Mr. [REDACTED], to go and fetch it. After a few minutes of waiting, PC Sullivan asked Mr. Mendes if he would mind showing us his CCTV and point out his door supervisor arriving at 6.00pm. Mr. Mendes was happy to do this and accompanied us to his staff office. However, once there PC Sullivan asked Mr. Mendez to be honest with us. He said, 'Well, to be honest I wasn't actually here'?? He showed us a form where the door supervisor had apparently signed in at 6.00pm. Mr. Mendez then made a phone call to his security company and requested that they send a second door supervisor and ask that the door supervisor who walked out on a 'break' to return. We returned back downstairs and whilst waiting at the front of the pub with Mr. Mendez I saw a white male come out of the pub, aged around sixty years old, grey beard, wearing a light blue jacket, grey jogging bottoms and had a grey rucksack on his back. His eyes were wide and glazed, he was drunk. I then saw this man pick up a half empty pint glass from a table within the outside drinking area and started drinking the contents from it. This breaches interim step condition number two, as stated above. Further I noticed a Budweiser bottle on a table inside the pub and a bottle of Becks beer. This is a breach of the premises licence condition number thirteen which reads, '*All alcohol and soft drinks shall be served in plastic or toughened glasses.*' At around 9.15pm one of the door supervisors arrived. We waited for a further ten minutes, to see if the second supervisor returns from his break, but he didn't so we decided to leave. I informed Mr. Mendez that we are leaving and that he can continue to sell alcohol after his second door supervisor arrives. At around 9.30pm, Mr. Mendez called me and stated that his second door supervisor had arrived.

P. Whitcomb PC 782QK

Signature:

P. Whitcomb PC 782QK

Signature witnessed by:

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of PC368QK Michael Sullivan URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 220776**

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date:

2nd July 2016

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Thursday 30th June 2016, I was on duty in plain clothes in company with PC782QK Whitcomb, on mobile patrols in an unmarked police vehicle, as part of operation Novella, this is a licensing operation for the Euro Football competition, at the start of our duty we had been made aware that the Cock Tavern had been subject to a summary review and had numerous interim conditions placed on it, namely

1. SIA accredited door supervisors shall be on duty at the premises in the following number and at the following times:
 - a. at least 1 door supervisor Monday to Friday from 18:00 hours and at least 2 door supervisors from 20:00 hours until close of business.
 - b. at least 1 door supervisor Saturday and Sunday from 16:00 hours and at least 2 door supervisors from 20:00 hours until close of business.
2. No patron suspected of being intoxicated shall be allowed entry to the premises at any time.
3. The Police shall, at a time to be arranged, but no later the end of the week commencing 18 July 2016 conduct security and door management training with any employee of the premises who is concerned with the management and/or retail sale of alcohol and/or food.

These were imposed after a fight at the pub where a drunk male was stabbed, and four members of staff from the pub were arrested for Affray. These conditions became enforceable at midnight on the 29/06/2016.

Signature:



Signature witnessed by:

Continuation of Statement of

At approximately 20.10 hours we attended the Cock Tavern public House 125 Kilburn High Road NW6 6JH, to check that they were complying with the interim conditions, we spoke to the Designated Premises Supervisor Mr Rogerio Mendes and asked him if he had two door supervisors on duty, as it was now past 20.00 hours he stated that there had been one door supervisor on duty from 18.00 hours but he had just popped out for a break, it was explained to him that he needed to have two Door Supervisors on from 20.00 hours, he was then told that he would have to stop selling alcohol until there were two Door Supervisors on duty, Mr Mendes then walked off making a phone call to see where the Door Supervisor was, whilst he was doing this I asked a member of the bar staff what time the door security came on, the male replied he won't come on until about 8.30 tonight but I think he's running late so not sure, when Mr Mendes returned he was again told that he needed to have two door supervisors on from 20.00 hours, he stated that his solicitor told him that he only needed one on duty, and two if he was opening past midnight, which he was not going to do, I explained to him that the condition stated that he needed two door supervisors on duty, and that it was irrelevant what time he was staying open until, I then asked him if he was present at the hearing when the conditions were implemented, he stated that he was but didn't bother writing them down, he said that he had an email from his solicitor which had the conditions on, we then went upstairs to his office where he showed us the email, on reading it he said 'oh yes I need two Door Supervisors, your right' I then asked Mr Mendes for the security log in sheet, he asked a member of staff Mr [REDACTED] to find the signing in sheet, Mr Mendes then stated that the Door Supervisor had signed in at 18.00 hours, shortly after [REDACTED] returned with an SIA log sheet dated 30/06/2016, I then asked Mr Mendes if he could show me the pub's CCTV when the Door Supervisor arrived and was working, he seemed hesitant, and started making another phone call, I then said please just be honest with us, and said 'well I wasn't actually here' I said but you told me earlier that you had seen him and that he had just popped out, he made no reply and continued making a phone call. I took a picture of the SIA register and exhibit this as MJS/1. Mr Mendes continued to contradict himself and it became apparent that no Door Supervisor had been working at the pub that night, Mr [REDACTED] was also asked if any door supervisors had started work at the pub, he replied 'I am not working today' we then went downstairs whilst Mr Mendes made numerous phone calls to the security company trying to arrange for Door Supervisors to attend, whilst waiting I saw a white male stagger out of the pub and stand on the pub's front decking area and start drinking from a half pint glass of beer, the male was clearly intoxicated and was talking to himself and shouting out incoherently, this was witnessed by Mr Mendes who seemed unconcerned, the male eventually walked off after he realised that the pub was no longer serving beer, I exhibit photos of the male as MJS/2/3/4. Another interim step put on by the committee reads, No patron suspected of being intoxicated shall be allowed entry to the premises at any time. At about 21.15 hours a Door supervisor arrived, I asked him if he had been at the pub earlier, he said no that he had just got a call to come here, Mr Mendes was advised that he still needed a second door supervisor before he could sell alcohol, we then left the pub, shortly after Mr Mendes contacted us and said that a second Door Supervisor had now arrived.

Signature:



Signature witnessed by:

Page 16



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

**Brent Borough
Licensing Department**

Mr Rogerio Mendes
The Cock Tavern
125 Kilburn High Road
NW6 6JH

Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH
Tel: 020 8733 3206
Mb: 07500993899
Email:
michael.sullivan3@met.police.
uk
www.met.police.uk

Your ref:

Our ref:

Date: 3rd July 2016

Ref - The Cock Tavern

Dear Sir,

I am writing this letter requesting CCTV from the above premises from Thursday 30th June 2016.

In accordance with the conditions of your premises licence, I am requesting a copy of the CCTV footage from this venue from 18:00 until 20.15 hours on Thursday 30th June 2016, I am looking for any footage from your cameras that show the Door Supervisor on duty between these times

I am happy to collect these from the premises. Please confirm to the above email address upon receipt of this letter when those items will be ready for inspection and collection.

Yours Sincerely,

Michael Sullivan 368QK
Licensing Constable
Brent Borough Police

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee (C) following a hearing on 29 June 2016 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

The Cock Tavern
125 Kilburn High road
London
NW6 6JH

1. Members of the Sub-Committee

Councillors Long (Chair), Hylton, Mahmood

2. Details of Existing Licensable Activities

Regulated Entertainment

Monday – Saturday	20:00hrs to 02:00hrs
Sunday	14:00hrs to 01:00hrs

Sale of Alcohol

Monday – Saturday	09:00hrs to 02:30hrs
Sunday	10:00hrs to 01:00hrs

The current opening hours are:

Monday – Saturday	07:00hrs to 03:00hrs
Sunday	09:00hrs to 01:30hrs

3. The Application

The application for an expedited premises licence review was served under section 53A of the Licensing Act 2003 under two grounds:

- The prevention of crime and disorder
- Public safety

The application stated that the police were primarily concerned with the severity of the crime and disorder occurring from the venue as a result of the complete disregard of the existing licence conditions. The application detailed that a serious incident of violence, constituting an affray, took place on the 26 June 2016. The incident involved both members of staff and patrons at the premises. It was alleged that the incident resulted in a customer suffering a stab wound. It was further alleged that the DPS, who for the time being is Mr Rogerio Mendes, was involved in this incident. The police sought the suspension of the licence as an interim step, pending full revocation at the review hearing.

4. Representation

The Police were represented by Mr Nick Mortimer, Licensing Manager for the London Borough of Brent.

The license holder is Enfield High Street (AG221) Limited, of which Mr Mukesh Aggarwal is a director. Mr Aggarwal was present and represented by Mr Julian Skeen, solicitor. Mr Rogerio Mendes, the DPS, was also in attendance.

5. The Hearing

Mr Mortimer outlined the Police case, in line with the application and with reference to the witness statement of PC Quinn. Mr Mortimer noted that this was the second instance of violence in the last three months. The violence on this occasion involved the current DPS who had acted aggressively towards an intoxicated patron. He submitted that the police had no faith in the current management and were seeking suspension of the license.

The CCTV footage of the incident was shown.

Mr Mortimer was then questioned briefly by Mr Skeen and accepted that the police had no issue with the initial conduct of the staff when ejecting the patron out of the premises. He reiterated however that thereafter the behaviour of the staff, and in particular Mr Mendes, became unacceptable. There was clear evidence that Mr Mendes had kicked and then thrown an A-broad at a patron.

Mr Mortimer confirmed that the stab wound grazed the liver of victim, who was no longer in hospital. No knife was recovered at the scene. The CCTV was provided to the police by the premises when requested.

Mr Skeen on behalf of the licence holder opposed any suspension and suggested that imposing a condition of a door supervisor from 6pm would be a more proportionate response. He noted however that this would be financially difficult for the premises. It was accepted that Mr Mendes should not have thrown the A-board at the customer, however it was suggested that he had been provoked due to an attack upon his partner. Mr Skeen submitted that it had been a member of the bar staff who called the police using a customer's mobile phone before the second assault occurred. The sub-committee heard brief evidence from the member of staff who made the telephone call.

There was discussion of the cause of the stab wound, but it was accepted by all parties that there was no medical evidence before the sub-committee.

In closing the police reiterated that this was an incident of serious disorder, that spilled out onto a public highway, on a summer's evening. Whilst the initial conduct of the staff had been fine, the second incident was wholly unacceptable. The license should be suspended.

The license holder submitted that this was an unusual case. The incident only became out of hand once Mr Mendes had been provoked. Mr Skeen submitted that until further evidence is gathered, the exact position was not clear. He queried whether this conduct would fall under the statutory definition of "serious crime", although, he latterly accepted that it did fall under the definition of "serious disorder." Mr Skeen described the incident as a "one off". He suggested that suspending the license would be a disproportionate response. He noted that steps were in hand to apply to change the DPS, and employing more door staff would be a more proportionate response.

6. Determination of the Application

The sub-committee determined the application in accordance with sections 53A and 53B of the Licensing Act 2003. Further the sub-committee considered the matter with a view to promoting the licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Brent's licensing policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee were mindful of the need to reach a decision that was necessary, proportionate, and justified on the evidence before them.

7. Decision

The sub-committee have taken into consideration the submissions made by both parties.

We have further looked carefully at the CCTV footage.

The sub-committee continue to have grave concerns about the conduct of Mr Mendes. We note that he was removed as DPS at the review hearing of the 9 June 2016. That decision is yet to take effect, pending the period for appeal expiring. However, if that decision had not been made, we today would have removed Mr Mendes as the DPS.

The sub-committee have taken into account, as we are entitled to do so, the previous incidents of violence at this venue.

The sub-committee has decided not to suspend the licence on this occasion.

However, the following conditions are to be imposed, to take effect at midnight on the 29 June 2016.

- 1. SIA accredited door supervisors shall be on duty at the premises in the following number and at the following times:*
 - a. at least 1 door supervisor Monday to Friday from 18:00 hours and at least 2 door supervisors from 20:00 hours until close of business.*
 - b. at least 1 door supervisor Saturday and Sunday from 16:00 hours and at least 2 door supervisors from 20:00 hours until close of business.*
- 2. No patron suspected of being intoxicated shall be allowed entry to the premises at any time.*
- 3. The Police shall, at a time to be arranged, but no later the end of the week commencing 18 July 2016, conduct security and door management training with any employee of the premises who is concerned with the management and/or retail sale of alcohol and/or food.*

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London Borough of Brent

Premises Licence

PART A

*This Premises Licence was granted by Brent Council, Licensing Authority for the area of the Borough of Brent under the **Licensing Act 2003**.*

Signed.....
Head of Regulatory Services

Date: 11 January 2016

Licence number 261584

Licence start date: 13/05/2007

Part 1 - Premises Details

THE COCK TAVERN, 125 Kilburn High Road, London, NW6 6JH
Telephone:

Licensable activities and the times authorised by this licence

Live Music:

Day	Start Time	End Time
Monday	20:00	02:00
Tuesday	20:00	02:00
Wednesday	20:00	02:00
Thursday	20:00	02:00
Friday	20:00	02:00
Saturday	20:00	02:00
Sunday	14:00	01:00

Seasonal variations: Xmas Eve, Xmas Day, Boxing Day, New Year's Eve & New Year's Day, St Patrick's Day and any other Bank Holiday and the Sunday preceding a Bank Holiday-14:00 to 02:00.

Recorded Music:

Day	Start Time	End Time
Monday	20:00	02:00
Tuesday	20:00	02:00
Wednesday	20:00	02:00
Thursday	20:00	02:00
Friday	20:00	02:00
Saturday	20:00	02:00
Sunday	14:00	01:00

Seasonal variations: Xmas Eve, Xmas Day, Boxing Day, New Year's Eve & New Year's Day, St Patrick's Day and any other Bank Holiday and the Sunday preceding a Bank Holiday - 14:00 to 02:00.

Provision of Entertainment Facilities for Dancing:

Day	Start Time	End Time
Monday	20:00	02:00
Tuesday	20:00	02:00
Wednesday	20:00	02:00
Thursday	20:00	02:00
Friday	20:00	02:00
Saturday	20:00	02:00
Sunday	14:00	01:00

Seasonal variations: Xmas Eve, Xmas Day, Boxing Day, New Year's Eve & New Year's Day, St Patrick's Day and any other Bank Holiday and the Sunday preceding a Bank Holiday - 14:00 to 02:00.

Supply of Alcohol:

Day	Start Time	End Time
Monday	09:00	02:30
Tuesday	09:00	02:30
Wednesday	09:00	02:30
Thursday	09:00	02:30
Friday	09:00	02:30
Saturday	09:00	02:30
Sunday	10:00	01:00

Seasonal variations: Xmas Eve, Xmas Day, Boxing Day, New Year's Eve & New Year's Day, St Patrick's Day and any other Bank Holiday and the Sunday preceding a Bank Holiday - 07:00 to 02:30. New Year's Eve from the beginning of normal licensable hours to the beginning of normal licensable hours New Year's Day.
Whether alcohol is authorised to be supplied on or off the premises: **Both**

The Opening Hours of the Premises:

Day	Start Time	End Time
Monday	07:00	03:00
Tuesday	07:00	03:00
Wednesday	07:00	03:00
Thursday	07:00	03:00
Friday	07:00	03:00
Saturday	07:00	03:00
Sunday	09:00	01:30

Seasonal variations: Xmas Eve, Xmas Day, Boxing Day, New Year's Eve & New Year's Day, St Patrick's Day and any other Bank Holiday and the Sunday preceding a Bank Holiday - 07:00 to 03:00. New Year's Eve from the beginning of normal licensable hours to the beginning of normal licensable hours New Year's Day.

Part 2

Details of Holder of Premises Licence:

Name: Enfield High Street (AGG21) Ltd, Mr Mukesh Aggarwal

Address: Cock Tavern, 125 Kilburn High Street, London, LONDON, NW6 6JH

Telephone: 01902606514

Email: [REDACTED]

Registered Address: Somerford House, Somerford Place, Willenhall, West Midlands, WV13 3DT

Registered Number: [REDACTED]

Details of Designated Premises Supervisor:

Name: Rogerio Mendes

Address: [REDACTED]

Personal Licence Number: [REDACTED]

Issuing authority: The Royal Borough of Kensington and Chelsea

Annexe 1 - Mandatory Conditions

No Irresponsible Drinks Promotions

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Free Water

The responsible person must ensure that free potable water is provided on request to

customers where it is reasonably available.

Age Verification Policy

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either;

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Embedded Conditions

Mandatory Conditions (continued)

Small Measures to be Available

The responsible person must ensure that;

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Minimum Price of Alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1;

(a) —duty^{ll} is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) —permitted price^{ll} is the price found by applying the formula;

$$P = D + (D \times V)$$

where;

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) —relevant person^{ll} means, in relation to premises in respect of which there is in force a premises licence;

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) —relevant person^{ll} means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a

capacity which enables the member or officer to prevent the supply in question; and
(e) —valued added taxll means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub- paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (—the first dayll) would be different from the permitted price on the next day (—the second dayll) as a result of a change to the rat e of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory cont:

Requirement for a DPS

(1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervisors and Security Staff to be Licensed by the SIA (when required)

Where the licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions:

a) premises where the premises licence authorises plays or films

b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001

Film Classification When required

(i) The admission of children to the exhibition of any film must be restricted in accordance with the recommendation of the designated film classification body unless section (ii) applies.

(ii) Where the licensing authority notifies the holder of the licence that this subsection applies the admission of children must be restricted in accordance with any recommendation made by the licensing authority.

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Annexe 2 - Conditions Consistent With the Operating Schedule

1. CCTV shall be installed and maintained in a working condition.
2. All CCTV recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.
3. A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
4. 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.
5. A minimum of 2 door supervisors in a ratio of at least 1 supervisor to every 50 customers shall be employed from 20:00 hours on any day when the premises are open for the sale of alcohol past midnight.
6. Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
7. The use of the outside table fronting on to the main road shall cease at 23:00 hours and customers shall be required to be inside the premises after this time.
8. Substantial food and non-intoxicating beverages (including free drinking water) shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided.
9. No children shall be permitted on the premises.
10. The licensee or his/her deputy shall be a member of, and actively participate in the local pubwatch scheme.
11. Promotions that promote irresponsible drinking shall not be permitted.
12. The Portman Group proof of age scheme or similar such scheme shall be adopted.
13. All alcohol and soft drinks shall be served in plastic or toughened glasses.
14. No entry or re-entry shall be permitted after 23:30 hours.
15. The total number of people permitted on the premises including staff and performers shall not exceed 220.
16. When prior notice has been given the licensee shall allow free and unimpeded access to police officers with drug sampling equipment and/or 'sniffer' dogs, to test customers prior to entry, for drug use and possession.

Annexe 3 - Conditions Attached After a Hearing by the Licensing Authority

Annexe 4 - Plans

See attached sheet.

LBB - Premises Licence Licence number 261584

The Cock Tavern 125 Kilburn High Road NW6 6JH



1:1250

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