

From: ENS Public Safety
Sent: 11 September 2019 09:50
To: 'Mark Altman' ENS Public Safety <ens.publicsafety@brent.gov.uk>
Cc: ENS Public Safety <ens.publicsafety@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>
Subject: RE: RE: RE: CONSULT: New Premises - Fudam, 238A Ealing Road, Wembley, HA0 4QL - 17186

Dear Mark

Thank you for your correspondence dated 10th September 2019, stating that you accept the conditions set out in our representation.

Please ensure that the capacity calculations are forwarded to the Public Safety Team as so as available so that the licence can be issued.

I confirm that the Public Safety Team now withdraw the current representation and do not make any further representations regarding the application.

We will require the agreed conditions to appear on the licence schedule.

Kind regards

Mr Chris Pearce
Public Safety Officer

From: Mark Altman
Sent: 10 September 2019 16:15
To: ENS Public Safety <ens.publicsafety@brent.gov.uk>
Cc: ENS Public Safety <ens.publicsafety@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>
Subject: Re: RE: RE: CONSULT: New Premises - Fudam, 238A Ealing Road, Wembley, HA0 4QL - 17186

Dear Chris,

Thanks for your time and assistance in this matter.

I can confirm that the client has agreed to accept the 4 conditions as proposed in your email, namely:

1. The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
2. Any socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).
3. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
4. Subject to risk assessment, the maximum number of persons permitted on the Premises (not including staff) shall be: 43 persons

If I can be of any further assistance, please do not hesitate to contact me.

Regards,

Mark

Mark Altman
ALES Licensing

Sent: Tuesday, September 10, 2019 at 12:34 PM
From: "ENS Public Safety" <ens.publicsafety@brent.gov.uk>
To: "Mark Altman" "ENS Public Safety" <ens.publicsafety@brent.gov.uk>, "Patel, Yogini" <Yogini.Patel@brent.gov.uk>, "Legister, Linda" <Linda.Legister@brent.gov.uk>
Subject: RE: RE: CONSULT: New Premises - Fudam, 238A Ealing Road, Wembley, HA0 4QL - 17186

Dear Mark

Can we now agree on the following conditions based on your assessment below

1. The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
2. Any socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).
3. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
4. Subject to risk assessment, the maximum number of persons permitted on the Premises (not including staff) shall be: 43 persons

Kind regards

Mr Chris Pearce

Public Safety Officer

From: Mark Altman
Sent: 09 September 2019 16:31
To: ENS Public Safety <ens.publicsafety@brent.gov.uk>
Subject: Re: RE: CONSULT: New Premises - Fudam, 238A Ealing Road, Wembley, HA0 4QL - 17186

Dear Chris,

I apologise for not being able to answer your phone call, I was driving and the Bluetooth cut out.

I have had an opportunity to speak with the client and they have confirmed that the area to the front of the "service counter" is 10 metres x 4.5 metres with the 2 door foyer area being approximately 2 metres by 1 metre.

By my calculations after subtracting the foyer area would leave a usable space of 43 square metres.

I have advised them that the maximum number of people this would accommodate would be 43 and that we should accept this as a condition for the occupancy capacity and hopefully allow you to withdraw the representation.

I have also attached some photographs that may be of some assistance to visualise the layout and the current seating arrangement.

Regards,

Mark
Mark Altman
ALES Licensing

Sent: Monday, September 09, 2019 at 2:19 PM

From: "ENS Public Safety" <ens.publicsafety@brent.gov.uk>

To: Aleslicensing <aleslicensing@mail.com>, "ENS Public Safety" <ens.publicsafety@brent.gov.uk>

Cc: "Patel, Yogini" <Yogini.Patel@brent.gov.uk>, "Islam, Shamsul" <Shamsul.Islam@brent.gov.uk>, "Business Licence" <business.licence@brent.gov.uk>, "Legister, Linda" <Linda.Legister@brent.gov.uk>

Subject: RE: CONSULT: New Premises - Fudam, 238A Ealing Road, Wembley, HA0 4QL - 17186

Dear Mark

It would be up to the applicant to decide what would be suitable qualifications.

My comments would be as a standard demonstration of competence would be through training, instruction, experience and supervision. The assessment of a premises capacity would require a technical understanding the assessment process and procedures along with knowledge of current guidance and legislation.

The HSE state the following:

Competence can be described as **the combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task safely**. Other factors, such as attitude and physical ability, can also affect someone's competence.

As an employer, you should take account of the competence of relevant employees when you are conducting your [risk assessments](#)^[1]. **This will help you decide what level of information, instruction, training and supervision you need to provide.**

Someone's level of competence only needs to be proportionate to their job and place of work. You would not need, for example the same health and safety competence to work in an office as you would on a construction site.

As with the guidance this would be down to the assessor but most common would be Approved Document B,

https://www.planningportal.co.uk/info/200135/approved_documents/63/part_b_-_fire_safety/2

BS:9999

<https://shop.bsigroup.com/ProductDetail?pid=000000000030357099>

Technical Standards for Places of Entertainment 2019.

<http://www.abtt.org.uk/shop/guidance/technical-standards-for-places-of-entertainment-2015/>

it's hard to be conclusive on the guidance as it would depend on the nature and fabric of the building.

Kind regards

Mr Chris Pearce
Public Safety Officer

From: Aleslicensing
Sent: 06 September 2019 10:33
To: ENS Public Safety <ens.publicsafety@brent.gov.uk>
Cc: Patel, Yogini <Yogini.Patel@brent.gov.uk>; Islam, Shamsul <Shamsul.Islam@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>
Subject: Re: CONSULT: New Premises - Fudam, 238A Ealing Road, Wembley, HA0 4QL - 17186

Dear Mr Pearce,

I am pleased to inform you that the applicant has agreed to accept your conditions numbers 1, 2 and 3.

With regard to your condition 4.

If the capacity limit as calculated in the fire risk assessment is considered insufficient, please could you confirm the following:

- 1) what qualification must the professionally qualified capacity specific risk assessor hold and
- 2) what guidance/legislation would you be satisfied with for them to conduct the assessment.

If it is acceptable to you we would volunteer the following conditions in place of your suggested condition 4.

This would fully promote the licensing objectives (public safety) and comply with Brent's own statement of licensing policy for calculating capacity, and also for premises that do not present a specific risk to the public (paras 5.16, 21.1 & 21.3 in particular) :

Additional volunteered conditions for public safety

A) there will be no vertical drinking at the premises

B) the maximum capacity of the premises will be set at 54 persons. Unless a lower figure is shown in the specific fire risk assessment then that figure will be the maximum capacity limit for the premises.

Regards,

Mark

Mark Altman - ALES Licensing

Dear Mr Altman

Thank you for your timely reply.

With regards to the capacity specific risk assessment this is being asked for, for the purposes of public safety. You may or may not wish to incorporate this assessment into your fire risk assessment.

I do not believe that there is a duplication of legislation but if you can point me to this in the RRO then I am more than happy to discuss this further.

Kind regards

Mr Chris Pearce
Public Safety Officer

From: Mark Altman

Sent: 05 September 2019 15:48

To: ENS Public Safety <ens.publicsafety@brent.gov.uk>

Cc: Legister, Linda <Linda.Legister@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>

Subject: Re: FW: CONSULT: New Premises - Fudam, 238A Ealing Road, Wembley, HA0 4QL - 17186

Dear Mr Pearce,

I am most grateful for your response and have asked the client to carefully read the proposed conditions. I await their response, although I am sure that this will mostly be acceptable to them.

I hope the following explanation will reassure you that this is not a large capacity venue, or a vertical drinking establishment:

The premises is a small restaurant covering approximately 35 square metres (Public space) with a maximum of 46 covers at the tables, plus a maximum of 8 persons seated at the servery area. There is no vertical drinking, and all alcohol is served to the tables. These are conditions that will be applied to the premises licence. With the exception of the 3 dates for non-standard timings there is no requirement for live or recorded music.

With regard to condition 4, is the "capacity specific risk assessment" satisfactorily covered by the fire risk assessment. As this is a separate legal requirement under The Regulatory Reform (Fire Safety) Order 2005.

I ask this to ensure that any conditions are appropriate, precise, and do not duplicate other statutory legislation/requirements.

Regards,

Mark

Mark Altman

Ref:

Duplication

Revised Guidance issued under section 182 of the Licensing Act 2003 paras 1.16, 1.19, 2.11 & 14.15.

Brents statement of Licensing Policy 24.2 & 28.1

Safety

Revised Guidance issued under section 182 of the Licensing Act 2003 paras 2.12 & 2.13

Brents statement of Licensing Policy 5.16, 21.1 & 21.3

Sent: Thursday, September 05, 2019 at 11:07 AM

From: "ENS Public Safety" <ens.publicsafety@brent.gov.uk>

To: "aleslicensing@mail.com" "Legister, Linda" <Linda.Legister@brent.gov.uk>, "Business Licence" <business.licence@brent.gov.uk>, "Patel, Yogini" <Yogini.Patel@brent.gov.uk>

Subject: FW: CONSULT: New Premises - Fudam, 238A Ealing Road, Wembley, HA0 4QL - 17186

Dear Sirs

I refer to the application for a new licence for the above named premises. After assessing the application, the Public Safety Team will be making the following representations to the Licensing Authority on the grounds of Public Safety.

Providing the licensee is willing to accept the following conditions Public Safety Team would withdraw the representation.

1. The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
2. Any socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).
3. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
4. A capacity specific risk assessment shall be conducted by a professionally qualified risk assessor. This assessment will include holding capacity, exit capacity and the calculations to demonstrate how that was reached, the lower of the two numbers shall be the final capacity. The guidance used to reach this capacity must be quoted. This risk assessment shall be appraised annually or at the time of any building or layout structural works.

Please provide the capacity assessment when available.

In order for the Public Safety Team to withdraw this representation, it will be necessary for you or your client to **confirm in writing or via Email** that you accept the above licence conditions.

We will require these conditions to appear on the licence schedule should the licence be granted.

Please let me know if I can assist you further.

Kind regards

Mr Chris Pearce Public Safety Officer