



Alcohol and Entertainment Licensing Sub-Committee

Wednesday 4 July 2018 at 10.00 am

Members Suite - 4th Floor, Brent Civic Centre,
Engineers Way, Wembley, HA9 0FJ

Membership:

Members

Councillors:

Ahmed (Chair)
Allie (Vice-Chair)
Chohan

Substitute Members

Councillors:

Hector, Kennelly, Long, McLeish, W Mitchell Murray
and RS Patel

Councillors:

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 4011; Email: devbai.bhanji@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
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1	Apologies for absence and clarification of alternate members	
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2	Declarations of Interests	
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Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3	Application for an Adult Gaming Centre Licence by Future Leisure Limited for the premises known as 9A Walm Lane, NW2 5SJ, pursuant to the provisions of the Licensing Act 2003	1 - 36
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4	Application for a New Premises Licence by Silver Tree Management Ltd for the premises known as Milk Beach Café & Restaurant 19 Lonsdale Road NW6 6RA, pursuant to the provisions of the Licensing Act 2003	37 - 80
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Date of the next meeting: **Date Not Specified**



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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Gambling Act 2005

Application for an Adult Gaming Centre Licence

1. The Application

Name of Applicant:	Future Leisure Limited
Name & Address of Premises:	9A Walm Lane, NW2 5SJ
Applicants Agent:	Roger Etchells

The application is for a premises licence to operate an Adult Gaming Centre.

2. Background

The applicant does not hold any other licences to operate adult gaming centres in Brent.

4. Relevant Representations

Representations are made from the Police and Licensing Officers.

5. Interested Parties

None

6. Policy Considerations

None specific.

7. Associated Papers

- A. Copy of Application Forms
- B. Copy of Police Representation
- C. Copy of Licensing Representation
- D. OS Map

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**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino ☐

Large Casino ☐

Small Casino ☐

Bingo ☐

Adult Gaming Centre ☒

Family Entertainment Centre ☐

Betting (Track) ☐

Betting (Other) ☐

Do you hold a provisional statement in respect of the premises? Yes ☐ No ☒

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Dr ☐ Other (please specify)

2. Surname:

Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person. ☐

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants"]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: Future Leisure Limited

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

[REDACTED]

Postcode: [REDACTED]

8(a) The number of the applicant's operating licence (as given in the operating licence):

[REDACTED]

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation. ☐

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants"]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known):

11. Address of the premises (or, if none, give a description of the premises and their location):

9A WALM LANE, LONDON, NW2 5SJ

Postcode: NW2 5SJ

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

THE GROUND FLOOR SHOP TYPE PREMISES FORMERLY USED AS A PAY DAY LOANS ESTABLISHMENT IN A 3 STOREY BUILDING

14(a) Are the premises situated in more than one licensing authority area?

No *[delete as appropriate]*

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, other than the licensing authority to which this application is made:

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? No *[delete as appropriate]* *[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]*

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? No *[delete as appropriate]*

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application. ☐

19(a). Do you hold any other premises licences that have been issued by this licensing authority?
NO *[delete as appropriate]*

19(b). If the answer to question 19(a) is yes, please provide full details:

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application. ☒

I/ We confirm that the applicant(s) have the right to occupy the premises. ☒

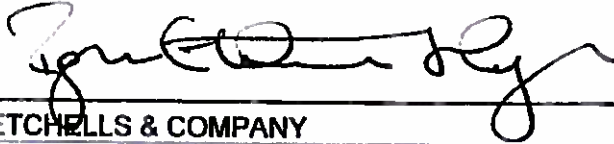
Checklist:

- Payment of the appropriate fee has been made/is enclosed ☒
- A plan of the premises is enclosed ☒
- I/ we understand that if the above requirements are not complied with the application may be rejected ☒
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities ☒

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: ROGER ETCHELLS & COMPANY

Date: 10/5/2018 (dd/mm/yyyy) Capacity: DULY AUTHORISED AGENT

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

ROGER ETCHELLS

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

[REDACTED]

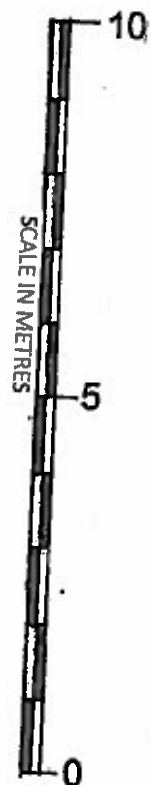
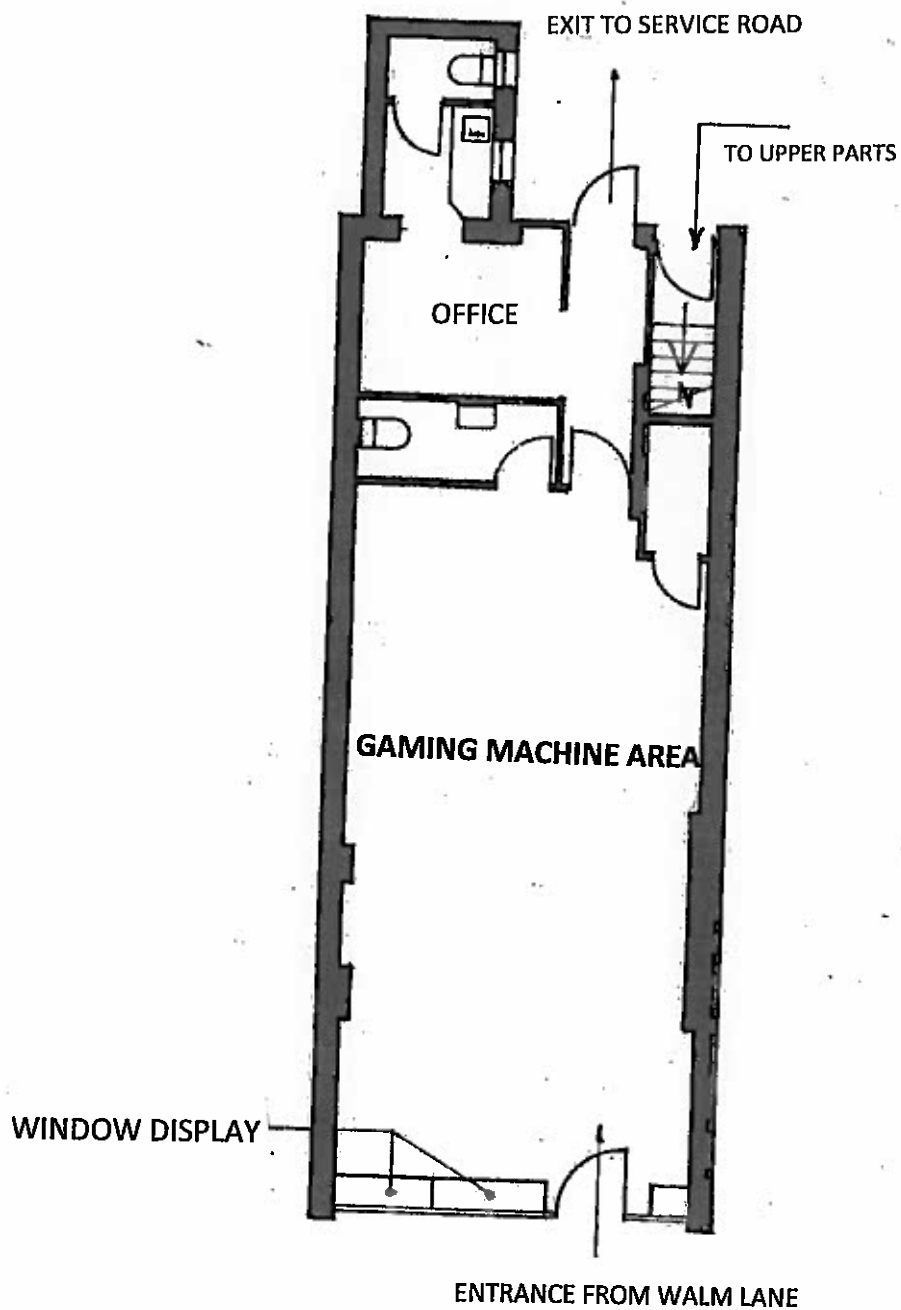
24. Postal address for correspondence associated with this application:

ROGER ETCHELLS & COMPANY, [REDACTED]

Postcode: [REDACTED]

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

[REDACTED]



9A WALM LANE, LONDON, NW2 5SJ - LICENCE PLAN – SCALE 1:100

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Local Gambling Risk Assessment

Premises Address	9 Walm Lane, London NW2 5SJ
Premises licence No.	
Operating Licence No.	000-036646-N-318600-006
Local Authority:	London Borough of Brent
Company details: (Name & Address)	Future Leisure Limited [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Name of Assessor:	Gavin Tresidder
Date of assessment	20/04/2018
Next Review (6mths)	

Locality/Premises		Risks	Control Measures	Comments on review
1.1	Protecting children and other vulnerable persons from being harmed or exploited by gambling	<p>LOCALITY</p> <p>Awareness of schools:</p> <p>St Mary Magdalen's Junior School, Linacre Road, NW2 5BB. Anson Primary School, Anson Road, NW2 4AB. Gladstone Park Primary School, Sherrick Green Road, NW10 1LB.</p> <p>(Outside ½ Mile Radius –</p> <p>Queens Park Community School, Aylestone Avenue, NW6 7BQ. Brondesbury College, 8 Brondesbury Park, NW6 7BT. Marylebone Boys School, 60 Christchurch Avenue, NW6 7BH).</p> <p>(Infant & Nursery – Convent of Jesus & Mary RC Infant School, 21 Park Avenue, NW2 5AN)</p> <p>Other:</p> <p>247 London Hostel, 30 Chatsworth Road, NW2 4BS. Abbotts Hotel 283-285 Willesden Lane, NW2 5JA.</p> <p>(Outside ½ Mile Radius –</p> <p>Pound Lodge, 115 Pound Lane, NW10 2HU. Brent North Community Health Team, 15 Bomdesbury Road, North Maida Vale, NW6 6BX. Cricklewood Homeless Project 60 Ashford Road, NW2 6TU. Willesden Centre for</p>	<ul style="list-style-type: none"> • Minimum 2 members of staff on duty • Staff to 'patrol' – supervising the whole of the premises • Implementation of the BACTA Toolkit policies including 'Think 25' • Training of staff with 6 monthly refreshers • Review self-excluded data to ensure continued exclusion • Monitoring customer behaviour and commencing interaction when required • Mystery shopper tests by BACTA • CCTV coverage of all public areas, office, frontage and rear door with recording device and ability for management to review remotely online • Posters and 'Stay in Control' leaflets (NB near ATM, toilets as well as in the main trading area) • Photo equipment available for self-exclusions • Ensure a stock of leaflets (stay in control and self-exclusion) through weekly checks of stock • Contact/sharing information with AGC operators within ½ mile (co-ordinated through BACTA) • Premises laid out to avoid blindspots • Ensure entrance readily visible from throughout the premises • Signage & window display not to attract under 18s • Machines to be properly labelled 	

		Health Harlesden Road NW10 3RY.	<p>PREMISES</p> <ul style="list-style-type: none"> • Layout to be considered • Consider 'blindspots' • Visibility of the entrance • Signage • Presentation of premises (signage/window display) <p>CUSTOMERS</p> <ul style="list-style-type: none"> • U18s entering • Problem Gambling • Providing Information • Administering self-exclusion • Signage 	
1.2	Preventing from Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	<p>LOCALITY Assess threats</p> <p>PREMISES Layout to be considered</p> <ul style="list-style-type: none"> • Consider 'blindspots' • Visibility of the entrance 	<ul style="list-style-type: none"> • CCTV coverage of all public areas, office, frontage and rear door with recording device and ability for management to review remotely online • Timer locked safe • Intruder alarm installed and regularly serviced • Panic Button linked to Police • Roller shutters on the exterior when closed • Toughened/laminated glass to front window • Machine door opening keys only available to management • Maintain contact with Police • Log visits by Police, Local Authority and Gambling Commission officers 	

		<p>CUSTOMERS Customer behaviour</p> <p>STAFF</p> <ul style="list-style-type: none"> • Personal protection • Security • Staff behaviour 	<ul style="list-style-type: none"> • Review unusual patterns of play (as per PoCA), 'non-regular' players and consider exclusion/reporting • Exclude badly behaved customers • Maintain contact with local traders and Police • Limited staff floats 	
1.3	Ensuring that gambling is conducted in a fair and open way	<p>PREMISES</p> <ul style="list-style-type: none"> • Promotions • Advertising <p>EQUIPMENT</p> <ul style="list-style-type: none"> • Information clear? • Maintenance • Compliance 	<ul style="list-style-type: none"> • Machines only obtained from licensed suppliers • Implementation of the BACTA Toolkit policies • Training of staff with 6 monthly refreshers • Review advertising material and promotions for compliance with LCCP • Machines to be maintained/serviced regularly • Machines to be turned off should a fault occur • Procedure for making refunds • Details of machine operation and winning combinations to be clearly shown on machines • Customer Complaints to be fully investigated in accordance with policy and referred to nominated ADR 3rd 	

		CUSTOMERS <ul style="list-style-type: none"> • Treatment of customers • Complaints 	party as required		
Action Plan					
	OBJECTIVES	THIS REVIEW DATE	Action Required for review	Actioned	Date Completed
2.1	Protecting children and other vulnerable persons from being harmed or exploited by gambling	On opening			

2.2	Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	On opening		
2.3	Ensuring that gambling is conducted in a fair and open way	On opening		

Assessment Review				
Next review (max. 6 mths)				
Person responsible for premises and		Position	Signature	Date

Implementation				
Anna Zietkiewicz		Compliance Officer	<i>A. Zietkiewicz</i>	20/04/2018
Gavin Tresidder		Director	<i>G. Tresidder</i>	20/04/2018

Appeal Decision

Site visit made on 27 February 2018

by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 09 May 2018

Appeal Ref: APP/T5150/W/17/3189944

9A Walm Lane, Willesden Green, London NW2 5SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Future Leisure Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/3472, dated 8 August 2017, was refused by notice dated 28 September 2017.
 - The development proposed is change of use from pay day loans establishment to adult gaming centre (both sui generis use).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from pay day loans establishment to adult gaming centre (both sui generis use) at 9A Walm Lane, Willesden Green, London NW2 5SJ in accordance with the terms of the application, Ref 17/3472, dated 8 August 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The shop window of the premises shall contain a retail window display.
 - 3) Customers shall only be permitted on the premises between the following hours: 1000 - 2000.
 - 4) No amusement only machines/games shall be installed at the premises.

Application for costs

2. An application for costs was made by Future Leisure Limited against the Council of the London Borough of Brent. This application will be the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the vitality and viability of Willesden Green Town Centre, with particular regard to safety, security, anti-social behaviour and crime.

Reasons

4. The appeal premises consist of the ground floor of a mid-terrace property located in the Primary Shopping Frontage of Willesden Green Town Centre. It

- previously operated as a pay day loans shop but has been vacant since June 2015. The site falls within the Willesden Green Conservation Area (CA).
5. It is proposed to use the shop unit as an adult gaming centre (AGC), which would involve some changes to internal layout. It would be an amusement centre comprising gaming machines, with a maximum stake of £2, and offer some ancillary catering and ancillary retail sales.
 6. As stated in paragraph 11 of the National Planning Policy Framework (the Framework)¹, planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.²
 7. Policy DMP 2, 'Supporting Strong Centres', of the London Borough of Brent Local Plan Development Management Policies, November 2016 (DMP) is relevant to the proposal. It says that non-A1 or A2 uses will be permitted within town centres where: it would not reduce the proportion of frontage in A1 and A2 use to less than 65% of the primary frontage; or if vacancy rates exceed 10% of primary frontage it would not reduce the proportion of frontage in A1 and A2 use to less than 50%; and the proposal provides, or maintains, an active frontage.
 8. As the previous use and proposed use are both sui generis, there would be no reduction in the proportion of frontage in A1 or A2 use. It is not suggested that the second criteria concerning vacancy rates is relevant. In terms of an active frontage, the submitted 'Existing and Proposed Floor Plans' and the Design and Access Statement indicate that a window display with goods for sale would be incorporated into the existing shopfront. The appellant submits that such a retail window display would compare favourably with those of shops and non-retail uses in the area and that it could be secured by condition. The Council has suggested such a condition and is satisfied that the proposal complies with DMP policy DMP 2. I see no reason to disagree with that assessment.
 9. DMP policy DMP 3 'Non-Retail Uses' states that betting shops, adult gaming centres and pawnbrokers will be permitted where it will result in: no more than 4% of the town centre frontage consisting of betting shops; no more than 3% of the town centre frontage consisting of adult gaming centres or pawnbroker/payday loan shops; no more than 1 unit or 10% of the neighbourhood parade frontage, whichever is the greater, consisting of betting shops, adult gaming centres or pawnbrokers/payday loan shops; and, a minimum of 4 units in an alternative use in-between each.
 10. The Council refers to a survey of Willesden Green Town Centre carried out on 23 September 2017, which found that there were four betting shops and three pawnbrokers but no adult gaming centres. The Council's policy team advises that when last reviewed only 1% of the town centre frontage consisted of payday loan shops/pawnbrokers with no adult gaming centres. On that basis the Council considers that the proposal would comply with DMP policy DMP 3.
 11. The Willesden Green Town Team (WGTT), a local community group, refer to five betting shops and three pawnbrokers in the area, which suggests that the number of betting shops may have increased marginally since the Council's

¹ Published March 2012

² s38(6) Planning and Compulsory Purchas Act 2004 and s70(2) Town and Country Planning Act 1990

- survey. However, that minimal change would not affect compliance with the criteria of policy DMP 3 relevant to adult gaming centres. Therefore, I agree with the Council that the proposal would comply with DMP policy DMP 3.
12. WGTT also refer to a lack of diversity in the high street and suggest that such establishments cause long term damage to the vitality and viability of the town centre. However, the Council accepts that the proposal complies with policies DMP 2 and DMP 3 of the DMP. Those policies deal specifically with diversity of uses in town centres and non-retail uses such as betting shops, adult gaming centres and pawnbrokers.
 13. Notwithstanding, the Council submits that the proposal would be contrary to DMP policy DMP 1 'Development Management General Policy'. Amongst various criteria aimed at ensuring acceptable forms of development, criterion 'f' indicates that development will be acceptable if it is '*safe, secure and reduces the potential for crime.*' However, the supporting text to policy DMP 1, which can be used as an aid to interpretation, says that in seeking to limit the potential for crime the preference is through good design. Although it also refers to 'use' as a consideration, it is clear from DMP policy DMP 3 that 'use' as an AGC is considered acceptable in town centre locations, provided that there is no over-concentration of betting shops, AGCs and pawnbrokers/payday loan shops, which that policy controls.
 14. At the outset, it is appropriate to clarify the following matter: The Council Officer's Report suggested that the AGC would include 'Fixed Odds Betting Terminals'. However, the appellant advised that such machines, which I understand allow stakes of up to £100 per play, are not permitted in AGCs. That fact has since been accepted by the Council and they have not disputed the appellant's advice that the fruit machines that would be within the AGC are subject to a strict legal code which allows a maximum stake of £2. Up to 20% of the total number of machines could allow that stake whilst the others would be lower stakes.
 15. The Council refers to the number of objections that it received including from its own Licensing Manager, Brent Police Licensing Unit, WGTT and other groups and local residents. I appreciate that the proposal has raised local concern.
 16. Brent Police Licensing Unit says that children and vulnerable persons must be protected against the harmful impact of betting and gambling, which is a licensing objective. Similarly, the Council's Licensing Manager refers to the harmful impact of AGCs on children and vulnerable persons (such as those with mental health issues). In particular the proximity of various facilities which provide accommodation and/or support to vulnerable persons, including those with mental health issues and addiction problems, is referred to by those consultees and other objectors.
 17. With regard to the impact on children, there is a statutory requirement to exclude under 18s from AGCs. The appellant advises that it operates 3 similar premises in the north London area where appropriate management and supervision by trained staff ensure compliance with that legal requirement. Ultimately, failure to exclude under 18s would be an enforcement issue to be dealt with by the relevant licensing authorities. It would not be appropriate to reject a planning application for a legitimate form of use on the basis of an assumption that the premises would not be run in accord with the relevant statutory regulations.

18. Risks to problem gamblers, young people and other vulnerable persons, would be more directly relevant to licensing and management functions. As acknowledged by the Council, planning and licensing are separate functions with different procedural and policy frameworks. The Gambling Commission sets out the Licence Conditions and Codes of Practice (LCCP), which are applicable to operators of AGCs. Monitoring and enforcement is undertaken by local authority licensing officers and the Gambling Commission's licensing officers. It is that regulatory, licensing and enforcement framework which is intended to enable safe gambling as a leisure activity whilst protecting children and vulnerable persons and ensuring that there is no association with criminal activity.
19. The Council's Licensing Unit suggests that *'once the change of use is granted then, under the Gambling Act, the licensing Authority must grant the application with conditions unless we can prove there is serious crime (such as money laundering) taking place.'* However, the appellant has provided a copy of the Council's 'Statement of Principles 2016-2019 Under Section 349 Gambling Act 2005' (SoP)³ which indicates that the Council has a broad range of discretionary powers in regulating gambling through its licensing function.
20. The appellant accepts that there are various facilities and accommodation for vulnerable people in the area. The appellant advises that of those, Abbots Hotel, near the junction with Walm Lane, is close to the appeal premises and that the Star Hotel at 132 Chatsworth Road is about 300 metres away. The hostel at 247 Chatsworth Road is some 900 metres away with the homeless centre at 115 Pound Lane in the region of 1200 metres away. There whilst in the general area, a number of those facilities are not in immediate proximity.
21. A Samaritans charity shop is sited next door to the premises. It is suggested by Brent Police Licensing Unit that vulnerable persons visit the charity shop. However, charity shops in a high street are likely to attract a range of shoppers. In any event, vulnerable persons are likely to visit a range of premises across the town centre and along Walm Lane, which is a busy shopping area. Therefore, a charity shop would not, of itself, attract vulnerable people to a location where they would not otherwise be.
22. Whilst other facilities assisting vulnerable persons have also been referred to, the appellant advises that they are closer to other existing AGCs in the wider area than to the appeal site. Furthermore, no evidence has been submitted to suggest that the situation in Willesden Green is unique or rare in those respects compared with many other similar town centres location across London and the country, which also have vulnerable persons within their populations who are likely to frequent shopping centres.
23. The objections express a generalised concern about the effect of betting and gambling facilities on vulnerable people. Reference is also made to AGCs attracting street drinkers, causing nuisance to local residents. However, the fact remains that local and national planning policies allow 'uses' such as betting shops, AGCs, pawnbrokers/payday lenders, public houses and off-licences, subject to regulatory control. Such establishments are common features of high streets and shopping centres up and down the country, some of which are also likely to have similar types of facilities for vulnerable people nearby.

³ January 2016

24. In its consultation reply the Council's Licensing Unit refers to research undertaken by Barking & Dagenham Council which it says found that demographics, the proximity of schools and colleges to betting shops, local mental health problems, the presence of homeless shelters, food banks and pay day loan shops all contribute to gambling addictions. WGTT refer to a study published in the British Medical Journal in 2005 which identified links between gambling, alcohol abuse and mental health disorders. WGTT also refer to strong evidence of a link between gambling addiction and criminal activities, including theft and fraud, although no copies of the relevant research papers have been submitted in evidence.
25. Whilst such associations may exist, ultimately it is for national government to consider appropriate policy in relation to such major social issues affecting communities across the country. However, national and local planning policies do not proscribe such uses. Rather, national government seeks to regulate gambling, alcohol sales and pay day loans by other statutory methods, including licensing regimes.
26. Moreover, if such general social concerns about harmful effects and alleged links between gambling, alcohol abuse and mental health disorders were accepted as a sound basis for rejecting planning applications for such uses, it is unlikely that planning permission would be given for any betting shops or AGCs or indeed other types of premises, such as pawnbrokers/payday lenders, off-licences, public houses or takeaways.
27. Furthermore, the Council's DMP policy DMP 3 accepts betting shops, AGCs and pawnbrokers/payday lenders within town centres, provided that there is not an over-concentration of such non-retail uses within any single length frontage, as explained in paragraph 3.8 of its supporting text. It is also apparent from paragraph 3.9 that, in preparing the DMP, the Council was cognisant of the Framework's requirement that local planning policies should take account of and support local strategies to improve health, social and cultural wellbeing for all.
28. Although the Council accepts compliance with DMP policies DMP 2 and DMP 3, it refers to conflict with London Plan (LP)⁴ policy 2.15, with particular regard to part C, subsection f, which indicates that development proposals should '*promote safety, security and lifetime neighbourhoods.*' That relates to issues similar to those referred to in DMP policy DMP 1 criterion f, already cited.
29. However, the Council does not clearly explain or evidence in what specific way the proposed AGC would fail to meet those requirements. The proximity of facilities for vulnerable groups would not, of itself, justify withholding permission, given that the Council's DMP and relevant statute accepts AGCs as a legitimate form of planning use, albeit that they are also subject to a separate licensing and regulatory regimes.
30. Moreover, vulnerable persons in the area would, whether the proposal was approved or not, still have access to betting shops, off-licenses, public houses, pay-day lenders and pawnbrokers as they would in many high streets across London and the country. As the Council advise that there are no AGCs in the town centre, on the basis of the evidence presented, it is not apparent why the introduction of one such establishment should undermine safety, security, or

⁴ March 2016

- promote criminal activity. The Council's Licensing Unit states that AGCs attract street drinkers, as alcoholic drinks cannot be consumed within the premises, which would cause a nuisance to local residents. However, no specific evidence is provided to support that assertion. The Council also has other powers to control street drinking.
31. The Council's decision notice refers to the 'use' giving rise to the 'perception of crime'. I have not been directed to a specific local or national planning policy which seeks to control the perception of crime. Given that the Council's own DMP accepts AGCs as a legitimate use, I afford that alleged harm little weight.
 32. Limited evidence has been submitted by the Council to support its contention of a relationship between gambling venues and crime or anti-social behaviour. However, the Council's SoP, supplied by the appellant, refers in paragraph 5.2.1 to reports of anti-social behaviour and crime in connection with some gambling premises. However, it is not clear if they concerned AGCs or other types of establishment. In any event, that information is presented in the context of the Council's licensing function, which is separate from the planning process. Moreover, given that the SoP is dated January 2016, it predates the DMP adopted in November 2016. Therefore, the Council was aware of that information prior to its adoption of policies relating to town centre planning uses which accept AGCs.
 33. The Council also refers to conflict with other elements of LP policy 2.15 in part D, subsections 'c3' and 'd', which refer to meeting '*local community needs*', '*strengthening the 'offer' of the centre as a whole*' and encouraging '*community engagement, town centre management, partnerships and strategies including business improvement districts to promote safety, security, environmental quality and town centre renewal.*' However, part D of LP Policy 2.15 is intended to advise London Boroughs what their Local Development Frameworks should do. The Council has recently adopted its DMP which forms a central plank of its Local Plan (i.e. its Local Development Framework), where policies DMP 2 and DMP 3 articulate its approach to town centres and non-retails uses. In any case, the Council does not make clear why an AGC would conflict with those objectives.
 34. The Council further maintains that the proposal would conflict with LP policy 4.8, paragraph B part g, which advises that local planning authorities should '*manage clusters of uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan*' including a centre's broader vitality and viability, community safety and security and its role in promoting health and well-being.
 35. The Council Officer's report simply says that the presence of a gaming centre would conflict with those aims without providing any detailed analysis. The appellant advises that there are a number of existing AGCs in other locations across the borough. However, no compelling evidence has been presented by the Council or the objectors to show that this location differs from other town centres or that there is a direct causal link between AGCs, with low stake fruit machines, and problem gambling amongst more vulnerable groups of people or indeed that AGCs facilitate crime.
 36. Moreover, '*managing clusters of uses*' appears to be the function of DMP policies DMP 2 and DMP 3 which refer to diversity of uses and limit percentages of non-retail uses, including AGCs. Issues of health and well-being also appear

to have been considered in the preparation of policy DMP 3, as indicated in paragraph 3.9 of its supporting text.

37. My attention has been drawn by the appellant to various appeal decisions⁵ spanning a number of decades. In those appeals it has been accepted that, provided that there is compliance with relevant policies designed to prevent an over concentration of such 'uses', there is no reason why AGCs should be considered to undermine the vitality and viability of town centres. All the appeals were allowed, including one decision relating to premises at 232 Neasden Lane, within the London Borough of Brent, issued as recently as 23 February 2017. Therefore, I see no reason why the proposed AGC should not contribute to the mix of retail and non-retail uses offered within the town centre.
38. The Council seeks to distinguish those appeals from the appeal before me. It says that those appeals did not relate to appeal sites where there were facilities and accommodation for vulnerable people nearby, which is a key component of the Council's reasons for refusal. However, the appellant argues that the reason that those issues did not emerge in the other appeals is because there is no evidence that AGCs, when properly run, adversely impact on that group. As no evidence has been presented to indicate that Willesden Green Town Centre is unique in the prevalence of facilities for vulnerable groups and limited evidence of the effect of AGCs has been submitted, I am more persuaded by the appellant's view.
39. I understand that WGTT and some local residents would prefer an alternative use to be made of the appeal premises or for it to remain vacant rather than becoming an AGC. However, leaving properties vacant for long periods is normally considered detrimental to the viability and vitality of town centres. Whilst it has been suggested that independent businesses have been taking on vacant units in the area, the property consultants tasked with disposing of the property advise that it was marketed for more than 2 years prior to agreement being reached with the appellant. Moreover, my role is to consider the appeal proposal before me rather than to speculate on preferable uses.
40. Overall therefore, the above factors lead me to conclude that the proposal would not harm the vitality and viability of Willesden Green Town Centre, with particular regard to safety, security, anti-social behaviour and crime. Therefore, the proposal would not conflict with policy DMP 1 of the DMP, or LP policies 2.15 and 4.8, the content of which has already been detailed above. The proposal would also comply with DMP policies DMP 2 and DM 3 which are intended to control uses in high street locations. There are no material considerations sufficient to indicate that the proposal should be determined other than in accordance with the development plan.

Other Matters

41. The appeal site lies within the CA. The proposal is for a change of use and does not involve external alterations to the building. Given that there could be a condition to retain a retail window display and the site is on a busy urban

⁵ APP/T5150/W?16/316392, APP/X5210/A/12/2187117, APP/T5150/A/08/208629, APP/T5150/A02/1103105, APP/T5150/A09/2094508, T/A99/G0908/A/00/1035631, T/APP/F4410/A/97/278517/P9, T/APP/R4408/A/94/243908/P2, T/APP/N4720/A/00/1035590, T/APP/X4725/A/99/1018226/P7, APP/G5180/A/14/2229227

high street, the change of use would not have an adverse effect on the character or appearance of the CA.

Conditions

42. The Council has suggested conditions which I have considered, amending them if necessary to comply with the tests contained in the Planning Practice Guidance (PPG). A condition setting a time limit for commencement of the development is required by statute. It is necessary to include a condition regarding the window display to ensure an active shop front. A condition restricting opening hours is necessary and reasonable to protect residential occupiers above the premises and on the opposite side of the road from possible noise and disturbance caused by persons entering or leaving the premises late into the night or early in the mornings. I note that similar restrictions on opening hours were imposed in a number of the appeal decisions, relating to similar premises, supplied by the appellant.
43. The appellant suggested a condition to exclude 'amusement only' machines such as video games and pin tables, which the appellant advises are deliberately noisy to make them more attractive to a youthful clientele. Given the proximity of residential occupiers above and general concerns expressed by objectors about potential effects of young people, I have included that condition.

Conclusion

44. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J P Tudor

INSPECTOR



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

Brent Police Licensing Unit

*Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ*

Your ref: 11955

Our ref: 01QK/ 227/18/157

Brent Borough Licensing Department

*Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH*

Tel: 020 8733 3206

Email: nicola.mcdonald @met.police.uk

Web: www.met.police.uk

Date: 6th June 2018

Police Representation to the application for a Premises Licence for an Adult Gaming Centre, 'Future Leisure Ltd' 9A Walm Lane, Willesden Green, NW2 5SJ.

Dear Sir/Madam

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Gambling Act 2005 licensing objectives for the reasons indicated below.

Officer: Nicola McDonald

PC 157QK Licensing Constable

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Gambling Act 2005.

The application has been made for a premises licence.

Brent Police are making representations to this application in accordance with Section 1 of the Gambling Act 2005 licensing objectives:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Police are very familiar with the area and the transient community at nearby accommodation for vulnerable and mentally ill persons. In addition there are street drinkers consistently heavily under the influence of alcohol.

Police understand that the problems in the area are not enough to object to this application however believe that these conditions would assist in upholding the licensing objectives.

The conditions that Police require to be added to the Premises Licence are listed below:

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 licensing officers if requested.

A CCTV camera shall be installed to cover

- a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions
- b) The areas of the premises to which the public have access (excluding toilets)
- c) Gaming machines and the counter area

An overt CCTV monitor to be installed, able to be seen by customers

CCTV shall be made available for the police viewing at any time with minimum delays when requested.

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

The Licensee shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.

Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.

Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable from the ground floor cashier counter by staff.

All doors and windows shall remain closed during any licensable activity.

There shall be no pre-planned single staffing/lone working at any time.

There will be a minimum of **2** staff present at all times when the premises are open.

The premises shall only open to the public between the following hours:

Monday – Sunday 1000 – 2000hours

The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting.

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

A fire alarm and smoke detections system will be installed.

The licensee will ensure that customer toilets are checked every hour for evidence of drug taking and alcohol consumption. Toilet checks are to be documents stating the time and member of staff who made the checks.

Toilet doors remain locked, fitted with a magnetic style locking device and access given by staff only.

A clear and unobstructed view in to the premises to be maintained. This to be achieved by having clear non tinted glass in the entrance door and front windows. No signage or visual obstructions on the entrance door and one of the two window displays as shown on the plans submitted and approved with the application.

An incident log shall be maintained and made available on request to an authorised Local Authority officer or the Police which will record the following;

- a) All crimes reported to the venue;
- b) Any complaints or incidents regarding crime and disorder; A
- c) Refusals and banned customers
- d) Any faults in the CCTV system; and
- e) Any visit by a relevant authority or emergency service.

Yours sincerely

Nicola McDonald 157QK Licensing Constable

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Roger Etchells & Co
The Old Bank
Kilwardby Street
Ashby de la Zouch
Leicestershire
LE65 2FR

6th June 2018

Ref: 11955

Dear Sir/Madam

Re: Gambling Act 2005 - Licensing Representation to the Application for an Adult Gaming Centre at 9A Walm Lane, NW2 5SJ

I certify that I have considered the above application and I wish to make representations that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

Officer: Esther Chan – Licensing Inspector

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Gambling Act 2005

The Licensing Authority representations are primarily concerned with the three licensing objectives;

- **Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

As a result of the premises licence application being received by Brent Council for an **Adult Gaming Centre (AGC)**, the licensing authority have examined the area of where the AGC will be sited. Walm Lane falls within the Willesden Green Conservation Area, which is a busy town centre consisting of numerous licensed premises such as bars, pubs, betting offices and late night refreshment premises. Willesden Green

also consist of many residential dwellings and within close proximity of a hostel, hotel and a centre for people that are homeless or at risk.

With the above taken into consideration, Licensing Authority wish to propose the following conditions :

CCTV

1. A comprehensive CCTV system shall be installed and maintained on the premises as required by the Metropolitan Police Licensing Team. CCTV should cover the following:
 - a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions
 - b) The areas of the premises to which the public have access (excluding toilets)
 - c) Gaming machines and the counter area
2. The CCTV shall continue to record activities 24 hour a day for 31 days.
3. CCTV shall be made available for the police viewing at any time with minimum delays when requested.
4. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.
5. A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering exiting the premises.

Children and Young People

6. The Licensee shall maintain a bound and paginated 'Challenge 25 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
7. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.
8. Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.
9. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Opening Hours

10. Customers shall only be permitted on the premises between the following hours:

Monday to Sunday – 10:00hrs to 20:00hrs

Staffing levels

11. There shall be no pre-planned single staffing at any time.
12. There will be a minimum of **2** staff present at all times when the premises is open.

Identification of Offenders or Problem Persons

13. The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
14. The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.

Seating

15. The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting.

Alarms

16. The licensee shall install and maintain an intruder alarm on the premises.
17. The premises shall install and maintain a panic button behind the cashiers counter.

Toilets

18. The licensee will ensure that customer toilets are checked every hour for evidence of drug taking. Toilet checks are to be documents stating the time and member of staff who made the checks.

Signage, Promotional Material and Notices

19. Prominent GamCare documentation will be displayed at the premises.

Staff Training

20. The licensee shall provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme. periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives.
21. The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in this training shall be formally recorded and the records produced to the police or licensing authority upon request.
22. New and seasonal staff must attend induction training and receive refresher training every six months. Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing Authority as soon as practicable.

Homeless and Street Drinking

23. The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.
24. The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.

Recording of Incidents and Visits

25. An incident log shall be kept for the premises and made available on request to an authorised officer of the Council or the Police which will record the following;
 - a) All crimes reported to the venue;
 - b) Any complaints received regarding crime and disorder;
 - c) Any incidents of disorder;
 - d) Any faults in the CCTV system; and
 - e) Any visit by a relevant authority or emergency service.

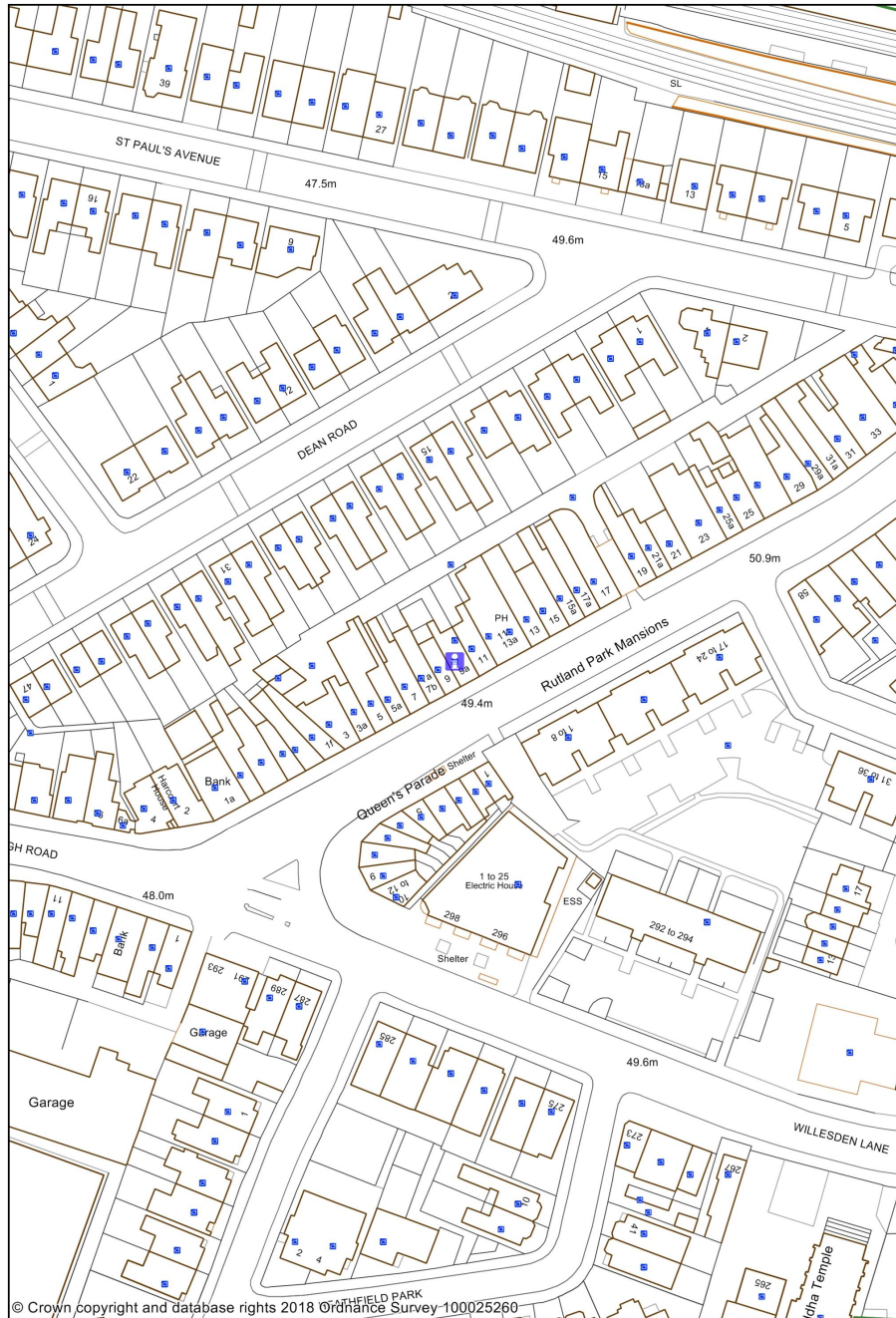
In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm in writing that you are willing to accept the above conditions.

Yours sincerely,



Esther Chan
Licensing Inspector
Planning, Transportation, Licensing

9a Walm Lane NW2 5SJ



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LICENSING ACT 2003

Application for New Premises Licence

1. The Application

Name of Applicant:	Silver Tree Management Ltd
Name & Address of Premises:	Milk Beach Café & Restaurant 19 Lonsdale Road NW6 6RA
Applicants Agent:	Elliot Milne

The application is for a new premises licence:

- 1 For regulated entertainment from 12:00hrs to 23:00hrs Thursday to Sunday;
The Sale and supply of alcohol from 11:00hrs to 23:00hrs Monday to Sunday;
Opening hours from 07:00hrs to 23:00hrs Monday to Sunday.

2. Background

None

3. Promotion of the Licensing Objectives

See page 15-16 of the application.

4. Relevant Representations

Representations have been received and withdrawn from the Public Safety Officers and the Police. Objections remain outstanding from the Licensing Officers.

5. Interested Parties

None

6. Policy Considerations

Paragraph Nos: 7.2 8.1 – 8.4

8.1 Where responsible authorities and interested parties do not raise any relevant representations regarding the application made to the council, the council will grant the licence or certificate subject only to the conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act itself.

8.2 Where responsible authorities and interested parties raise relevant representations, the council may, if it is satisfied at a hearing or otherwise, impose conditions where considered necessary for the promotion of the licensing objectives.

8.3 Any conditions attached by the council or submitted by the applicant must focus on the direct impact of the activities taking place at licensed premises, on those attending the premises and residents and persons working in the area.

8.4 Any conditions attached to licences will be tailored to the individual needs, style and characteristics of the particular premises and events concerned and will be drawn from a 'model pool of conditions' (where appropriate) to the particular premises.

7. Determination of the Application

Members can take the following steps when determining a new premises licence application:

- grant the licence;
- exclude from the scope of the licence any of the licensable activities to which the application relates;
- refuse to specify a person in the licence as the premises supervisor;
- reject the application

8. Associated Papers

- A. Application Form & plan
- B. Licensing Officer Representation
- C. Police Representation & withdrawal
- D. Public Safety Representation & withdrawal
- E. OS Map



Brent

NEW PREMISES LICENCE APPLICATION FORM

Application for a premises licence to be granted
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 Silver Tree Management Limited **apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description: 19 Lonsdale Road	
Post town: Queen's Park	Post code: NW6 6RA

Telephone number of premises (if any)

NA

Non-domestic rateable value of premises

£ 16,500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- | | Please tick ✓ Yes |
|---|---|
| a) An individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i. as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> please complete section (B) |
| ga) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

- | | Please tick ✓ Yes |
|---|-------------------------------------|
| - I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or | <input checked="" type="checkbox"/> |
| - I am making the application pursuant to a | |
| o Statutory function or | <input type="checkbox"/> |
| o A function discharged by virtue of Her Majesty's prerogative | <input type="checkbox"/> |

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title ☐
(for example, Rev)

Surname

First names

Date of Birth	I am 18 years old or over <input type="checkbox"/> (Please tick yes)
Nationality	

Current postal
address
if different from
premises address

Post Town

Postcode

--	--

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)Mr ☐Mrs ☐Miss ☐Ms ☐Other title
(for example, Rev) ☐

Surname

First names

Date of Birth

I am 18 years old or over ☐ (Please tick yes)

Nationality

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name: Silver Tree Management Limited
Address: <input type="text"/>
Registered number (where applicable): <input type="text"/>
Description of applicant (for example, partnership, company, unincorporated association etc.): Limited Liability Company
Telephone number (if any): <input type="text"/>
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	7	2	0	1	8

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

NA

Please give a general description of the premises (please read guidance note 1):

- Description
 - Milk Beach is a new café and restaurant at 19 Lonsdale Road, NW66RA
 - Please find enclosed a concept presentation and floor plan
- Café
 - During the hours of 07:00 to 17:00, 7 days per week, we will be a café serving specialty coffee and all-day brunch
 - We will be sourcing our own coffee from farmers in East Africa and South America and roasting the coffee ourselves (using a 3rd party roaster off-site in south London)
 - We will be serving takeaway coffee, sandwiches and salads
 - We will have a dine-in area with table service serving an Australian-style brunch menu focused on healthy dishes
 - A selection of wines and beers will be available after 11am
- Evening restaurant with wine list
 - During the hours of 17:00 to 23:00, 7 days per week, we will be a restaurant serving European-style small-plates and wine
 - Our wine philosophy will match our coffee philosophy with a wine list carefully selected from unique independent vineyards around the world with a focus on organic, biodynamic and natural wines
 - Customers can either come in to eat a meal, or they can come in to enjoy a relaxing glass of wine with no food
 - Customers are able to purchase bottles of wine (un-opened) from our unique wine list for home consumption – analogous to our coffee offering
- General Situation
 - The site is a small ground floor premises located on the south-side of a private road called Lonsdale Road in Queen's Park
 - Lonsdale Road is a street of commercial offices and restaurants with no residential dwellings
 - The site is adjacent to Hugo's restaurant, another all-day restaurant serving alcohol to indoor and outdoor customers up to 11pm every night
 - The site is on the same road as Ostuni Italian restaurant and Wolf Pack bar, both serving alcohol to indoor and outdoor customers until 11pm (and on some nights beyond 11pm)
- Layout
 - The premises is 650 sq ft inside and has an outdoor cobblestone area directly in front of the entrance for outside seating
 - The landlord is the owner of the street (Lonsdale Road) and has granted us exclusive use of the outdoor area immediately in front of the premises – outdoor seating is an important part of our concept to enhance the attractiveness of the premises and encourage an 'Australian-style' café and restaurant environment
 - We estimate having 28 seats inside and 16 outside
 - Please see layout plan attached
- Alcohol sales on-premises:
 - Between 11:00 to 23:00 we will have a carefully curated wine list and selection of beers available for consumption

- Due to the table-service style of café and the attractive food offering, the majority of alcohol sales will be with food, however it is important to us not to have a restaurant/food condition
 - Our wine list will be a very important part of what makes us a unique place to visit – with a wine list carefully curated from smaller independent vineyards from around the world including organic, biodynamic and natural wine options
 - It is important for our concept that customers (e.g. local workers and residents) are able to come in for a glass of wine and not be obligated to purchase food. We estimate approximately 20% of evening alcohol sales will be without food
 - We also want people waiting for a table at the bar to be permitted to enjoy a glass of wine without having to be seated or order food. This will help make the environment relaxing and pleasant, so people waiting for a table are not simply standing doing nothing and ruining the atmosphere. Due to the small size of the site the number of people waiting for a table at any one time will be minimal
- Alcohol sales off-premises:
 - Similar to our coffee offering, it is important that we are able to sell bottles of wine (un-opened) to our customers for them to take for home consumption – this helps us build a rapport and ongoing relationship with our customers
- Other licensable activities – live or recorded music
 - It is our intention to occasionally have live bands play music inside the restaurant or to have recorded music playing in the restaurant
 - This will not occur every week
 - This will only occur on either Thursday, Friday, Saturday or Sundays between 12pm and 11pm
 - It may or may not be amplified, depending on the singer

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐**Sale of alcohol** (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick [✓] (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the performance of films take place indoors or outdoors or both – please tick [✓] (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed					
Thur			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live Music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick [✓] (please read guidance note 3)	Indoors	✓
Day	Start	Finish		Outdoors	
				Both	
Mon				Please give further details here (please read guidance note 4) <ul style="list-style-type: none"> We intend to occasionally have live bands perform in the restaurant It may or may not be amplified, depending on the singer The audience will always be less far less than 500 people 	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5) <ul style="list-style-type: none"> Will not be every week 		
Thur	12:00	23:00			
Fri	12:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) These hours to be extended from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.		
Sat	12:00	23:00			
Sun	12:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick [✓] (please read guidance note 3)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon			<ul style="list-style-type: none"> We intent to play recorded music in the restaurant The audience will always be less far less than 500 people 	Both	
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 5) <ul style="list-style-type: none"> Will not be every week 		
Thur	12:00	23:00			
Fri	12:00	23:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) These hours to be extended from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.		
Sat	12:00	23:00			
Sun	12:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick [✓] (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [✓] (please read guidance note 3).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box ✓) (please read guidance note 8)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) These hours to be extended from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name.....Elliot Robert Milne

Date of Birth.....

Address.....

Postcode.....

Personal Licence number (if known)

Issuing licensing authority (if known).....

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

L

Hours premises are open to the public
Standard days and timings
(please read guidance note 7)

Day	Start	Finish
Mon	7:00	23:00
Tue	7:00	23:00
Wed	7:00	23:00
Thur	7:00	23:00
Fri	7:00	23:00
Sat	7:00	23:00
Sun	7:00	23:00

State any seasonal variation (please read guidance note 5)

Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 6)

These hours to be extended from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

- General comment from owner and DPS:
 - As the owner of Milk Beach, the nominated DPS for the premises, and a local Queen's Park resident, the promotion of the four licensing objectives is paramount to the operation of my café and restaurant. It is my vision for the café to have a positive impact on the local community. I believe Lonsdale Road has great potential as a community-hub to enhance the attractiveness of the area – and to achieve this each premises needs to be managed responsibly. Ahead of submission I had a call with the Brent Licensing Department, Brent Police Licensing team, Brent Building Control and Environmental Health Officer and have adopted their recommendations.
- CCTV
 - We will have two CCTV cameras viewing the entire area where licensable activities will be taking place – the inside space for customers and the outside seating area immediately in front of the café
 - Footage will be stored for 31 days, as recommended by the Police

b) The prevention of crime and disorder

- Design of premises
 - The premises is a very small site – all areas where licensable activities will take place are visible to members of staff at all times
 - This means there will be constant supervision of all licensable activities on the premises
- Customers and atmosphere
 - The culture of Milk Beach is to create an open, inclusive environment but focused on the local community
 - We aim to promote an atmosphere that is clam, refined, inviting, family-friendly and relaxed – such an atmosphere will not be conducive to and will help prevent the occurrence of crime and disorder
- External lighting
 - As part of the fit-out, external lighting will be installed to ensure the entire outside seating area is well-lit
- Security measures (in addition to CCTV)
 - As part of the fit-out of the café, we will be installing a new secure front door with dead-bolt locks to prevent break-ins
 - As part of the café fit-out we will be installing two security shutters behind the two large entrance doors in order to prevent break-in and secure the café
 - All outdoor furniture will be taken inside after closing to prevent theft
- Zero tolerance alcohol and drugs policy
 - Milk Beach has a zero-tolerance policy in relation to crime and any illegal activities including drugs
 - Any suspected drug activity will be responsibly questioned and the police will be informed if drug use is suspected
- Staff training
 - All staff will be trained (i) to be vigilant of crime and disorder and (ii) how to handle situations where crime and disorder occur
 - Procedures will:
 - Require staff to report any incident to on-duty site manager and ultimately to DPS
 - Include strategies to prevent conflict between staff and customers
 - Reporting criminal activity to police
 - Training to prevent sale of alcohol to under 18

c) Public safety

- External lighting
 - As part of the fit-out, external lighting will be installed to ensure the entire outside seating area is well-lit
- Fire extinguishers
 - Three fire extinguishers will be readily available: water, powder and foam
- First aid
 - First aid kit will be on premises at all times
 - DPS and Head Chef have received first aid training

d) The prevention of public nuisance

- Noise reduction
 - The café and restaurant closes at 23:00 every night so there will be no licensable activities occurring beyond this time, the kitchen will likely close 30-60 minutes before closing time
 - There is no extraction or external air conditioning units at the premises
 - During the day we do not expect any noise issues from the indoor or outdoor seating of the café – the premises environment will be a relaxed daytime café setting and Lonsdale Road is all commercial premises
 - During the evenings we expect the restaurant atmosphere to be relaxed, refined and we expect to have a young professional or older clientele
 - Outdoor furniture will be communal bench style seating, and therefore will not be moved regularly thereby reducing noise created when tables and chairs are moved around
 - Any music (live or recorded) will be played inside, however the doors will be open for this when the weather permits
- Alcohol service
 - We will have a zero-tolerance policy to serving alcohol to anyone who is intoxicated or causing a public nuisance
 - Free filtered water will be available at all times
 - The DPS has a Responsible Service of Alcohol Certificate (two-day training course)

e) The protection of children from harm

- Age Verification Policy
 - We will adopt a Challenge 25 Policy – anyone who appears under the age of 25 will be asked for photographic ID proof they are over 18 (with PASS hologram, driver's licence or passport)
- Age restriction
 - Anyone under the age of 18 must be accompanied by an adult after 18:00
- Staff training
 - Staff will receive training to prevent the sale of alcohol to under-18s

Checklist

Please tick ✓ Yes

- I have made or enclosed payment of the fee ☐
- I have enclosed the plan of the premises ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☐
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☐
- I understand that I must now advertise my application ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐
- (Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Declaration

- (Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Signature

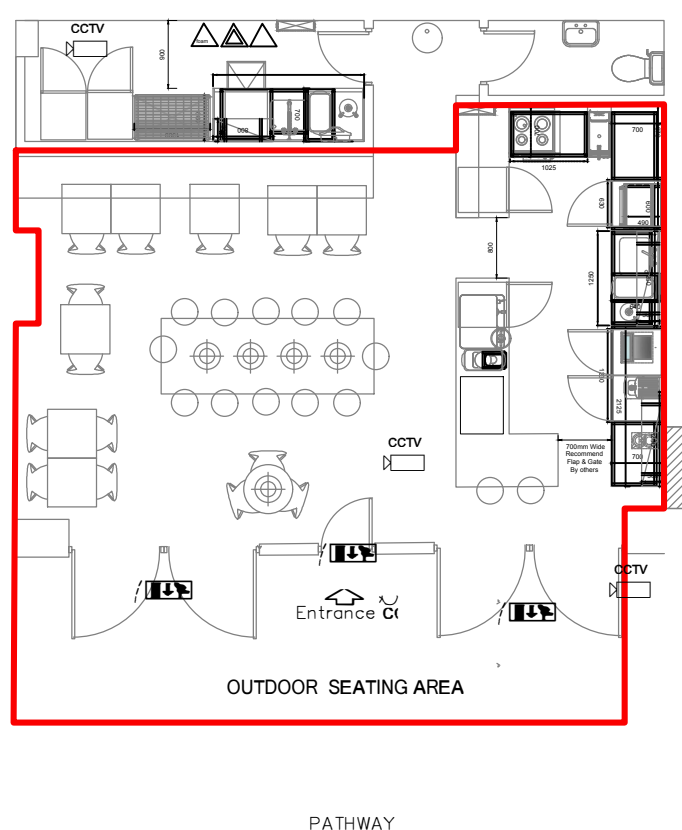
Date

Capacity







For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature
Date
Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Elliott Milne [REDACTED]	
Post town	Post code: [REDACTED]
Telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]



NOTES/LEGEND

- | | |
|--|--|
|  | Fire extinguisher
6 Litre AFFF Foam spray |
|  | 9 Litre Water stored
pressure |
|  | 6 kg (abc) powder |
|  EL | Emergency Lighting |
|  CCTV | Closed Circuit Television
camera |
|  | Licensable Activities |

MILK BEACH_ LONSDALE ROAD, MAY 2018

PLAN 1:100 @A3
FOR PREMISES LICENCE APPLICATION

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Silver Tree Management Ltd
95A Keslake Road
London
NW6 6DH

15th June 2018

Reference: 12033

Dear Sir/Madam

Re: Licensing Representation to the Application for the new Premises Licence at Milk Beach Café & Restaurant, 19 Lonsdale Road, London, NW6 6RA.

I certify that I have considered the above new application and I wish to make representations.

Officer: Esther Chan – Licensing Inspector

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the Act.

The Licensing Authority representations are primarily concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Licensing Authority require the following points to be included in the operating schedule or added as conditions on the premises licence:

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 police and authorised Officers from Brent Council. This must comply with the Data Protection Act including signage.
2. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.

3. A CCTV camera shall be installed to cover the entrance of the premises.
4. A 'Challenge 25' policy shall be adopted and adhered to all times.
5. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation. The training shall cover in particular; how to manage issues in relation to underage sales and dealing with intoxicated persons and street drinkers. The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
6. Customers shall not be permitted to take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
7. 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) any complaints received
 - (c) any incidents of disorder
 - (d) all seizures of drugs or offensive weapons
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
8. 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.
9. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
10. All doors and windows shall remain closed after 21:00 hours during any licensable activity and where a door is used for patrons to enter or leave the premises the door shall be fitted with a self-closing device

Reduction of Permitted Hours

To allow 30 minutes of drinking time, The Licensing Authority propose the reduction of the following hours for the supply of alcohol.

Supply of Alcohol

Monday to Sunday – 11:00hrs to 22:30hrs

In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm that you accept the above conditions in writing.

Yours sincerely,



Esther Chan
Licensing Inspector
Planning, Transportation, Licensing

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From: Elliot Milne
Sent: 15 June 2018 11:11
To: Chan, Esther
Cc: elliot; Business Licence
Subject: Re: CONSULT - New Premises - Milk Beach Cafe & Restaurant, 19 Lonsdale Road, NW6 6RA - 12033

Hi Esther,

Thanks very much for considering my premises licence application.

I'd like to discuss two of your points:

- I would like the sale of alcohol to continue to 11pm. All of my competitors on Lonsdale Road (Hugo's and Ostuni) and Salusbury Road (Jack's, Bob's cafe, The Salusbury Food Store) are licensed to sell alcohol to 11pm or later. Stopping sales at 10:30pm would be a big competitive disadvantage. In practice - we would always stop sales at a reasonable time before closing, but this will be judged by the on-duty manager on a daily basis.
- I would like to keep the doors open passed 9pm. This is a very important part of my restaurant concept. Lonsdale Road is a private road, with only commercial premises, and with pedestrians walking down the middle - it is a fantastic environment for alfresco dining which is a big draw-card for the local community and a great addition to Queen's Park. We will have c.16 seats outside, with wait-staff constantly going in and out. On a nice evening, all of the restaurants on the street including Jack's, Ostuni and Hugo's have their doors open until closing.

All of the other points are accepted :)

Please give me a call on my mobile to discuss further.

Thanks very much,
Elliot

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Silver Tree Management Ltd
95A Keslake Road
London
NW6 6DH

19th June 2018

Reference: 12033

Dear Sir/Madam

Re: Licensing Representation to the Application for the new Premises Licence at Milk Beach Café & Restaurant, 19 Lonsdale Road, London, NW6 6RA.

I certify that I have considered the above new application and I wish to make representations.

Officer: Esther Chan – Licensing Inspector

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the Act.

The Licensing Authority representations are primarily concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Following a telephone conversation with the applicant on Tuesday 19th June 2018 in respect to my initial representation on 15th June 2018, the Licensing Authority require the following points to be included in the operating schedule or added as conditions on the premises licence:

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 police and authorised Officers from Brent Council. This must comply with the Data Protection Act including signage.

2. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.
3. A CCTV camera shall be installed to cover the entrance of the premises.
4. A 'Challenge 25' policy shall be adopted and adhered to all times.
5. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation. The training shall cover in particular; how to manage issues in relation to underage sales and dealing with intoxicated persons and street drinkers. The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
6. Customers shall not be permitted to take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
7. 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) any complaints received
 - (c) any incidents of disorder
 - (d) all seizures of drugs or offensive weapons
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
8. 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.
9. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
10. When amplified music is being played, all doors and windows shall remain closed after 21:00 hours.

Reduction of Permitted Hours

To allow 30 minutes of drinking time, The Licensing Authority propose the reduction of the following hours for the supply of alcohol.

Supply of Alcohol

Monday to Sunday – 11:00hrs to 22:30hrs

In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm that you accept the above conditions in writing.

Yours sincerely,



Esther Chan
Licensing Inspector
Planning, Transportation, Licensing

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**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

Brent Police Licensing Unit

*Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ*

Brent Borough Licensing Department

*Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH*

Tel: 07500 993899

Email:

Gary.L.R.Norton@met.police.co.uk

Your ref: Milk Beach Cafe

Our ref: 01QK/235/18/965

Date: 14th June 2018

Police representation for a new Premises Licence at Milk Beach Café & Restaurant, 19 Lonsdale Road, London, NW6 6RA.

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the reasons indicated below.

I am of the opinion that the risk to the Council's objectives can be mitigated by removing the requested variations or attaching conditions to the Licence as shown below.

If these conditions were accepted in full **I would** withdraw my representation.

Officer: **Gary Norton**
Licensing Constable PC 965QK

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a premises licence under section 17 of the act.

The Police representations are primarily concerned with crime and disorder and prevention of public nuisance.

Police require the following points be included in the operating schedule or added as conditions on the premises licence;

Personal Licence Holder

The sale of alcohol to drunken people and children is a major cause of concern to police and highlighted in the Governments Alcohol Harm Reduction Strategy. Those who sell alcohol should be fully aware of the legislation and issues around alcohol and should be fully trained to a national standard.

Closed Circuit Television (CCTV)

Good quality CCTV is essential as a deterrent for the prevention of crime and the detection of offenders. It allows for both covert and overt monitoring of the premises. With proper signage, this reassures both staff and clientele, that this is a safe environment where illegal activities are not tolerated.

All cameras and recording equipment will be installed and maintained in accordance with Home Office Guidance and the manufacturers instructions and will be fully operational when the premises are open to the public.

Operating Hours to be displayed on Premises

A notice displaying the opening hours, the type of licensing activity and licence conditions should be clearly displayed and visible to anyone outside the premises. This may be incorporated in 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 (D.P.S.) 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.

A Summary of the Premises Licence will be displayed at each public entrance to the premises.

Police require the following points should be added as conditions on the premises licence as below.

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 from Brent Council upon request.

CCTV cameras shall be installed to cover the entrance of the premises.

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.

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

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.

Customers will not take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.

All doors and windows shall remain closed after 2100 hours during any licensable activity and where a door is used for patrons to enter or leave the premises, the door shall be fitted with a self-closing device.

The “outside seating area” should not extend beyond the edge of the pedestrian walkway into the road and should be clearly defined by a roped off boundary.

Yours Sincerely,

PC Gary Norton 965QK
Licensing Constable Brent Police

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From: Gary.L.R.Norton@met.pnn.police.uk
Sent: 19 June 2018 08:37
To: Business Licence
Cc: Patel, Yogini; Legister, Linda; Elliot
Subject: Milk Beach Reps 14 06 18 Local Authority Reference: 12033

Dear All,

Following a discussion and confirmation of the applicants agreement to the conditions detailed below, I withdraw representations for the Milk Beach Bar/Restaurant, local authority ref: 12033.

Brent Business Licensing: Could you please ensure the premises licence has these conditions included in it? Thank you.

Kind Regards,

PC Gary Norton 965QK
Brent Licensing Team
Wembley Police Station
603 Harrow Road
Middlesex
HA0 2HH

Gary.L.R.Norton@met.pnn.police.uk

From: Elliot Milne
Sent: 18 June 2018 21:45
To: Norton Gary L.R - QK
Cc: Business Licence ; Yogini.Patel@brent.gov.uk; Legister, Linda ; Elliot Milne
Subject: Re: FW: Milk Beach Reps 14 06 18 Local Authority Reference: 12033

Constable Norton,

Thanks very much for the call today.

I've updated the last two conditions here per our discussion. Please confirm you agree with these:

- When amplified music is being played, the doors and windows shall remain closed after 2100 hours.
- The "outside seating area" should not extend beyond the edge of the pedestrian walkway into the road.

With the last two conditions replaced as above, I confirm I accept all of the conditions.

Regards,
Elliot

On Thu, Jun 14, 2018 at 1:32 PM, Elliot Milne <[elliott](#)> wrote:
Constable Norton,

Thanks very much for considering my premises licence application.

I'd like to discuss a couple of the conditions to make sure I fully understand what is required:

- Doors and windows to be shut after 9pm - customers will be dining on the tables outside between 9pm and 11pm and so wait-staff will be going in and out for table service. Would be great to discuss further.
- Outside area to be roped off - there will be tables and chairs which will clearly delineate the outside area. I will also likely have plant pots on either side. It would be great to avoid having a physical rope if you think these measures are sufficient

Would be great to discuss further. Are you able to give me a call on [REDACTED]

Thanks,
Elliot

From: Pearce, Chris
Sent: 31 May 2018 15:58
To: 'Elliot Milne'; Business Licence; Legister, Linda
Subject: RE: Milk Beach Cafe & Restaurant, 19 Lonsdale Road, NW6 6RA - 12033

Dear Mr Elliot Milne

New Premises - Milk Beach Cafe & Restaurant, 19 Lonsdale Road, NW6 6RA - 12033
Please find the amended conditions below.

I refer to the application for a new licence for the above named premises. After assessing the application, the Public Safety Team will be making the following representations to the Licensing Authority on the grounds of Public Safety.

Providing the licensee is willing to accept the following conditions Public Safety Team would withdraw the representation.

- The locks and flush latches on the exit doors and gates shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises bar the two barn door style doors that maybe left open or locked when the public are on the premises.
- The socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).
- Exits are not obstructed (including by curtains, hangings or temporary decorations), and accessible via non-slippery and even surfaces, free of trip hazards and clearly identified
- Where chairs and tables are provided, internal gangways are kept unobstructed

In order for the Public Safety Team to withdraw this representation, it will be necessary for you or your client to confirm in writing or via Email that you accept the above licence conditions.

We will require this condition to appear on the licence schedule should the licence be granted.

Please note that the setting of the capacity for the premises and means of escape in case of fire are dealt with by the London Fire Brigade and you are advised to contact them regarding those matters. However, based on the available floor area of 60m², the maximum number of customers permitted on the premises at any one time (excluding staff) is 60.

If you are in control of any part of a commercial premises, you are required to carry out a fire risk assessment to identify hazards and risks in the premises, and take effective measures to reduce those risks. A fire risk assessment is essential in keeping your premises safe for everyone. You must keep a written record of your fire risk assessment if your business has five or more people.

More information can be found at: <http://www.london-fire.gov.uk/FireRiskAssessment.asp>

Kind regards

Mr Chris Pearce
Public Safety Officer
Regeneration & Environmental Services
Brent Council

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From: Pearce, Chris
Sent: 04 June 2018 16:11
To: 'Elliot Milne'
Cc: Business Licence; Legister, Linda
Subject: RE: Milk Beach Cafe & Restaurant, 19 Lonsdale Road, NW6 6RA - 12033

Dear Mr Milne

Thank you for your correspondence dated the 4th June 2018, stating that you accept the conditions set out in our representation.

I confirm that the Public Safety Team now withdraw the current representation and do not make any further representations regarding the application.

We will require the agreed conditions to appear on the licence schedule.

Kind regards

Mr Chris Pearce
Public Safety Officer
Regeneration & Environmental Services
Brent Council
020 8937 1031

www.brent.gov.uk
[@Brent_Council](#)

From: Elliot Milne [mailto:]
Sent: 04 June 2018 12:40
To: Pearce, Chris
Cc: Business Licence ; Legister, Linda
Subject: Re: Milk Beach Cafe & Restaurant, 19 Lonsdale Road, NW6 6RA - 12033

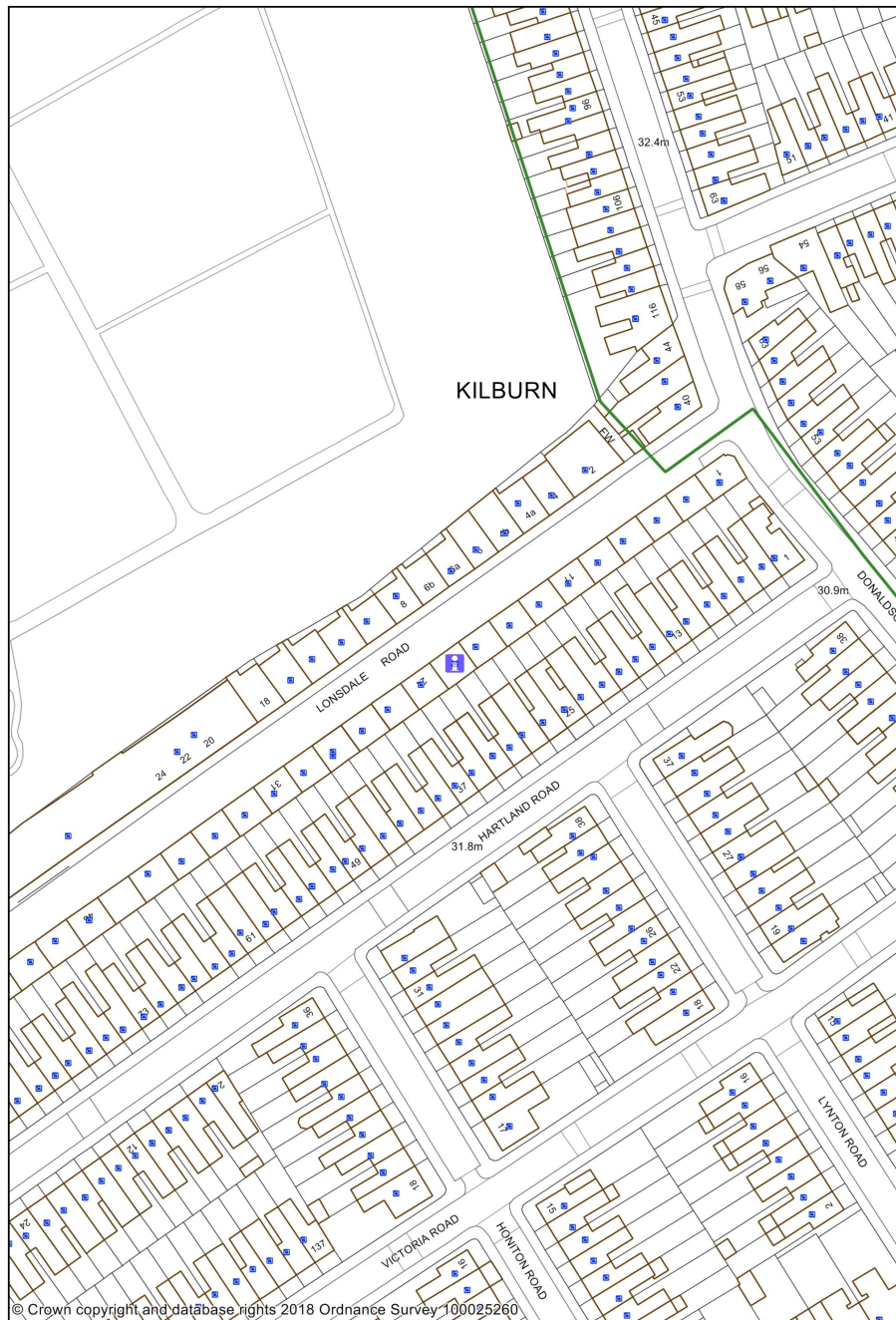
Chris,

I accept the conditions outlined in your email on 31st May 2018.

Regards,
Elliot

Elliot Milne

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Brent

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