

Tony Goncalo  
Xodo Brazil  
29 Cricklewood Broadway  
London  
NW2 3JX

23 January 2024

Our Ref: 30493

Dear Tony Goncalo,

**Licensing Representation to the Initial Application for the Premises Licence at Xodo Brazil, 29 Cricklewood Broadway, London, NW2 3JX**

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

**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.

**Cumulative Impact Zone (CIZ)**

The Council has established twelve (12) Cumulative Impact Zones (CIZs) in Brent. The purpose of these CIZs is to address levels of crime and disorder, and anti-social behaviour, particular that associated with street drinking. Therefore, the CIZs will specifically relate to applications and variations for off-licences.

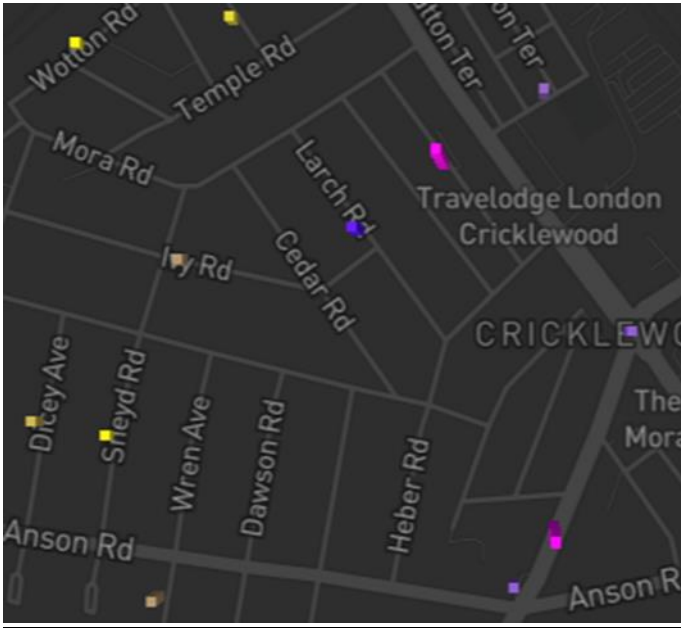
**Cricklewood Broadway**

Cricklewood Broadway is a busy High Street with a variety of shops on one side of the Broadway which is in Brent. The data shows that there is a high level of ASB.

This is a new CIZ for Brent.

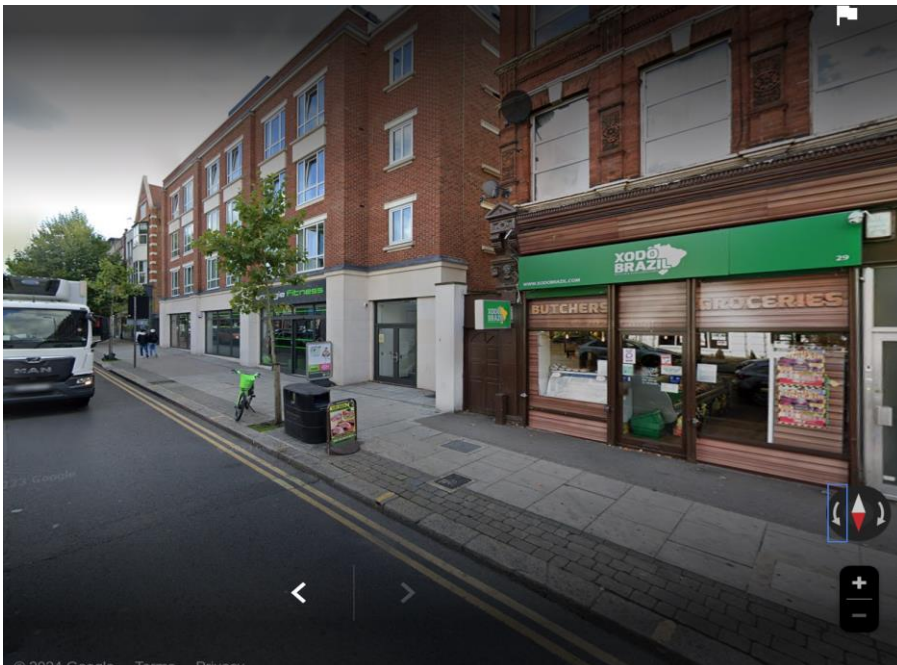
Between 1 July 2021 and 30 June 2022 there were 238 reports to the police, including 149 relating to anti-social behaviour, 2 relating to public order breaches and 81 reports relating to violence.

The below map shows violence with injury crimes.



### The Premises

The premises, namely, Xodo Brazil, 29 Cricklewood Broadway, NW2 3JX falls within one of Brent's CIZs.



## **Public Space Protection Order (PSPO)**

The entire Borough of Brent is subject to a Public Space Protection Order for street drinking and it is an offence for a person to fail to comply with a request to cease drinking alcohol by an authorised officer.

If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within these areas, the officer may require the person concerned:

- a) not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
- b) to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- c) An officer may dispose of anything surrendered to him/her as above.
- d) Issue fixed penalty notices on offenders
- e) Prosecute persistent offenders

However, in reality there are limited police officer resources, which in practice would prevent the above from being enforced. This therefore places a greater emphasis on the responsibility of those premises that are selling alcohol for consumption off the premises. It is clear that if off licences did not exist, the number of street drinkers would decline.

Therefore, simply selling alcohol to customers who once off the premises, are no longer the responsibility of the licence holder, the Designated Premises Supervisor (DPS) and/or members of staff is no longer a viable option.

## **Operational Plan & Conditions**

### *History – Complaints*

The Council received a complaint in December 2023, which triggered a licensing visit to the premises in response to allegations of noise disturbance in the form of loud music and the supply of alcohol. The applicant, Mr Goncalo was in charge of the premises at the time, when the investigation took place.

Mr Goncalo initially denied any licensable activities taking place but after further questioning by the Licensing Officer, he later admitted that he had gatherings with his friends and held parties with alcohol supplied at the premises. Mr Goncalo confirmed he was hosting a live concert for his daughter who is a gospel singer.

Following a warning letter issued by the Council, the Licensing Authority received a new application for the supply of alcohol and provision of regulated entertainment.

On 11 January 2024, a request for further information was sent to the applicant in respect of the new application. On 12 January 2024, the applicant responded to my questions and provided an amended plan eliminating the side external areas including the rear garden, see below details:

### **Business Information**

1. Please confirm who is the business rate payer?

- *The business rate payer is under Lina Lai.*

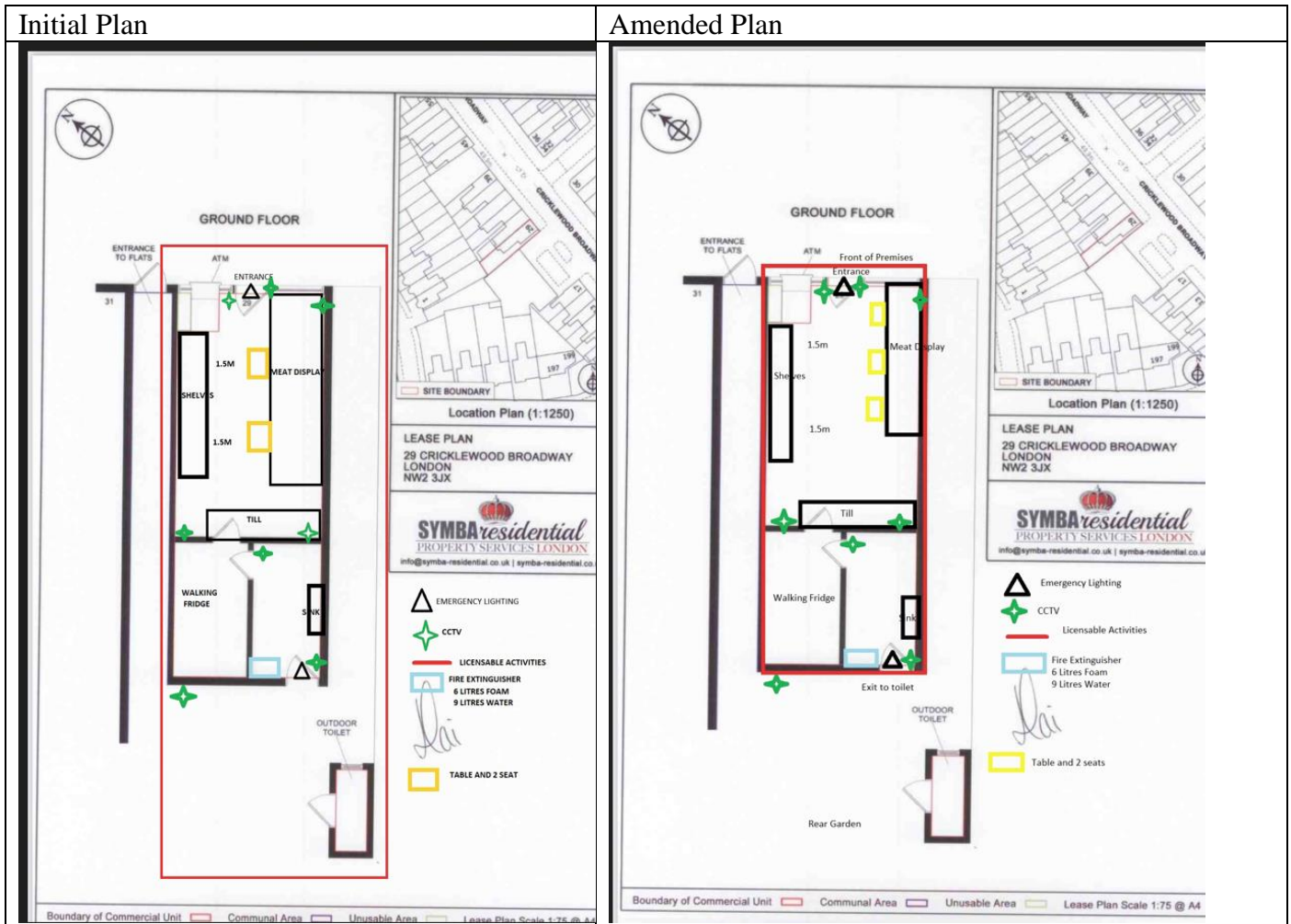
2. Please confirm if you are the leaseholder and how long you hold the lease for?
- *The leaseholder of the premises is under the name of Lina Lai and is for 15 years.*

### **Operating Schedule/Licensable Activities**

3. What sort of alcoholic beverages will you supply?
- *Mainly Beers, but also Wine and Spirits.*
4. Do you intend to supply single can/bottle of alcohol beverages?
- Yes
5. Do you intend to supply beers, ciders and lagers over 6%abv?
- Yes
6. Will the 8 seated customers be located inside the premises?
- Yes
7. With regards to live music, are you intending to host events in the future or invite other musicians to provide entertainment?
- *No, the licence for live music is for the use of my daughter to record for her YouTube channel.*

### **Plan**

8. It would appear that you have proposed licensable activities areas outside the property, please can you provide a plan labelling the areas *for example front external seating area, rear garden* as indicated with an arrow below:
- *The New plan will be attached on the e-mail.*
9. It would appear that the customer toilets are located in a separate building at the rear, how would your customers gain entry to the toilets?
- *Yes, the toilet is located on a separate building near the rear of the garden, however with restricted access. For the customers to gain entry to the toilets they must ask one of the staff to gain access.*
10. Are there residents living above or behind the premises?
- *Yes, there is resident living above the premises and gain access to their flats from the side of the shop which is a private and independent entrance.*



On 12 January 2024, a Licensing Officer visited the premises and took pictures of various areas within the premises (Appendix 1).

The Licensing Authority would expect to see information on how the business plans to ensure that their particular premises will go above and beyond in promoting the licensing objectives in a crime hot spot and in this case the applicant has not provided such information to support this.

Furthermore, it would appear that the applicant is not familiar with a CIZ. There are existing off licences within close proximity.

Trading Name	Address	Distance
Budgens	41 Cricklewood Broadway, London NW2 3JX (Borough of Brent)	1min walking distance (135 ft)
Co-Op	22-26 Cricklewood Broadway, London NW2 3HD (Borough of Camden)	2min walking distance (246ft)

In respect of the plan, there is concern with customer access to the rear toilet. All toilets in food business premises should be separated by a lobby from food eating or preparation areas. It

transpires that customers would need to enter the preparation area in order to access the toilet, which is unhygienic from a food safety point of view.

The size of the premises is of a compact nature and does not appear to be appropriate to run as an on licenced venue. Mr Goncalo holds the capacity of a manager, therefore it is questionable whether he is suitable to be a licence holder on the basis that he flouted the law.

### **Summary**

The Statement of Licensing Policy states that any licence application in a CIZ area will need to demonstrate with evidence that its operation will not add to any cumulative impacts that the CIZ is seeking to address. Further, new applicants and those applying for variations would be required to demonstrate how their premises will not contribute to street drinking in those areas.

The effect of adopting a CIZ is to “create a rebuttable presumption” that applications for licences which are likely to add to the existing cumulative impact will normally be refused (or subject to certain limitations) unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.

It is on this basis, that the Licensing Authority ask that the application for a new application of the premises licence is **refused** by the Licensing Sub-Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Esther Chan', written in a cursive style.

Esther Chan  
Licensing Inspector

