

Dear Mr Howson,

Thank you for responding to my representation, please see my comments highlighted in red below each point.

Kind Regards
Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
Brent Council

Tel: 0208 937 5303

From: Peter Howson [<mailto:peter.howson@delipod.uk>]
Sent: 13 February 2018 08:04
To: Chan, Esther <Esther.Chan@brent.gov.uk>
Subject: RE: CONSULT: New Premises - Delipod Hub (The Cafe Only), The Library at Willesden Green, 95 High Road, NW10 2SF - 10755

Dear Esther,

As discussed on the phone, please see below my comments on your proposed conditions.

I look forward to hearing from you.

Regards,
Peter

Peter Howson | Managing Director
Delipod® Ltd

1. The licensee shall ensure that any activity associated with the premises shall be carried out in such a manner so as not to cause a public nuisance to neighbours.

Agreed if confirmed that this is linked to the licensed activity hours only, as we currently operate as café without this condition.

Please confirm your actual trading days/times. According to your application form, you stipulated that you will open from 18:00hrs every day.

2. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.

Following consultation with the Public Safety Officer, Chris Pearce the internal exit (now referred to as Exit 2) will be unlocked at certain times but it will only be used in case of emergency. Therefore, I would request that the condition above relates to Exit 1 only as the notices by Exit 2 will be confusing. See attached amended plan.

This condition applies to all exits. I do not believe that this will cause confusion with your customers in respect to placing a notice by Exit 2.

3. 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.

The primary function of the Delipod Hub is a café attached to a library. The ceiling of the café is concrete with highly designed visible metal conduit being used to house the wiring and lighting points therefore any CCTV cameras will be highly visible; the requirement to install CCTV cameras to meet Home Office Guidance we believe will be seen as intrusive during the café operating hours, which is the primary business of the establishment. There is currently steel conduit and wiring in place for one CCTV camera to assist with managing the business, this is shown in the attached drawing. We propose that as a condition we commission this existing CCTV point. However, the CCTV would be discreet and not necessarily meet Home Office Guidance. We believe this would be sufficient as a deterrence and a proportionate record of events given the nature of the establishment.

According to your application, you have applied for various licensable activities, which includes live music nights. As such, it would appear that the venue is not a standard traditional café. This condition is proposed to uphold the licensing objective, which concerns The Prevention of Crime and Disorder.

4. A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the entire front external seating area.

Again, given the nature of the establishment it is not believed that this is necessary. Furthermore, there is a public CCTV camera within metres of the outside seating area. See picture below.



Unfortunately, the public cameras are not designed to focus solely on your premises. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person in the seating area or entering and leaving the premises.

5. The front outside seating areas shall cease being used at 21:00 hours daily. All tables and chairs must be removed.

All tables and chairs being removed would create a problem as they would need to be moved into the Delipod Hub (café) when in still in operation and this would be impractical. However, the planned type of table and chairs would flip-up and lock when closed to avoid use and misuse when the café is closed, therefore no need to remove.

The requirements to cease using the outside area a 21.00 hours is too restrictive we believe. Many areas of London have an outdoor seating area near residential property and is often seen by residents, especially in flats, who do not have an outside space, as an attractive feature of urban life.

The outside area is a small part of a pedestrianised area and if the patrons were not to be allowed to use the seating area shown in the plan during opening hours then there is a possibility, that those patrons who wish to be outside, would congregate in the pedestrianised area (without drinks) nearer to the adjacent flats which would create a situation which would be difficult to manage, and be counterproductive. We believe it would better to have patrons in a managed area.

We believe that Condition 1 above is sufficient to allow the proprietors to manage the use of this space without additional conditions. If the use of this space becomes a public nuisance to neighbours then Condition 1 would be broken, and therefore the use of this space would need to be managed accordingly by the proprietors.

I am happy to amend the condition to 'The front outside seating areas shall cease being used at 21:00 hours daily'. In light of residential dwellings surrounding the premises, this condition is for the prevention of public nuisance.

6. 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.

Agreed, but can this be linked directly to alcoholic beverages as we are a café and patrons of the café frequently purchase take away coffee, for example.

This condition applies to the supply of alcohol.

7. 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 faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

During the day to day running of the café there are situation occur, e.g. a cup is broken, a spillage happens. We could choose to record these incidents and create a log of them, but we don't, we deal with them as they happen and if they were to happen frequently we would deal with them differently.

While recording the incidents listed above would create a record of the incidents, it is unclear how the act of recording these incidents, which we understand if accepted would become a legal requirement upon us and prosecutable if not adhered to, would serve the ultimate objective of meeting the four licensing objectives.

This condition is related to important and relevant incidents that occur at the premises such as accidents/injuries, lost and found property, refused sale of alcohol, thefts, allegations against staff, banned and ejected persons, fight, complaints etc.

8. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).

Currently, as cafeteria, we have deliveries prior to 09:00. This condition would restrict the current operations of the cafe, which there are no issues with, so it is not believed that there is a need for any additional specific conditions here, unless they are linked directly to alcoholic beverage deliveries, and if so we would strongly suggest that 09:00 to 18:00 is not a normal working day.

The purpose of this condition is to avoid disturbance to local residents.

9. A "Challenge 25" policy shall be adopted and adhered to at all times.

We are happy to adopt Challenge 25, but if this comes with the condition that we must create an incident log of every occurrence where we may need to refuse to serve alcohol to a patron, who may be 24 years of age but does not have ID, we would only want to adopt Challenge 21, simply to reduce the administrative burden of creating the potential volume of occurrences.

According to section M on your application, you stated that challenge 25 would be implemented, however I understand you wish to change this to challenge 21 due to administrative reasons. The Licensing Authority does not deem this to be a valid reason. The ability to determine the age of young people has become increasingly difficult over the years, therefore challenge 25 would promote the licensing objective concerning the protection of children from harm.

10. No drinks shall be served other than in plastic or toughened glasses.
Agreed

No Comment