



Supplementary - Alcohol and Entertainment Licensing Sub-Committee

Wednesday 10 April 2019 at 10.00 am

Pace Room (G-022), Ground Floor, Brent Civic Centre

Membership:

Members

Councillors:

Ahmed (Chair)
Long
Maurice

Substitute Members

Councillors:

Allie, Chohan, Hector, Kennelly, McLeish,
W Mitchell Murray and RS Patel

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 4011; Email: devbai.bhanji@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:

www.brent.gov.uk/committees

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 significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then 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 of 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 or trade union).
- (b) The interests 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 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 is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
3 Application for a New Premises Licence by Mark Anthony Counihan for the premises known as Sally's Bar, 249 Neasden Lane, NW10 1QG, pursuant to the provisions of the Licensing Act 2003	41 - 56

Date of the next meeting: **Date Not Specified**



- Please remember to ***SWITCH OFF*** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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Angela Message
Keystone Law Limited
48 Chancery Lane
London
WC2A 1JF

2nd April 2019

Our Ref: 14861

Dear Ms Message,

Licensing Representation to the Initial Application for the Premises Licence at Sally's Bar, 249 Neasden Lane, NW10 1QG

I certify that I have considered the application shown above and I wish to make a representation that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

An officer of the Licensing Authority, 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 for a new premises licence under section 17 of the Act.

The Licensing Authority representations are primarily concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Following my initial representation on 6th March 2019, a meeting was held at Brent Civic Centre on Tuesday 12th March 2019 with the applicant, Mr Mark Counihan, his agent, Mr Robert Sutherland and business partner, Mr John Teahan to discuss the new application at Sally's Bar, 249 Neasden Lane, NW10 1QG.

During our meeting, the following aspects were discussed and noted:

Applicant's Background

- Mr Mark Anthony Counihan stated that he has worked in bars and pubs when he moved to Chicago in 2009 and has over 7 years of experience.

- Mr Counihan was living in Ireland and has recently move to his friend/business partner (John Teahan) residing address in Hendon.
- Mr Counihan does not currently hold a personal licence, but will apply to become a personal licence holder in the future.

John Teahan – Business Partner

- Mr Teahan was introduced at the meeting as the applicant's business partner. However, he does wish to be named as the premise licence holder and would prefer to be the 'silent' partner.
- Mr Teahan holds a personal licence and has over 20 years of experience. He is currently the leaseholder of 'The Midland Hotel' based in Hendon.
- Mr Teahan said he will be investing in running Sally's Bar financially along with sharing his knowledge and experience with the applicant.

Timothy Sheahan – Previous Premise Licence Holder

- Mr Counihan stated that he is from the same community as Timothy Sheahan but does not know him personally.
- Mr Counihan is aware of the issues connected with the premises and moreover Mr Timothy Sheahan's involvement which lead to the revocation of the previous premise licence.
- Mr Teahan said he knew Timothy Sheahan personally and was made aware that Mr Sheahan wanted to sell the premises and thought it was an opportunity for Mr Counihan to invest in the business.

Lease & Business Rates

- Mr Counihan said he has paid a 10 per cent deposit towards the premise.
- Mr Counihan said he is in the process of acquiring the lease and is at the early stages. He will secure the lease based on this application outcome. He is hoping to secure a 30 years lease.
- Mr Counihan does not have the keys to access the premise at present.
- Mr Counihan is not the current business rate payer. According to Council records, the current business rate payer is Mr Tim Sheehan (Liable since 29.04.2016) as checked on 2th April 2019.

Margaret Harnett - Proposed DPS

- Margaret Harnett who is the proposed DPS on the application has verbally informed Mr Counihan has found a new venture, therefore she will not be working at Sally's Bar.
- There is no one in mind to become the new DPS.

Staff

- Mr Counihan stated that he is intending to employ two full time staff and three-four part time staff.
- Mr Counihan will have daily responsibility of the premise.
- Mr Teahan stated that he has seven bar staffs that work for him at 'The Midland Hotel'. He will deploy some of his staffs to help at Sally's bar. Those who work Sally's Bar would be paid by Mr Counihan which would be reflected on a separate paid slip.

- In terms of staff training, Mr Teahan stated he conducts the training. However, staff training is not documented.
- Mr Teahan also stated that he would have delegated authority, train staff on customer care, how to handle drugs and disturbance at the venue. Mr Sutherland explained that training would include age verification policy and conditions embedded on the premise licence.

Plan

- It was noted that Mr Counihan has never visited the premise but has seen the premises via other sources.
- Mr Counihan believes the plan submitted with application is a true reflection of the current layout.
- Mr Counihan said he is happy to invest money in refurbishing the premise if required.
- In terms of the fire risk assessment, this has not been undertaken. Mr Sutherland said this will be arranged and he will obtain the keys somehow to access the premise.

Business Model

- In terms of the clientele, Mr Counihan would like to attract a 'fresh' young crowd in the 30's age group.
- In light of the previous issues at the premises, I asked Mr Counihan how he would be able to distinguish the 'old' clients from the 'new' clients and more importantly how he would challenge undesirable customers. Mr Counihan emphasised he wants to build the premise from scratch.
- Mr Counihan would like to provide Irish sports, music, dance and card games such as 31. This would not involve gambling.
- Irish music would include live bands solo and groups in duets who would prefer once per week (every Saturday).
- It was proposed that two gaming machines may be sited on the premise. Mr Counihan was made aware he will need to notify the Council.
- Food will not be provided.

Having discussed the above aspects with the applicant and his 'silent' partner, the Licensing Authority have serious concerns as to whether the applicant will be able to uphold the licensing objectives due to the challenging nature of running such a premises in this area which has high levels of crime. The applicant has not shown substantial evidence in managing licensed premises in England and appears to be relying on his 'silent' partner. Furthermore, at the time of the meeting, the applicant confirmed he has not visited the premise.

During our meeting, I asked the applicant if he was happy to curtail the proposed hours for licensable activities. He said he was happy for hours to be curtailed in order to allow him the opportunity to demonstrate how he will be able to manage the business.

Despite, the Licensing Authority's concern, we will offer an opportunity for the applicant to promote the licensing objectives by proposing the following conditions:

1. 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.

2. The CCTV system shall display on any recordings, the correct date and time of the recording.
3. A CCTV camera shall be installed to cover the entrance and rear exit of the premises and a further camera to cover the entire servery counter and tills.
4. A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open to the public.
5. 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.
6. The Licence holder /DPS/Manager shall 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 authorised officers of the Local Authority on request.
7. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.
8. Notices shall be prominently displayed at all exits requesting patrons to respect needs of the local residents and businesses and leave the area quietly.
9. Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
10. The licensee shall ensure customers leave the premises in a quiet and orderly manner.
11. No noise or vibration shall be detectable at any neighbouring noise sensitive premises.
12. A sign stating 'No proof of age, No sale' shall be displayed at the point of sale.
13. The premises will operate a challenge 25 age verification policy with the only acceptable forms of photographic identification being a driving licence or passport.
14. Persons under 18 will not be permitted to remain on the premises after 21:00 hours.
15. Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation (at least every 6 months). The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
16. Door supervisors of a sufficient number and gender mix, shall be employed from 21:00 hours on any day when the premises are open for the sale of alcohol past midnight.
17. SIA Security shall wear clothing that can be clearly and easily identified on CCTV.
18. 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.

19. No entry or re-entry shall be permitted after 23:00 hours till the premises close to the public.
20. Notices clearly explaining the licensee's drugs and weapons policy shall be displayed at the entrance and at suitable places throughout the premises.
21. Notices explaining the licensee's policy on admission and searching shall be placed at each entrance.
22. Toilets shall be checked every two (2) hours for the use of drugs and other illegal activities.
23. A toilet check list shall be displayed on the wall in all toilets. Staff shall use these checklists to record their name and certify the time of the check. Checklists are to be replaced daily and old checklists must be retained and made available for inspection by the Police and authorised officers from Brent Council.
24. A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
25. The designated smoking area (DSA) shall be located at the front of the premises facing Neasden Lane.
26. When the premises licence is in operation the DSA shall be limited to no more than four (4) people at any one time.
27. 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 or searching equipment or scanning equipment
 - (h) any visit by a relevant authority or emergency service.

Reduction of Permitted Hours

The Licensing Authority would propose the change of the hours open to the public and the supply of licensable activities as follows:

Supply of Alcohol

Monday to Sunday – 10:00hrs to 00:00hrs (changed)

Hours Premises is Open to the Public

Monday – Sunday – 10:00hrs to 00:30hrs (changed)

Non Standard Timings

The Licensing Authority propose all non standard timings to be **refused**. In the event that the applicant wish to apply for extended timings and other licensable activities for special occasions, this can be done via Temporary Event Notices.

Removal of Licensing Activities

The Licensing Authority would propose the removal all regulated entertainment, including:

- Live Music
- Recorded Music
- Anything of a Similar Description

In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm that you accept the above conditions in writing

Yours faithfully



Esther Chan
Licensing Inspector
Planning, Transportation & Licensing

PROPOSED REVISED TIMES AND CONDITIONS - Sally's Bar, Neasden

Revised times –

Each day

Sale of alcohol - 10:00 to 00:00

Opening times 10:00 to 00:30

Non standard times will be amended to:

New Years Day and New Years Eve: ~~The period between the standard finish time of the authorised period starting on New Years Eve and the standard start time on New Years Day.~~

10:00 New years eve to 04:00 on New years day.

Premises to close by 04:30

Bank Holidays and other Special Occasions: To extend the standard finishing time by 1 hour for the authorised periods starting on St Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, Christmas Eve, Boxing day and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

1. A copy of the premise Licence summary including the hours which activities are permitted shall be visible from the outside at each entrance of the premises.
2. Save for consumption of alcohol in the 'outside designated area' between 10:00 and 21:00 each day, alcohol will only be sold for consumption on the premises. **The plans submitted with this application describe a 'Rear Smoking Area', however there is no border around it. If you require customers to consume alcohol in this area can the plans be amended to detail/explain the area. As we explained in the meeting this rear area is access to residential areas and it would be unacceptable for customers to be causing nuisance to them. Could you also explain where customers will be permitted to smoke. I am arranging for this area to be marked on a plan. This area would be used by smokers during the day. After 9pm the smokers would only be at the front of the premises. Could propose additional condition.**
"The outside designated area shall be closed to customers between 21:00 and 10:00 the day following. Any persons wishing to temporarily leave the premises to smoke between these times shall be required to smoke outside the front of the premises"
3. Outside drinking shall be in designated areas only, marked on the plan attached to the licence, and there shall be signs stating: 'For Customers Only' and No glasses beyond this point' **As above**
4. Toilets shall be checked at regular intervals for the use of drugs and other illegal activities.
5. The licensee shall keep an incident book which shall be available to the police and Licensing Authority. The incident book will record :
 - a. Weekly checks of the CCTV system – date, time, whether or not satisfactory.
 - b. Defects in the CCTV system – details and action taken to rectify
 - c. Allegations of crime – details of any crime reference, date and time and brief description of incident
 - d. Refusal of sale of alcohol - description of person refused, reason for refusal, date, time and person refusing
 - e. Ejections from the premises – date, time, description of person ejected, reason, person ejecting individual
 - f. Visits by responsible authorities – date, time, name of officer and authority, reason for visit

- g. Details of any door supervisors on duty at the premises – date, time, full name and badge/licence number
- h. Details of any complaints – date, time, brief description of complaint, name of person taking complaint, details of action taken.
- 6. 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 authorized officers from Brent Council upon request. This must comply with the Data Protection Act including signage.
- 7. CCTV camera shall be installed to cover the entrance of the premises, the rear door, rear ~~external~~ **outside designated drinking** area and further cameras installed to cover the full interior of the premises.
- 8. A member of staff trained in the use of the CCTV system shall be available at all times that the premises are open to the public.
- 9. The CCTV system shall display on any recordings, the correct date and time of the recording.
- 10. The CCTV system shall be capable of maintaining clear facial recognition images and a clear head and shoulder image of every person entering and leaving the premises.
- 11. The licence holder DPS/Manager shall inspect and test 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 authorised officers of the Local Authority on request.
- 12. SIA security employed at the premises shall wear clothing that can be clearly and easily identified on CCTV.
- 13. After 21:00, Customers shall not enter or leave the premises from/ by the rear door except in the event of an emergency.
- 14. Notices shall be prominently displayed at all exits requesting patrons to respect needs of the local residents and businesses and leave the area quietly.
- 15. The premises will operate a challenge 25 age verification policy with the only acceptable forms of photographic identification being a driving licence or passport.
- 16. Before staff are authorised to sell alcohol they will undergo induction training to cover the responsibility of persons selling alcohol, the age verification policy and the premises licence conditions. Refresher training will be completed every 6 months.
- 17. ~~A record of all staff training will be retained for staff and will be available for inspection by the police and licensing authority on request.~~ **Replaced with ...** Staff training will be documented and signed by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
- 18. Persons under 18 will not be permitted to remain on the premises after 21:00 hours.
- 19. Door supervisors of a suitable gender mix, shall be employed from 2100 hours on any day when the premises are open for licensable activities past midnight.
- 20. Customers shall not be permitted to take open vessels outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
- 21. The consumption of alcohol will be restricted to those parts of the premises identified on the plan submitted with the operating schedule and approved by the licensing authority.
- 22. No entry or re-entry shall be permitted after 2330 hours till the premises close to the public.

Proposed by public safety officer:

- a. The locks and flush latches on the exit doors and gates shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
- b. The 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).
- c. Exits are not obstructed (including by curtains, hangings or temporary decorations), and accessible via non-slippery and even surfaces, free of trip hazards and clearly identified
- d. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
- e. Where chairs and tables are provided, internal gangways are kept unobstructed
- f. A capacity specific assessment shall be conducted and approved by the Licensing Authority prior to the consultation end date. This assessment shall be completed by a competent person and show all calculations used to reach the final capacity and reference the guidance used to achieve this figure. This assessment shall be appraised annually or at the time of any building or layout structural works.' **Could you supply the fire risk assessment? Yes being prepared**

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From: Robert Sutherland [mailto:Robert.Sutherland

Sent: 03 April 2019 17:08

To: Chan, Esther <Esther.Chan@brent.gov.uk>; Nicola.McDonald@met.police.uk

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

Subject: RE: Sallys revisions to application and conditions

Dear Esther,

I am taking instructions but my initial comments are:

4. If a time interval is preferred may I suggest the following –

‘Toilets shall be checked at least every three (3) hours for the use of drugs and other illegal activities’

5 There are 2 parts to the rear area. One deals with smoking and the other deals with drinking. The smoking restriction is following the consultation period and is to address concerns by limiting smokers to this area during the day and requiring the smokers in the evening after 9pm to smoke at the front of the premises. The application seeks on and off sales, the purpose of the plan is to reduce the off sales so that the only off sales will be to persons consuming in this identified area. The greater off sales must include this small defined area to the rear and so the plan is a restriction on the sales already applied for to address concerns raised during consultation. On that basis isn't this ok as part of this application?

6. In respect of the numbers of smokers at the front would it be possible to impose any restriction after a particular time. I am anticipating the concern is about public nuisance. Are such concerns there during the day. Noise at 12 noon is less likely to be a nuisance than at night. Therefore would it be possible to look at a number restricting smokers after 21:00 or 22:00 hours? The second point is on numbers, 4 is very few given that the premises are a local pub. May I suggest a compromise – splitting the difference and suggest 7 smokers?

Best Regards

Robert Sutherland
Consultant Solicitor
Keystone Law

From: Chan, Esther

Sent: 03 April 2019 16:21

To: Robert Sutherland ; Nicola.McDonald@met.police.uk

Cc: Business Licence ; Patel, Yogini ; Legister, Linda

Subject: RE: Sallys revisions to application and conditions

Dear Robert,

Please see my response highlighted in red below each of your points. If you are happy with my comments, I will amend my representation to reflect the agreed changes, namely Condition 11.

Kind Regards

Esther Chan
Licensing Inspector

From: Robert Sutherland [<mailto:Robert.Sutherland>]

Sent: 03 April 2019 15:50

To: Nicola.McDonald@met.police.uk; Chan, Esther <Esther.Chan@brent.gov.uk>

Cc: Robert Sutherland <Robert.Sutherlandk>

Subject: RE: Sallys revisions to application and conditions

Importance: High

Dear Nicola and Esther,
Thank you for your time.

I have joined all the conditions together so that we can all see what is requested and agreed and what is still outstanding. As I only received Esther's conditions today I have added them to the end. Many of them are already agreed and in those circumstances I have made a note crossing through the condition and stating why deleted. I have highlighted my comments for ease. Other conditions are agreed. Some are not.

The outstanding issues appear to me to be:

1. The special occasions hours limited as discussed with police but licencing do not want any special occasions – **If the application does not include licensable activities such as 'regulated entertainment', the occasional use cannot apply unless a TEN is applied for. The Licensing Authority are not willing to remove this condition.**
2. Licensing condition 11 delete 'detectable' and replace with causing a nuisance - **The Licensing Authority are happy to amend condition to 'No noise or vibration shall cause a nuisance at any neighbouring noise sensitive premises.'**
3. Last admission time agreed with police as 23:30 – licensing seek 23:00 - **In light that the supply of alcohol shall cease at 00:00hrs, the Licensing Authority believe this would be reasonable request. The Licensing Authority are not willing to remove this condition.**
4. Toilet checks regular – agreed with police and a set time of every 2 hours required by licensing – **Regular checks is subjective, therefore I have specified the frequency.**
5. Smoking we have agreed with police, subject to a plan smoking to rear up to 9pm. Drinks would be allowed in that area up to 9pm but no drinkware or drinks taken off the premises. – **This plan has not been included as part of this particular consultation. If you wish to include this, you may wish to apply for a minor variation after the new application is granted.**
6. Smoking area to front from 21:00. I have suggested a restriction on number of smokers to front after 22:00 of 10 smokers - **Due to the size of the venue, the Licensing Authority believe 10 smokers would be excessive and therefore proposed to 4 people. The Licensing Authority are not willing to remove this condition.**

I think that is an accurate summary of the current position but please check and let me know if that summary is agreed.

What are your thoughts on the revisions?

Best Regards

Robert Sutherland
Consultant Solicitor
Keystone Law

From: Robert Sutherland <Robert.Sutherland>
Sent: 02 April 2019 16:37
To: Nicola.McDonald@met.police.uk
Cc: Robert Sutherland <Robert.Sutherland>
Subject: RE: Sallys revisions to application and conditions

Thanks
Yes I can add that as a condition.
Are you ok with everything else?

Best Regards

Robert Sutherland
Consultant Solicitor
Keystone Law

From: Nicola.McDonald@met.police.uk <Nicola.McDonald@met.police.uk>

Sent: 02 April 2019 15:52

To: Robert Sutherland <Robert.Sutherland>

Subject: RE: Sallys revisions to application and conditions

Robert

No difficulty however doors and windows to be closed during entertainment.

Nicola

From: Robert Sutherland [<mailto:Robert.Sutherland>]

Sent: 02 April 2019 10:59

To: McDonald Nicola - NW-CU <Nicola.McDonald@met.police.uk>

Cc: business.licence@brent.gov.uk; Linda.Legister@brent.gov.uk; Yogini.Patel@brent.gov.uk; Robert Sutherland <Robert.Sutherland>

Subject: RE: Sallys revisions to application and conditions

Hi Nicola,

On the regulated entertainment, the application would be amended to remove the regulated entertainment save for on St Patricks day 23:00 to 01:00 day following and between 31st December 23:00 and 1st January 04:00. Does that cause any difficulty?

Best Regards

Robert Sutherland

Consultant Solicitor

Keystone Law

From: Robert Sutherland <Robert.Sutherland>

Sent: 01 April 2019 18:33

To: Nicola.McDonald@met.police.uk

Cc: business.licence@brent.gov.uk; Linda.Legister@brent.gov.uk; Yogini.Patel@brent.gov.uk; Robert Sutherland <Robert.Sutherland>

Subject: RE: Sallys revisions to application and conditions

Importance: High

Dear Nicola

Thank you. I have amended the document changing all your comments which are agreed to blue. There are also a few additional comments also in blue.

I agree we need a plan of the rear area and I am getting it drawn up. This revision would mean that the application can be amended to remove any off sales.

Does the additional condition on smoking address your issue?

I have amended the cctv requirement to make the description of this external area consistent through the conditions.

All other revisions proposed by the police are accepted with one change. The last admission time of 23:30 is agreed but in relation to the non-seasonal additional times would it be possible to move the last admission time too so that the last admission would be 30 minutes before the end time for the sale of alcohol. I.e. 00:30 or 03:30 as appropriate?

In relation to regulated entertainment it is not required generally and I propose to amend the application to reflect that. However, I am checking the position on the non-seasonal additional times – New year's eve/ New year's day I think it would be desirable and possibly St Patrick's day. Will that cause any difficulty?

Best Regards

Robert Sutherland
Consultant Solicitor
Keystone Law

From: Nicola.McDonald@met.police.uk <Nicola.McDonald@met.police.uk>
Sent: 01 April 2019 11:18
To: Robert Sutherland <Robert.Sutherland>
Cc: business.licence@brent.gov.uk; Linda.Legister@brent.gov.uk; Yogini.Patel@brent.gov.uk
Subject: Sallys revisions to application and conditions
Importance: High

Dear Robert
Thank you for the attached information.
Can you please confirm the application for entertainment has now been withdrawn?

Police regard the Non-standard timings for New Year's Eve and new Year's day to be excessive. Police suggest licensable activities cease 0400hrs and premises close the public at 00430hrs on New year's Day to be more responsible.
Police are happy with the other Non-Seasonal variations.

With regard to the suggested conditions I have added any alterations or additions in red.

I look forward to hearing from you
Nicola

From: Nicola.McDonald@met.police.uk [mailto:Nicola.McDonald@met.police.uk]
Sent: 05 April 2019 14:08
To: Robert.Sutherland
Cc: Business Licence <business.licence@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>
Subject: Sallys revisions to application and conditions
Importance: High

Dear Robert

Apart from: all doors and windows remain closed (save entrance/exit) during the provision of regulated entertainment, it would appear that the outstanding matters rely upon submission of the revised plan. I cannot make comment on conditions 2, 3, 7 (CCTV recording external area) or make any proportionate reference to smokers (locations and times) until I have sight of the approved plans.

I look forward to receiving these and the Fire Risk assessment with licensing authority approval.

For your information I am working over the weekend on other Police duties, I am rest day Monday and Tuesday.

Regards

Nicola

From: Robert Sutherland <Robert.Sutherland>

Sent: 03 April 2019 15:50

To: McDonald Nicola - NW-CU <Nicola.McDonald@met.police.uk>; Esther.Chan@brent.gov.uk

Cc: Robert Sutherland <Robert.Sutherland>

Subject: RE: Sallys revisions to application and conditions

Importance: High

Dear Nicola and Esther,

Thank you for your time.

I have joined all the conditions together so that we can all see what is requested and agreed and what is still outstanding. As I only received Esther's conditions today I have added them to the end. Many of them are already agreed and in those circumstances I have made a note crossing through the condition and stating why deleted. I have highlighted my comments for ease. Other conditions are agreed. Some are not.

The outstanding issues appear to me to be:

1. The special occasions hours limited as discussed with police but licencing do not want any special occasions
2. Licensing condition 11 delete 'detectable' and replace with causing a nuisance
3. Last admission time agreed with police as 23:30 – licensing seek 23:00
4. Toilet checks regular – agreed with police and a set time of every 2 hours required by licensing
5. Smoking we have agreed with police, subject to a plan smoking to rear up to 9pm. Drinks would be allowed in that area up to 9pm but no drinkware or drinks taken off the premises.
6. Smoking area to front from 21:00. I have suggested a restriction on number of smokers to front after 22:00 of 10 smokers.

I think that is an accurate summary of the current position but please check and let me know if that summary is agreed.

What are your thoughts on the revisions?

Best Regards

Robert Sutherland
Consultant Solicitor

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