

The Licensing Officer
Health, Safety and Licensing
Brent Civic Centre
Engineers Way
Wembley
HA9 7FJ

Your ref: N/A
Our ref: 01QK/351/15/782

**QK - Brent Borough
QD - Licensing Department**

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Date: **21st July 2015**

Police Representation to the Application for a variation of premises licence for Cocoa, 271-273 Kilburn High Road, Kilburn, London NW6 7JR.

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.

Officer: Paul Whitcomb PC 782QK

Brent Police Licensing Constable

An officer of the Metropolitan Police Service, 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 following has been requested:

- 1. To permit a terminal hour for late night refreshment of 05:00 in certain parts of the premises.**
- 2. To change the internal layout.**
- 3. To amend condition 9 in Annexe 2 to read; "After 23:00 smoking areas shall be supervised at all times."**

The police representations are primarily concerned with **crime and disorder** and **public nuisance**.

Although planning is not a matter for the police, the following has come to my attention whilst looking at this application. Whilst speaking with Brent councils planning department, I have been made aware of the following restriction on this particular premise, in terms of planning hours:

“The premises shall not be used except between the hours of: 0700 hours and 2400 hours Mondays to Saturdays, 0800 hours and 2300 hours on Sundays and Bank Holidays and at no other time without the written consent of the Local Planning Authority.”

I shall leave the above for consideration by the London Borough of Brent.

271-273 Kilburn High Road, NW6 is located on the west side of the busy Kilburn High Road, NW6. Although situated within a busy commercial location, it can be said that the premise is also wholly within a residential area. To the right of the premise is The Tricycle Theatre and to the left is the Brondesbury Medical Centre, which houses numerous residential flats above it. Opposite, shops are located and other commercial units with flats above them. The rear of the venue is within very close proximity of back gardens which run from residential houses located on Dunster Gardens, NW6. I am led to believe that the applicant will also build residential properties above the venue too. My main concern is the use of the outside garden, outside front seating and conservatory areas. I fear that unrestricted use of these areas, late at night, will have a detrimental affect on the licensing objectives, particularly the impact this will have on public nuisance. All properties in the vicinity of this premise will be affected by noise from outdoor areas of the premises.

During a meeting between myself, Lord Haleem Kherallah and others, I asked Lord Kherallah whether it was his intention to carry out a shisha operation at the premise, either now or in the future. He informed me that this was not his intention at all. However, he went on to say that he would not rule out selling ‘premium shisha’ at the venue, if it was requested by a customer. I can only imagine that if this is allowed by the management, this activity would take place in the rear garden. Although not a licensable activity in itself, shisha and any form of smoking in the rear garden until 0500 would likely cause public nuisance late at night for local residents.

The applicant has requested that existing premises licence condition number nine (9) be re-worded to; ‘*After 2300 smoking areas shall be supervised at all times*’. However, police believe that any use of an outdoor area after 2300 hours, in a residential area undermines the public nuisance licensing objective. Use of such outdoor areas, in a residential area until 0500 hours, will likely result in complaints from residents on a regular basis. As such, police request this condition is not re-worded at all. Police request that condition 9 is removed and replaced with condition numbers 9, 10 and 11 listed below. I also have concerns with the proposed use of the conservatory area and the use of outdoor seating areas at the front of premises. I have added conditions below, to mitigate any adverse affects on the licensing objectives.

Police request that the following conditions be **removed**:

1. (Existing condition 10) A Challenge 21 policy shall be adopted and adhered to.
Outdated condition. To be replaced by an updated Challenge 25 condition below (See added condition 3).
2. (Existing condition 4) The licensee shall keep an incident book which shall be made available to the police and licensing authority.
Outdated condition. Replaced with a more thorough condition below. (See added condition 6).

3. (Existing condition 9) After 23:00 hours outside smoking areas shall be limited to 5 persons and each area shall be suitably supervised. *Replaced with a re-worded conditions (See added conditions 8, 9 and 10)*
4. (Existing condition 8) The outside drinking areas shall cease at 23:00hrs. *Replaced with re-worded conditions (See added conditions numbers 8, 9 and 10).*

Police request that the following conditions be **added**:

1. CCTV cameras shall be installed to cover the entrance of the premises, the conservatory, outside front seating and the rear garden areas.
2. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises and that the correct time and date stamps are shown.
3. A 'Challenge 25 policy' shall be adopted and adhered to at all times.
4. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area/bar 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.
5. The DPS shall ensure all public areas within three (3) metres of the premises are cleared of litter arising from the premises daily.
6. An incident log shall be kept at the premises, and made available for Inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any faults in the CCTV system
 - Any refusal of the sale of alcohol
 - Any visit by a relevant authority or emergency service.
7. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).
8. Customers/staff shall not be allowed access/use of the outside rear garden from 22:30hrs Sunday - Thursday and 00:00hrs Friday-Saturday. Notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of customers.
9. Tables and chairs within the outside front seating area are to be removed at 22:30hrs Sunday-Thursday and 00:00hrs Friday-Saturday. Customers/staff/members of the public shall not be allowed to use this area after these times, save for exit from or entry to the premises.

10. The conservatory shall not be used after 22.30hrs Sunday-Thursday and 00:00hrs Friday and Saturday. After these times, all doors and windows shall be fully closed.

11. All ventilation and extract systems shall be designed, installed and maintained so as not to cause a nuisance to nearby properties.

All other existing conditions to remain the same.

Yours sincerely,

Paul Whitcomb PC 782QK
Brent Police Licensing