

Manuela Rodrigues  
O Estadio  
31A Station Road  
London  
NW10 4UP

21<sup>st</sup> May 2014

## **Licensing Representation to the Application to Vary the Premises Licence for O Estadio, 31A Station Road, London, NW10 4UP**

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: Esther Chan – Licensing Inspector

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

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

The Licensing Authority representations are 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.

**Looking at the premises as a whole I feel that this application to extend the operating hours should be refused. The reason for refusing are:**

### **History**

- 1) The local authority have received complaints of noise nuisance in the rear external area (patio) from a resident in August 2013 and November 2013.
  - 2) In August 2013, the complainant instigated that noise disturbance was coming from the 'beer garden' at rear of the premise. The football table in the rear external area is causing a lot of noise ([Appendix 1](#)). Subsequently, licensing inspector, Ms Lavine Miller Johnson conducted
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a visit on 20<sup>th</sup> August 2013 followed by an email on 22<sup>nd</sup> August 2013 to inform Mr Rodrigues to apply for a variation application should he wish to include the rear external area for licensable activities. Mr Rodrigues was advised to consult the Planning department to ensure that the rear external area comply with Planning regulations (Appendix 2).

- 3) In November 2013, the complainant instigated that noise from the premises is far too loud. The bass from the sound system is affecting the complainant, indicating entertainment was continued being provided without authority and against the licensing inspector's previous warning. The complainant stated that the premise is having bonfires to keep the customers warm and barbeques are taking place in the rear external area (Appendix 3). Subsequent to this complaint, licensing inspector Ms Lavine Miller Johnson sent an email advising both Mr & Mrs Rodrigues that the council have not received the variation application and reminded them to contact the Planning department. Ms Miller Johnson also highlighted that the council have received complaints connected to loud music being played in the rear external area (Appendix 4).

### **Observations**

- 4) A visit took place on Monday 28th April 2014 as a result of the application to vary the licence of the above premise. The applicant Manuela Rodrugues was not present on the premise at time of my visit. Her husband Mr Almer Rodrigues who is not a personal licence holder informed me that she was unwell and he was the only person on duty. He confirmed the bar was open for alcohol. They also have a helper. There were no staff training records nor a statement of authorisation for me to see.
- 5) During my inspection, I observed a group of males congregating in the rear external area socialising. When they acknowledged my presence, they left the premise. As I entered the rear external area, I observed that half of the rear external area was over 50% enclosed, which was covered with plastic sheeting and flag printed material. There was evidence of smoking taking place as I could smell smoke from cigarettes and there was an astray placed on one of the tables. Mr Rodrigues stated that this area is covered due to wet conditions (Appendix 5).
- 6) There was evidence that the rear external area is being used for leisure activities. There was a LCD television mounted on the wall, which was in use. There was a football table located in the middle of the rear external area (Appendix 5).
- 7) On facing the rear external emergency exit, there was a barbeque drum and two bikes located on the left side which was causing obstruction of the use of the emergency exit. On the opposite side, there were pots of plants on the floor. There was a dart board placed the rear fire exit door (Appendix 6).
- 8) There was no signage to indicate that the door in the rear external area is a fire exit as indicated on the plan associated to the variation application. As I opened the rear fire exit door, I observed a couple of residents from neighbouring residential dwellings congregating in the service road talking. There were also vehicles parked on the service road causing obstruction to the emergency escape route. (Appendix 6).

- 9) It was noted that there is a window facing the rear external area. Mr Rodrigues confirmed that this a residential dwelling. When I asked who lived in the property, Mr Rodrigues did not know. In my opinion, it shows his lack of concern for the local neighbours (Appendix 7).
- 10) During my inspection, it was noted that the conditions embedded on the Premise Licence were breached. The conditions that were breached are listed below:

### **Mandatory Conditions**

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

- At the time of my visit, the statement of authorisation was not available for me to see.

*Condition (g) - The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.*

- At the time of my visit, staff training records were not available for me to see. Mr Rodrigues being the only person on duty lacked understanding of the Licensing Act 2003.

*Condition (h) - The responsible person shall ensure that*

*Condition (i) - 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-*

*- beer or cider: half pint;*

*- gin, rum, vodka or whisky: 25ml or 35ml; and*

*- still wine in a glass: 125ml; and*

*(ii) customers are made aware of the availability of these measures.*

- At the time of my visit, there was no evidence that the above drinks were available in smaller measures.

### **Annexe 2 - Conditions Consistent With the Operating Schedule**

*Condition 2 - 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.*

- At the time of my visit, Mr Rodrigues was unable to confirm how long the recordings are kept for. He initially stated 14 days and then stated a month.

*Condition 4 - A "Challenge 21" policy shall be adopted and adhered to.*

- At the time of my visit, there was no evidence that a Challenge 21 policy is adopted. There were no staff training records for me to see and there were no posters

displayed on the premise to advise customers that this premises has adopted a Challenge 21 policy .

Condition 5 - A refusal book shall be kept and maintained.

- At the time of my visit, there was no refusal book for me to see.

Condition 6 - 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.

- At the time of my visit, a copy of the premise licence summary was not displayed so that it is visible from the outside of the entrance to the premise.

Condition 7- The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.

- At the time of my visit, there was no incident book for me to see.

**The principle Grounds for Objection – All four licensing objectives.**

As reported above, the licensee has failed to comply with the Licensing Act 2003 on varying degrees. Complaints received from residents indicate that much of the noise nuisance is now being generated by patrons using the rear external area. With residential dwellings surrounding the premise, if the rear external area is to be added under the umbrella of the existing licence with the propose extended hours for licensable activities, this area could lead to the likelihood of significant public nuisance.

Yours sincerely

Esther Chan  
Licensing Inspector  
Regulatory Services