

Masiko Bageire Rogers
Mama Calibar
Dexion House
Empire Way
HA9 0EF

28th November 2012

Licensing Representation to the Application to Review the Premises Licence for Mama Calibar, Dexion House, Empire Way, HA9 0EF

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 Licensing Objectives for the reasons indicated below.

Officer: Susana Figueiredo – Licensing Inspector

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

The application has been made to review the premises licence under section 51 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.

A visit took place on Saturday 17th November 2012 at 03.00hrs by Licensing Enforcement Officers Susana Figueiredo and Lavine Miller-Johnson as a result of the application to review the licence of the above premise, and the following was noted;

- On arrival to the premises we were approached by the head of security Abraham Adewusi SIA number clearly visible (013012777648701). He has been head of the team for the past year.
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- Mr Adewusi stated the CCTV was in good working order and it runs for 31 days. We saw the CCTV but were unable to verify whether it was recording or not.

Condition 3 & 4 satisfied

- Mr Adewusi took myself and my colleague Lavine Miller-Johnson to the Designated Premises Supervisor (DPS) and Licence holder of the premise, Masiko Bageire Rogers.
- No persons were seen drinking alcohol other than on the plans of the premise.

Condition 1 & 2 satisfied

- Toughened glassware was in use by customers.

Condition 6 satisfied

- The licence states the maximum capacity should be 150 persons. However, in my opinion there were more than 150 people present. When asked if the SIA staff used door clickers to ascertain the number of persons in the premises he replied 'no'. **This would mean that Mr Rogers would not know if his maximum capacity had been exceeded.**

Condition 7 not satisfied

- Fire exits were all clear and unobstructed. Fire exit signs were not illuminated but function as and when the emergency lighting is used.

Condition 9, 19 & 21 satisfied

- The rear fire exit that leads to the car park appears to be used as a smoking area. This was visible by the number of cigarette butts on the stairs and a strong smell of residual smoke. This area is almost 100% enclosed and therefore should not be used for smoking.

Smoke Free Regulations contravened

- Fire extinguishers last check date was 9/2011 and is due for inspection
- Door supervisor's records were seen and were up to date.
- Fire hazards checks are also carried out regularly.

Condition 17 satisfied

- Emergency Plan was checked and in place.

Condition 18 satisfied

- A premises security check is carried out every night.
- The staff training manual was up to date.
- There was a sign stating no admission to under 21s after 23:30.
- There should be no admission to any persons after 23:30 but Mr Rogers admitted that he was letting patrons in after this time as the deadline was too early for his business and that he would not be able to survive unless he continued to do this.

Condition 23 not satisfied

- When leaving the premise at 03:30hrs the venue had stopped trading and was asking people to leave.
- Once downstairs we found a large number of customers leaving who were making a lot of noise (in terms of high levels of voices).
- The door staff were not seen to be asking the customers to leave quietly. There were no signs on the exit asking customers to have consideration for residents upon leaving, although this is not a condition of the Premises Licence.

The following inspections have been taken directly from Brent Council’s Licensing system in order to make an informed decision with regards to the review.

23/02/2012	Annual Inspection	Natasha O'Donoghue	Satisfactory visit, CCTV in place 9 cameras, 31 days recording, Licence on display, No obstruction of fire exits, clearly marked - running man and push bars. Incident book and register kept - security staff sign in with name, time in and out and badge no's. 4 security - 1 female, 3 male. Customers not permitted to take open glass containers outside. Plastic glasses in use. Capacity known.
23/02/2012	Service Request	Natasha	Hi John,

O'Donoghue

With regards to the complaint of noise at the above premise, Please be advised I attended the premise today and was advised that Mr Rogers who is the DPS and door staff do go downstairs to the front / outside of the building and try to ensure their patrons leave the premises as quickly and as quietly as possible and with regards to the local residents. There is also an announcement made by the DJ informing persons it is a residential area and to leave quickly and quietly.

I was informed that someone from the council had been in recently concerning the noise complaint.

This incident I was told stemmed from persons fighting with each other across the road from Mama Calabar due to some cars colliding into each other. He stated they try to ensure people leave promptly without causing a nuisance but unfortunately said it is difficult to control once people have left his property and are on the main street. He did advise that the local police had attended his premise. I reiterated to him to ensure that persons are informed it is a residential area and to make sure they leave without causing a nuisance and that he and his staff monitor and move people on as quickly and quietly as possible.



			Thanks and Regards
31/05/2012	Special Initiative Inspection	Natasha O'Donoghue	Olympic check - no change in personnel. licence on display, nothing specific for Olympics
04/09/2012	Other	Natasha O'Donoghue	From Police update: info:On Friday and Saturdays when Mama Calabar on Empire Way Wembley closes at around 4am the people leaving the club are causing a large disturbance to local residents by creating a lot of noise They are also urinating in residents gardens The music during the clubs opening hours is also exceptionally loud Advice has been given for the complainant to contact the local council about the noise nuisance Local SNT Aware and licensing officers notified
20/10/2012	Check Visit	Esther Chan	20/10 @ 2:00 hrs MAMA CALABA EMPIRE WAY NOISE COMPLAINT. Joint visit made by EC, NOD and AK. Drove past premise and saw 5 people at the door. 20/10@2:05hrs MAMA CALABA DEXION HOUSE EMPIRE WAY NOISE COMPLAINT. As we were walking towards the premises, we saw a black male leaving from a BMW across the road and walked towards the premises. He was searched and allowed entry. Loud music could be heard on the street. There were 5 SIA staff on duty. Spoke to manager Helen Bageire (Mob 07956836846) about the noise and she claimed the music was not loud and

couldn't be heard on the main street. We went downstairs and stood outside the venue. Mrs Bageire said she can hear the music but there is no noise nuisance. We explained to her that she would need to lower the volume of the music. EC advised and warned Mrs Bageire to comply with the licensing objectives. Failure to comply may jeopardise her licence and she may be subject to review.

She said that the last entrance time is 2:30am.

At approx 2:30am , Nuisance Control Officer, Juhaina Junaid from Brent Council attended the premises in our presence. Juhaina explained to Mrs Bageire that she has had a number of letters and warning issued. Mrs Bageire again claimed that the noise was not loud which is not a nuisance. Mrs Bageire stated that there has been no fights nor has the police been called out. She said she has no choice but to close the venue and cancel the licence. We explained to her that this was not required and she simply needs to lower the volume. She then called the DJ to lower the volume. As the DJ failed to listen to her instructions to reduce the volume, we entered the premises to conduct further checks. As we were looking at the Door Staff Register, we noticed groups of people leaving the venue in an agitated mood. The music

			was switched off and everyone was asked to leave the venue.
29/10/2012	Check Visit	Natasha O'Donoghue	Spoke to Masiko Bagiere Rogers who is DPS, he explained the incident occurred in the toilets where there is no CCTV, it was a fracas between women which he said was diffused quickly, one of the women was escorted out of the premise by security and that should be on CCTV as they were getting into the lift. There is CCTV in the premise however not in the toilets where the fracas started. The women called the Police and ran away, Masiko has said she is barred and will not be allowed back into the premise.
27/11/2012		Other	Natasha O'Donoghue
			Meeting Outcome: You were provided with general advice about the steps you could/ would take to address the issues we raised with you which are summarised below: 1. You must comply with the last entry time of 11:30pm stated in your licence: we discussed with you the evidence we had that you regularly permitted entry past this curfew. You admitted that this was a regular occurrence (and this was confirmed as company policy by the sign on your entrance stating no re-entry after 1am) but stated you would find it difficult to meet this in light of the club element of your licensed

activities.

2. You intend to relocate the DJ stations and speakers to the restaurant-side of the premises (nearest the kitchen): Since this is furthest from the street-facing façade, residential and hotel premises you hope that this will reduce the noise impacts from loud music. You have cleared a storage area in preparation for this.

3. You intend to prohibit the use of the fire escape for smokers (you currently permit the use of this past 2am to prohibit re-entry from the ground floor) and believe this may be the main source of complaints from the adjacent hotel.

4. You intend to discuss the potential for using your website/ social media to communicate issues to your patrons: you were advised of the need to control impacts from antisocial behaviours such as illegal or inappropriate parking and the limit on times for re-entry to the premises. It was suggested that you could use the above means to communicate this to existing and new patrons and you agreed to discuss this with the DJ.

5. You must prevent egress of noise (loud amplified music) from the building: you were advised that current arrangements for use of the air conditioning units could contribute to the noise nuisance complained of since their used required the opening of windows. You were advised to consider this when



determining appropriate locations for them and may have to consider not using them where they are shown to exacerbate noise problems. You also advised that the air conditioning in the kitchen has not functioned for the past 2 years and would not be repaired. You would ensure that the door to the kitchen was kept shut and windows not opened as this permits noise egress.

6. You intend to strictly enforce the above with your Security operatives: you advised that following this meeting you intended to meet with your security operatives to advise of the issues above and reiterate the actions they needed to take to control or eliminate potentially antisocial behaviour from your patrons. This included but was not exclusive to:

- a. Regularly patrolling the car park and streets in the vicinity of your premises to move patrons on or disperse at the end of the evening
- b. Regular monitor the perimeter to ensure that noise egress beyond the site was not evident and report instances immediately to management when observed
- c. Ensure windows and doors remain closed
- d. Prohibit entry to the premises after 11:30pm and
- e. Enforce other aspects of the license as directed

7. You will regularly update the licensing team and council officers regarding progress you have made



			with the above and any changes you make in the future.
27/11/2012	Other	Natasha O'Donoghue	<p>Update from Meeting: Mama Calabar, Dexion House, Empire Way</p> <p>At our meeting this morning we discussed the issues raised which have led to a review of your premises licence, the need to comply with all conditions as laid down in your current licence, action that could be taken in respect of the notice served on you under s.80 of the Environmental Protection Act 1990 and the implications of non-compliance with this. The Licence Review hearing is unlikely to be convened before January 2013 which provides you with the opportunity to address many of the issues raised.</p> <p>You advised us that you had made a number of changes following receipt of the representations for the Licensing Review which as summarised as follows:</p> <ol style="list-style-type: none"> 1. You now require your staff and security representatives to ensure that patrons do not open windows for ventilation 2. You regularly patrol the car park and perimeter to monitor for noise egress and the behaviour of patrons 3. You have purchased 2 air conditions for use during events

The Licensing Authority require the following points to be included in the operating schedule or added as conditions on the premises licence as a result of the visit and/or the inspections carried out at your premise by Licensing Enforcement Officers.

1. Condition: Notices will be placed prominently outside the premises asking customers to leave quietly

a. Licensing objective satisfied: Public Nuisance

i. Reasons: This is due to the premise being in a residential area.

2. Condition: Door clickers shall be used by SIA staff to ascertain how many patrons including staff are in the premises in order to satisfy Condition 7.

a. Licensing objective satisfied: Public Safety

i. Reasons: As a result of visit where Licensing Enforcement Officers were of the opinion that more than 150 patrons including staff were in the premise and Mr Rogers was unable to verify how he kept count of the number of persons in the premise.

3. Condition: SIA staff will ask customers to leave quietly in order to reduce the noise levels affecting local residents.

a. Licensing objective satisfied: Public Nuisance

i. Reasons: As a result of the visit Licensing Inspectors witnessed noise being made as patrons were leaving the premise.

In addition the following informatives should also be noted and acted upon immediately in order to comply with regulatory requirements;

1. The rear external fire exits as described on the plans shall adhere to Smoke Free Regulations.

Objective Satisfied: Public Safety & Public Nuisance

2. Condition 23 states there should be no entry or re-entry after 23.30hrs. This is not being complied with. Mr Rogers must adhere to this condition at all times.

In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm in writing that you are willing to accept the above conditions and carry out any necessary works where applicable.

Yours sincerely

Susana Figueiredo
Licensing Inspector
Safer Streets
Environment and Neighbourhood Services