

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee (C) following a hearing on 13 July 2017 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

Jet Sete
252 High Street
NW10

1. Members of the Sub-Committee

Councillors Long (Chair), Harrison, McLeish

2. The Application

The application was for a review of the premises by the Metropolitan Police.

3. Representation

The Police were represented by PC Sullivan.

The Licence Holder was represented by Mr Dadds, Solicitor.

The Licensing Authority was represented by Ester Chan.

██████████ spoke on behalf of a local resident.

4. The Hearing

PC Sullivan set out the background to the matter.

On 12th July 2017, applications to transfer licence to Mr Martins Jr along with a transfer of DPS had been received.

After the two previous reviews, numerous conditions were added to the licence. Since the last review there had been two serious incidents at the premises, which led to the third review.

The Police view was that there is a lack of management at the premises. Initial application sought revocation – however with agreed conditions the Police were satisfied that the premises could stay open and uphold licensing objectives.

PC Sullivan set out that he had more confidence Mr Martins Junior than in his father. Mr Martins senior has retired and will return to Portugal with agreed conditions as to his return.

Esther_Chan set out that she was satisfied that premises should be allowed to conduct their business, but Mr Martins Senior should not have any part in the running of the premises.

However, Ms Chan sought an earlier closing hour of 2am in order to uphold the licensing objectives.

██████████, Chair of the Residents' Association spoke on behalf of ██████████. He explained that residents suffer anti social behaviour regularly, and live in fear of being disturbed. Serious problems take place which includes fights, urination, vomiting and slamming of car doors. It was accepted however that as a result of the police intervention, Mr Martins Senior did attend the Residents' Forum, although the situation did not improve drastically.

Under questioning the police's view was that a separate policy for taxis is not required as most patrons ordered taxis on their mobile phones. The police confirmed that they were not seeking a reduction in hours – as hours are not related to the issues at the premises.

██████████ confirmed that the noise was from outside the premises, rather than inside.

Mr Dadds spoke on behalf of the Licence Holder. He submitted that the police, under the s.182 guidance were the main source of information regarding crime and disorder. As such, if the committee is satisfied with the proposed draft conditions agreed with the Police, then these conditions should be accepted as long as the sub-committee was satisfied.

It was suggested that the last complaint from a resident was in February 2016 and that the residents' objections are very vague.

The premises, it was suggested, had worked with the police since the incident. There was now a club scanner in place, a change in management and robust training had taken place. As such, it would be disproportionate to cut back the hours to 2:00am.

It was accepted that that Mr Martin Senior, whilst approaching retirement, had taken his eye off the ball. It was stressed however that Mr Martin junior was different and that the sub-committee could have confidence in him running the premises.

Under questioning it was confirmed that the managing supervisors had been trained and training manuals were given to all staff.

Mr Martin junior confirmed that he held a personal licence. He had previously worked at the premises and in recent times taken on a more managerial role.

The Licence Holder was questioned about the dispersal policy and it was explained that there were multiple signs and staff would remind patrons to leave quietly.

It was confirmed that the premises would not allow anyone to enter the premises if they were intoxicated.

In summary:

Police: Review brought because of an increase in crime and disorder, but with new management, conditions, training and dispersal policy in place –are confident that an improvement will be seen.

Licensing: Supported the police position, but sought a reduction in hours.

Local Residents: Had nothing to add but were grateful for the intervention by the Police. We just want to see an improvement.

Applicant: Welcomed the acknowledgment from licensing authority that they take their lead from the police. If the police are satisfied and the sub-committee is satisfied then all that is required are the conditions to be agreed as set out with the Police.

5. Determination of the Application

The sub-committee determined the applications in accordance the Licensing Act 2003. Further the sub-committee considered the matter with a view to promoting the licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Brent's licensing policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee were mindful of the need to reach a decision that was necessary, proportionate, and justified on the evidence before them.

6. Decision

The sub-committee has listened carefully to the submissions made by all parties in this matter.

Clearly, this premises has a long history of disorder. This is the third review, each time arising from serious crime. Mr Dadds submitted that Mr Martins Senior had "taken his eye of the ball" – that is an understatement.

We are also concerned about the effect such disorder has on local-residents.

However, we are satisfied that, with the change in management along with the imposition of robust conditions, this premises can uphold the licensing objectives.

The licence condition agreed with the police shall be imposed, with the following amendments:

- 1. Admission to club by Club Scan, photographic ID, **which includes a date of birth**, to be produced by all patrons to staff and electronic records to be kept on Club Scan and checked every time a patron attends the premises.*

Conditions 5 and 6 will be amended to read:

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. The CCTV system shall be capable of obtaining clear facial recognition images.

The licence holder, DPS or nominated duty manager must inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and licensing authority upon request.

In addition, the following condition regarding Mr Martins Senior will be imposed:

Mr Martins Senior will be excluded from the management of the premises and written notification not less than 48 hours from the start of any intended visit shall be given to the police. Such notification shall include the length and reasons for the visit.

In addition, the following conditions, as requested by the Licensing Authority, will be imposed:

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, club scan or searching equipment*
- (g) any refusal of the sale of alcohol*
- (h) any visit by a relevant authority or emergency service*

Regular announcements shall be made from 03:00 hours reminding patrons to leave in a quiet and orderly manner from the premises.

Appendix 1 contains all the conditions to be included in the operating schedule

7. Right of Appeal

The parties have a right of appeal to Brent Magistrates' court against this decision

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

Dated 27 July 2017

Appendix 1

1. Admission to club by Club Scan, photographic ID, which includes a date of birth, shall be produced by all patrons (driving licence, passport, oyster card) to staff and electronic records shall be kept on Club Scan and checked every time a patron attends the premises.
2. No less than 4 door supervisors shall be employed from 22:00 hours on any day when the premises are open for sale of alcohol past midnight.
3. 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.
4. No entry or re-entry shall be permitted after 02:00 hours
5. 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.
6. The CCTV system shall be capable of obtaining clear facial recognition images.
7. The licence holder, DPS or nominated duty manager must inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and licensing authority upon request.
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, club scan or searching equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
9. Regular announcements shall be made from 03:00 hours reminding patrons to leave in a quiet and orderly manner from the premises.
10. All staff members shall be trained regarding underage sales, responsible alcohol retailing, the main offences under the Licensing Act 2003 and the conditions attached to the premises licence prior to being allowed to sell alcohol.
11. Records of such training shall be kept for 12 months and made available for inspection by the Police and authorised Council Officers upon reasonable request.
12. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all relevant staff and documented as above.

13. Customers shall not be permitted to take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
14. Notices clearly explaining that the premises has an admission policy shall be displayed at the entrance and at suitable places throughout the premises.
15. Notices clearly explaining the licensee's drugs policy shall be displayed at the entrance and at suitable places throughout the premises.
16. The front smoking area shall be limited to 10 persons at any one time and there shall be no consumption of alcohol, soft drinks or food. This area shall be monitored by door staff.
17. The rear fire exit shall remain closed and only be used in case of emergency.
18. No persons shall be permitted to remain at the rear of the club premises.
19. All doors and windows shall remain closed during any licensable activity and where a door is used for patrons to enter or leave the premises the door shall be lobbied and fitted with a self-closing device and shall not be propped open.
20. Windows and doors shall be fitted with an alarm that instructs staff when the window or door has been opened.
21. Entrance and exit to the premises shall be via a lobbied door.
22. All speakers shall be mounted on anti-vibration mountings
23. No music shall be audible at or within the site boundary of any residential property.
24. All entertainments shall utilise the in house amplification system and the output shall be controlled by the duty manager.
25. The level of amplified entertainment shall be controlled by a sound limiting device set at a level agreed with the Licensing Authority.
26. No music shall be played in the beer garden or other external area of the premises.
27. No form of loudspeaker or sound amplification shall be sited on or near the exterior of the premises or in any foyer, doorway, window or opening to the premises.
28. The premises shall implement a written dispersal policy. All staff shall be trained in implementing the dispersal policy, including door supervisors.
29. There shall be a minimum of two door supervisors wearing high visibility jackets deployed at the front of the premises away from the door on Friday and Saturday nights. They shall remain in position until the crowd has fully dispersed so as to ensure the safe and quiet dispersal from the premises.
30. Regular announcements shall be made from 03:00 hours reminding patrons to leave in a quiet and orderly manner from the premises.
31. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
32. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).

33. No children shall be permitted on the premises unless accompanied by a responsible adult.
34. Nudity, striptease and other entertainment of an adult nature shall not be permitted on the premises.
35. The Licensee shall undertake a risk assessment agreed by the Police and Licensing Authority of any significant promotion or event, using the Metropolitan Police Service Promotion/Event Risk Assessment Form (Form 696) or an equivalent and provide a copy to the Metropolitan Police and Brent Council's Licensing Unit not less than 14 days before the event is due to take place.
36. Mr Martins Senior shall be excluded from the management of the premises and written notification not less than 48 hours from the start of any intended visit shall be given to the police. Such notification shall include the length and reasons for the visit.