



Supplementary: Alcohol and Entertainment Licensing Sub-Committee (B)

Thursday 5 April 2018 at 10.00 am

Boardrooms 5-6 - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Allie (Chair)

Maurice (substituting for vacancy)

Ahmed (substituting for Pavey)

Substitute Members

Councillors:

Daly, Denselow, Duffy, Eniola,
Harrison, Jones, Khan, Long,
McLeish and Stopp

For further information contact: Nikolay Manov, Governance Officer

Tel: (020) 8937 1348; Email: nikolay.manov@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

Agenda

Item	Page
3 Application for a Variation to a Premises Licence by Max Reich for the premises known as Rubio (43 Park Parade NW10 4JD), pursuant to the provisions of the Licensing Act 2003	28 - 29

Conduct of the Hearing:

The hearing shall proceed as follows:

- General introduction by the Regulatory Services Manager
- Case for the Responsible Authority – Police/Regulatory Services
- Questioning of the Responsible Authority by Applicant and Members
- Representations by interested parties (if any)
- Case for the Applicant
- Questioning of the Applicant by the Responsible Authority and Members
- Summing up by the Responsible Authority
- Summing up by a representative of interested parties (if any)
- Summing up by the Applicant

Members' Deliberation

The Chair will then ask the representatives of the Responsible Authority and the Applicant to leave the meeting room whilst the panel goes into close session to deliberate the application. The applicant and the representatives of the responsible authority will be recalled to the meeting room when the Sub-Committee has made its decision. The decision will be confirmed in writing to the applicant within 7 days



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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From: Michael.J.Sullivan@met.pnn.police.uk
Sent: 15 March 2018 13:45
To: info@rubio.co.uk; Patel, Yogini; Legister, Linda;
Business Licence
Subject: RE: Application to vary Premises licence - ref 10864

Hello Max

I have considered the information below, but still think it falls short to uphold the licensing objectives, who would be responsible for any breaches. I am surprised that both companies would not give you more information about the drivers training packages and I have concerns that the training might not be sufficient to protect your licence, or uphold the licensing objectives.

I feel having an independent company delivering alcohol on your behalf will be difficult to write up as a condition, as they are not employed by you directly and will therefore be unable to be held to account for any breaches, or for upholding any condition on your licence, although there might be criminal offences.

As the companies have refused to supply you with a copy of their training programs how can you be confident that they will meet the standards that your business would expect? Does the training involve any sort of test to show that the drivers understand their responsibilities and have a sufficient understanding of the licensing legislation to be able to supply alcohol on your behalf. And more importantly how will they know what conditions are attached to your licence and be able to uphold them, namely Challenge 25, as you are unaware what training they have been given.

I am unsure that the below conditions can be enforced on an independent company that are not named on your licence, and ultimately it will be you liable to uphold any conditions on your licence.

Regards

PC368QK
Michael Sullivan
Brent Police Licensing Team

From: Rubio London [<mailto:info@rubio.co.uk>]
Sent: 01 March 2018 10:53
To: Sullivan Michael J - QK <Michael.J.Sullivan@met.pnn.police.uk>
Subject: Re: Application to vary Premises licence - ref 10864

Hi Michael,

Good seeing the other day and sorry for my late reply but it's been taking a bit longer to speak with the drivers and the delivery companies. As discussed previously when you came down to Rubio, I've now worked out a plan that I'd feel comfortable with:

I've spoken with both UberEats and Deliveroo (drivers and management) and I feel that the drivers have more training and follows the rules more than Deliveroo does. So I've decided to only sell (if granted) with UberEats and not Deliveroo at all.

I also spoke with both the companies and they wouldn't send me their full drivers training for legal reasons but UberEats gave me the 4 mandatory actions needed for every single delivery that contained alcohol:

1. Check the ID of the recipient and enter the date of the birth in the app
2. Request signature from the eater, they will sign on the courier's phone
3. Deliver the item only if the customer is sober and meets the 2 previous criteria
4. Failed ID check will result in refusal of any drinks containing alcohol

I've also worked out a plan that we'll be doing at Rubio to protect children from harm:

1. On every order that contains alcohol, a member of staff will call and check with the customer if they are aware that the order contains alcohol. Preventing an underage person using their parents account without permission.
2. We'll stick a bright yellow sticker on a plastic bag that contains the alcohol, displaying: "ID check required, contains alcohol"
3. We'll only sell the alcohol via UberEats and limit it to a selection of two beers and two wines, priced at £4 and £20.

I also believe that only 1 in 10 orders (if that) will contain alcohol.

I know that the hearing is coming up very soon so please do let me know your thoughts and comments that you might have.

All the best
Max