

Alcohol and Entertainment Licensing Sub-Committee

Wednesday 4 December 2019 at 10.00 am
Members Suite - 4th Floor, Brent Civic Centre,
Engineers Way, Wembley, HA9 0FJ

Membership:

Members

Councillors:

Ahmed (Chair)

Hector
Long

Substitute Members

Councillors:

Kennelly, McLeish, W Mitchell Murray and RS Patel

Councillors:
Maurice

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

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:
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
1	Apologies for absence and clarification of alternate members
2	Declarations of Interests
	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 the Review a Premises Licence by Nuisance Control Team for the premises known as Barril, 159 High Street, NW10 4TR, pursuant to the provisions of the Licensing Act 2003 1 - 84
4	Application for a Variation to a Premises Licence by Keseven Prathipkumar for the premises known as Taste of Ceylon, 32 Ealing Road, Wembley, HA0 4TL, pursuant to the provisions of the Licensing Act 2003 85 - 126
5	Application for a New Premises Licence by The Axe Throwing Company Limited for the premises known as Bad Axe Throwing, Units 32-33 Boxpark, Wembley, pursuant to the provisions of the Licensing Act 2003 127 - 180
6	Application for a Temporary Event Notice by Aginaldo Dal Forno for the premises known as 212 High Street, NW10 4SY, pursuant to the provisions of the Licensing Act 2003 181 - 198

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.

This page is intentionally left blank

LICENSING ACT 2003

Application for the Review a Premises Licence

Name of Applicant:	Nuisance Control Team
Name & Address of Premises:	Barril, 159 High Street, NW10 4TR
Applicants Agent:	

1. Application

The application is for the review of a premises licence held by Agnaldo Dal Forno. The premises are known as Barril, 159 High Street, NW10 4TR.

2. Grounds for Review

The grounds for review are the Prevention of Public Nuisance.

3. Relevant Representations

Representations have been received from Licensing Officers, The Police and a local resident.

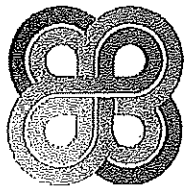
4. Background

The premises are currently licensed for regulated entertainment, late night refreshment and the sale of alcohol from 06:00hrs to 02:30hrs Monday to Saturday and from 09:00hrs to 01:30hrs Sunday. Opening hours are from 06:00hrs to 03:00hrs Monday to Saturday and 06:00hrs to 02:00hrs Sunday.

5. Associated Papers

- A. Copy of Review Application
- B. Police Representation
- C. Licensing Representation
- D. Resident Representation
- E. OS Map

This page is intentionally left blank



Brent

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Martin Wood (Principal Nuisance Control Officer) applies for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR	
Post Town: Harlesden	Post Code (if known) NW10 4TR
Name of premises licence holder or club holding club premises certificate (if known) Mr. Agnaldo Pains Dos Santos Dal Forno	
Number of premises licence or club premises certificate (if known) Licence number 1190128	

Part 2 - Applicant details

I am

Please tick ✓ Yes

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

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

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title ☐
(for example, Rev)

Surname

First names

Please tick ✓ Yes

YES

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Martin Wood (Nuisance Control Team) London Borough of Brent Brent Civic Centre Engineers Way Wembley, HA9 0FJ
Telephone number (if any) 020 8937 5561
E-mail address (optional) martin.wood@brent.gov.uk

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

Please tick one or more boxes

- | | |
|-----------------------------------------|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Nuisance Control Team (NCT) believe the Licence Holder Mr Agnaldo Dal Forno has failed to prevent public nuisance at noise sensitive times whilst operating within the terms of his Premises Licence. The premises is presently licensed to open from 6am – 3am Monday to Saturday and 6am – 02:00am Sunday. It is licenced for recorded music and live music until 02:30am Monday to Saturday and until 01:30am Sunday. There are no noise controlling conditions on the premises licence. NCT suspect the premises is not professionally soundproofed.

This application is made on the basis of the number and the nature of complaints submitted to NCT by local residents living in close proximity to the premises. Residents report they are unreasonably disturbed by loud music coming from the premises and from unreasonable behaviour from the front of the premises at noise sensitive times when the premises is operating. The impact reported by residents is primarily from noise: (live music, recorded music, drumming, crowds shouting and singing, revving motorbikes). It is reported the venue is operating as a nightclub and has constructed a terrace extension at the front.

NCT have issued Mr Dal Forno with a Noise Abatement Notice prohibiting nuisance from loud music; successfully prosecuted him at court for breaching that same notice; seized speakers from the premises after Mr Dal Forno continued to play loud music - despite NCT giving unambiguous advice about our concerns and our enforcement powers. It is our contention the premises is operating as a nightclub at noise sensitive times and causing public nuisance.

NCT ask Licensing Committee to reduce the terminal hours to:

Sunday to Thursday: 23:30hrs;
Friday and Saturday: midnight.

We also ask Licensing Committee to endorse the premises licence with the following noise controlling condition:

Live and recorded music is to be removed from the scope of the licence as a licensable activity and shall not be permitted at the premises until such time as a scheme of acoustic treatment, approved by the Council's Nuisance Control Team, has been installed, completed and tested by a registered Member of the Institute of Acoustics who shall be competent and qualified to undertake the testing of such works.

Please provide as much information as possible to support the application (please read guidance note 2)

NCT are providing:

Prosecution File dated 02/01/2019 sent to the Borough Solicitor in respect of breach of noise abatement notice and containing:

- Witness Statement
- Noise Abatement Notices (Mr Roshan Wial and Mr Agnoldo Dalforno)
- Contravention Letter to Mr Wial
- Part A Premises Licence
- Companies House printout
- Initial advisory letter
- Letter warning of formal application to review licence

Witness Statement to the Borough Solicitor in support of the Prosecution File dated 04/02/2019, containing:

- Witness Statement
- Photographs
- 6 x redacted complaints from local residents

Witness Statement to the Borough Solicitor dated 08/05/2019, in respect of second suspected offence of breach of noise abatement notice.

Email correspondence between complainant and Martin Wood (July / September 2019) reporting ongoing loud music and nuisance noise from customers at noise sensitive times.

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

Please tick ✓ Yes

☐

If yes, please state the date of that application

Day

Month

Year

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

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

N/A

Checklist

Please tick ✓ Yes

▪ I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

☐ YES

▪ I understand that if I do not comply with the above requirements my application will be rejected

☐ YES

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Date

18/OCT/2019

Capacity

PRINCIPAL NUISANCE CONTROL OFFICER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

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

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

Notes for Guidance

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

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

Regulatory Services (Licensing)
Brent Council
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: business.licence@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist on page 14 to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
St NW10 4TR

North West Area 1
London Fire Brigade
7

Trading Standards
Fifth Floor
Review Application_Barril, 159 High

Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8733 3206

Environmental Health
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5252

Area Planning Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5210

169 Union Street
London
SE1 0LL

Tel: 020 8555 1200 x38778

Children's Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Public Safety Team
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5359

Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5555

Licensing Authority
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
Tel: 020 8937 5359

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

REGULATORY SERVICES
MEMORANDUM

To: Legal Services (Prosecutions)
From: Regulatory Services (Nuisance Control Team)
Date: 02/01/2019
Tel. No: 020-8937 5561
Email: martin.wood@brent.gov.uk

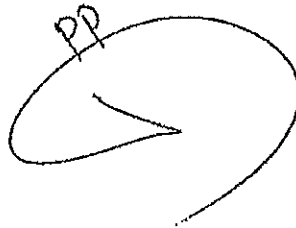
Breach of Noise Abatement Notice - Environmental Protection Act 1990
Barril Pizzeria, 159 High Street, London, NW10 4TR

Please consider the following evidence for prosecution proceedings.

Kind regards

Jennifer Barrett
Regulatory Services Manager

PP



Statement of Witness

SR/13344/17

***Criminal Justice Act 1967,S9; Magistrates' Court Act 1980, ss5A(3)(a) and 5B;
Magistrates' Court Rules 1981,r.70***

Statement of : **Martin Wood**

Age of Witness : **'Over 21'** (*True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise 'over 21' shall suffice*).

Occupation of Witness: Environmental Health Officer

Address **Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.**

Tel No : **(020) 8937 5252**

This statement consisting of TWO page signed by me is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Dated : 02 January 2018

Signed: 

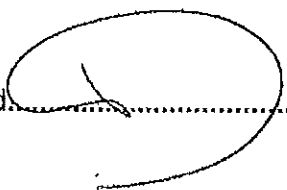
Noise Nuisance Investigation-Environmental Protection Act 1990-
Barril Pizzeria, 159 High Street, London, NW10 4TR

I am employed as an Environmental Health Officer for the Nuisance Control Team of the London Borough of Brent. One of my duties is the investigation of noise nuisance complaints. On Friday 30 November 2018, I was on evening duty and accompanied by a security officer as is normal procedure for night-time working. At 00:04hrs (now Saturday 01 December 2018) I received notification of a noise complaint against Barril Pizzeria, 159 High Street, NW10 4TR (the premises). The complaint specified loud music. I was already familiar with the premises as I had issued abatement notices in respect of the likely occurrence of a statutory noise nuisance from loud amplified music, in August 2018. One notice was served upon Mr Roshan Wial (the Licence Holder and Designated Premises Supervisor). The other notice was served upon Mr Agnoldo Dalforno (the Director of Barril Restaurant & Pizzeria Ltd.). A copy of both notices is reproduced in **Exhibit MW/01**. At 00:40hrs I was inside the complainant's lounge where I a nuisance level of loud amplified music was heard coming from the premises. The complainant's TV was muted and the double glazed windows were open. The music noise was intrusive and

prevented reasonable enjoyment of property. The complainant alleged the volume was 50% of the usual volume. At 00:47hrs I was inside the complainant's rear bedroom. An intrusive level of live music was playing and in my opinion this constituted a statutory noise nuisance. I noted that it would not be possible to sleep. The person making the complaint told me the music was preventing him from sleeping and upon questioning alleged the music could continue until the early hours. At 00:55hrs I was satisfied I had witnessed a statutory noise nuisance and a breach of the noise abatement notice based on character of the noise; the time of night; the loudness of the music and the duration of my assessment. At 01:00hrs I was in hallway - waiting for patrons outside to move before I made my exit. I noted a significant increase in the volume of live music. Bass energy was perceptible and people could be heard singing and cheering as though in a nightclub. Outside I was able to observe the premises was full with people standing or dancing. A male and female were each singing through a microphone. A man was seated playing a guitar. I requested the door supervisor to bring the manager outside. After approximately five minutes Mr Agnoldo Dalforno came outside. After introducing myself and explaining the reason for my visit I cautioned Mr Dalforno. He affirmed he understood the caution and was able to converse in English without difficulty. I explained I had responded to a complaint and verified statutory nuisance. I asked why after Brent Council had issued noise nuisance abatement notices was nuisance occurring. Mr Dalforno answered that on Friday and Saturday they play music and it is Brazilian culture that people like to enjoy music when they are eating. I observed the premises was operating more like a nightclub than a restaurant and I asked the same question again. Mr Dalforno's response again referred to Brazilian culture but directly addressing the question. I asked whether there was anything he wished to ask or to add before I terminated the interview. He said there was not. In an advisory capacity I then urged him to lower the volume and desist from causing further statutory noise nuisance. I explained to him my evidence would be passed to the Borough Solicitor with a recommendation to commence prosecution proceedings. On 06 December 2018, notice contravention letters were sent to the premises. A copy of these are reproduced in **Exhibit MW/02**. A copy of the Premises Licence is reproduced in **Exhibit MW/03**. Part 2 of the licence shows Mr Roshan Wial is the Holder of the Premises Licence and the Designated Premises Supervisor. **Exhibit**

MW/04 is a printout from the Companies House website. This shows that DAL FORNO, Agnaldo Pains Dos Santos is the director of Barril Restaurant & Pizzeria Ltd, at 159 High Street, NW10 4TR. Exhibit MW/05 reproduces an initial advisory letter sent to Mr Roshan Wial in March 2018. Exhibit MW/06 reproduces a letter sent to Mr Roshan Wial in June 2018, explaining that a case review identified sufficient credible evidence on record to apply for a formal review of the Premises Licence under the Licensing Act 2003. Our records against the premises show five separate complainant's from five separate households. Before serving the noise abatement notice we received 15 complaints of nuisance from loud music occurring. After serving the notice we received six complaints of nuisance from loud music occurring. Since interviewing Mr Agnaldo Dalforno under caution we have received four complaints of nuisance from loud music occurring. In responding to some of these twenty five complaints, we have been advised the volume of music has been lowered as we arrive; or we have not been able to enter the complainant's property without been observed; or the complainant has approached the premises before our arrival; or the volume of music observed has been annoying but not at a level that constitutes a statutory noise nuisance.

Signed.....

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'D' shape with a horizontal line extending to the right.

Date: 02. JAN. 2019

L/F

LONDON BOROUGH OF BRENT

Environmental Protection Act 1990

Section 80

Abatement notice in respect of statutory nuisance

Mr. Roshan Wial
 Barril Restaurant & Pizzeria
 159 High Street
 London
 NW10 4TR

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Brent being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at the premises known as neighbouring and nearby residential units at NW10 4TR within the district of the said Council arising from the playing of amplified music and amplified speech.

HEREBY REQUIRE YOU as the person responsible of the premises from which the noise is or would be emitted **forthwith** from the service of this notice, to abate the same and also

HEREBY PROHIBIT the occurrence of the said nuisance and for that purpose require you to: **Cease or cause to cease the playing of amplified music and amplified speech at such a level as to constitute a nuisance**

IN the event of an appeal this notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of any offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5,000), together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

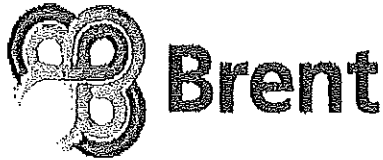
The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 03/08/2018

Signed:



Print Name: Martin Wood
 Regulatory Services
 Authorised Officer



REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ
Tel: (020) 8937 5252
Direct Line 020-8937 5561

Email: regulation@brent.gov.uk

Web: www.brent.gov.uk

Date: 03/08/2018

Mr. Roshan Wial
Barril Restaurant & Pizzeria
159 High Street
London
NW10 4TR

Your Ref:
Our Ref: SR/13344/17
Contact: Martin Wood

Dear Mr. Roshan Wial,

Environmental Protection Act 1990

Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR

Following further complaints alleging nuisance from loud amplified music emanating from your premises at noise sensitive times, we have undertaken a review of our case records. On the basis of the number and the nature of complaints from different households, we are of the opinion that a statutory noise nuisance from loud amplified music is likely to occur.

Therefore I am obliged to serve the enclosed Notice under Section 80 of the Environmental Protection Act 1990. This is intended to deal with this matter, not by taking proceedings in respect of this incident, but enabling the Council to take formal legal action should there be any further noise nuisance.

Should further complaints be received, we will investigate by monitoring the situation. Monitoring will either take the form of periodic visits, to be carried out day or night, by officers who will engage in non-intrusive monitoring (i.e. without alerting you prior to the visit) usually by visiting the person making the complaint, and/or the use of remote monitoring equipment which measures and records the noise being complained about.

Contravention of the notice could lead to the instigation of criminal proceedings against you. The maximum fine for each offence currently stands at an unlimited fine. The previous maximum fine was £20,000 upon conviction.

Please note that there is a right of appeal to the notice. Application has to be made to the Magistrates Court within 21 days. The details are provided on the notes to the notice.

If there continues to be a persistent noise nuisance, the council will also consider applying to the Courts for a warrant in order to seize all audio equipment from your premises.

I also remind you of the letter sent on 17 June 2018 - copy attached.

Accordingly, I would strongly advise that you cease to cause noise nuisance and refrain from playing loud music at such a level as to disturb your neighbours.

Should you require any further information, please do not hesitate to contact me at the above address.

Yours sincerely,



Brent - building a better borough

Martin Wood
Environmental Health Officer
Regeneration and Environment



Brent - building a better
borough

L/K

LONDON BOROUGH OF BRENT

Environmental Protection Act 1990

Section 80

Abatement notice in respect of statutory nuisance

Agnoldo Dalforno
Barril Restaurant & Pizzeria
159 High Street
London
NW10 4TR

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Brent being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at the premises known as neighbouring and nearby residential units at NW10 4TR within the district of the said Council arising from the playing of amplified music and amplified speech.

HEREBY REQUIRE YOU as the person responsible of the premises from which the noise is or would be emitted forthwith from the service of this notice, to abate the same and also

HEREBY PROHIBIT the occurrence of the said nuisance and for that purpose require you to: Cease or cause to cease the playing of amplified music and amplified speech at such a level as to constitute a nuisance

IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of any offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5,000), together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 03/08/2018

Signed:



Print Name: Martin Wood
Regulatory Services
Authorised Officer

Martin Wood
Environmental Health Officer
Regeneration and Environment



Brent - building a better
borough



REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex, HA9 0FJ
Tel: (020) 8937 5252
Direct Line 020-8937 5561

Email: ens.noiseteam@brent.gov.uk

Web: www.brent.gov.uk

Date: 06/12/2018

Mr. Roshan Wial
Barril Restaurant & Pizzeria
159 High Street
London
NW10 4TR

Your Ref:
Our Ref: SR/13344/17
Contact: Marlin Wood

Dear Mr. Roshan Wial,

Noise Nuisance - Section 80 Environmental Protection Act 1990
159 High Street, London, NW10 4TR

I am writing to inform you that on 01 December 2018, a further complaint about loud noise was received from your property. The Investigating Officers witnessed the noise and were satisfied that the level of the music emanating from your premises on this occasion amounted to a statutory nuisance in law and that the Noise Abatement Notice previously served on you under the above legislation on 03 August 2018 was breached.

Without prejudice to any application to review your premises licence, we are currently considering starting legal proceedings in respect of this breach.

In addition, should there be further incidents of nuisance, separate legal proceedings will be laid before a magistrate. Upon summary conviction the size of fine imposed is likely to reflect the number of contraventions of the Noise Abatement Notice.

I would remind you that the maximum penalty on conviction for breaching the noise abatement notice is an unlimited fine for each offence. In addition the Council will seek to claim all costs incurred in taking Court action against you.

I would remind you of the existence of the abatement notice (a further copy is attached) and strongly advise that you make greater effort to control the level of noise arising from your property and refrain from playing music at such a level as to cause nuisance to your neighbours.

If the noise nuisance continues, the Council will also consider applying to the Court for a warrant in order to Seize all audio equipment from your premises.

NO FURTHER WARNING WILL BE GIVEN.

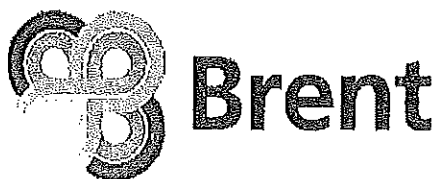
Should you wish to discuss any aspect of this matter please do not hesitate to contact me at this office.

Yours sincerely,

Marlin Wood
Environmental Health Officer
Regeneration and Environment



Brent - building a better borough



ENVIRONMENT & NEIGHBOURHOOD
REGULATORY SERVICES
BRENT CIVIC CENTRE
ENGINEERS WAY
WEMBLEY
HA9 0PJ

TEL: 020 8937 5359
EMAIL: business.licence@brent.gov.uk

London Borough of Brent

Premises Licence

PART A

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

Signed.....
Director of Environment and Neighbourhood

Date: 7 May 2015

Licence number 1190128

Licence start date: 01/10/2012

Part 1 - Premises Details

GOSTOSA, 159 High Street, London, NW10 4TR

Licensable activities and the times authorised by this licence

Live music:

Day	Start Time	End Time
Monday	06:00	02:30
Tuesday	06:00	02:30
Wednesday	06:00	02:30
Thursday	06:00	02:30
Friday	06:00	02:30
Saturday	06:00	02:30
Sunday	09:00	01:30

Companies House

EXHIBIT MW/04

BETA This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

BARRIL RESTAURANT & PIZZERIA LTD

Company number **10973719**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/10973719/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/10973719/persons-with-significant-control)

Filter officers

☐

Current officers

Apply filter

1 officer / 0 resignations

DAL FORNO, Agnaldo Pains Dos Santos

Correspondence address **159 High Street, London, United Kingdom, NW10 4TR**

Role Active **Director**

Date of birth **September 1975**

Appointed on **20 September 2017**

Nationality **Italian**

Country of residence **United Kingdom**

Occupation **Food And Beverage Director**

[Is there anything wrong with this page?](#)

EXHIBIT MW/05



REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex, HA9 0FJ
Tel: (020) 8937 5252
Direct Line 020-8937 5561

Email: regulation@brent.gov.uk

Web: www.brent.gov.uk

Date: 16/03/2018

Mr. Roshan Wial
Gostosa
159 High Street
London
NW10 4TR

Your Ref:
Our Ref: SR/13344/17
Contact: Martin Wood

Dear Mr. Roshan Wial,

Noise Nuisance - Environmental Protection Act 1990
159 High Street, London, NW10 4TR

The Council have a duty to investigate noise nuisance. We have received a complaint alleging noise caused by loud amplified music and they have given us your address as being the source of the problem. We request you contact us to discuss this matter further.

We investigate problem noise by visiting those affected. We will decide what action to take based on the scale of the problem, how frequently it happens, who is affected by the noise and how. We may also use remote monitoring and recording devices to measure and record the noise being complained about.

If the Council is satisfied that a noise nuisance exists, or is likely, a noise abatement notice could be served on the person responsible. If the terms of that notice are broken and you continue to cause unacceptable noise, the Council may then take Court action. A successful prosecution can result in an unlimited fine and a criminal record being imposed.

Please consider whether any activities at your premises could cause a disturbance to your neighbours and, if so, take any measures necessary to reduce the noise.

Thank you for your co-operation.

Yours sincerely,

Martin Wood
Environmental Health Officer
Regeneration and Environment



Brent - building a better
borough



REGENERATION AND ENVIRONMENT

EXHIBIT MW/06

Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ
Tel: (020) 8937 5252
Direct Line 020-8937 5561

Email: regulation@brent.gov.uk

Web: www.brent.gov.uk

Date: 17/06/2018

Mr. Roshan Wial
Barril
159 High Street
London
NW10 4TR

Your Ref:
Our Ref: SR/13344/17
Contact: Martin Wood

Dear Mr. Roshan Wial,

Premises Licence Review - Licensing Act 2003
Barril, 159 High Street, London, NW10 4TR

The Council's Nuisance Control Team are a Responsible Authority under the Licensing Act 2003. We are continuing to receive complaints alleging loud amplified music emanating from your premises. Following a case review meeting we now consider there is sufficient credible information to apply for a formal review of your premises licence. This is on the basis of the number and the nature of complaints that we have received from different households.

Your premises licence permits:

Recorded music and live music until 02:30am Monday to Saturday and until 01:30am Sunday.

A terminal hour for the premises of 03:00am Monday to Saturday and 02:00am Sunday.

We note there are no specific noise controlling conditions endorsed upon your licence and given the scope of your licence and the complaints made against your business we consider your licence warrants a formal review.

We remind you the Licensing Act 2003 places you under a duty to prevent public nuisance. This means operating your business in such a manner that it does not unduly interfere with your neighbours right to reasonably enjoy their property.

In applying to review your licence we are considering both a reduction in your operating hours and imposing noise controlling conditions.

Please contact me if you would like to discuss this further.

Yours sincerely,

Martin Wood
Environmental Health Officer
Regeneration and Environment

cc Brent Council Licensing Authority



Brent - building a better
borough

Statement of Witness

SR/13344/17

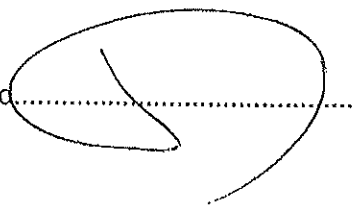
Criminal Justice Act 1967,S9; Magistrates' Court Act 1980, ss5A(3)(a) and 5B; Magistrates' Court Rules 1981,r.70Statement of : **Martin Wood***Age of Witness : 'Over 21' (True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise 'over 21' shall suffice).*Occupation of Witness: **Environmental Health Officer**Address **Brent Civic Centre,Engineers Way, Wembley,Middlesex HA9 0FJ.**Tel No : **(020) 8937 5252**

This statement consisting of ONE page signed by me is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Dated : **04 Feb 2019**Signed:.....**Noise Nuisance Investigation-Environmental Protection Act 1990 - Barril Restaurant and Pizzeria, 159 High Street, London, NW10 4TR**

Further to my previous statement of 02 January 2019, I am submitting the following information in support of prosecution proceedings. **Exhibit MW/07** provides an image of the front of the premises, and an image showing one stand-mounted speaker within the premises. Prior to the service of the Noise Abatement Notice (dated 03 August 2018 and reproduced in Exhibit MW/01), we received the following online complaints against the premises. **Exhibit MW/08** is dated 03 June 2018 and reports the restaurant is operating as a nightclub. **Exhibit MW/09** is also dated 03 June 2018 and reports the premises is operating as a nightclub. Following service of the Noise Abatement Notice, we received the following online complaints and emails against the premises. **Exhibit MW/10** is dated 04 August 2018 and reports the premises is operating as a nightclub. **Exhibit MW/11** is dated 02 September 2018 and details disturbances experienced by the reporter. **Exhibit MW/12** is dated 09 September 2018 and reports extremely loud live music and DJ music. **Exhibit MW/13** is dated 06 January 2019 and reports further disturbances, including deafening noise from music at a noise sensitive time.

Signed

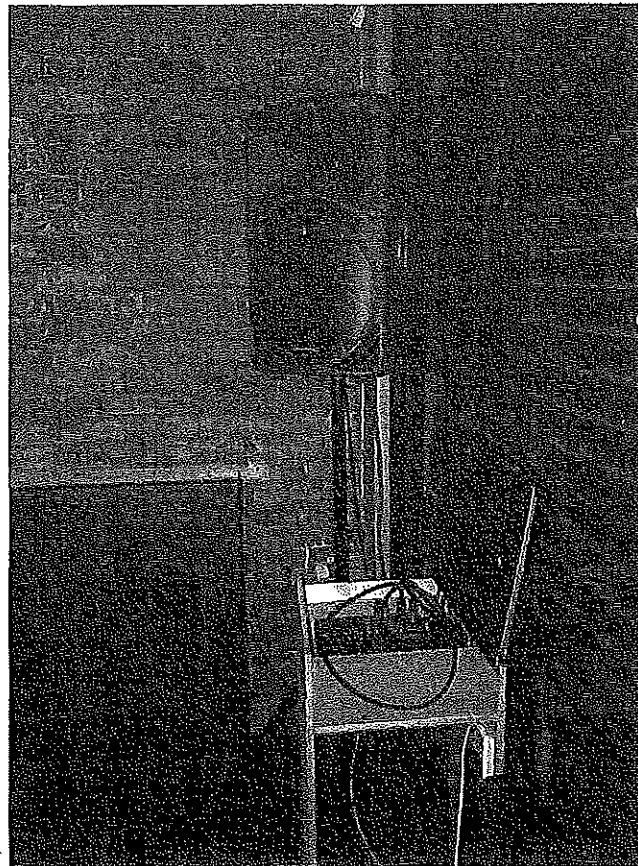
A handwritten signature, possibly 'S', is enclosed within a hand-drawn oval. A horizontal dotted line passes through the middle of the oval.

Date: 4/FEB/2019

Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR



Front of premises



Stand mounted speaker and audio equipment

From: [REDACTED]
 Sent: 03 June 2018 01:30
 To: ENV Noiseteam <Env.Noiseteam@brent.gov.uk>
 Subject: Noise Complaint Received - Ref: FS77417673 - [REDACTED]

Dear Nuisance Control,
 A client has registered a nuisance.
 Please see attached form for Details

Client Name:

Title	First name	Last name
[REDACTED]	[REDACTED]	[REDACTED]

Complainant Address Details:

Building Number	Street	Post Code	Select address once you have run search	Street Number	Building Name	Street Name	Town	County	Post Code
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Client:

Mobile/Daytime telephone number	Landline/Evening telephone number	Email Address
[REDACTED]	[REDACTED]	[REDACTED]

Please give the address of location of the noise nuisance.: 159 high street harlesden

Please state the nature of the nuisance (e.g. music, barking dog, etc): massive nightclub overspill into the stret with shouting, screaming and general drunken behaviour.

Any further details: A new club called Barril opened a few weeks ago and they have persistently had hundreds of people out in front of the bar with no bouncer and making very very loud noise until 3-4am in the morning on Friday, Saturday and Sunday nights. Many

residents have complained in person but nothing has been done. It's a small bar but there must be at least a hundred people outside shouting at each other all night. Please help with this as soon as possible.

Regards

From: [REDACTED]
 Sent: 03 June 2018 09:41
 To: ENV Nolseteam <Env.Nolseteam@brent.gov.uk>
 Subject: Noise Complaint Received - Ref: FS77435965 - [REDACTED]

Dear Nuisance Control,
 A client has registered a nuisance.
 Please see attached form for Details

Client Name:

Title	First name	Last name
[REDACTED]	[REDACTED]	[REDACTED]

Complainant Address Details:

Building Number	Street	Post Code	Select address once you have run search	Street Number	Building Name	Street Name	Town	County	Post Code
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Client:

Mobile/Daytime telephone number	Landline/Evening telephone number	Email Address
[REDACTED]	[REDACTED]	[REDACTED]

Please give the address of location of the noise nuisance.: Circa 152 High Street Harlesden
 - Baril is the name of the place

Please state the nature of the nuisance (e.g. music, barking dog, etc): un-licenced/illegal nightclub open all night on weekdays and weekends

Any further details: This restaurant has illegally changed the venue into a night club! With live music and professional sound system - all night every night on weekends including Sundays, and often on Thursdays too. This is a recent event, the number of Visitors have quickly doubled in just a couple of weeks. They have also built an un-licenced semi enclosed TERRACE on the pavement outside. As the club is very small, the people in the night club

now spills out onto the whole pavement outside - ALL night. Even when the club shuts the people remain to have a party outside, causing havoc with the traffic and other people passing by . The club takes no responsibility for the people outside, there is no crowd control, bouncer or staff. On weekdays the music goes on past midnight and I have work the next morning (I also work on Saturday mornings so 4.30am on a Friday night for noise is not workable!!!!).

I have seen neighbours from the adjacent property being forced to physically go down to complain themselves to the club.

[REDACTED] who gets very distressed with loud noise and who wakes at night!

I called the nuisance helpline in the middle of the night on Friday but there was no one there to take my call.

This is a completely illegal facility - please act quickly before it gets completely out of hand in the street and violence break out..I suspect they are selling very cheap alcohol which may have lent to it's quick rise in popularity

Regards

EXHIBIT MW/10

From: [REDACTED]
Sent: 04 August 2018 23:06
To: ENS Noise Team <ens.noiseteam@brent.gov.uk>
Subject: Noise Complaint Received - Ref: FS83825594 - [REDACTED]

Dear Nuisance Control,
A client has registered a nuisance.
Please see attached form for Details

Client Name:

Title	First name	Last name
[REDACTED]	[REDACTED]	[REDACTED]

Complainant Address Details:

Building Number	Street	Post Code	Select address once you have run search	Street Number	Building Name	Street Name	Town	County	Post Code
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]		[REDACTED]

Client:

Mobile/Daytime telephone number	Landline/Evening telephone number	Email Address
[REDACTED]		[REDACTED]

Please give the address of location of the noise nuisance.: 150-ish Harlesden High Street.
Not sure of exact number - the establishment does not appear to be established. The place is called 'Barill'

Please state the nature of the nuisance (e.g. music, barking dog, etc): Night Club

Any further details: What use to be a quiet restaurant has turned into a night club. They constructed an illegal terrace outside (it they had a licence for this - please could you state why neighbours were not consulted?) where there is a wild party from Thur night to Sunday night (one of the loudest night). It's so loud that if you walk past on the opposite side of the road, you cannot hear what a person is saying, the parties goes on until whenever they feel like it. Occasionally they simply close and leave the party still on the terrace till 3.30am.

They now have live music inside but put the professional sound system by the door facing out. Often there is brazilian drumming performances, shouting and crowds singing along. The sound level is ridiculous. I've tried calling your nuisance line in the past but it is unstaffed at all times.

This is completely unlicensed to my knowledge. I have contact detail of one of councillors - if i receive no reply of this email within the next 10 days I will write a formal complain to the councillor, who is currently collecting comments from us residents of the issues we are experiencing.

I look forward to hearing from you so that we can open a discussion on the subject.

Best Regards,

Regards

EX11B17 MW/10
11 MW

-----Original Message-----

From: [REDACTED]
Sent: 02 September 2018 21:44
To: Whyte, Chris <Chris.Whyte@brent.gov.uk>
Subject: Harlesden High Street

Dear Chris

I hope you don't mind me contacting you directly - I have been unable to locate any other routes to the council who I can bring this matter to attention.

I write in hope that you might be able to help. We live on Harlesden High Street (Harrow Road - [REDACTED]) and we have enormous problem with a (un-licensed?) bar/night club [REDACTED]. There's been a restaurant there for a number of years called Gostosa. They use to occasionally have loud live music on Sunday nights however this was never a major concern.

This then had a bit of a refit, changed its name to Barril and transformed it into a very lively, out of control party venue which goes on way past 3.30am in the morning. I work on Saturdays, and not being able to sleep until 4am is not acceptable. Shortly after giving it a refit and changing the name, they sneakily built a terrace extension in the front, which eventually also received a roof. This then transformed the venue to a make-shift outdoor bar/club (it's a very small establishment so I presume you can't all fit inside), which invited the club to extend from the bar to the road, with the crowds covering the pavement and onto the road where the guests sit on their mopeds and very loudly rev the bikes in the middle of the night. The culture of this bar entails a huge amount of shouting, and you can barely hold a conversation whilst walking along the road on the other side, it's that loud. At no one point have I ever seen a member of staff outside, it's almost as if they are hiding (although I believe the owner may live upstairs, as the bar now encloses the front door to the flat upstairs).

This establishment is not only very disrespectful, it's very obviously also doing what they want, and I presume, sell very cheap alcohol, as they manage to get a full house every single Friday, Saturday and Sunday night. They may be having 'lock-in's on weekends as the shutters seem to come down later in the night, but the party is still in full swing outside and the door is open so although it may appear shut it doesn't help us residents. Most of our neighbours live in social housing (as does most of Harlesden it appears), and may not have the resources required to bring this to the council's attention. I feel for all the suffering neighbours, and overheard a person from the block opposite being very angry at a bar guest (this was almost at 6am and they were still there!!). No doubt it had kept her up all night too. I have attempted numerous times in desperation to call Brent nuisance help line but as I'm sure you're aware, this number is not a real open phone line. I've also tried calling the police, waited half an hour in the middle of the night after not much sleep, without getting to speak to anyone, so I gave up, opting to attempt to get some sleep.

I can assure you that we're not people who are easily disturbed, as of course no sensible person living in a property on this busy road would be. There is 24 traffic, fights and drunk people on the street, lively parties and all sorts outside our house every day of the year but this neither bothers us or generally wakes us. This establishment, isn't only enough to wake us, it makes sleep impossible for minimum 3 (but often 4) nights a week. As you can understand, this is not conducive to work or life. I am unable to sleep in our bedroom, and loud noise causes our [REDACTED] to get anxious so he can't sleep there either.

Interestingly, the owners of this restaurant complained enormously when we had similar trouble with an illegal shisha club across the road (the council successfully shut it down a number of years ago), however this may have been a different owner of course.

I truly hope that you will be able to help us and get this night club under control. They need to keep the party inside, ensure all music is off before midnight (11pm on weekdays), and ideally stop having the speakers facing the door (which are wide open all night) and of course ensure that their activities are licensed and approved. We continue to have these problems on this section of the high street, and in the past it has been found that there has indeed been many breaches by these establishments relating to fire safety, using neighbouring electricity illegally, not paying for refuse and illegal extensions, so you may find that either of these laws may help your case. The trouble is that Harlesden is (as most of us residents know) a lawless zone, so I really worry that this problem will just be left.

I really, really hope that you can help us, as I am currently sleeping on a mattress on the floor in my children's room! We have a lodger on the top floor who is suffering endlessly as the noise travels louder to the loft, and no doubt she'll have enough if this continues! I would be enormously thankful if you could please help us.

Yours Sincerely,

A rectangular area of the document has been completely blacked out, obscuring the signature and any contact information that might have been present.

EXHIBIT MW/12

From: [REDACTED]
Sent: 09 September 2018 23:29
To: ENS Noise Team <ens.noiseteam@brent.gov.uk>
Subject: Noise Complaint Received - Ref: FS87566932 - [REDACTED]

Dear Nuisance Control,
A client has registered a nuisance.
Please see attached form for Details

Client Name:

Title	First name	Last name
[REDACTED]	[REDACTED]	[REDACTED]

Complainant Address Details:

Building Number	Street	Post Code	Select address once you have run search	Street Number	Building Name	Street Name	Town	County	Post Code
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Client:

Mobile/Daytime telephone number	Landline/Evening telephone number	Email Address
[REDACTED]	[REDACTED]	[REDACTED]

Please give the address of location of the noise nuisance.: 159A High St, London, NW10 4TR

Please state the nature of the nuisance (e.g. music, barking dog, etc): Extremely loud live and DJ music and drunk and disorderly customers

Any further details: Over Numerous months this restaurant has been playing loud music from 8 PM until early hours of the morning 1 AM sometimes even later. I have tried on numerous occasions to speak with the manager about customers and the music but have ignored with all my verbal complaints . After the party have finished customers will leave

and throw bottles in my front garden and leave empty cups on my wall. They have been shouting and heard to be verbally abusive to one another as they are drunk and disorderly outside my front window. I have two children with me and most night find it difficult to go to sleep with this. Most of the times these parties happen on a Saturday night Sunday night Monday night even sometimes during the week and finishing around 1 AM knowing that I have to wake up for work the next day. I am now [REDACTED] and feel I cannot cope with the noise during these hours anymore, it is not fair as a neighbour when I have tried to speak with the manager about his customers and lowering the music at 11 PM at a reasonable time but has refused to comply. Many of my other neighbours are also having the same complaints about extreme noise but nothing has been done. I have gone out to the restaurant to speak face to face a few times to speak with customer asking them to please move away from my front garden because of the noise and they have been very abusive towards me and even one drop a glass in front of me. I shouldn't have to put myself in any danger but I cannot take the noise any longer. Please!!! something needs to be done about this restaurant having parties after unsociable hours especially on a Sunday and Monday night, Otherwise I will have to start calling the police, which I'm trying to avoid but will have to it left no choice.

Regards

EXHIBIT MW/13

From: [REDACTED]
Sent: 06 January 2019 12:29
To: Nuisance Control <complaints@feedback.brent.gov.uk>
Cc: Whyte, Chris <Chris.Whyte@brent.gov.uk>
Subject: Re: Your query (ref: 10604996)

Dear Martin/Chris,

Further to the below case, I write to report further disturbances at the below bar/nightclub.

This Friday night the bar woke me up at 3.30 with deafening noise from music, drunk people shouting and the usual revving of the stationary motorbike engines outside (this slightly bizarre behaviour occurs every night the bar is open for some reason) outside the bar. Last night at 1.55am, a group fight broke out. It was chaos. One chap was knocked unconscious on was on the floor for 5-10mins before being carried into a car (still unconscious) by his friends. Another chap who was also injured got into a car that was in the middle of the road, drove it 100m before stopping in the middle of the road again, too drunk to drive. This is all whilst busses and traffic is on the road so it causes road chaos which again is incredibly noisy as people shout, argue and beep their horns. It wakes our whole family, and we're far from light sleepers!

I'm surprised not more fights have occurred before, due to the cheap alcohol, long opening hours and lack of security.

I also note that it is registered as a restaurant/pizzeria (which is what it use to be before the current owner), but to my knowledge it's only open as a nightclub or bar in the late evenings, with a dancefloor and live music area rather than a food establishment.

The removal of the terrace did help and they did turn down the music a little but I feel that it's all slowly going back to it's previous behaviour. The late lock-in's aren't helpful, as they do not control their guests who party outside.

I would really appreciate your help in controlling this, to assist us residents to be safe and be able to sleep at night. Sundays is their loudest and most popular night and as you can imagine, turning up to work red-eyed from lack of sleep is not an option in many professions. They are open Thursday to Sunday, so it's not an ad-hoc party, which we would not have a problem with at all.

Please do contact me should you have any queries or wish to discuss further.

Yours Sincerely,

[REDACTED]

Statement of Witness

SR/13344/17

***Criminal Justice Act 1967,S9; Magistrates' Court Act 1980, ss5A(3)(a) and 5B;
Magistrates' Court Rules 1981,r.70***

Statement of : **Martin Wood**

Age of Witness : **'Over 21'** (*True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise 'over 21' shall suffice*).

Occupation of Witness: **Principal Nuisance Control Officer**

Address **Brent Civic Centre,Engineers Way, Wembley,Middlesex HA9 0FJ.**

Tel No : **(020) 8937 5252**

This statement consisting of ONE page signed by me is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Dated : **08 May 2019**

Signed:.....

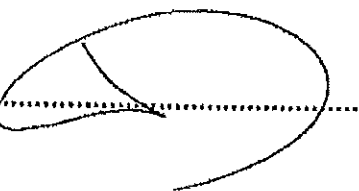
Noise Nuisance Investigation - Environmental Protection Act 1990

Barril Restaurant and Pizzeria, 159 High Street, London, NW10 4TR ('the premises')

Further to my previous statements of 02 January 2019 and 04 February 2019, I am submitting this statement in respect of a further suspected noise nuisance offence. On Sunday 05 May 2019, I was on evening duty and accompanied by a security officer as is normal procedure for night-time working. At 23:22hrs, I received notification of a noise complaint against the premises. The complaint specified loud music. I drove out to the area but was unable to contact the complainant by telephone. Later that night (now Monday 06 May 2019) at 00:05hrs, I received further notification about the same matter from the same complainant. At 00:50hrs, I was inside the complainant's home and witnessing a nuisance level of loud amplified music from a live band playing inside the premises. The interference was sufficient

to prevent sleep and reasonable enjoyment of the complainant's property. Live music from a band playing at the premises was audible and had been observed after parking up and walking towards the complainant's property. The complainant's TV was playing at moderate volume in the lounge, but the level of noise from live music playing at the premises was audible above that and prevented enjoyment of the TV. The complainant alleged he was unable to go to bed. A male performer with a live band continued playing at a nuisance level. At 01:00hrs, I noted loud singing and drumming noises continued emanating from the premises. I was satisfied that I had witnessed a statutory noise nuisance and a further breach of the noise abatement notice, based on the perceived loudness of the live music, and the time and duration of my assessment. I vacated the complainant's property and accessed the bar where I requested Mr Agnoldo Dalforno to join me outside. Inside the bar the level of music from the live performance was very loud. Some patrons were dancing. Outside the premises, I explained the purpose of my visit and read the PACE caution to Mr Dalforno. He affirmed his understanding. I asked why he was causing statutory nuisance when a court hearing was already pending for breach of a noise abatement notice. Mr Dalforno said he would end the party but asked about noise from the Green Man (further down the High Street). I advised the Green Man would be dealt with and explained this was the second suspected offence. I observed Mr Dalforno did not seem to understand the severity of the noise incidents, which would also see us apply to change the premises licence. The music was playing as walked away but appeared to have been switched off as we drove away.

Signed

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke.

Date: 8. MAY. 2019

From:

Sent: 26 September 2019 00:31

To: Wood, Martin <Martin.Wood@brent.gov.uk>

Subject: Re: Noise Complaint Received against - Barril, 159 High Street, London, NW10 4TR

Unfortunately, it's all started again, I really don't understand this owner. The live music is loud and customers making noise at this moment. I'm taking they do not care about their surrounding neighbours.

Kind regards

Sent from my iPhone

From:

Sent: 13 July 2019 03:28

To: Wood, Martin <Martin.Wood@brent.gov.uk>

Subject: Re: Noise Complaint Received against - Barril, 159 High Street, London, NW10 4TR

Good morning, I would like to complain again as the owner and his customers has no regards for neighbours. I write at this hour due to the noise of the customers are loud and drunk as they leave now, bottles are always left on my wall, I have gone in to complain about the motor cycles always parked on the pavement outside his restaurant and witnesses those are his customer's bikes. When approached and informed him about those bikes and the noise they cause at 2 am waking my children as they rev their bike engines, he replied stating those people were not from his restaurant (although I witnessed they were) but from the bar further down the road (Green man) but parked directly outside his restaurant to cause trouble for him. He then stated he would be leaving the residence for good in two months, which has been three months now and I have continued to put up with his loud music and customers leaving at this hour Friday through Monday. This is unfair and not liveable for the residence next door and across the road, they too have said how we all are coping, please can you speak to him as it's unbearable and I hate to speak to him as sometimes he too is drunk and aggressive when an approach is made.

Tomorrow this will happen again and I will send another email and maybe videos if I do go outside.

Kind regards

From:

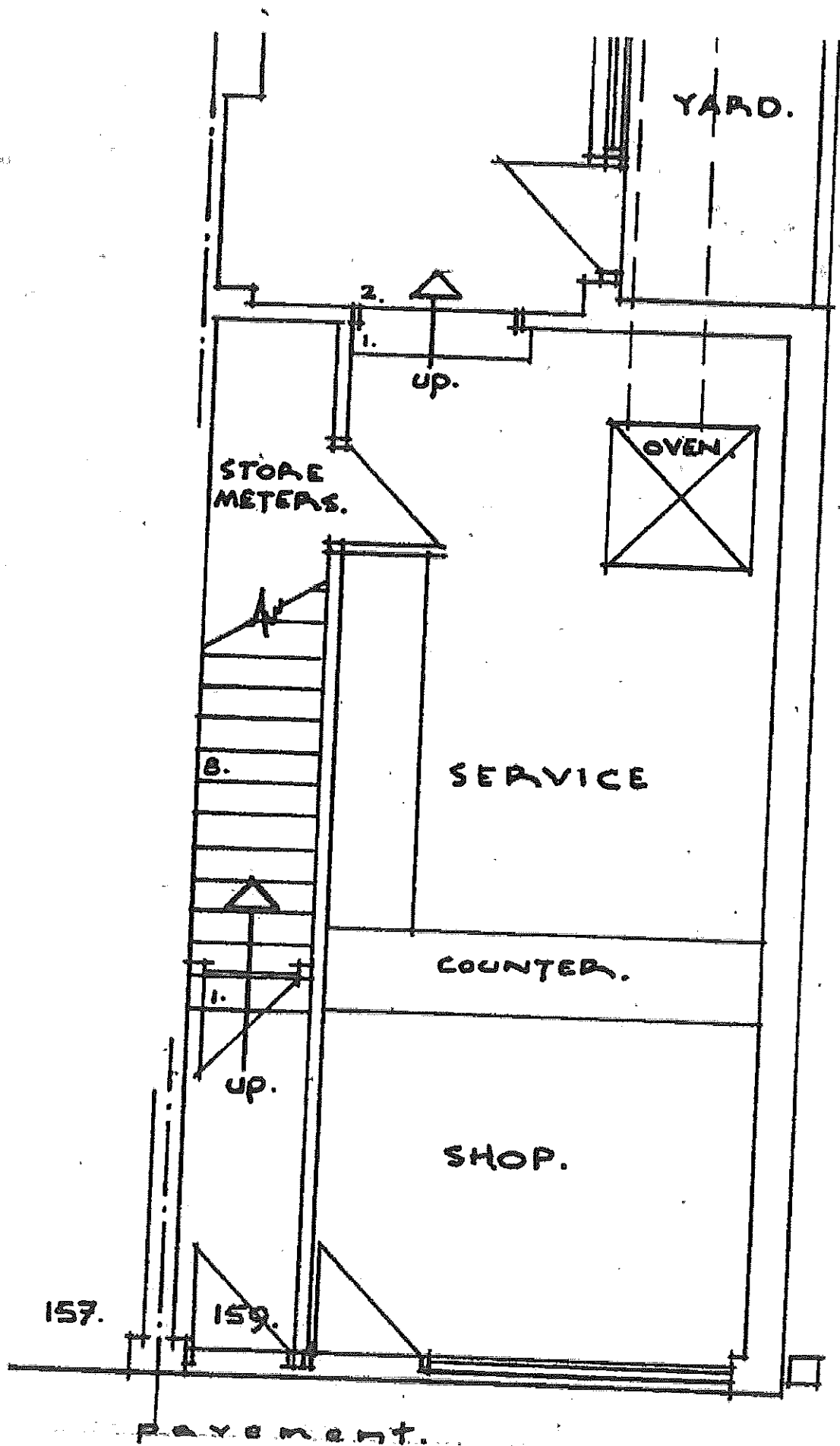
Sent: 22 September 2018 03:24

To: Wood, Martin <Martin.Wood@brent.gov.uk>

Subject: Re: Noise Complaint Received against - Barril, 159 High Street, London, NW10 4TR

Thank you for your reply, well there are customers out again tonight at 3.20am making loud and inconvenience noise. How long will this go on for!!

Sent from my iPhone



GRD. FLOOR PLAN.

This page is intentionally left blank

From: Wood, Martin <Martin.Wood@brent.gov.uk>

Sent: 20 November 2019 13:37

To: Legister, Linda <Linda.Legister@brent.gov.uk>

Subject: RE: Change of Hearing Date

Dear Linda

The change in date is noted.

Further to our review application further information has come to light. On the basis of that information, NCT revise our previous position. We are now requesting the Alcohol and Licensing Sub-Committee to revoke the premises licence.

In addition, as part of our review application, we would wish committee to see and hear videos of patrons dancing to music being played at the premises. These are available on the following website for Barril: <https://barril-pizzaria.negocio.site/>

Please let me know if you require anything further from me.

Kind regards

Martin Wood
Principal Nuisance Control Officer
Community Protection

This page is intentionally left blank

Mr Agnaldo Pains Dos Santos Dal Forno
Barril Restaurant & Pizzeria
159 High Street
Harlesden
NW10 4TR

11th November 2019

Case Reference: 17722

Dear Mr Forno,

Licensing Representation to the Application to Review the Premises Licence for Barril Restaurant & Pizzeria, 159 High Street, Harlesden, NW10 4TR

The Licensing Authority is making this representation in support of Noise Nuisance Team application to review of the premise licence for Barril Restaurant & Pizzeria.

Licensing Inspector: Esther Chan

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 to review the premises licence under section 51 of the Act.

History

The Licensing Authority initially received a referral from the Nuisance Control Team on 17th March 2018 in relation to loud music emanating from the premises past their licensing hours. The premise licence at the time was licenced under Mr Roshan Wial.

Following the referral, a visit was made to the premise on 28th March 2018, where it was noted that Mr Agnaldo Dal Forno was managing the premise during this period.

On the 18th March 2019, Mr Agnaldo Dal Forno transferred the premise licence to himself. However, the Council continued to receive ongoing noise complaints.

It is apparent that Mr Agnaldo Dal Forno has had involvement in the premise as a manager and now the licensee of the premise and has demonstrated poor management.

Summary

The Licensing Authority makes representation to support this application as we are not confident that the Licence Holder does not have a full understanding of the requirements under the Licensing Act.

It is evident that Nuisance Control Team have taken time and exhausted every avenue to help the licence holders uphold the licensing objectives.

The Licensing Authority agree with the Nuisance Control Team to reduce the hours and to remove live and recorded music from the premises licence is the only option.

We believe that this review is necessary given the way the premise is being managed and would invite the Licensing Committee to take the steps it deems appropriate and proportionate to promote the licensing objectives.

Yours faithfully,



Esther Chan
Licensing Inspector
Regulatory Services



**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

Harrow Police Station
74 Northolt Road
Harrow
HA2 0DN
Tel: 020 8733 4530

Email:

NWMailbox.LicensingBrent@met.police.uk

Web: www.met.police.uk

Date: 4th November 2019

Your ref: 17722

Our ref: QK/643/253NW/19

Police representation to the Premises Licence Review Application for Barril Restaurant & Pizzeria, 159 High Street, Harlesden NW10 4TR

Officer: Damien Smith 253NW
Licensing Sergeant

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 review of the premises licence under section 51 of the act.

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

The Police representations are concerned with the prevention of public nuisance, public safety and Crime and Disorder.

In August 2018 Brent Council issued/served a noise abatement notice to the Barril Restaurant & Pizzeria at 159 High Street NW10 4TR.

In September 2018 Police were made aware by their partners at the Council that residents had complained about excessive noise and loud music emanating from the premises.

In January 2019 Police were informed via the council that further complaints had been received regarding the premises and in particular in relation to the use of the venue on the 6th January 2019. The Complainant described that the nuisance was both in and outside the venue. On the 6th January Police were called to an assault outside the venue recorded as Crime (190***7/19). There was a mention of an assault outside the premises in the complainant's email thus supporting the complainant's claims.

With the venue coming to the attention of the relevant authorities, on the 17th January 2019 PC Keen from the Brent Police ASB team contacted the Partnership tasking

team (PTT). The PTT are a team that specifically are tasked to areas or individuals of concern deemed problematic.

On 19th January the PTT visited the venue at 2250 Hours and found it was packed, with live music being played and although some patrons were sat at tables there were groups standing in a confined space with little food on show. At one point the head count was a 100 persons at the premises. There was one obvious member of staff who provided his name as Mr Agnaldo Dal Forno. Mr Dal Forno was unable to provide officers a copy of the premises licence, any incident or refusals log and unable to tell officers how many persons were in his venue. It was pointed out to him that the capacity for the premises was 36 which includes any staff or performers. Mr Dal Forno seemed surprised that no more than 36 should be in the venue. He was advised to reduce the numbers to the safe capacity as set and agreed upon on the premises licence. Mr Dal Forno informed officers that the owner was Mr Roshan Wial and he had all the paperwork. As officers left the venue it seemed that more had turned up and sought entry to the venue.

On Sunday 27th January Police attended the venue, this time deliberately earlier in the evening at around 20.19 hours. When they arrived there was live music being played and 37 customers in the premises. Given the previous visit the officers in attendance had no confidence that the manager was or would adhere to the premises licence conditions. A (CPNW) Community Protection Warning Notice was issued there and then (**DJS/3**). This was to stop any Anti sociable behaviour immediately under the Anti-Social Behaviour, Crime & Policing Act (2014). In addition breaches of the premises licence were apparent and Police issued a form 694 (**DJS/1**) to Mr Dal Forno listing the breaches; Condition 7 (Annexe 2) People being served alcohol without food, Condition 8 (Annexe 2) No incident log on premises and Condition 9 (Annexe 2) No copy of the premises licence on display or in the premises.

With the information and evidence of repeat behaviour PC McDonald wrote a formal warning letter to Mr Wial via the Commercial address and addressed to Mr Dal Forno. The letter was sent on the 14th February 2019. Within this letter (**DJS/2**) Police expressed their concerns at the current operation of the business and at how many times the venue had come to the relevant authorities notice. The letter also made reference to how Mr Wial could transfer the Premises licence and DPS if he wanted to.

On Saturday 2nd March 2019 the venue was visited by Council officers and breaches of the licence conditions were identified including the capacity being exceeded. It was clear that the current management had a blatant disregard for Public Safety and were ignoring any advice or warning issued by the relevant authorities.

On 17th March Police received an application and consent form regarding transferring the premises licence from Mr Wial to Mr Dal Forno. It was on each visit that the person working at the venue was Mr Dal Forno. On 23rd March Mr Dal Forno submitted an application to vary the DPS and nominated Mr Marco Paulo Coelho Vasconcelos.

Despite the changes the premises has continued to be subjected to complaints and on Monday 21st October Police were made aware that the Noise Complaint Team at Brent Council had applied for review of the premises licence for Barril restaurant & Pizzeria.

Police have no confidence in the operational procedures in place with this venue. There appears to be a blatant disregard for the Public Nuisance objective and for the conditions as set out on the Premises licence. Police believe the licence should be revoked given the impact it has had with the residents. If the committee do not revoke the licence Police would recommend the maximum suspension in order to provide the management an opportunity to address the concerns raised.

Yours Sincerely,

 253NW.

PS Damien Smith 253NW

Licensing Sergeant Brent, Harrow & Barnet



**METROPOLITAN
POLICE**

27 JAN 19 DJS/1

Book 694

Police Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: Barril Restaurant + Pizzeria REF: (CAD/CRIS etc.)

Address: 159 High Street NW1 6TA

Date: 27/1/19 Time: 2010

Details of person in charge at the relevant time: Nigardo Pardo

DPS ☐ Personal Licence Holder ☐

Summary of alleged offences identified

- ☐ Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- ☒ Section 57 (7) Failure to produce a premises licence or a certified copy.
- ☐ Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- ☐ Section 109 (8) Failure to produce a TEN to a police officer.
- ☐ Section 135 (4) Failure to produce a personal licence to a police officer.
- ☒ Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y ☐ No ☐)
- ☐ Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y ☐ No ☐)
- ☐ Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y ☐ No ☐)
- ☐ Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- ☐ Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- ☐ Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- ☐ Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- ☐ Section 146 (1) Selling alcohol to an individual aged under 18.
- ☐ Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- ☐ Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- ☐ Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

Condition 7 (annex 2) People being served alcohol without Proof
Condition 8 (annex 2) no incident log available (Buss her it).
Condition 9 (annex 2) no copy of licence on display

Issuing officer: R. White Print: White

I acknowledge receipt of this form: (venue) Nigardo Pardo

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

This page is intentionally left blank



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

Mr Agnaldo Santos Dal Forno
Barril
159 High Street
Harlesden
NW10 4TR

DJS / 2

14 FEB 2019

**NW CU – Partnership
Brent Licensing**

South Harrow Police Station
74 Northolt Road
Harrow
HA2 0DN

Telephone: 020 8733 4530

Mobile 07824868710

Email: NWmailbox.licensingbrent.m
et.police.uk

[nicola.mcdonald @met.police.uk](mailto:nicola.mcdonald@met.police.uk)

www.met.police.uk

14/02/2019

Dear Mr Wial

I am writing this letter in response to our meeting at Brent Civic Centre.

I spoke to you about allegations of noise nuisance made to Police, and informed you in more detail of the three visits made to the venue by Police on 18th January, 27th January and 9th February. On all occasions Mr Agnaldo Dalfono was present, he is your business partner. He is a personal licence holder. You indicated that there is a possibility he may take over the business because your other work and family commitments allow you limited time to visit the premise. Ms Chan explained how to go about transferring the premises licence and varying the designated premises supervisor. It might be due to your lack of involvement in the venue that it is coming to Police notice for the wrong reasons.

You explained that since the Police visit to the venue on 9th February an incident book has been purchased, a new CCTV password ordered, a copy of the premises licence on display and persons are only sold alcohol if sitting at a table.

The capacity limit of 36 must not be exceeded anytime.

I must point out that any breaches of the premises Licence amount to an offence under section 136 Licensing Act 2003, namely conducting licensable activities without authority, which carries an unlimited fine and/or up to 6 months imprisonment.

This letter is a written formal warning. The Metropolitan Police as a Responsible Authority under the Licensing Act 2003 reserves the right to initiate a Review of your Premises License and take enforcement action with reference to the commission of offences under the 'Act'

I ask you speak to Mr Dalfono about this letter a copy of which will be sent to him.

Yours sincerely

Nicola McDonald
Licensing Constable 2157NW

This page is intentionally left blank

DJS/3

**METROPOLITAN
POLICE****TOTAL POLICING**

Form 122

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PART 4, CHAPTER 1 - COMMUNITY PROTECTION NOTICE****WRITTEN WARNING**

I am satisfied on reasonable grounds that the conduct of:

Name: Roshan Wial**Date of Birth:****Address:** Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR**Business
Name:** Barril Restaurant & Pizzeria**Organisation:**

Is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and the conduct is unreasonable.

The nature of the conduct is as follows:

In June 2018 Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR was written to by Brent Council Environmental Health Officer, informing you that an application to review your premises would be applied for at a licensing committee hearing due to complaints regarding the venue. In August 2018, due to excessive noise issues coming from Barril Restaurant & Pizzeria, you were issued with a noise abatement notice from Brent Council Environmental Health Officer. In September 2018, further complaints of loud music and noisy behaviour at noise sensitive times were received by Brent Council. Brent Noise team received further complaints on the 6th January 2019, regarding loud music playing at 03.30am and drunk people shouting, which woke residents. On Sunday 6th January 2019 at approximately 0155 hours a report of a fight between persons coming from inside the premises and occurring outside the premises was reported to Police. Police officers attended and an incident of grievous bodily harm that had originated from the Barril restaurant premises had occurred.

As the premises of Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR is having a detrimental effect and is impacting negatively on the local community and its residents, you are to abide by the following conditions, most of which have also previously been agreed to in your premises licence, police reference number 1190128 (Premises licence attached to CPN written warning):

- Not to have more than 36 people permitted on the premises, this is including staff and performers.
- To abide by the closing times stipulated in the premises licence, police reference number 1190128
- To ensure music levels, both live music and recorded music, is kept to a level that does not impact on the quality of life of local residents and that the music is played at times, only stipulated in the premises licence.
- To make all efforts to prevent customers from congregating outside of the premises, after the premises has closed.

NOT PROTECTIVELY MARKED

The conduct you have displayed, or are responsible for, must stop otherwise you will be liable to be issued with a Community Protection Notice.

You have until – Date: 27.1.19 Time: 2019 – to ensure the offending conduct stops in order to prevent a Community Protection Notice being issued to you.

If you are issued with a Community Protection Notice and fail to comply with its requirements you will commit an offence for which you will be liable on summary conviction –

(a) to a fine not exceeding level 4 on the standard scale, in the case of an individual;

(b) to a fine not exceeding £20,000, in the case of a body.

If you fail to comply with the terms of the Community Protection Notice, the Court may order remedial works to be carried out to address the detrimental effect caused by your conduct, and for which you may be liable to any costs.

Officer Issuing		Person issued warning	
Name:	PC Norwood 1768NW	Name:	Roshan Wial
Signed:	<u>PC 1768NW</u>	Signed:	<u>N/A</u>
Date:	27.01.2019	Date:	27.01.2019

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Sergeant Damien Smith 253NW

Age if under 18: over 18

(if over 18 insert 'over 18') Occupation: Police Officer

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

Witness Signature: Damien Smith 253NW Date: 17/11/19

On Saturday the 16th November 2019 I was on duty in plain clothes conducting Licensing visits and ASB patrols. I was accompanied by PC Cambeiro 2151NW and PC Fanovich 2392NW also in plain clothes. At around 8.20 PM we visited a premises at 159 High Street NW10 named 'Barril'. This venue has been subject to a review hearing (5/12/19 at Brent Civic Centre) based on repeat breaches of the licence conditions. This statement has been recorded while the events are fresh in my mind.

Upon arrival it was evident that there were more than 36 persons in the premises and there were people sat at tables with alcohol but no food. Barril advertises itself as a restaurant/pizzeria. From outside my colleagues carried out a rough head count and reached 50 as a male arrived to go into the premises. Once the main door was opened it was so loud and the hall way acted as a large speaker with the noise emanating onto the High street. I have visited the venue previously and familiar with the Husband and Wife that run it. Accompanied by my colleagues I made my way to the rear of the premises to the bar area. Mr Agnaldo Dalforno recognised me and came out from around the bar area to talk to me. The noise was unbearable with one male taking it upon himself to keep shouting out as he walked out of the toilets. I observed a male standing at the bar with a pint and requested this to be filmed as evidence to the fact he wasn't eating food with his alcohol. That said not many of the tables had food on them and it was predominantly alcohol. If I didn't know the setup I would describe the usage as a bar. Equipped with a current copy of the premises licence I was asked by Mr Dalforno "How are you?" I replied "Not very happy in truth, as there are clearly more than 36 people in here." Mr Dalforno appeared nervous and I asked him "How do you know how many people are in here tonight?" He told me there were 35 people in the venue and I believe I remarked that his 'maths' was not very good. I pointed out that he was in breach of his licence conditions and the fact there were clearly more than the permitted 36 persons including staff and this had to be addressed. This was a safety concern alone let alone a further breach. I directed Mr Dalforno to request some of the persons present to leave. He spoke in Portuguese to the patrons and told them some would have to go. My Colleague PC Cambeiro speaks Portuguese and he explained to me what was being said. I was somewhat surprised to hear that although people were asked to leave it appeared they were asked to leave for a short while until the Police left. PC Cambeiro will submit a supporting statement documenting the conversation. At 8.28 PM approximately 20-25 people left the building. Ironically as they were exiting the building more turned up seeking entry to the venue.

I explained to Mr DALFORNO that the visit was being recorded on PC Cambeiro's body worn camera like I did on my last visit. I explained I was now in a position to conduct a compliance check. I asked him to show me the CCTV in working order. He invited me around to the other side of the bar area and he stood on a barrel to reach the recorder and screen. He could not rewind the footage and could not single out the camera at the front door as per his conditions on his licence. Throughout the visit Mr DALFORNO appeared nervous. I believe he knew he was continuing to operate his premises without any regard or understanding to the seriousness of his persistent breaches of the annexe 2 conditions.

While behind the counter I noticed a series of electrical extension leads as trip hazards and uneven floor surfaces. I requested that these be captured on body worn camera and shared with the Local authority based on it appearing unsafe. While trying to operate the CCTV I asked Mr DALFORNO if he had the incident log detailing any incidents or refusals. He was unable to operate the CCTV or provide me with any incident book. I asked my colleague PC Cambeiro to utilise his linguistic skills and speak explain to Mr DALFORNO what we

Witness Signature: Damien Smith 253NW

Signature Witnessed by Signature:

Page 1 of 2

Continuation of Statement of:

heard earlier about people waiting a while before coming back once Police left. PC Cambeiro started speaking in Portuguese and I saw a realisation on Mr DALFORNO's face that everything he had said to the customers had been fully understood despite being said in Portuguese. I am convinced he did not expect that and resigned himself to being caught out.

Outside the venue the 20-25 people that had left were still loitering approximately 15 – 20 feet away as if waiting for us to leave and then walk back inside. All 3 officers remained outside observing the groups and while there more people turned up on foot and by car to attend the venue. Mr DALFORNO came outside and looked around he saw us and went back inside. All 3 officers crossed the road and sat in an unmarked police car. Mr DALFORNO came out from the premises and dropped down his shutter to the front of the building. This shutter still had an opening for the main door. Despite there being people in the venue they were now sat there with the shutter down.

I was aware the Council Licencing Inspectors were conducting visits elsewhere in Brent and informed them of my visit and the breaches witnessed. I was not confident that Mr DALFORNO would comply with his conditions and not through want of trying was convinced he would plead ignorant to my direction of operating within his licence condition's to remain aligned to the licensing objectives.

At approximately 8.47 PM we left the location to go to another licensed venue further along the High Street. Following the conclusion of that visit we drove to Willesden and carried out a compliance check at a premise there. This was scheduled to be our last visit but I wanted to see if 'Barril' had took on board the seriousness of the breaches and we drove past the premises. At 10.44 PM we parked opposite the venue and it was livelier than the earlier visit with more than 36 persons inside. People were also smoking outside and being noisy. PC Cambeiro and PC Fanovich went to the front of the premises to capture evidence on the body worn camera of this second visit. While outside Mrs DALFORNO came out and explained there was a private party now and didn't think that she had to keep or maintain the numbers to 36. PC Cambeiro communicated with her in Portuguese. He asked her to get Mr DALFORNO to come and speak to Police. She informed PC Cambeiro he wasn't feeling well and he never came out. I believe he realised we had come back and had no excuse to offer or provide as to why yet again he was operating with a blatant disregard to the Licensing objectives.

On the 4th November 2019 I provided representations to the Local authority in relation to this premises being taken to a review hearing. This statement refers to a visit conducted while Mr DALFORNO knew full well that he was to appear at a hearing on the 5th December. Ordinarily I would have expected anyone to step up their standards in this circumstance. It suggests Mr DALFORNO has given up or doesn't care about the matter anymore. He did indicate he was moving to a new premises soon. I will visit this venue again prior to the hearing and record my findings with a view to share with the relevant, responsible authorities.

PS Damien Smith 253NW

Damen Smith 253NW

Witness Signature: *Damen Smith 253NW*

Signature Witnessed by Signature:

12-11-19

This person currently runs a business called Barril [REDACTED]. The council has been called there many times for different complains and disturbance to the neighbourhood. Different violence has erupted from his premises. The council will add to the problems of the neighbourhood by granting him another license especially until 3am on weekends. On the contrary his license should be reduced or cut off. Not grant him another reason to disturb the neighbours the more.

This page is intentionally left blank



Planning, Transportation & Licensing
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

TEL: 020 8937 5359
EMAIL: business.licence@brent.gov.uk
WEB: www.brent.gov.uk

London Borough of Brent Premises Licence

Part A

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

Original grant date: 31 December 2012
Current issue date: 09 April 2019

.....*AKTCC: Chaudhury*.....
Authorised signatory

Premises licence number: 1190128

Part 1 – premises details

Postal address of premises, or if none, ordinance survey map reference or description

**Barril
159 High Street, London, Brent, NW10 4TR**

Where the licence is time limited the dates

Licensable activities authorised by the licence

Section Live Music:
Section Recorded Music:
Section I: Provision of Late Night Refreshments:
Section J: Sale or Supply of Alcohol:(On and off the premises)

The times the licence authorises the carrying out of licensable activities

Section Live Music:

Day	Start Time	End Time
Monday	06:00	02:30
Tuesday	06:00	02:30
Wednesday	06:00	02:30
Thursday	06:00	02:30
Friday	06:00	02:30
Saturday	06:00	02:30
Sunday	09:00	01:30

Section Recorded Music:

Day	Start Time	End Time
Monday	06:00	02:30
Tuesday	06:00	02:30
Wednesday	06:00	02:30
Thursday	06:00	02:30
Friday	06:00	02:30
Saturday	06:00	02:30
Sunday	09:00	01:30

Section I: Provision of Late Night Refreshments:

Day	Start Time	End Time
Monday	23:00	02:30
Tuesday	23:00	02:30
Wednesday	23:00	02:30
Thursday	23:00	02:30
Friday	23:00	02:30
Saturday	23:00	02:30
Sunday	23:00	01:30

Section J: Sale or Supply of Alcohol:(For consumption on and off the premises)

Day	Start Time	End Time
Monday	06:00	02:30
Tuesday	06:00	02:30
Wednesday	06:00	02:30
Thursday	06:00	02:30
Friday	06:00	02:30
Saturday	06:00	02:30
Sunday	09:00	01:30

The opening hours of the premises

Day	Start Time	End Time
Monday	06:00	03:00
Tuesday	06:00	03:00
Wednesday	06:00	03:00
Thursday	06:00	03:00
Friday	06:00	03:00
Saturday	06:00	03:00
Sunday	06:00	02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

For consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence

Agnaldo Dal Forno

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Marco Vasconcelos

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number:

Issuing authority:

Annex 1 – Mandatory conditions

No Irresponsible Drinks Promotions

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or

participate in any irresponsible promotions in relation to the premises.

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

1. (a) games or other activities which require or encourage,

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

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

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

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

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

Free Water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

Small Measures to be Available

The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

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

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

Minimum Price of Alcohol

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

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

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

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

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

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

(e)—value added tax^{ll} means value added tax charged in accordance with the Value Added Tax Act 1994.

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

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (—the first day^{ll}) would be different from the permitted price on the next day (—the second day^{ll}) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Requirement for a DPS

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

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

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

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

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

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

a) premises where the premises licence authorises plays or films

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

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

Film Classification When required

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

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

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority

under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the operating schedule

- 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 licensing officers if requested.
- 2 A CCTV shall be installed to cover the front entrance of the premises.
- 3 Customers will not take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority
- 4 The maximum number of persons permitted on the premises shall not exceed 36 persons including staff.
- 5 A "Challenge 21" policy shall be adopted and adhered to.
- 6 Alcohol shall only be provided as an accompaniment to a meal.
- 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) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) 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 Use of the outside courtyard area shall cease at 2100 hours.
- 10 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.
- 11 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).

Notting Hill Carnival weekend

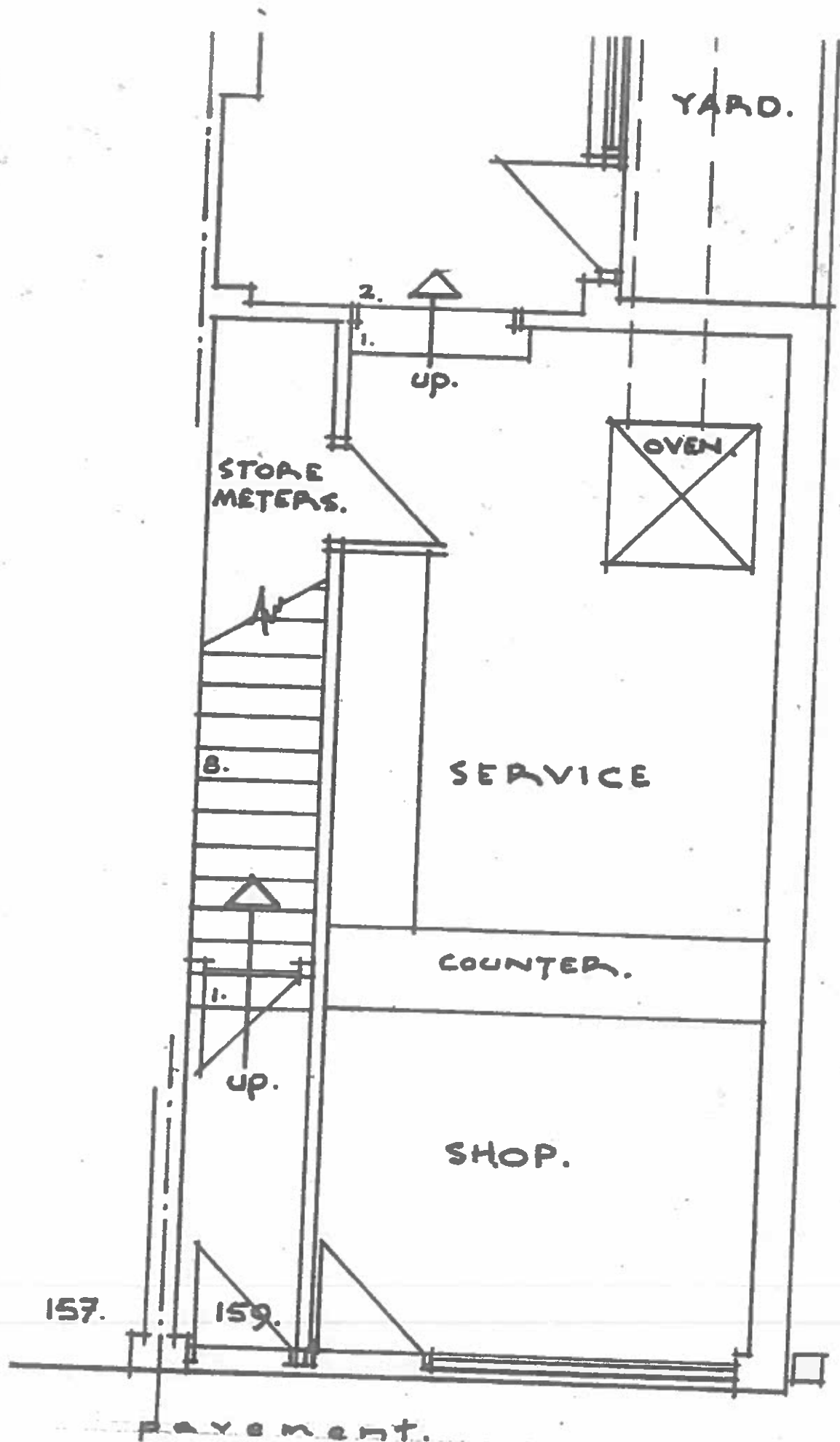
13 Customers shall not be allowed to congregate outside the premises.

14 No external seating to be available for customers on either Sunday or Monday of August bank holiday weekend

Annex 3 – Conditions attached after a hearing by the licensing authority

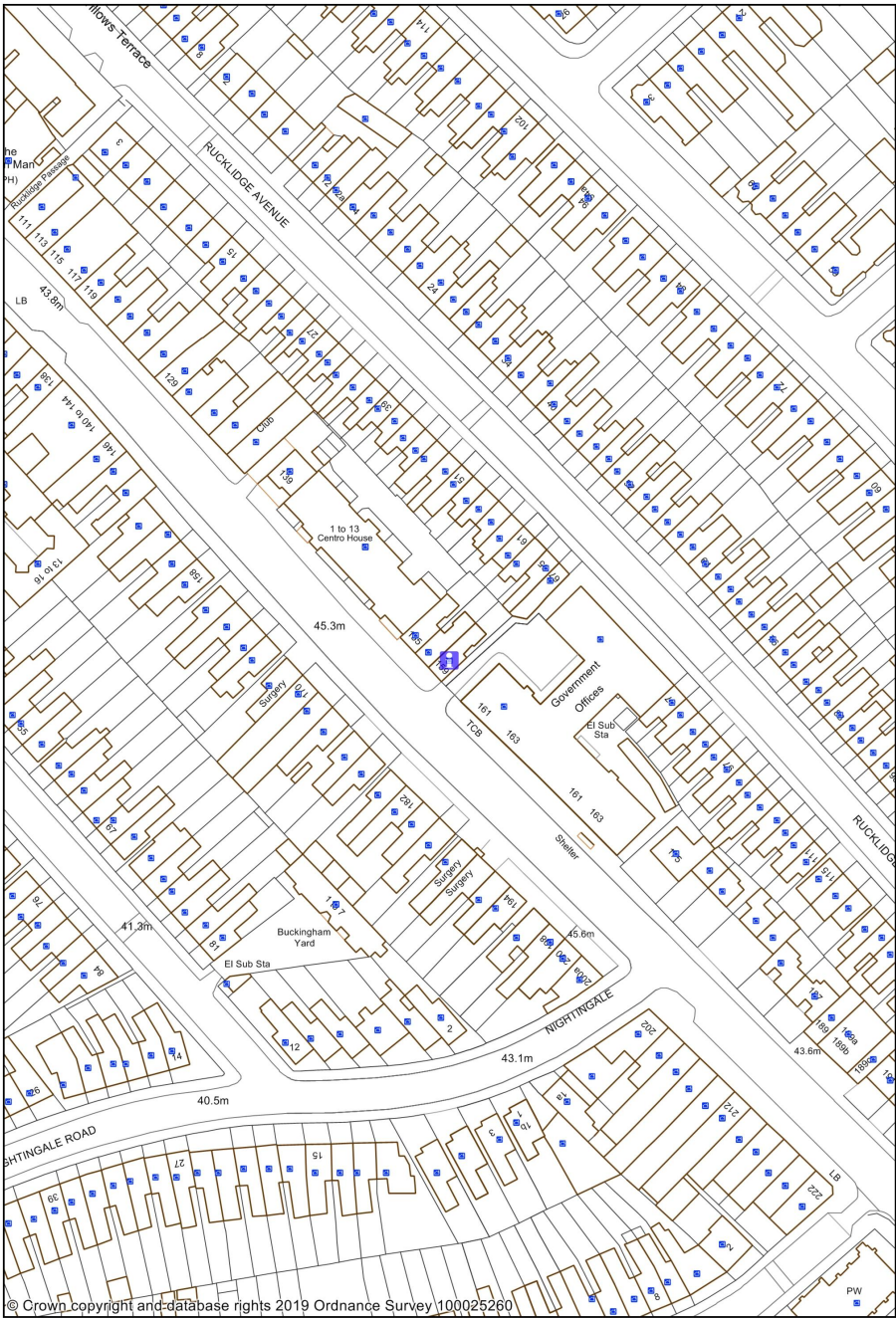
Annex 4 – Plans

See attached



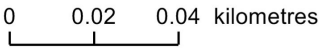
RIGHT

Baril 159 High Street NW10 4TR



© Crown copyright and database rights 2019 Ordnance Survey 100025260

1:1250



This page is intentionally left blank

LICENSING ACT 2003

Application for a Variation to a Premises Licence

1. The Application

Name of Applicant:	Keseven Prathipkumar
Name & Address of Premises:	Taste of Ceylon, 32 Ealing Road, Wembley, HA0 4TL
Applicants Agent:	Licensing Services Agency – Debra Sylvester

The application is to vary the licence as follows:

1. Change of premises layout

Removal of condition 9 – to allow the rear of the premises to be used for the consumption of alcohol without the purchase of food if customers require (no vertical drinking)

Change of name from Zanzibar Corner to Taste of Ceylon

2. Background

None

3. Promotion of the Licensing Objectives

See page 16 of the application.

4. Relevant Representations

Representations remain outstanding from Licensing Authority, Police and Public Safety 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 Representation
- C. Police Representation
- D. Public Safety Representation
- E. Current Licence
- F. OS Map

Application to vary a premises licence 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/We Kaseven Prathipkumar

(insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
223662712

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Taste of Ceylon
32 Baling Road

Post town	Wembley	Postcode	HA0 4TL
-----------	---------	----------	---------

Telephone number at premises (if any)	0208 091 8964
---------------------------------------	---------------

Non-domestic rateable value of premises	£32750
-----------------------------------------	--------

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town	London	Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Change of premises layout (see new plan)

Removal of condition 9 to allow the rear of the premises to be used for the consumption of alcohol without the purchase of food if customers require (no vertical drinking)

Change of name from Zanzibar Corner to Taste of Ceylon

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- 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) ☐

Supply of alcohol (if ticking yes, fill in box J) x

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	<input checked="" type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) None.			
Mon	10:00	02:00				
Tue	10:00	02:00				
Wed	10:00	02:00				
Thur	10:00	02:00				
			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 (please read guidance note 7) None			
Fri	10:00	02:00				
Sat	10:00	02:00				
Sun	10:00	02:00				

K

<p>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 10).</p> <p>None except for the sale of alcohol</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) None
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) None
Mon	06:00	02:00	
Tue	06:00	02:00	
Wed	06:00	02:00	
Thur	06:00	02:00	
Fri	06:00	02:00	
Sat	06:00	02:00	
Sun	06:00	02:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 9

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

x

☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All conditions currently on the existing licence

b) The prevention of crime and disorder

All conditions currently on the existing licence

c) Public safety

All conditions currently on the existing licence

d) The prevention of public nuisance

All conditions currently on the existing licence

e) The protection of children from harm

All conditions currently on the existing licence

Checklist:

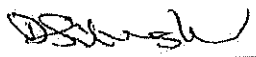
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or x
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I understand that I must now advertise my application. x
- I have enclosed the premises licence or relevant part of it or explanation. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

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.

Part 5 – Signatures (please read guidance note 12)

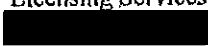




Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

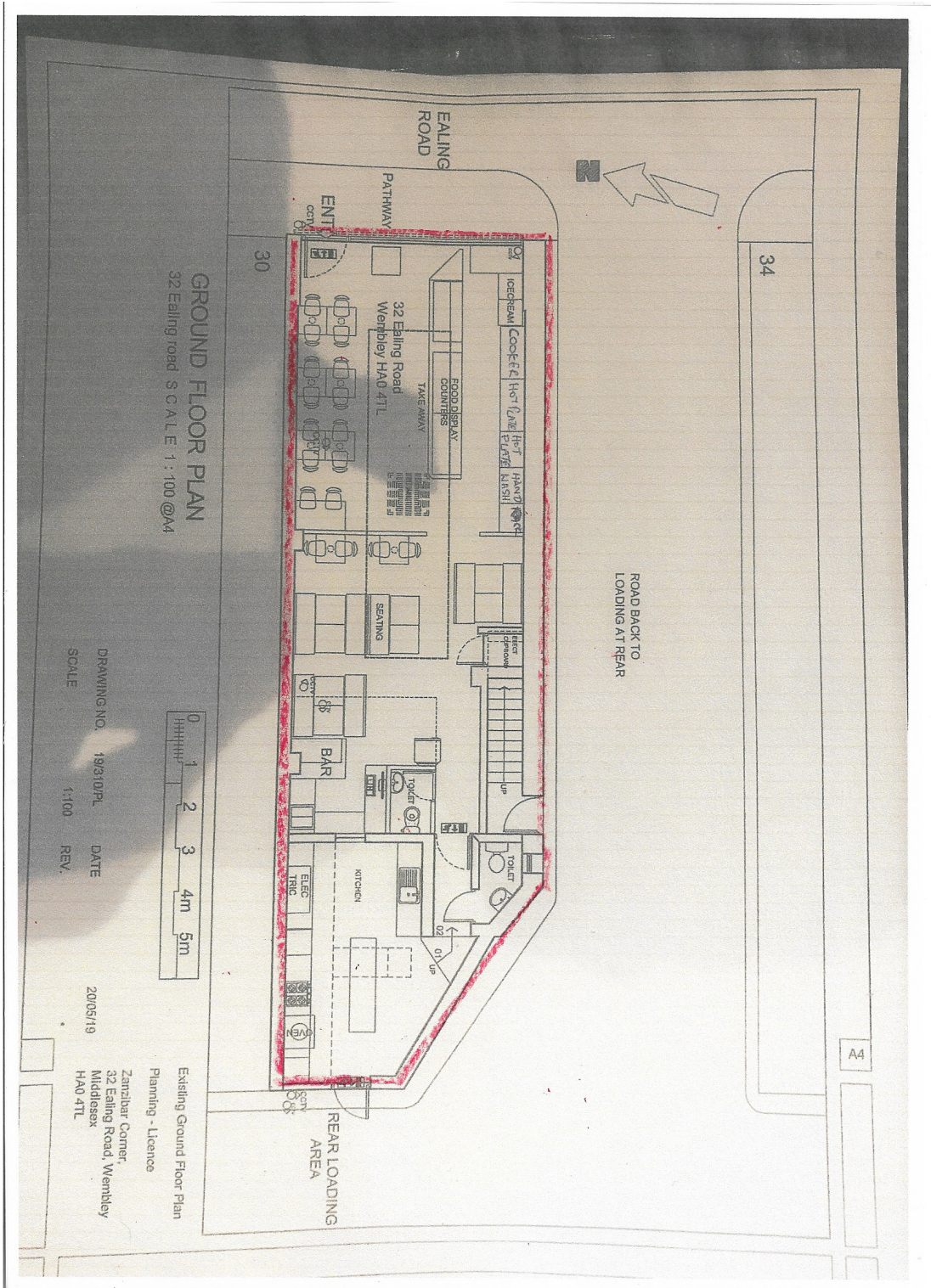
Signature	
Date	12.9.2019
Capacity	Agent

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)
Licensing Services Agency

	
Post town	
Post code	
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	
	



This page is intentionally left blank

Taste of Ceylon
32 Ealing Road
Wembley
HA0 4TL

16 September 2019

**Licensing Representation to the Application for a new Premises Licence for Taste of Ceylon,
32 Ealing Road, Wembley, HA0 4TL**

I certify that I have considered the application shown above and I wish to make a representation.

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 variation to an existing premises licence under section 34 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.

Plan

Unfortunately the plan does not reflect what I visibly saw when I visited the premises. The section on the plan labelled 'icecream', also consisted of a full hob which indicates that the front is also used as a kitchen. This will need to be labelled on the plan if this is the case.

Business Ownership

During my inspection I spoke with a male, who stated he is the owner of the business at the front of the premises. He was quite clear that his business is completely separate to the bar area located in the middle section of the plan layout. The patrons for this application would therefore be walking through another business in order to get to the bar area. Can you clarify.

Further Information

- The application suggests that the applicant is applying for supply of alcohol until 02.00hrs but this permission already exists on the premises licence. Please clarify.

- There is currently no difference in time between the end of licensable activities and the closing of the premises. The Licensing Authority would require a 30 minute period between both.
- The application requests: - 'Removal of condition 9 to allow the rear of the premises to be used for the consumption of alcohol without the purchase of food if customers require (no vertical drinking)'. Condition 9 currently states 'The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal'. Are you stating the premises will mainly be used as a bar now and not a restaurant? When you state 'no vertical drinking', are you stating that there will be no vertical drinking or you are asking for the premises to have vertical drinking?
- Condition 8 of the premises states 'Substantial food and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided'. Who will provide food for the business? What substantial food will be provided? Will this food be provided throughout all of the licensable hours?
- By removing condition 9 in relation to vertical drinking there is no indication in the application as to what the business is being changed to. Section M of the application simply asks that the current conditions on the premises licence be applied. Please clarify. The plan however does not reflect that the business is separate as it includes the area at the front and the kitchen at the rear of the premises where licensable activities will take place.
- Condition 12 states 'An acoustic lobby shall be installed to the front door to facilitate the ingress and egress of patrons when regulated entertainment is in operation'. I also note that during the initial application for a premises licence, you wrote to the noise team to state that Mr Marshall will not be carrying out any regulated entertainment, but should he, a lobbied entrance would be installed. Is this still the case? Should it still be the case and Mr Marshall then decides to have regulated entertainment, he would need to add the lobbied entrance and make a minor variation application to update the plan.

Summary

At this point I am unable to make an informed decision on this application and will therefore have to refuse it on this basis. I will need further information from the applicant in order to consider this application any further.

Yours sincerely



Susana Figueiredo
Licensing Inspector
Regulatory Services

Taste of Ceylon
32 Ealing Road
Wembley
HA0 4TL

4 October 2019

Licensing Representation to the Application for a new Premises Licence for Taste of Ceylon, 32 Ealing Road, Wembley, HA0 4TL

I certify that I have considered the application shown above and I wish to make a representation.

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 variation to an existing premises licence under section 34 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.

Plan

Thank you for the updated plan, this has been submitted to the business licence team.

Inspection One

I originally visited the premises on Thursday 12th September 2019. As you are aware during my inspection I spoke with a male, who stated he is the owner of the business in the front section of the premises (This is the area separated by a stud wall). He was quite clear that his business is completely separate to the bar area located in the middle section of the plan layout.

Inspection Two

I carried out a further inspection on Tuesday 1st October 2019. During this inspection I met with the licence holder Mr Kseven Prathupkumar and his wife. During the inspection I was with my colleague Chris Pearce who asked Mr Prathupkumar a number of questions in relation to: -

- risk assessments
- fire exits
- maintaining a safe premises
- the premises licence

The responses were extremely vague and Mr Prathupkumar demonstrated a lack of knowledge on how to run a business.

I then went on to ask Mr Prathupkumar questions about the premises licence variation application: -

- When asked about the age verification policy, Mr Prathupkumar had no idea what I was talking about. I then explained this literally to which he replied he would check if they were 21. Mr Prathupkumar's wife then laughed and corrected him by saying it should be 18, to which he appeared bemused. I then offered the Challenge 25 policy which is the most current being used.
- I asked what the tills were for. Mr Prathupkumar explained that the one at the front was for taking food payments and then one in the middle section was for taking alcohol payments. When asked why there were two separate tills if it was one business, Mr Prathupkumar stated that this was for account purposes.
- When asked by Mr Pearce why a stud wall is required in the premises separating the front from the middle section where alcohol is consumed, Mr Prathupkumar explained that the males that drink in the establishment need to hide the fact that they are drinking from their families and therefore require an area that is screened off.
- When asked what high strength, beers, lagers and ciders above 6% they sell in the premises, Mr Prathupkumar had no idea what I was asking and responded by saying that they only sell UK beers.
- When asked about the CCTV, Mr Prathupkumar stated that the CCTV was working but that the screen was broken. He stated the CCTV records for 30 days. The current requirement is 31 days, therefore not meeting the current requirement.
- The impression I got from Mr Prathupkumar is that he is not aware of what has been applied for on the variation application form.

Clarified Points

- The application suggests that the applicant is applying for supply of alcohol until 02.00hrs but this permission already exists on the premises licence. – *You have clarified that the premises do not wish to modify the hours on the premises licence.*
- The application requests: - 'Removal of condition 9 to allow the rear of the premises to be used for the consumption of alcohol without the purchase of food if customers require (no vertical drinking)'. Condition 9 currently states 'The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal'. Are you stating the premises will mainly be used as a bar now and not a restaurant? When you state 'no vertical drinking', are you stating that there will be no vertical drinking or you are asking for the premises to have vertical drinking? - *I have understood that your client would like to permit drinking in the middle section without the requirement to eat food.*
- By removing condition 9 in relation to vertical drinking there is no indication in the application as to what the business is being changed to. Section M of the application simply asks that the current conditions on the premises licence be applied. Please clarify. The plan however does not reflect that the business is separate as it includes the area at the front and the kitchen at the rear of the premises where licensable activities will take place. - *You have now clarified that the area at the front will only serve food. The area in the middle will serve alcohol and food if required.*

- Condition 12 states 'An acoustic lobby shall be installed to the front door to facilitate the ingress and egress of patrons when regulated entertainment is in operation'. I also note that during the initial application for a premises licence, you wrote to the noise team to state that Mr Marshall will not be carrying out any regulated entertainment, but should he, a lobbied entrance would be installed. Is this still the case? Should it still be the case and Mr Marshall then decides to have regulated entertainment, he would need to add the lobbied entrance and make a minor variation application to update the plan. – *You have confirmed that a lobby will be added if regulated entertainment is introduced.*

Points that still require clarification

- Condition 8 of the premises states 'Substantial food and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided'. What substantial food will be provided? Will this food be provided throughout all of the licensable hours? - *As per my representation dated 16.09.2019 this has not been clarified.*
- There is currently no difference in time between the end of licensable activities and the closing of the premises. The Licensing Authority would require a 30 minute period between both. - *As per my representation dated 16.09.2019 this has not been clarified.*

Further Issues

Business Ownership

Despite reassurance from the applicants agent that the change from two businesses to one is legitimate, with ownership now being both Mr Prathupkumar and Mr Marshall, I still disagree that this is the case. In terms of business ownership, this would normally have no bearing on how the business is run but the fact that there are potentially two business owners, running two separate businesses with no clear premises separation, using shared services is extremely likely to undermine the licensing objectives.

Current Licence Holder

Although a licence holder does not have to be present at the business, Mr Prathupkumar has chosen to be present on a daily basis throughout the permitted hours together with Mr Marshall who will join him in the evenings.

As it stands, I have no confidence in Mr Prathupkumar running a business which includes a premises licence, specifically that he will be the person responsible at the premises on a daily basis. He appears to have very limited knowledge on what this might entail which would also undermine the licensing objectives.

Moving Forward

- Please demonstrate in the form of a lease or other relevant document that there is solely one business at the address.
- Please provide me with evidence to the contrary that the premises will be able to uphold the licensing objectives. I have no confidence in Mr Prathupkumar.

At this point, I am unable to make an informed decision on this application and will therefore have to refuse it on this basis. I will need further information from the applicant in order to consider this application any further.

Yours sincerely



Susana Figueiredo
Licensing Inspector
Regulatory Services

From: Figueiredo, Susana
Sent: 16 September 2019 10:53
To: licensingservicesagency
Subject: CONSULT: Variation - Ceylon, 32 Ealing Road, HA0 4TL - 17360

Dear Debra,

Thank you for your email.

The person that owns the business at the front, confirmed that he sublets the front area from the owner. He stated it is two separate businesses.

I look forward to hearing from you soon.

Kind regards

Susana Figueiredo
Licensing Enforcement Officer

From: [licensingservicesagency](#)
Sent: 16 September 2019 10:49
To: Figueiredo, Susana <Susana.Figueiredo@brent.gov.uk>
Subject: Re: CONSULT: Variation - Ceylon, 32 Ealing Road, HA0 4TL - 17360

Dear Ms Figueiredo

Thank you for your email. I am clarifying matters with the applicant and will get back to you as soon as possible. As far as the rear part of the restaurant is concerned only that area will be used for people wishing to drink but not consume food, but it will not be turned into a bar. Some people will still be eating in that area but some may choose not to eat as well as drink. There will be no vertical drinking as this is a seated area like the front section of the restaurant. As far as I am aware the whole of the premises is owned by one person but I need to clarify this.

I will respond again as soon as I can.

Kind regards

Debra Silvester

This page is intentionally left blank

From: Gary.L.R.Norton@met.police.uk <Gary.L.R.Norton@met.police.uk>

Sent: 10 October 2019 20:36

To: Business Licence <business.licence@brent.gov.uk>

Cc: Patel, Yogini <Yogini.Patel@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>; Paul.Scott9@met.police.uk; Figueiredo, Susana <Susana.Figueiredo@brent.gov.uk>; Prathip; licensingservicesagency@ntlworld.com

Subject: Taste of Ceylon - Police Reps by 2965NW Final

Dear All,

Please find enclosed an update to the Metropolitan Police Service position to this Variation to a Premises Licence application. This supersedes the initial representations assessment of the venue, following a closer examination of the four recent visits carried out at the premises.

The representations are in prior to the deadline. I am happy to discuss further with the licensing agent if they feel there is anything they wish to clarify, but I will be out of the office until 14th October 2019. Alternatively, please send an e-mail and I will respond on my return.

Kind Regards,

PC Gary Norton 2965NW
Barnet/Brent/Harrow Licensing
NorthWest Partnership & Prevention

This page is intentionally left blank



**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: 17360

Our ref: 01QK/535/19/2965

**Brent Borough Licensing
NW CU**

*South Harrow Police Station
74 Northolt Road
South Harrow
HA2 0DN*

Tel: 020 8733 5008

Email: Gary.L.R.Norton@met.police.uk

Web: www.met.police.uk

Date: 10/10/2019

Police representation to the premises licence variation application for 'Taste of Ceylon', 32, Ealing Road, Wembley, HA0 4TL.

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 licensing objectives are too high to accept the premises licence variations.

Officer: Gary Norton 2965NW 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 Licensing Act 2003.

The application has been made to vary the premises licence under section 34 of the act.

The Police representations are concerned with all four licensing objectives: preventing crime and disorder, public safety, prevent public disorder and protecting children from harm.

This application asks to remove condition 9 of the licence. This is currently worded as such:

The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.

The proposed variation is for the following:

To allow the rear of the premises to be used for the consumption of alcohol without the purchase of food if customers require (no vertical drinking).

A Brent Council Licensing officer informed me of their concerns over the applicant's business practices and non-compliance with existing premises licence. The Council themselves had made two separate visits in the past few weeks regarding the issues they had raised.

Firstly, it would appear that there are two businesses attempting to operate under one premises licence. The newly formed partnership/agreement appears to be between the previous owner of the premises when it was called "Zanzi Bar Corner", a Mr Rajasingam Marshall and his new associate, Mr Keseven Prathipkumar. Zanzi Bar Corner Ltd. company was dissolved some time ago. Prior to this occurring, an application was accepted to transfer the premises licence to Mr Keseven Prathipkumar.

Aside from the lack of clarity of how the business is structured, there are many issues revolving around the licensable activities and non-compliance with existing conditions. These concerns suggest a complete lack of appreciation and understanding by the applicant and impacts on the Police original opinion over the premises licence variation application. My colleague, PC Paul Scott, had attended the venue when assessing the application and had concerns over staff training and also found similar issues and breaches of their existing licence conditions to the Council. No effort appears to have been made to resolve these existing issues despite 3 previous visits by various Licensing officials.

PC Scott had generously offered to accept condition "9" being taken off the licence but requested another unrelated condition regarding training be added. The applicant agreed.

However, following my unannounced licensing visit to the premises in the early evening of Wednesday 9th October 2019, **I have no choice but to oppose the application and revoke the previous representations agreement.** This is based upon the shortfall in understanding and operation of the premises in relation to its licensing conditions, as set out in detail below. There is no awareness shown by the applicant or staff that they follow their licensing conditions. The visit was made in the company of PC Fanovich and recorded on Body Worn Video.

The restaurant was open to serve to the public when we entered. The seating area in the front of the shop, separated by new wall partition divider to a different area, had prepared Asian food behind a serving counter. It was rather like a school canteen food display. There was also a till machine behind the counter, but access to it was blocked by a worker's tools. A Strong smell of burning and fumes were in the air, believed caused by the drilling and cutting work being conducted behind the counter by the worker. Fumes and particles were free to dispel into the air and into the food and surrounding area.

The middle area or "room" behind the partition had around 10 males, sat casually around a number of separate tables, but all talking amongst themselves in Sri Lankan. Mr Marshal stated they were builders, not working at his venue, but had come in for something to eat. Most of those present had several empty tins of beer in front of them, as well as the fresh ones they were drinking. Most drank directly from beer cans and there was no cutlery set on any table in the restaurant. There was no presence of any food, cooked or otherwise and no one cooking food for them. The males sat drinking like in a bar, did not even have nibbles, let alone meals as per license requirements.

Mr Marshal quickly went into the kitchen at the rear and said he was making them something to eat. None of the cooking appliances were switched on cooking food. He pointed to a medium sized frying pan with a few ladles worth of a rich red thin curry type sauce. I touched the side of the pan as it didn't look like it had been cooking recently. It was luke warm. He was asked how he was going to feed all the males with such a small portion

of the sauce, which didn't seem to have more than two or three pieces of food (meat or vegetable). He pointed to another large container of what looked predominantly like rice in a large metal container. The top of the rice appeared to be dark and dried, akin to being left for some time. I touched the container and found it was also a tepid temperature. Mr Marshal nervously stated that it was Biryani and just might need topping up with the sauce if wanted, but the cooking saucepans and containers temperature suggested otherwise. I suspected he knew he did not have a licence to serve alcohol without a meal and was trying to make excuses. Given most of the males sat outside had already drunk a number of tins of beers; he was asked how none of the males had yet received any food to eat. Again, he nervously reiterated he was about to serve the food before we arrived.

The latest licence states the DPS is Keseven Prathupkumar and he was the applicant for the variation in premises licence. However, when I asked him, Mr Marshal stated he was the DPS, as he had previously to PC Scott.

I referred to the premises licence conditions during the licensing visit, checking to see if there had been any improvements in their practices since the last three visits. These were my findings.

List of Premises Licence Conditions Breached

1. CCTV installed according to Home Office standards and maintained in good working condition. And recordings shall be kept for 31 days and made available to police and authorised officers of Brent Council. This must comply with the Data Protection Act including signage.

Despite previous advice received in recent weeks, from three separate visits, the CCTV is still not working, a connecting cable was missing and there is no recording of any footage at present. Brent Council stated during their visit that the CCTV viewing screen did not work, but the hard drive was recording for 30 days. This is not the case; it is not working at all.

2. The CCTV system will be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.

As the hard drive isn't connected to the cameras, nothing is being recorded.

3. A Challenge "25" policy shall be adopted and adhered to.

Mr Marshal stated that he wouldn't serve to those below the age of 25, or have allow anyone under the age of 16 yrs old in the restaurant without an adult. The age limit for drinking alcohol is not 25, the Challenge 25 requires you ask for ID if someone looks under 25 and signage should be displayed to support this too. However, there was no sign displayed. Mr Marshal stated he had taken it down due to work being carried out, but could not provide me with the sign existed.

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

Mr Marshal said he had given the original copy back to the council when they applied to vary the premises licence. He had not bothered to retain or make a copy, nor did he seem familiar with any of the conditions. This compounds the breaches of key conditions.

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

(a) All crimes reported to the venue.

(b) All ejections of patrons.

(c) Any complaints received.

(d) Any incidents or disorder.

(e) Any faults in the CCTV system.

(f) Any refusal of the sale of alcohol.

(g) Any visit by a relevant authority or emergency service.

A female member of staff who stated she was Mrs Prathupkumar (the wife of the actual DPS) looked through a pile of folders but had no idea where the incident book was. Nor did Mr Marshal. It was not found during the visit.

6. All alcohol must be kept behind the counter/bar area at times with the exception of alcohol, which has already been purchased/sold/supplied to the public, or alcohol which is in storage rooms on the premises.

There was a large, tall double-doored, glass-fronted fridge positioned out in the seating area of the drinkers. It had lots of beer stored in it, no locks and left unsupervised at times. It was not behind the bar.

9. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.

Despite nervous reassurances to the contrary, no meals were being served with the alcohol and a very large 3ft tall black bin was filled to the brim behind the small bar area with empty beer tins. When Mr Marshall was asked where the customer orders were for the drinks and food, he could not provide them. He said he hadn't recorded them but remembered all the orders. He was asked how could he know if someone had not helped themselves to beer and he said they were all okay and could be trusted. (This leads to the next breach condition 10.) Towards the end of the visit, one of these males finished his drink and left the premises having not eaten any food. No food was served to anyone during the visit, even when Mr Marshal told Mrs Prathupkumar to serve food to some of the drinkers.

10. The supply/sale of alcohol for consumption on the premises shall be by waiter/waitress service only.

One of the drinking customers had gotten up from his table and came back from the fridge with a fresh beer and sat at a different table. With no records of table orders and in this case, no one serving the alcohol, this was clearly a problem of some magnitude in direct conflict with licensing responsibilities. It could lead to customers stealing unattended alcohol, drunkenness and public nuisance.

22. A sign stating "no Proof of age- No Sale" shall be displayed at the point of sale.

There were no such signs displayed at either point of sale.

23. Any staff directly involved in selling alcohol for retail to consumers and managers shall undergo basic training of licencing Act 2003 Legislation. This shall be documented and signed for 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.

There is a folder for training with one blank sheet in it. Therefore, no one appears to have had any training, which is backed up by how the premises business is conducted with regards to licensable activities.

Neither point of sale till machine was in what could be considered working order or accessible. Mr Marshal suggested the two tills ring up the food and alcohol separately, which leads credence to Council concerns that there are two businesses using the one premises. The till nearest the front entrance was blocked off by the male working on the electrics. Mr Marshal said this was a "manual" paper style till machine. He stated the other in the bar area was electric, but not working due to some fault. It was completely shutdown with no working display. The Council were informed that alcohol bills would go through one till and food in the other. This is a very strange arrangement, particularly if you sat down for food and drink, as you would get two bills. The only practical reason to separate the food and drink bills is due to the likelihood of two business running under one licence and rent. Mr Marshal stated the newly built partition across the premises was built to split different types of Sri Lankan customer. He said some want to come and eat in the front and not drink alcohol and don't want to sit next to people who do. However, the reason he gave a few

days before was so that the men could drink inside without their wives seeing them inside the premises. Either way, it does not seem viable that the applicant could maintain a distinction between the two areas given what police witnessed during their visit. Mr Marshal also stated he is never that busy in the evening and by 2100hrs, the place is empty. I asked why he had requested to serve alcohol in the middle area of the premises until 0200hrs if he was empty and often closed by midnight. He said just in case of a party, or something. How would the applicant govern a late night party with the existing (or proposed) licence conditions?

Towards the end of the visit, Mr Marshal was informed that Council records showed Mr Prathupkumar was the DPS. He then contradicted his own comments made on our arrival and agreed the DPS was Mr Prathupkumar.

Mr Marshal and Mr Prathupkumar will need to demonstrate they can run the premises under existing conditions without further issue before Police licensing could consider it supporting changes to their licence. Further clarity over the businesses set-up, as requested by Brent Council, is also a priority.

Yours Sincerely,

PC Gary Norton 2965NW

Barnet/Brent/Harrow Licensing
NorthWest Partnership & Prevention
Tel:07500993899

The boroughs of Brent, Barnet and Harrow merged into the North West Basic Command Unit in November 2018 due to corporate restructuring. The geographical area is known as NW BCU. The service you receive from us will not change, however some recognised details such as email addresses and shoulder numbers will. For more information, visit www.met.police.uk/news/met-announces-changes-to-local-policing-294044.

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

This page is intentionally left blank

From: Pearce, Chris <Chris.Pearce@brent.gov.uk>
Sent: 07 October 2019 10:12
To: licensingservicesagency; Legister, Linda <Linda.Legister@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>
Subject: RE: FW: CONSULT: Variation - Ceylon, 32 Ealing Road, HA0 4TL - 17360

Dear Debra,

Unfortunately I am unable to recommend any contractors but I would recommend looking at the HSE website for information/guidance.

With regards to the conditions, I would need all four to be accepted before I can withdraw my representations.

Kind regards

Mr Chris Pearce
Public Safety Officer

From: licensingservicesagency
Sent: 04 October 2019 16:46
To: Pearce, Chris
Subject: RE: FW: CONSULT: Variation - Ceylon, 32 Ealing Road, HA0 4TL - 17360

Dear Chris

I have been through the conditions with the applicant and conditions 1 and 3 are fine. With regard to condition 2 they do not currently have any live music or DJs but will ensure that if they decide to start providing live music they will ensure that the socket outlets are suitably protected.

With regard to condition 4 the applicant does not know of any risk assessors so if you could advise me of any competent assessor that could do this for them please let me know and I will pass on this information, and then once a risk assessment has been made they will be able to comply with this condition.

Kind regards

Debra Silvester

On 03 October 2019 at 11:31 "Pearce, Chris" <Chris.Pearce@brent.gov.uk> wrote:

Dear Debra Silvester

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.

1. The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
2. Any 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).
3. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
4. A capacity specific risk assessment shall be conducted by a competent risk assessor. This assessment will include holding capacity, exit capacity and the calculations to demonstrate how that was reached, the lower of the two numbers shall be the final capacity. The guidance used to reach this capacity must be quoted. This risk assessment shall be appraised annually or at the time of any building or layout structural works. The Capacity Assessment must be made available to an authorised officer upon request.

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 these conditions to appear on the licence schedule should the licence be granted.

Please let me know if I can assist you further.

Kind regards

Mr Chris Pearce
Public Safety Officer
Regeneration & Environmental Services

London Borough of Brent

Premises Licence

Part A

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

Original grant date: 05 October 2016
Current issue date: 28 September 2019



Authorised signatory

Premises licence number: 223662712

Part 1 – Premises Details

Postal address of premises, or if none, ordinance survey map reference or description

Zanzibar
32 Ealing Road, Wembley, Brent, HA0 4TL

Where the licence is time limited the dates

Licensable activities authorised by the licence

Section E: Live music
Section F: Recorded music
Section I: Provision of late night refreshment: Indoors
Section J: Sale of alcohol: On the premises

The times the licence authorises the carrying out of licensable activities

Section E: Live music

Day	Start Time	End Time
Monday	19:00	01:00
Tuesday	19:00	01:00
Wednesday	19:00	01:00
Thursday	19:00	01:00
Friday	19:00	01:00
Saturday	19:00	01:00
Sunday	19:00	01:00

Occasional performances of live music if required by customers

Section F: Recorded music

Day	Start Time	End Time
Monday	19:00	01:00
Tuesday	19:00	01:00
Wednesday	19:00	01:00
Thursday	19:00	01:00
Friday	19:00	01:00
Saturday	19:00	01:00
Sunday	19:00	01:00

Section I: Provision of Late Night Refreshments:Indoors

Day	Start Time	End Time
Monday	23:00	01:00
Tuesday	23:00	01:00
Wednesday	23:00	01:00
Thursday	23:00	01:00
Friday	23:00	01:00
Saturday	23:00	01:00
Sunday	23:00	01:00

Section J: Sale or Supply of Alcohol: On the premises

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

The opening hours of the premises

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	06:00	02:00
Tuesday	06:00	02:00
Wednesday	06:00	02:00
Thursday	06:00	02:00
Friday	06:00	02:00
Saturday	06:00	02:00
Sunday	06:00	02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence

Keseven Prathupkumar
[REDACTED]
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

[REDACTED]

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Rajasingam Marshal

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number: [REDACTED]

I

Annex 1 – Mandatory conditions

No Irresponsible Drinks Promotions

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

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

1. (a) games or other activities which require or encourage,

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

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

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

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

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

Free Water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

Small Measures to be Available

The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

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

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

Minimum Price of Alcohol

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

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

(a)—duty|| is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b)—permitted price|| is the price found by applying the formula—

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

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c)—relevant person|| means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) —relevant person|| means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)—value added tax|| means value added tax charged in accordance with the Value Added Tax Act 1994.

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

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (—the first day||) would be different from the permitted price on the next day (—the second day||) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Requirement for a DPS

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

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

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

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

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

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

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

Film Classification When required

- (i) The admission of children to the exhibition of any film must be restricted in accordance with the recommendation of the designated film classification body unless section (ii) applies.
- (ii) Where the licensing authority notifies the holder of the licence that this subsection applies the admission of children must be restricted in accordance with any recommendation made by the licensing authority.

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority

under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the operating schedule

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 "Challenge 25" policy shall be adopted and adhered to.

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

5 An incident log shall be kept at the premises, and made available for

inspection on request to an authorised officer of Brent Council or the Police, which will record the following:

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

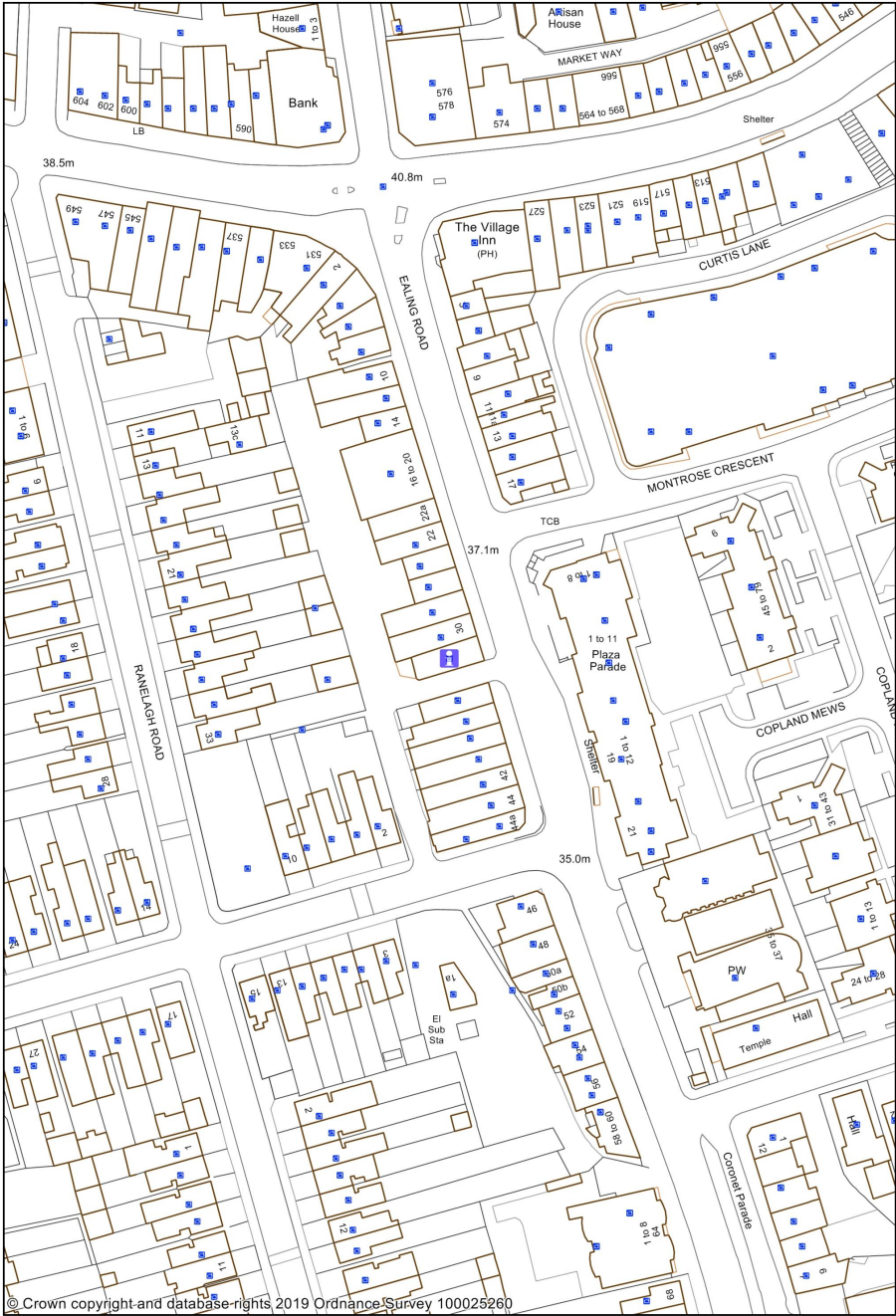
- 6 All alcohol must be kept behind the counter/bar area at all times with the exception of alcohol which has already been purchased/sold/supplied to the public or alcohol which is in storage rooms on the premises.
- 7 No alcohol shall be sold for consumption off the premises
- 8 Substantial food and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided.
- 9 The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
- 10 The supply/sale of alcohol for consumption on the premises shall be by waiter/waitress service only.
- 11 Customers will not take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority (Annexe four of the premises licence).
- 12 An acoustic lobby shall be installed to the front door to facilitate the ingress and egress of patrons when regulated entertainment is in operation.
- 13 Amplified Sound (Live Music or Pre Recorded Music) on the premises shall be played at such a level so as not to cause nuisance to any unassociated noise sensitive premises.
- 14 If justified noise complaints are received by the Council, the Premises Licence Holder shall be required to install a sound limiting device to control the levels of amplified sound on the premises. This device shall be:
- (i) approved by the Council's Nuisance Control Section
 - (ii) installed by the Premises Licence Holder or responsible person
 - (iii) Set to a level agreed by the Council's Nuisance Control Section
 - (iv) maintained by the Premises Licence Holder or responsible person for the duration of its use.
- 15 The designated smoking area (DSA) shall be located at the alleyway to the side of the premises; it shall be supervised by staff or approved security personnel to ensure that no more than 8 people utilize this area at any one time.
- 16 Rehang the door to the proposed staff toilet so that it does not open outwards into the corridor and cause an accident.
- 17 Rehang the door to the disabled toilet so that it does not open outwards into the corridor and cause an accident.
- 18 Ensure that the ceramic floor tiles are provided with a slip resistant surface.
- 19 Provide highlighted and clearly visible nosings to the stairs leading from the passageway to the kitchen to prevent trips and falls to staff. Provide adequate lighting to this area.
- 20 Reduce the height of the risers to the stairs leading from the passageway to the kitchen to between 150mm and 170mm, so as to prevent accidents.
- 21 Door supervisors shall be employed from 21:00 hours to close of premises on all days when live music is being played.
- 22 A sign stating "No proof of age - No sale" shall be displayed at the point of sale.
- 23 Any staff directly involved in selling alcohol for retail to consumers and managers shall undergo basic training of Licensing Act 2003 legislation. This shall be documented and signed for 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.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

See attached

Ceylon 32 Ealing Road Wembley



1:1250

0 0.02 0.04 kilometres



This page is intentionally left blank

LICENSING ACT 2003

Application for New Premises Licence

1. The Application

Name of Applicant:	The Axe Throwing Company Limited
Name & Address of Premises:	Bad Axe Throwing, Units 32-33 Boxpark, Wembley
Applicants Agent:	Gregg Latchams Solicitors

The application is for a new premises licence:

- 1 For regulated entertainment and sale & supply of alcohol from 10:00hrs to 23:00hrs Monday to Sunday
Late Night Refreshment from 23:00hrs to 23:30hrs Monday to Sunday
To remain open from 07:00hrs to 23:30hrs Monday to Sunday

2. Background

None

3. Promotion of the Licensing Objectives

See separate page of conditions.

4. Relevant Representations

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

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. Police Representation
- C. Public Safety Representation
- D. Licensing Representation & withdrawal
- H. OS Map

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/We The Axe Throwing Company Limited
(Insert name(s) of applicant)

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/we are 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			
Bad Axe Throwing Units 32-33 Boxbark Wembley 18 Olympic Way			
Post town	Wembley	Post code	HA9 0JT
Telephone number at premises (if any)		Not Known	
Non-domestic rateable value of premises		£133,000.00	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals * ☐ please complete section (A)
- b) a person other than an individual *
- i. as a limited company ☒ please complete section (B)
 - ii. as a partnership ☐ please complete section (B)
 - iii. as an unincorporated association or ☐ please complete section (B)
 - iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ 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 ☐ 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 ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ 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



I am making the application pursuant to a

statutory function or



a function discharged by virtue of Her Majesty's prerogative



(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth old or over			I am 18 years <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth old or over			I am 18 years <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)					

(B) OTHER APPLICANTS

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

Name The Axe Throwing Company Limited
Address 3 rd Floor 207 Regent Street London W1B 3HH
Registered number (where applicable) 11787927
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
2	1	1 1 2 0 1 9

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

Day	Month	Year
1	1	1 1 1 1 1 1

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

Axe throwing leisure entertainment venue

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick yes

- 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)

☒

Supply 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 <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 5)	
Thur				
Fri				
Sat			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)	
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Films showing at managements discretion			
Mon	1000	2300				
Tue	1000	2300	State any seasonal variations for the exhibition of films (please read guidance note 5)			
Wed	1000	2300				
Thur	1000	2300	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)			
Fri	1000	2300				
Sat	1000	2300				
Sun	1000	2300				

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			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			
Fri			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)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 6)		
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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Live Music at managements discretion		
Mon	1000	2300			
Tue	1000	2300	State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	1000	2300			
Thur	1000	2300	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)		
Fri	1000	2300			
Sat	1000	2300			
Sun	1000	2300			

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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Recorded Music at managements discretion		
Mon	1000	2300			
Tue	1000	2300	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	1000	2300			
Thur	1000	2300	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)		
Fri	1000	2300			
Sat	1000	2300			
Sun	1000	2300			

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	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri				
Sat			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 (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	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Hot food and non-alcoholic beverages at managements discretion			
Mon	2300	2330				
Tue	2300	2330	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Wed	2300	2330				
Thur	2300	2330	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 (please read guidance note 6)			
Fri	2300	2330				
Sat	2300	2330				
Sun	2300	2330				

3

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	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1000	2300			
Tue	1000	2300			
Wed	1000	2300			
Thur	1000	2300			
Fri	1000	2300			
Sat	1000	2300			
Sun	1000	2300	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 (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Adam West	
Date of Birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

16

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)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0700	2330	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	0700	2330	
Wed	0700	2330	
Thur	0700	2330	
Fri	0700	2330	
Sat	0700	2330	
Sun	0700	2330	

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)

Please see attached schedule

b) The prevention of crime and disorder

Please see attached schedule

c) Public safety

Please see attached schedule

d) The prevention of public nuisance

Please see attached schedule

e) The protection of children from harm

Please see attached schedule

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 designated 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 ☒

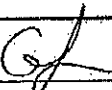
(Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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 (See 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 read note 15)
Signature	
Date	23 October 2019
Capacity	Gregg Latchams Ltd Solicitors and Authorised Agents

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)

Naomi Jenkins
Gregg Latchams Ltd
7 Queen Square

Post town	Bristol	Post code	BS1 4JE
Telephone number (if any)	0117 906 9229		

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
Naomi.jenkins@gregglatchams.com

Bad Axe Throwing
Units 32/33
First Floor
Boxpark Wembley
18 Olympic Way
Wembley
Brent
HA9 0JT
Schedule of proposed conditions

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.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. The CCTV system shall provide coverage of the entrance to the premises, and shall be capable of obtaining clear facial recognition images of every person entering the premises.
4. The CCTV images shall be kept in an easily downloadable format.
5. Door supervisors of a suitable gender mix, shall be employed on any day when the Boxpark venue is open for the sale of alcohol.
6. A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.
7. Customers will not take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
8. No drinks shall be served other than in plastic/polycarbonate/cardboard or toughened glasses.
9. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received
 - (d) Any incidents of disorder

- (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
10. A personal licence holder shall be present on the premises and supervise the sale of alcohol for all promoted ticketed events.
 11. A "Challenge 25" policy shall be adopted and adhered to.
 12. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
 13. No children under the age of 18 shall be allowed on the premises after 21.00 hours unless accompanied by an adult.
 14. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
 15. SIA Security shall wear clothing that can be clearly and easily identified on CCTV.
 16. Substantial snacks and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided.
 17. The premises shall provide chairs and tables for customer use.
 18. 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.
 19. A clear and unobstructed view into the premises shall be maintained at all times.
 20. Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation (at least every 12 months). 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 centrally and made available for inspection by police and relevant authorities upon request.
 21. No noise or vibration shall be detectable at any neighbouring noise sensitive premises. The level of music shall be arranged so as not to cause a nuisance to local residents.
 22. The placing of bottles into receptacles outside the building shall not be permitted between 23.00hrs hours and 07.00 hours the following morning.
 23. There shall be a dispersal policy for the premises agreed with the relevant responsible authorities and approved by an authorised officer of the Licensing Authority. The premises dispersal policy shall be kept and made available to police and authorised officers from Brent Council.
 24. The maximum number of persons permitted shall not exceed 129 persons
 25. On non-event days the number of persons permitted to use the smoking area (balconies only) shall be risk-assessed. A copy of the risk assessment shall be kept on the premises made available to police and other responsible authorities on request.
 26. On non-event days the use of the smoking area (balconies only) is to be checked hourly by SIA, and on event days a member of SIA shall be positioned in the smoking area (rear balcony and external ground floor area only).

27. On Wembley Stadium event days, SIA door supervisors of a suitable number and gender and other suitable measures shall be put in place after undertaking a sufficient and suitable risk assessment based on the proposed event at the Stadium, which promotes all four licensing objectives. This risk assessment shall be provided to the Licensing Police and authorised Council officers at least 7 days before the event.
28. On Wembley Stadium event days there must be suitable measures in place to ensure there is a free flow of access and egress for customers. As such, the area between the exit doors from the premises to the external part of the building out on the public highway shall be free from any obstruction including persons.
29. On Wembley Stadium event days, a risk assessment will be undertaken based on the proposed event and will be provided to police or authorised council officers at least 7 days before the event.
30. Save for access and egress to and from the premises, and in the event of an emergency, or power failure when sliding doors will default to the open position, all doors will remain closed during licensed activities
31. Music is not to be played outdoors at any time.
32. Signs shall be displayed in prominent areas informing patrons of residential nature of the area and to conduct their behaviour accordingly.
33. When the premises turn out, a door supervisor shall supervise patrons and ensure that they leave in a prompt and courteous manner, respecting local residents.

Wembley Stadium Football Event Day Conditions

34. Football event day conditions shall commence 4 (four) hours prior to the designated kick off time. They shall remain in force until the stadium egress has finished and the stewards have left Olympic Way
35. Queuing patrons shall not be allowed to encroach on to Olympic Way.
36. All barriers are the responsibility of SIA door supervisors during football event days
37. The line of the barrier shall not reduce the width of traffic on Olympic Way to a width of less than 18 metres at any point
38. During egress from the Stadium exit from the venue shall only be permitted from Fulton Road doors save for emergency exit
39. No drinks to be served in glass containers
40. The DPS or deputy shall work in partnership with the Police and if necessary comply with any direction given by a senior Police Officer on duty at the event.
41. A personal licence holder shall be present on the premises and supervise the sale of alcohol.

42. On football event days the premises will stop the sale of alcohol (1) one hour before the advertised kick off time, and will not resume the sales of alcohol until (15) fifteen minutes after the kick off time.
43. On Football event days at Wembley stadium the venue will only take one set of supporters (Fan Zone) on the production of a valid ticket for the game, the designated team will be allocated by the Metropolitan Police after a risk assessment has been conducted.
44. The venue will not show televised football matches on football event days.
45. On football event days the designated smoking areas will be the first floor rear balcony and the area behind the hoarding on Olympic way. No alcohol will be allowed in the smoking area. The smoking area will be supervised by SIA.

Restaurant conditions

Where the premises operate as a restaurant the following conditions will apply:

46. Alcohol shall only be supplied as an accompaniment to a substantial meal, and seated at a table.
47. The supply/sale of alcohol shall be by waiter or waitress service only.
48. Customers must not be allowed to sit, stand or be served from the bar area or any other staff area used for the preparation of alcoholic beverages.
49. Signs must be displayed at suitable points along the bar reading, 'Service is by Waiter / waitress service only. Customers are not permitted to sit, stand or be served from the bar.'
50. Substantial food and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where alcohol is provided.

THIS PLAN AND THE INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF BDP. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS PLAN OR THE INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BDP.

NOTES

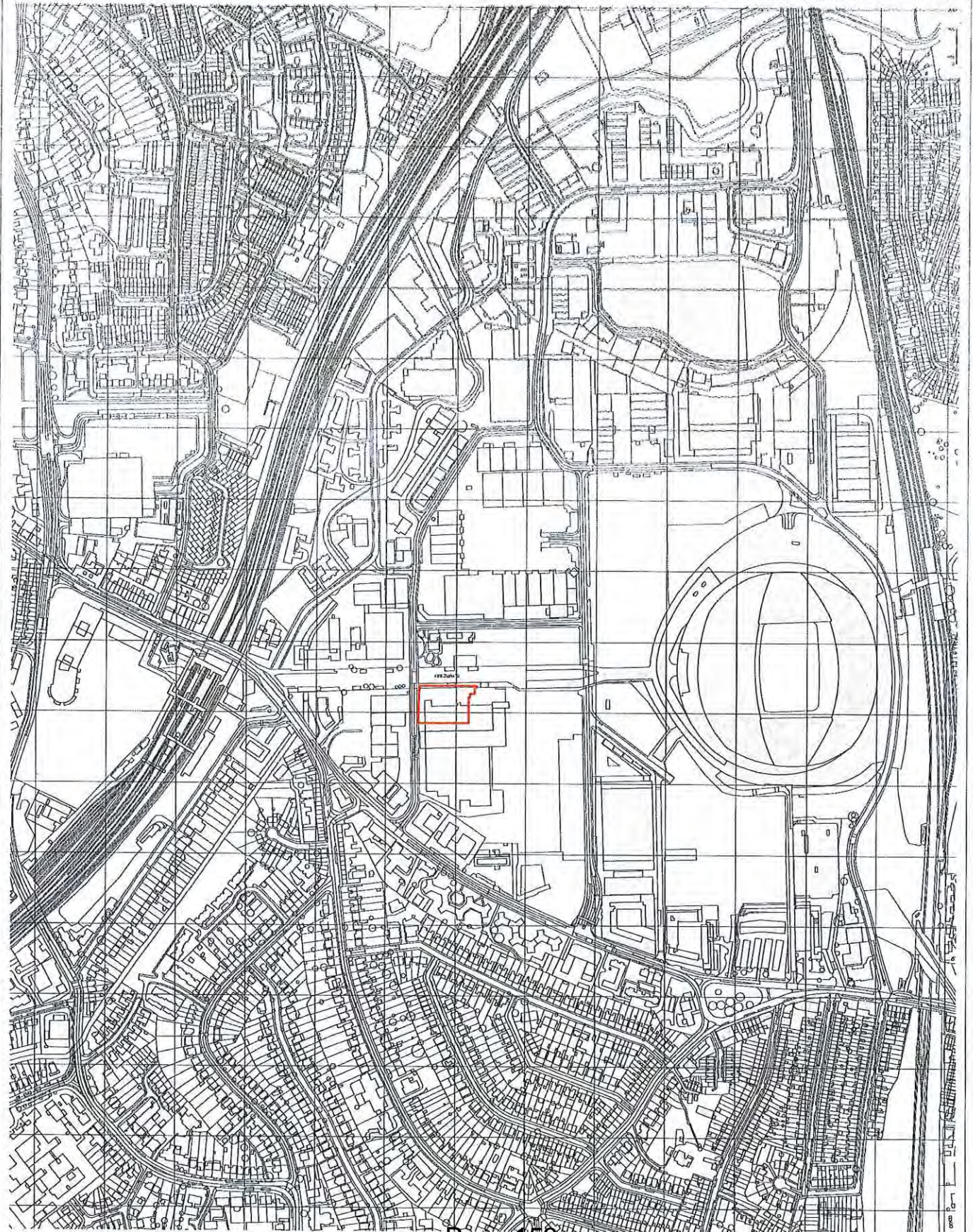
REV	DATE	BY	CHK	USE
001	03/11/17			
002	03/11/17			
003	03/11/17			
004	03/11/17			

BDP.

11 Quince Street
 10th Floor
 New York, NY 10013
 Tel: 212 691 8200
 Fax: 212 691 8201
 www.bdp.com

500 PARK Wembley Site Location

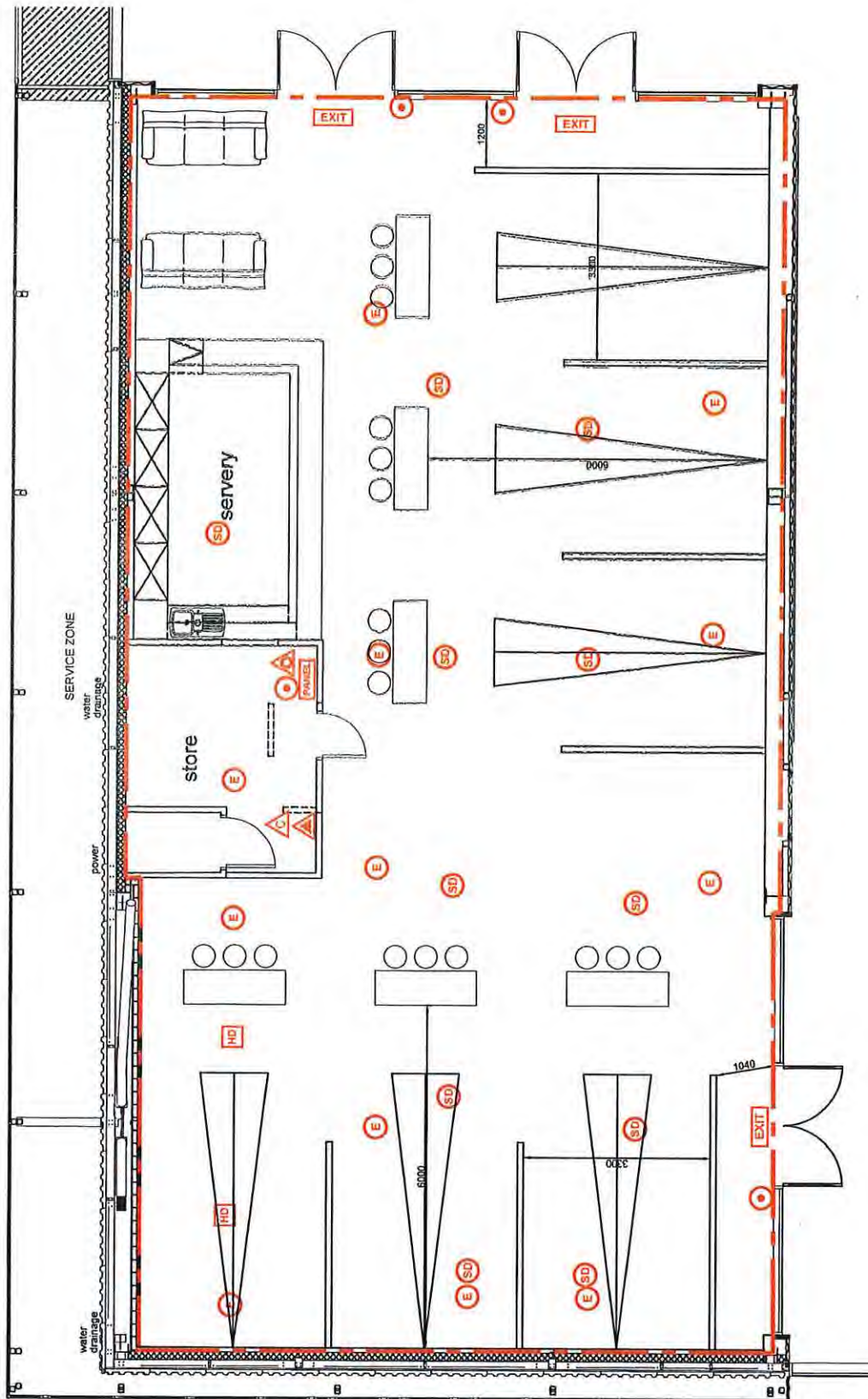
02/20/2020	Site Location	1:2500	03/11/17	P03
------------	---------------	--------	----------	-----



**licensed Areas
shown in RED**

Key	SYMBOLS FOR FIRE REQUIREMENTS
	EMERGENCY LIGHT
	MANTAINED EMERGENCY LIGHT
	BREAK GLASS CALL POINT
	SMOKE DETECTOR (with sounder)
	HEAT DETECTOR (with sounder)
	FIRE BLANKET
	CARBON DIOXIDE FIRE EXTINGUISHER
	8 LITRE WATER FIRE EXTINGUISHER
	DRY POWDER FIRE EXTINGUISHER
	FOAM FIRE EXTINGUISHER
	FIRE ALARM PANEL, PORTABLE LOOP KIT, ONE MESSAGE VOICE SOUNDER INTERFACED TO MAIN FIRE ALARM SYSTEM
	PORTABLE FIRE FIGHTING EQUIPMENT TO CONFORM TO BS EN PARTS 1 TO 6 AND BS 780: 1996
	WALL MOUNTED FIRE ALARM AND DETECTION SYSTEM TO BS EN 54 PART 1 & 2, 3 AND INTERLINKED WITH ENTIRE BUILDING FIRE ALARM SYSTEM.
	EMERGENCY LIGHTING TO BS EN 1838

MAXIMUM OCCUPANCY 208 PEOPLE



Bad Axe Throwing
Boxpark
Wembley

LABC
Plan As Proposed
LICENSING PLAN
Scale: 1:75@A3
1497-19-0016
Date: Jul 19
Drawn: DRL
As submitted to the council for planning permission to be issued under the Town and Country Planning Act 1990.

Darren Law
Architecture
81 Steed Close Paignton TQ4 7SP
01803 844961 info@dl-arch.co.uk



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

The Licensing Authority

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

Your ref: 17749

Our ref: 01QK/621/19/3302

Brent Borough Licensing Department

*Harrow Police Station
74, Northolt Road
Harrow
Middlesex
HA2 0DN*

Tel: 020 8733 5008

Email: Paul.Scott9 @met.police.uk

Web: www.met.police.uk

Date: 10th November 2019

Police representation to the Premises Licence application for 'The Axe Throwing Company Limited' trading as 'Bad Axe Throwing' Units 32-33, Boxpark, 18, Olympic Way, Wembley, HA9 0JT.

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.

**Police Officer: Paul Scott
Licensing Constable PC 3302NW**

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, public safety and the protection of children from harm.

On Thursday 7th November 2019, police met with the designated premises supervisor, Mr Adam West. The new premises was discussed in detail, along with the hours of trading and the safety aspect of the venue. The premises has a venue tile containing the word axe. The throwing implements however are hatches, measuring around 12" in length.

Police were re-assured that public safety and the safety of its customers was of paramount importance and this was discussed in detail. With the introduction of 'offensive' weapons within a licensed premises, police did initially have concerns with this.

Re-assurances were made that full supervision would be carried out on each throwing lane and customers would at no point wander around the venue carrying a hatchet. In relation to

alcohol, only beer, wine and soft drinks would be served inside the premises. No spirits or high strength beer or cider will be sold.

It was explained to police that hatches would always be stored in a locked safe/box inside a store room and would be supervised at all times by a staff member. All ranges would be monitored by a staff member and that hatches would never go beyond the safety line unless in the hands of a staff member.

No axes would leave the ranges and would be placed in holders after each participant changes over. All participants will be required to sign a waiver prior to the event which would explain the minimum standards expected at the venue. All participants would be monitored at all times and any person deemed intoxicated would not throw axes and be asked to leave.

Staff members will have a radio link to Boxpark security in case of any issues.

Children will be allowed on site, but all children will have to be supervised by a responsible adult at all times. Only those deemed strong enough would be allowed to throw the axes.

Police need re-assurances that drinking customers will be managed correctly inside the venue and that drunk and/or rowdy customers will not be allowed inside the venue and will be asked to leave.

However, the main issue for Police is the sale of alcohol inside the venue on Wembley football event days, including international football matches. Although only one set of supporters will be allowed into the premises on match days and only on production of a match day ticket, it is felt that with the general nature of a lot of football supporters, the sale of alcohol on these days would cause problems at the venue. Mr West stated that the venue's main source of income is not from the sale of alcohol and therefore Police believe that the non-sale of alcohol on match days should not impede too much on their business during this time. Furthermore, with the potential of there being upwards of 2,000 supporters inside Boxpark on match days, allowing drunk football supporters to throw hatchets at targets while becoming more intoxicated is of major concern.

Police do feel that the running and management of the venue will be operated to a very high and safe standard, but match day football event days come with their own problems, before both kick-off and post-game. It is therefore felt that the sale of alcohol on match days should not take place.

Police would therefore require that there is to be no sales of alcohol on Wembley football event days, including all international football matches.

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

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.

Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the premises, advising that CCTV is in operation.

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.

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

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 upon request.
2. A CCTV camera shall be installed to cover the entrance of the premises and shall be capable of obtaining clear facial recognition images of every person entering the premises.
3. The CCTV system shall display on any recordings the correct date and time of the recordings.
4. A 'Challenge 25' policy shall be adopted and adhered to at all times.
5. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
6. No children shall be allowed on the premises unless accompanied by a responsible adult.
7. No children under the age of 18 (eighteen) shall be allowed on the premises after 21.00hrs.
8. Notices asking customers to leave quietly shall be conspicuously displayed at all exits. Adequate and appropriate first aid equipment shall be available on the premises.
9. 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.
10. Customers will not take open drink vessels outside of the premises as defined on the plan submitted to and approved by the Licensing Authority.
11. Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers, shall undergo regular training of the Licensing Act 2003 legislation. 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.
12. Signs shall be displayed in prominent areas, informing patrons of the residential nature of the area and to conduct their behaviour accordingly.
13. Outside of the hours authorised for the sale of alcohol, all alcohol shall be kept out of reach from customers.
14. All axes will be kept in a box in the store room and this room is to be supervised by a staff member. The box will be locked when there is no staff member inside the store room itself.
15. Every range will have a staff member present who will monitor activities at all times.
16. Only two participating members per lane will be allowed past the safety line at any one time.

17. The axes will never go past the safety line unless they are in the hands of a staff member.
18. The axes shall never leave the ranges while they are in use and these will be placed in suitable holders after each participant changes.
19. All participants must sign a waiver prior to the event which explains the minimum standards expected at the venue.
20. All participants will be monitored by staff members at all times.
21. No intoxicated customers will be allowed to throw axes and no intoxicated customers will be allowed inside the venue.
22. A clear and unobstructed view into the premises shall be maintained at all times.
23. 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 faults in the CCTV system.
 - (d) Any visits by a relevant authority or emergency service.
 - (e) All ejections of patrons.
 - (f) Any incidents of disorder.
 - (g) Any refusal of the sale of alcohol.

Wembley Football Event Days

24. Football event day conditions shall commence four (4) hours prior to the designated kick off time. They shall remain in force until the stadium egress has finished and the stewards have left Olympic Way.
25. The DPS or deputy shall work in partnership with the Police and if necessary comply with any direction given by a senior police officer on duty at the event.
26. On football event days at Wembley stadium, the venue will only take one set of supporters on the production of a valid ticket for the game. The designated team will be allocated by the Metropolitan Police after a risk assessment has been conducted.
27. No drinks to be served in glass containers.
28. The venue will not show live sports on football event days at Wembley Stadium.

Yours Sincerely,

**Paul Scott PC 3302NW
Brent Licensing Constable**

Good Afternoon Ewen

1. Portable electrical equipment brought into the premises must be suitably protected by a residual current device (RCD) having a rated residual operating current not exceeding 30 milliamps. This is for the protection of the public.
2. As stated the current conditions no longer apply as this is a new application so a new capacity calculation will need to be provided. This would be standard for all new applications.

If you have any questions please do not hesitate in contacting me.

Kind regards

Mr Chris Pearce
Public Safety Officer
Regeneration & Environmental Services

From: Ewen Macgregor
Sent: 08 November 2019 10:59
To: Pearce, Chris
Cc: Patel, Yogini
Subject: THE BAD AXE THROWING COMPANY LIMITED (THE533/1)

Morning Chris

Hope all is well

Wonder if you have had a chance to look at the email below?

I look forward to hearing from you

Ewen Macgregor
Associate Director
Head of Regulatory and Licensing

From: Ewen Macgregor
Sent: 31 October 2019 15:06
To: 'Pearce, Chris'
Subject: THE BAD AXE THROWING COMPANY LIMITED (THE533/1)

Afternoon Chris

My clients have asked me to ask about the need/requirement for the condition below – are you able to confirm so that I can pass the information on to them:

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).

In so far as the capacity condition is concerned – below – can you confirm that this will be in place of the current condition on the licence which restricts the capacity to 129?

A capacity specific risk assessment shall be conducted by a competent risk assessor. This assessment will include holding capacity, exit capacity and the calculations to demonstrate how that was reached, the lower of the two numbers shall be the final capacity. The guidance used to reach this capacity must be quoted. This risk assessment shall be appraised annually or at the time of any

building or layout structural works. The Capacity Assessment must be made available to an authorised officer upon request.

I look forward to hearing from you

Best wishes

Ewen Macgregor
Associate Director
Head of Regulatory and Licensing

From: ENS Public Safety <ens.publicsafety@brent.gov.uk>

Sent: 28 October 2019 10:27

To: naomi.jenkins; Patel, Yogini <Yogini.Patel@brent.gov.uk>; Legister, Linda
<Linda.Legister@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>

Subject: FW: CONSULT: New Premises - Bad Axe Throwing, Unit 32-33 Boxpark, 18 Olympic Way, HA9 0JT - 17749

Dear Ms Jenkins

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.

1. The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
2. Any 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).
3. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
4. A capacity specific risk assessment shall be conducted by a competent risk assessor. This assessment will include holding capacity, exit capacity and the calculations to demonstrate how that was reached, the lower of the two numbers shall be the final capacity. The guidance used to reach this capacity must be quoted. This risk assessment shall be appraised annually or at the time of any building or layout structural works. The Capacity Assessment must be made available to an authorised officer upon request.

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 these conditions to appear on the licence schedule should the licence be granted.

Please let me know if I can assist you further.

Kind regards

Mr Chris Pearce
Public Safety Officer
Regeneration & Environmental Services

The Axe Throwing Company Ltd
Bad Axe Throwing
Unit 32-33 Boxpark
18 Olympic Way
HA9 0JT

29 October 2019

Licensing Representation to the Application for a new Premises Licence for The Axe Throwing Company Ltd, Bad Axe Throwing, Unit 32-33 Boxpark, 18 Olympic Way, HA9 0JT

I certify that I have considered the application shown above and I wish to make a representation.

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.

Licence Conditions

The Licensing Authority require the following be included 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.
- 2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

- 3 The CCTV system shall provide coverage of the entrance to the premises, and shall be capable of obtaining clear facial recognition images of every person entering the premises.
- 4 The CCTV images shall be kept in an easily downloadable format.
- 5 Door supervisors of a suitable gender mix, shall be employed on any day when the Boxpark venue is open for the sale of alcohol.
- 6 A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.
- 7 Customers will not take open drink vessels outside of the premises as defined on the plan submitted to and approved by the Licensing Authority.
- 8 No drinks shall be served other than in plastic/polycarbonate/cardboard or toughened glasses.
- 9 An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
- 10 A personal licence holder shall be present on the premises and supervise the sale of alcohol.
- 11 A "Challenge 25" policy shall be adopted and adhered to.
- 12 A sign stating "No proof of age - No sale" shall be displayed at the point of sale.
- 13 No children under the age of 18 shall be allowed on the premises after 22.00 hours unless accompanied by an adult.
- 14 Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
- 15 SIA Security shall wear clothing that can be clearly and easily identified on CCTV.
- 16 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.
- 17 Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation (at least every 12 months). 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 centrally and made available for inspection by police and relevant authorities upon request.

- 18 No noise or vibration shall be detectable at any neighbouring noise sensitive premises. The level of music shall be arranged so as not to cause a nuisance to local residents.
- 19 The placing of bottles into receptacles outside the building shall not be permitted between 23.00hrs hours and 07.00 hours the following morning.
- 20 There shall be a dispersal policy for the premises agreed with the relevant responsible authorities and approved by an authorised officer of the Licensing Authority. The premises dispersal policy shall be kept and made available to police and authorised officers from Brent Council.
- 21 On non-event days the number of persons permitted to use the smoking area (balconies only) shall be risk-assessed. A copy of the risk assessment shall be kept on the premises made available to police and other responsible authorities on request.
- 22 On non-event days the use of the smoking area (balconies only) is to be checked hourly by SIA, and on event days a member of SIA shall be positioned in the smoking area (rear balcony and external ground floor area only).
- 23 On Wembley Stadium event days there must be suitable measures in place to ensure there is a free flow of access and egress for customers. As such, the area between the exit doors from the premises to the external part of the building out on the public highway shall be free from any obstruction including persons.
- 24 Signs shall be displayed in prominent areas informing patrons of residential nature of the area and to conduct their behaviour accordingly.
- 25 Outside of the hours authorised for the sale of alcohol, all alcohol shall be kept out of reach from customers.
- 26 Axes provided for games shall not be taken off the premises by any customers.
- 27 Each axe throwing lane shall be monitored by a member of staff when in play, to ensure the safety of customers.
- 28 Axes not in use, shall be kept so as not to be in reach of customers.
- 29 Wembley Stadium Football Event Day Conditions:

Football event day conditions shall commence 4 (four) hours prior to the designated kick off time. They shall remain in force until the stadium egress has finished and the stewards have left Olympic Way.

- a) The DPS or deputy shall work in partnership with the Police and if necessary comply with any direction given by a senior Police Officer on duty at the event.
- b) On football event days the premises will stop the sale of alcohol (1) one hour before the advertised kick off time, and will not resume the sales of alcohol until (15) fifteen minutes after the kick off time.
- c) On Football event days at Wembley stadium the venue will only take one set of supporters (Fan Zone) on the production of a valid ticket for the game, the designated team will be allocated by the Metropolitan Police after a risk assessment has been conducted.
- d) The venue will not show live sports on football event days at Wembley Stadium.
- e) On football event days the designated smoking areas may be the first floor rear balcony and/or the area behind the hoarding on Olympic way when in place. No alcohol will be allowed in the smoking area. The smoking area will be supervised by SIA.

Additional Condition

It is believed that selling alcohol so early in the morning as a restaurant, will undermine the four licensing objectives. If the premises are to open to members of the public at 07.00hrs and sell alcohol from 10.00hrs, the premises would be required to accept one of the following two conditions:-

- Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff.

Or

- A cashier till system shall be in place which is capable of refusing the sale of alcohol outside the timings for supply of alcohol.

Informative

The application requires that late night refreshment terminate at the same time as the closing time for the premises. Any hot food or drink must be prepared, taking into consideration the time it will take customers to consume their food and/or hot drinks in line with closing times.

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



Susana Figueiredo
Licensing Inspector
Regulatory Services

This page is intentionally left blank

From: Figueiredo, Susana <Susana.Figueiredo@brent.gov.uk>
Sent: 13 November 2019 11:19
To: Ewen Macgregor Business Licence <business.licence@brent.gov.uk>
Cc: Naomi Jenkins; Jo Brown
Subject: CONSULT: New Premises - Bad Axe Throwing, Unit 32-33 Boxpark, 18 Olympic Way, HA9 0JT - 17749

Good morning Ewen,

As a result of your proposed attached conditions (which are those that were granted on the existing premises licence) and the following three conditions, the Licensing Authority now withdraw their representation and have no further comments to make: -

- 51 Axes provided for games shall not be taken off the premises by any customers.
- 52 Each axe throwing lane shall be monitored by a member of staff when in play, to ensure the safety of customers.
- 53 Axes not in use, shall be kept so as not to be in reach of customers.

Kind regards

Susana Figueiredo
Licensing Enforcement Officer

From: Ewen Macgregor
Sent: 08 November 2019 12:44
To: Figueiredo, Susana
Cc: Legister, Linda ; Patel, Yogini ; Naomi Jenkins ; Jo Brown
Subject: BAD AXE - WEMBLEY (THE533/1)

Morning Susana

Good to catch up earlier, and to have the opportunity of explaining the purpose behind the application I can confirm that my client is more than happy to agree the following additional conditions (using the wording that you suggested in your rep) on top of the conditions offered on the attached document, being the conditions which attach to the current licence.

- 26 Axes provided for games shall not be taken off the premises by any customers.
- 27 Each axe throwing lane shall be monitored by a member of staff when in play, to ensure the safety of customers.
- 28 Axes not in use, shall be kept so as not to be in reach of customers.

On the basis of this can you confirm that your rep will be withdrawn?

I look forward to hearing from you.

Have a good weekend when it arrives.

Best wishes
Ewen Macgregor
Associate Director
Head of Regulatory and Licensing

This page is intentionally left blank

From: Ewen Macgregor <ewen.macgregor@gregglatchams.com>
Sent: 19 November 2019 17:14
To: Figueiredo, Susana <Susana.Figueiredo@brent.gov.uk>; Pearce, Chris <Chris.Pearce@brent.gov.uk>; 'Paul.Scott9@met.police.uk' <Paul.Scott9@met.police.uk>
Cc: Legister, Linda <Linda.Legister@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>; Naomi Jenkins <naomi.jenkins@gregglatchams.com>
Subject: BAD AXE

Good afternoon all

Please find attached a schedule of proposed conditions in connection with the above.

These conditions are consistent with those that attach to the current licence subject to the comments below

Chris – you will see that your conditions have been included at 24 – 27

Susanna - I have amended the conditions in so far as they relate to an axe throwing venue at 51 to 60. These include what you had previously requested albeit that the wording is slightly different, plus some additional conditions

Paul - With the exception of the match day condition where you have asked that no alcohol be sold (I will email you separately about this) we have included all conditions that you have requested

Could you please confirm that subject to the attached you are now in a position to withdraw your reps?

I look forward to hearing from you

Ewen Macgregor
Associate Director
Head of Regulatory and Licensing

This page is intentionally left blank

Bad Axe Throwing
Units 32/33
First Floor
Boxpark Wembley
18 Olympic Way
Wembley
Brent
HA9 0JT
Schedule of proposed conditions

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.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. The CCTV system shall provide coverage of the entrance to the premises, and shall be capable of obtaining clear facial recognition images of every person entering the premises.
4. The CCTV images shall be kept in an easily downloadable format.
5. Door supervisors of a suitable gender mix, shall be employed on any day when the Boxpark venue is open for the sale of alcohol.
6. A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.
7. Customers will not take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
8. No drinks shall be served other than in plastic/polycarbonate/cardboard or toughened glasses.
9. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons

- (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
10. A personal licence holder shall be present on the premises and supervise the sale of alcohol for all promoted ticketed events.
 11. A "Challenge 25" policy shall be adopted and adhered to.
 12. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
 13. No children under the age of 18 shall be allowed on the premises after 21.00 hours unless accompanied by an adult.
 14. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
 15. SIA Security shall wear clothing that can be clearly and easily identified on CCTV.
 16. Substantial snacks and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided.
 17. The premises shall provide chairs and tables for customer use.
 18. 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.
 19. A clear and unobstructed view into the premises shall be maintained at all times.
 20. Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation (at least every 12 months). 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 centrally and made available for inspection by police and relevant authorities upon request.
 21. No noise or vibration shall be detectable at any neighbouring noise sensitive premises. The level of music shall be arranged so as not to cause a nuisance to local residents.
 22. The placing of bottles into receptacles outside the building shall not be permitted between 23.00hrs hours and 07.00 hours the following morning.
 23. There shall be a dispersal policy for the premises agreed with the relevant responsible authorities and approved by an authorised officer of the Licensing Authority. The premises dispersal policy shall be kept and made available to police and authorised officers from Brent Council.
 24. A capacity specific risk assessment shall be conducted by a competent risk assessor. This assessment will include holding capacity, exit capacity and the calculations to demonstrate how that was reached, the lower of the two numbers shall be the final capacity. The guidance used to reach this capacity must be quoted. This risk assessment shall be appraised annually or at the time of any building or layout structural works. The Capacity Assessment must be made available to an authorised officer upon request.
 25. The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.

26. Any 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).
27. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
28. On non-event days the number of persons permitted to use the smoking area (balconies only) shall be risk-assessed. A copy of the risk assessment shall be kept on the premises made available to police and other responsible authorities on request.
29. On non-event days the use of the smoking area (balconies only) is to be checked hourly by SIA, and on event days a member of SIA shall be positioned in the smoking area (rear balcony and external ground floor area only).
30. On Wembley Stadium event days, SIA door supervisors of a suitable number and gender and other suitable measures shall be put in place after undertaking a sufficient and suitable risk assessment based on the proposed event at the Stadium, which promotes all four licensing objectives. This risk assessment shall be provided to the Licensing Police and authorised Council officers at least 7 days before the event.
31. On Wembley Stadium event days there must be suitable measures in place to ensure there is a free flow of access and egress for customers. As such, the area between the exit doors from the premises to the external part of the building out on the public highway shall be free from any obstruction including persons.
32. On Wembley Stadium event days, a risk assessment will be undertaken based on the proposed event and will be provided to police or authorised council officers at least 7 days before the event.
33. Save for access and egress to and from the premises, and in the event of an emergency, or power failure when sliding doors will default to the open position, all doors will remain closed during licensed activities
34. Music is not to be played outdoors at any time.
35. Signs shall be displayed in prominent areas informing patrons of residential nature of the area and to conduct their behaviour accordingly.
36. When the premises turn out, a door supervisor shall supervise patrons and ensure that they leave in a prompt and courteous manner, respecting local residents.

Wembley Stadium Football Event Day Conditions

34. Football event day conditions shall commence 4 (four) hours prior to the designated kick off time. They shall remain in force until the stadium egress has finished and the stewards have left Olympic Way
35. Queuing patrons shall not be allowed to encroach on to Olympic Way.
36. All barriers are the responsibility of SIA door supervisors during football event days
37. The line of the barrier shall not reduce the width of traffic on Olympic Way to a width of less than 18 metres at any point
38. During egress from the Stadium exit from the venue shall only be permitted from Fulton Road doors save for emergency exit
39. No drinks to be served in glass containers
40. The DPS or deputy shall work in partnership with the Police and if necessary comply with any direction given by a senior Police Officer on duty at the event.
41. A personal licence holder shall be present on the premises and supervise the sale of alcohol.
42. On football event days the premises will stop the sale of alcohol (1) one hour before the advertised kick off time, and will not resume the sales of alcohol until (15) fifteen minutes after the kick off time.
43. On Football event days at Wembley stadium the venue will only take one set of supporters (Fan Zone) on the production of a valid ticket for the game, the designated team will be allocated by the Metropolitan Police after a risk assessment has been conducted.
44. The venue will not show televised football matches on football event days.
45. On football event days the designated smoking areas will be the first floor rear balcony and the area behind the hoarding on Olympic way. No alcohol will be allowed in the smoking area. The smoking area will be supervised by SIA.

Restaurant conditions

Where the premises operate as a restaurant the following conditions will apply:

46. Alcohol shall only be supplied as an accompaniment to a substantial meal, and seated at a table.
47. The supply/sale of alcohol shall be by waiter or waitress service only.
48. Customers must not be allowed to sit, stand or be served from the bar area or any other staff area used for the preparation of alcoholic beverages.
49. Signs must be displayed at suitable points along the bar reading, 'Service is by Waiter / waitress service only. Customers are not permitted to sit, stand or be served from the bar.'
50. Substantial food and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where alcohol is provided.

Additional conditions in relation to the Use of the premises where the premises operate as an axe throwing venue

51. All axes will be kept in a box in the store room and this room is to be supervised by a staff member. The box will be locked when there is no staff member inside the store room itself.
52. Every range will have a staff member present who will monitor activities at all times.
53. Only two participating members per lane will be allowed past the safety line at any one time
54. The axes will never go past the safety line unless they are in the hands of a staff member
55. The axes shall never leave the ranges while they are in use and these will be placed in suitable holders after each participant changes.
56. All participants must sign a waiver prior to the event which explains the minimum standards expected at the venue.
57. All participants will be monitored by staff members at all times.
58. No intoxicated customers will be allowed to throw axes and no intoxicated customers will be allowed inside the venue.
59. No children shall be allowed on the premises unless accompanied by a responsible adult.
60. No children under the age of 18 (eighteen) shall be allowed on the premises after 21.00hrs.

This page is intentionally left blank

From: Pearce, Chris <Chris.Pearce@brent.gov.uk>
Sent: 20 November 2019 10:07
To: Ewen Macgregor <ewen.macgregor@gregglatchams.com>
Cc: Legister, Linda <Linda.Legister@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>; Naomi Jenkins <naomi.jenkins@gregglatchams.com>
Subject: RE: BAD AXE

Dear Ewen

Thank you for your correspondence dated 19th November 2019, stating that you accept the conditions set out in our representation (conditions 24-27 in your submission).

Please ensure that the capacity calculations are forwarded to the Public Safety Team to prevent any delay in issuing the licence.

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

This page is intentionally left blank

Bad Axe, Unit 32-33 Boxpark Wembley



1:1250

0 0.02 0.04 kilometres



This page is intentionally left blank

LICENSING ACT 2003

Application for a Temporary Event Notice

1. The Application

Name of Applicant:	Agnaldo Dal Forno
Name & Address of Premises:	212 High Street NW10 4SY
Applicants Agent:	N/A

1. Application

The application is for provision of regulated entertainment and the sale by retail of alcohol on the premises on 7 – 9 December 2019 from 11:00 hours until 01:00 hours each night.

2. Background

Agnaldo Dal Forno has applied for a premises licence which is undergoing consultation at present.

3. Relevant Representations

Representations have been received from the Nuisance Control Team and the Police. The applicant is the licence holder at Barril 159 High Street, NW10, where there have been numerous noise complaints and breaches of the premises licence conditions. The Premises Licence at Barril is currently under review from the Nuisance Control Team. The Responsible Authorities have no confidence that the applicant can run this premises responsibly given the issues at Barril.

4. Promotion of the Licensing Objectives

The following licensing objectives should be promoted;

- The prevention of public nuisance
- The prevention of Crime and Disorder
- Public Safety and
- The protection of children from harm

5. Interested Parties

None

6. Policy Considerations

Paragraph Nos: 6.1 – 6.2

6.1 Where responsible authorities do not raise any relevant representations regarding the application made to the council, the council will acknowledge the notification.

6.2 Where responsible authorities raise relevant representations, the council may, if it is satisfied at a hearing, acknowledge the application and if not satisfied, reject the notification.

7. Associated Papers

- A. Copy of Application Form
- B. Copy of NCT Representation
- C. Copy of Police Representation

Applicant: **Aginaldo Dal Forno**

Previous Names: **AGNALDO PAINS DOS SANTOS DAL FORNO**

Date of birth:

Place of birth:

National Insurance Number:

Applicant Address: **212 High Street, London, Brent, NW10 4SY**

Email Address:

Telephone number:

Mobile number:

Fax:

Premises: Address: **212 High Street, London, Brent, NW10 4SY**

Premises Licence Number/Club Certificate Number: /

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description:

Please describe the nature of the premises: **PIZZERIA, SNACKS PASTRIES**

Please describe the nature of the event: **SUPPLY OF ALCOHOL TO BEW CONSUMED IN THE PREMISE**

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on):

The sale by retail of alcohol: **Yes**

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club: **No**

The provision of regulated entertainment: **Yes**

The provision of late night refreshment: **No**

Are you giving a late temporary event notice? **No**

Please state the dates on which you intend to use these premises for licensable activities: **07 December 2019** until **09 December 2019**

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock):

Day: 07-12-2019 - SATURDAY

Start Time: 11:00

End Time: 01:00

Further Details:

Day: 8-12-2019 - SUNDAY

Start Time: 11:00
End Time: 01:00
Further Details:
Day: 9-12-2019 - MONDAY
Start Time: 11:00
End Time: 01:00
Further Details:

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers: **100**

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption: **On the premises**

Personal Licence Holder:

Personal Licence Holder Name: **AGNALDO PAINS DOS SANTOS DAL FORNO**

Licensed By:

Personal Licence Number:

Issued Date:

Previous TENS:

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?: **No**

Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?: **No**

Associates and Business Colleagues:

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? **No**

Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?: **No**

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? **No**

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?: **No**



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

The Licensing Authority

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

Your ref: 18007

Our ref: QK/702/253NW/19

Brent Borough Licensing Department

*Harrow Police Station
74 Northolt Road
Middlesex
HA2 ODN*

Tel: 020 8733 5008

Email: damien.smith@met.police.uk

Web: www.met.police.uk

Date: 26/11/19

Police Representation to the Temporary Event Notice to be held at 212 High Street Harlesden NW10 4SY.

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. Police formally object to this application.

Officer: Sergeant Damien Smith 253NW
Licensing Unit.

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.

A Temporary Event Notice has been given under section 100 Licensing Act 2003 by **Mr Agnaldo Dal Forno** for the use of **212 High Street NW10. On the 7th December 2019 between 1100 – 0100 Hours. On the 8th December 2019 form 1100 – 0100 Hours. On the 9th December 2019 from 1100 – 0100 (10th December) Hours.**

Police are formally making representations to the notice under section 104 Licensing Act 2003. The Police representation is primarily concerned with the Crime and Disorder, Prevention of Public Nuisance and Public Safety objectives.

At the time of this application I am aware the applicant owns and runs another business that is subject to a review hearing on the 4th December 2019 at Brent Civic Centre. The other business is located at 159 High Street Harlesden within walking distance of this venue. This business holds a premises licence as a Pizzeria restaurant.

Police have submitted written representations in relation to the review and will be in attendance at that hearing. This TEN has provided the Police a further opportunity to look at the current business practice of the applicant in order to assess if he is suitable to manage or host an event aligned to the four licensing objectives.

Police have no confidence in the applicant and his apparent disregard for Public Safety and noise nuisance. Police have visited the applicant at 159 High Street on several occasions. Following on from noise complaints in August and September 2018. In January 2019 further complaints were received regarding the premises and in particular in relation to the use of the venue on the 6th January 2019. The Complainant described that the nuisance was both in and outside the venue. On the 6th January Police were called to an assault outside the venue recorded as Crime (190***7/19). There was a mention of an assault outside the premises in the complainant's email thus supporting the complainant's claims.

With the venue coming to the attention of the relevant authorities, on the 17th January 2019 PC Keen from the Brent Police ASB team contacted the Partnership tasking team (PTT). The PTT are a team that specifically are tasked to areas of concern deemed problematic. On 17th January the PTT visited the venue at 2250 Hours and found it was packed, with live music being played and although some patrons were sat at tables there were groups standing in a confined space with little food on show. At one point the head count was a 100 persons at the premises. There was one obvious member of staff who provided his name as Mr Agnaldo Dal Forno. Mr Dal Forno was unable to provide officers **a copy of the premises licence, any incident or refusals log and unable to tell officers how many persons were in his venue.** It was pointed out to him that the **capacity for the premises was 36 which includes any staff or performers.** Mr Dal Forno seemed surprised that no more than 36 should be in the venue. He was advised to reduce the numbers to the safe capacity as set and agreed upon on the premises licence. Mr Dal Forno informed officers that the owner was Mr Roshan Wial and he had all the paperwork. As officers left the venue it seemed that more had turned up and sought entry to the venue.

On Sunday 27th January Police attended the venue earlier in the evening at around 20.19 hours. When they arrived there was live music being played and 37 customers in the premises. Given the previous visit the officers in attendance had no confidence that the manager was or would adhere to the premises licence conditions. A **(CPNW) Community Protection Warning Notice was issued there and then.** This was to stop any Anti social behaviour immediately under the Anti-Social Act. In addition breaches of the premises licence were apparent and Police issued a **form 694 to Mr Dal Forno listing the breaches; Condition 5 – exceeded 36 – safe capacity, Condition 7 (Annexe 2) People being served alcohol without food, Condition 8 (Annexe 2) No incident log on premises and Condition 9 (Annexe 2) No copy of the premises licence on display or in the premises.** With the information and evidence of repeat behaviour PC McDonald wrote a formal warning letter addressed to Mr Dal Forno. Within

this letter Police expressed their concerns at the current operation of the business and at how many times the venue had come to the relevant authorities notice.

On Saturday 2nd March 2019 the venue was visited by Council officers and breaches of the licence conditions were identified including the **capacity being exceeded**. It was clear that the current management had a blatant disregard for Public Safety and were ignoring any advice or warning issued by the relevant authorities.

On 17th March Police received an application and consent form regarding transferring the premises licence from Mr Wial to Mr Dal Forno. It was on each visit that the person working at the venue was Mr Dal Forno.

Despite the changes the premises has continued to be subjected to complaints and on Monday 21st October Police were made aware that the Noise Complaint Team at Brent Council had applied for a review of the premises licence for Barril restaurant & Pizzeria.

On Saturday 16th November Police visited the venue. Upon arrival at around 8.20 PM Police parked across the road from the premises. I was one of the officers present accompanied by two colleagues. I could instantly see that there were more than 36 persons inside, this being one of the conditions on Annexe 2 of the premises licence. Condition number 5 – **5. The total number of people permitted on the premises including staff and performers shall not exceed 36.**

Officers crossed over the road and tried conducting a head count of just how many persons were in the venue. This proved difficult as it was so busy and patrons were standing up in the aisle and at the bar drinking alcohol. This was another breach, Condition number 7 - **7 Alcohol shall only be provided as an accompaniment to a meal.**



As a colleague of mine reached 50 as a count Police entered the premises behind a customer. The noise coming from the venue was extremely loud and when the door opened the hall way area in effect became a speaker and increased the levels of noise out onto the High Street. This noise was excessive and would not have been so loud if there were only 36 people in the venue. Police could not see any summary copy of the Premises licence detailing the opening hours as per condition number 9 - 9. **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.**



Once inside I noticed every seat was in use and people were crammed around the tables. People were standing up drinking and there was music playing. I made my way to the bar area and noticed the tables nearest the bar had young children sat with their families. A male exited the toilets shouting out and although in good spirits I noticed one of the young children jump and hold onto their older relative. The applicant came to meet me and recognised me from the previous visits. I introduced him to my colleagues and explained they are also Police officers and that we were conducting licensing visits in the area. I expressed my immediate concern of the amount of people in the venue as it presented all manner of risk. I asked the applicant to address this matter given that risk. I asked the applicant how many people were in his venue and he answered '35' I was somewhat shocked by his answer and questioned his mathematics. The applicant informed the patrons in the restaurant that some had to leave. I and my colleagues counted at least 25 persons leaving, as they were leaving more were arriving and tried to get into the premises. Once the room resumed to some degree of normality there were still 40 people including staff in the venue.

I asked the applicant to show me the CCTV was working and asked him to show me and my colleagues entering the venue. The applicant was unable to show me the CCTV as he had issues with remembering the access code or password to operate the system. I was deliberate in asking for the footage of Police entering as per condition number 2 - **2 A CCTV camera shall be installed to cover the entrance of the premises** and Condition number 1 - **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 licensing officers if requested.** The applicant could not show me any footage upon request.

While at the bar area I asked the applicant to produce his incident log as per condition number 8 on his premises licence - **8 An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:**

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

The applicant searched through paper work by the till and handed me a book for something else but could not produce any incident log with the above recorded, despite earlier visits in the year where this was pointed out to him.

While by the bar area I noticed a large gap in the floor area and step up into the bar area that wasn't clearly marked, a trip hazard. I could clearly see extension leads from sockets to other leads and on closer inspection noticed there were leads into leads everywhere. Above two of the extension leads the applicant was pouring drinks and this had the potential to spill or pour onto the live leads. My colleague PC Cambeiro has captured this on Body Worn Camera as evidence. I believe this coupled with the excessive amount of people in the building demonstrated a blatant disregard for **PUBLIC SAFETY**.





At this point I introduced the applicant to PC Cambeiro and he spoke to the applicant in Portuguese. He clearly explained that the group he had dispersed from the venue were not to return unless there were empty tables or seats and reminded the applicant that he must not exceed 36 persons including the staff.

The current premises licence that the applicant runs as a PLH has 12 conditions listed under Annexe 2 – conditions consistent with the operating schedule. 2 of these conditions are for Notting Hill Carnival only and conditions 4 & 9 have been duplicated. This means out of the 9 relevant conditions, applicable, my visit revealed the applicant breached 6 of the conditions.

I informed Mr Dal Forno I would update the other responsible authorities of my visit and findings. This was acknowledged and he told me he was moving premises soon. I volunteered to meet with him ahead of any new premises but pointed out he must get this premises in order as the owner and license holder. I explained I had other visits to carry out and left the building. As I left I noticed two large groups to the left and right of his premises. It was clear to me they were waiting for the Police to leave then go back into the venue.

After waiting around outside for around 5 minutes some left the area and the applicant came out and dropped the shutter to the front of the store. I was sat in my car observing the groups and was hoping they would all disperse or go to other venues in the vicinity. I did see the shutter fully down and the main door access open. I left to conduct other visits in the borough of Brent.

At around 10.28 PM the Police returned to the applicants' venue and noticed the shutter was still down but again there were more than 36 persons in the venue. The applicants partner came outside to speak to Police and again it was pointed out that the numbers were excessive and in breach of the premises license. The applicant's partner explained the applicant had become ill and unable to come and speak to Police. The applicant's partner explained there was a private function inside and did not know that the conditions applied. PC Cambeiro spoke with her in Portuguese to insure she understood the issues at hand.



It was pointed out to her that any breaches of the premises Licence amount to an offence under section 136 Licensing Act 2003, namely conducting licensable activity without authority, which carries an unlimited fine and/or up to 6 months imprisonment. The Metropolitan Police share information with the issuing authority regarding visits to licensed premises.

This week the Police and Council have received a new premises Licence application for 212 High Street by the same applicant for this TEN. Given there is a review hearing on the 4th December 2019 Police will be better placed to submit accurate representations post the decision made by the subcommittee. The Police have already submitted their representations for that review. The visit on the 16th November has highlighted even more concerns and a warning letter was sent to the applicant. The visit on the 16th November has been shared with the responsible authorities and is relevant to this application.

I on behalf of the Metropolitan police fear that if this event is allowed to go ahead that there will be an increased risk of Public nuisance, crime and disorder and risk to public Safety at the location, I therefore ask this TEN to be REFUSED.

PS
Yours sincerely  253NW

Damien Smith 253NW

Licensing Sergeant

From: ENS Noise Team <ens.noiseteam@brent.gov.uk>
Sent: 24 November 2019 18:10
To: francisco
Cc: Business Licence <business.licence@brent.gov.uk>; Wood, Martin <Martin.Wood@brent.gov.uk>
Subject: Re: Licence Consultee Email. Licence Application Number:18007

Dear Mr Agnaldo Dal Forno

The Nuisance Control Team have been consulted on this application for a temporary event notice. We note the application is for the sale by retail of alcohol and the provision of regulated entertainment for a capacity of 100 with a terminal hour of 01:00hrs over three nights 07/12/19-09/12/19. Representation is made on the basis that the granting of this temporary event notice in its current state is likely to be detrimental to the Licensing Objectives with regards to the prevention of public nuisance.

Grounds

Representation is made on the following grounds:

- Public nuisance is likely to be experienced by the occupiers of neighbouring and nearby residential units from airborne entertainment noise from regulated entertainment and the noise caused by patrons exiting the premises at noise sensitive hours
- We do not have confidence in the applicant's ability to manage noise from regulated entertainment
- We have no confidence that the applicant will uphold his duty to prevent public nuisance

The representation is justified by consideration of the type of entertainment proposed, the hours during which it will take place and the time the premises will disperse of patrons.

Background

This applicant is the business proprietor at Barril, 159 High Street, NW10 4TR, where we have received and still continue to receive complaints about the conduct of the premises at noise sensitive times from loud music and noise from patrons outside the premises.

In outline (at 159 High Street), we have issued Mr Agnaldo Dal Forno with a Noise Abatement Notice prohibiting nuisance from loud music; successfully prosecuted this individual at court for breaching that same notice; seized speakers from the premises after he continued to play loud music despite the Nuisance Control Team giving unambiguous advice about our concerns and our enforcement powers. On the basis of the preceding, the Nuisance Control Team will be applying to formally review the premises licence at Barril in order to prevent public nuisance.

As a consequence of this, and based on our numerous interactions with Mr Agnaldo Dal Forno, we do not consider he will uphold his duties under the Licensing Act 2003 and we contend that public nuisance will arise.

CONDITIONS

It is recommended that suitable conditions are imposed to ensure the Licensing objective relating public nuisance is upheld. If you can agree to the conditions below we will consider withdrawing our objection.

1. The terminal hour shall be revised to:

Day: 07-12-2019 - SATURDAY

Start Time: 11:00

End Time: midnight

Day: 8-12-2019 - SUNDAY

Start Time: 11:00

End Time: 23:00

Day: 9-12-2019 - MONDAY

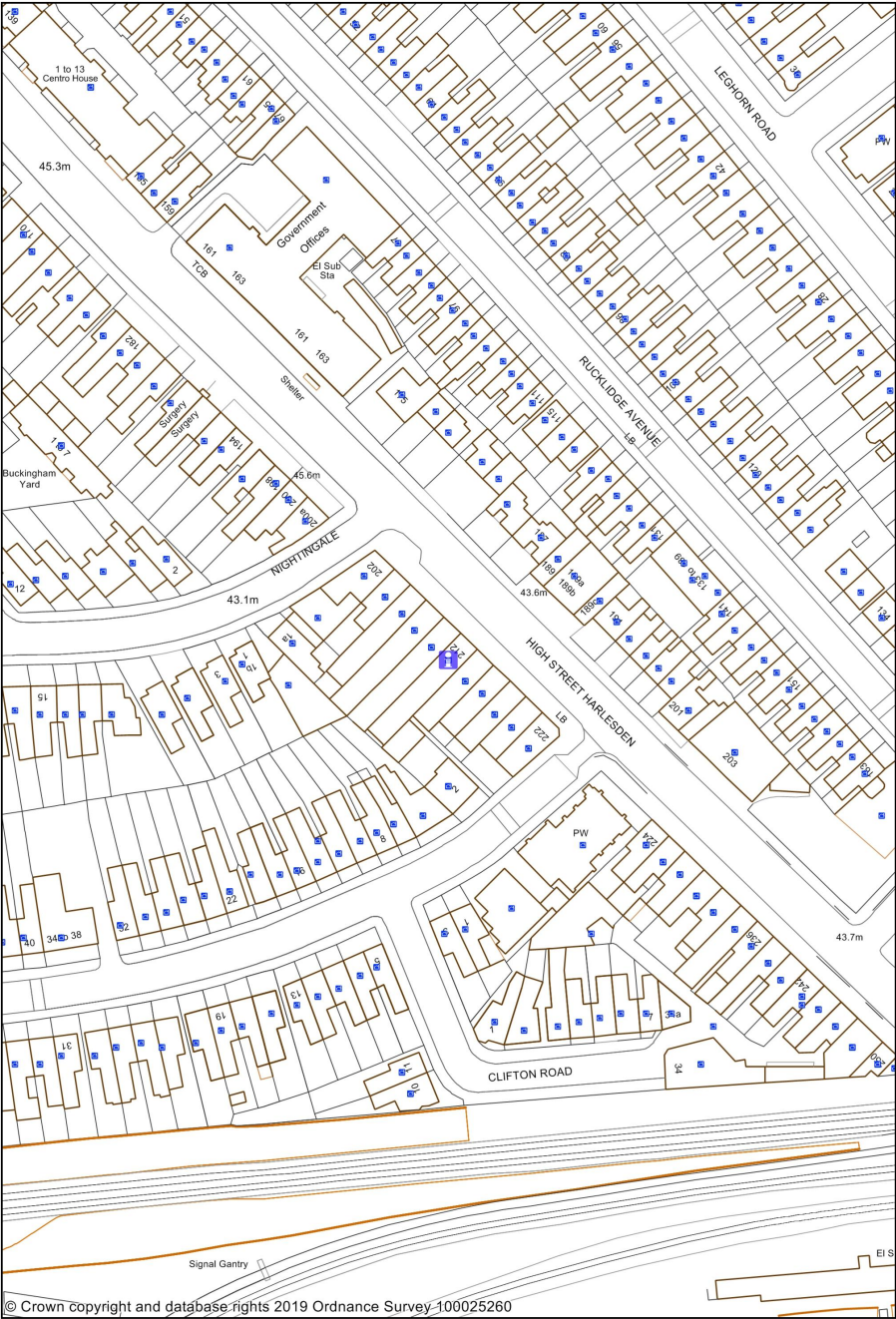
Start Time: 11:00

End Time: 23:00

2. Regulated entertainment (other than incidental background music) shall not be permitted at the premises until a report (prepared by an acoustician accredited by the Institute of Acoustics) demonstrates that regulated entertainment played at the premises is contained within the venue without any adverse noise transmission that could give rise to public nuisance experienced by neighbouring and nearby residential units. Such a report must take into account the maximum capacity of the sound system used at the premises and the sound insulating capacities of the premises in respect of neighbouring and nearby residential units.

Regards

Ketan Joshi
Nuisance Control Officer
Regulatory Services
Regeneration and Environmental Services



1:1250

0 0.02 0.04 kilometres



This page is intentionally left blank