



Second 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

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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 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 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	56 - 61

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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Agenda Item 3

Dear Angela/Robert,

Please find attached updated amendments to my representation based on what the Licensing Authority are happy to accept.

To confirm, the Licensing Authority insist the following:

- the rear smoking area not to be used, therefore DSA to be facing Neasden Lane and restricted to 5 people at all times.
- Regulated entertainment and similar activities to be removed. This applies to non-standard timings. If applicant wish to apply for other licensable activities for special occasions, this can be done via TENS.

Kind Regards

Esther Chan
Licensing Inspector
Planning, Transportation & Licensing

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

Sent: 09 April 2019 00:22

To: Chan, Esther <Esther.Chan@brent.gov.uk>; Nicola.McDonald@met.police.uk; ENS Public Safety <ens.publicsafety@brent.gov.uk>

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

Subject: RE: Sally's revisions to application and conditions

Importance: High

Dear Esther, Nicola and Mr Pearce,

I do not have an amended plan to submit in relation to the rear area and therefore I have deleted reference to this in the conditions. This will mean that the only smoking area is the designated smoking area as defined in the licence to the front of the premises. I have revised this to 5 as agreed. I would ask that this number restriction come into effect after a specific time. I would suggest 22:00 hours rather than all day. 6 or 7 smokers at the front of the premises at 14:00 hours should not be an issue on the High Street?

In respect of the toilet checks this has been amended to "at least every 2 hours". This enables a check to be made at less than a 2 hourly interval without breaching the condition. Without this wording if the check was carried out at 1 hour 50 minutes, there would be a breach.

Before going through all the remainder of the conditions I have deleted reference to any additional hours for non-standard times save for 2 instances New years eve from 23:00 to midnight and St Patricks day from 23:00 to midnight. This will bring the regulated entertainment hours into line with the sale by retail of alcohol hours on these two days.

Condition 2 has been amended to reflect that alcohol will only be consumed on the premises. Signs will be displayed to inform customers.

3 deleted as replaced by licensing condition F.

4 – 17 unchanged

18. door supervisor conditions deleted as there are now no occasions when they apply as there are no occasions when the licensable activities go beyond midnight.

21 amended to reflect the last admission of 23:00.

The public safety officers conditions are agreed and a capacity specific assessment is attached.

The Licensing conditions are amended as agreed. The only additional issues are as mentioned at the start of the email.

Hopefully, these 2 latter points may also be agreed which will resolve all issues.

Should there be any questions please do not hesitate to get back to me.

Best Regards

Robert Sutherland
Consultant Solicitor
Keystone Law

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

9th 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 previous representation dated 2nd April 2019, please see below final conditions proposed by the Licensing Authority based on recent email communication with the agent:

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. CCTV camera shall be installed to cover the entrance of the premises, the rear door, and further cameras installed to cover the full interior of the premises.
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/maintaining 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 vessels 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 cause a nuisance 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. 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.
16. 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.
17. No entry or re-entry shall be permitted after 23:00 hours till the premises close to the public.
18. Notices clearly explaining the licensee's drugs and weapons policy shall be displayed at the entrance and at suitable places throughout the premises.
19. Notices explaining the licensee's policy on admission and searching shall be placed at each entrance.

20. Toilets shall be checked at least every two (2) hours for the use of drugs and other illegal activities.
21. 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.
22. 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.
23. The designated smoking area (DSA) shall be located at the front of the premises facing Neasden Lane.
24. When the premises licence is in operation the DSA shall be limited to no more than five (5) people at any one time.
25. 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.

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