



Second Supplementary - Alcohol and Entertainment Licensing Sub-Committee

Wednesday 4 December 2019 at 10.00 am
Members Suite - 4th Floor, Brent Civic Centre,
Engineers Way, Wembley, HA9 0FJ

Membership:

Members

Councillors:

Ahmed (Chair)
Hector
Long

Substitute Members

Councillors:

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

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 6841; 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 the Review a Premises Licence by Nuisance Control Team for the premises known as Barril, 159 High Street, NW10 4TR, pursuant to the provisions of the Licensing Act 2003	1 - 8



- 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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Mr Agnaldo Pains Dos Santos Dal Forno
Barril Restaurant & Pizzeria
159 High Street
Harlesden
NW10 4TR

29th November 2019

Case Reference: 17722

Dear Mr Dal Forno,

Licensing Representation to the Application to Review the Premises Licence for Barril Restaurant & Pizzeria, 159 High Street, Harlesden, NW10 4TR

Following my initial representation dated the 11th November 2019, a visit was conducted on Sunday 17th 2019.

At approximately 00:23hrs, my colleague and I parked our vehicle opposite the premise. The front shutter covering the main window into the premise was shut, which gave us the impression that the premise was closed (**Exhibit EC/1**).

However, there were approximately four people standing outside the premise and a male was seen entering the premises at 00:24hrs.

There was also music emanating from the premise, which suggested the premise was still opened. I decided to visit the premises, whilst my colleague remained in the vehicle to conduct external observations.

On entering the premise, I was stopped by a male in the lobby area. I presented my warrant card and continued walking.

It was apparent that there was over 36 people inside the premise, which is breach of *Condition 4* embedded on the premise licence. It was difficult to count the exact number of people inside the premise as it was fully packed and people were moving in and out of the premises. I counted approximately 56 people inside the premise at the time of my visit.

The male who had stopped me in the lobby approached me again. He confirmed he was a security staff and stated that there no more than 40 people in the premises. I asked him how he was controlling the numbers, he stated he was using clickers to conduct counts of the customers.

The premise was very busy and all the tables were fully occupied to the extent that customers were standing in the aisle socialising and drinking.

As I walked closer to the bar, I observed two performers, a singer and a guitarist located in the corner. Mr Dal Forno was seen behind the bar serving customers.

I introduced myself to Mr Dal Forno and explained the purpose of my visit. Mr Dal Forno was aware of the review application and told me he is moving to a new location in 3 weeks. He informed me that the DPS was abroad.

I asked Mr Dal Forno whether he had employed SIA for the event. He told me he had employed one door security staff to manage the premise. I asked him to provide the details of the security staff, which he could not to provide.

I told Mr Dal Forno I was concerned with the level of safety inside the premises as it was overcrowded and exceeded the capacity of 36 people. He said he had told his security staff to keep the capacity to under 40 people. At this point, Mr Dal Forno's brother intercepted our conversation and insisted that there was under 40 people in the premises.

I asked Mr Dal Forno why he had closed the front shutters, he stated it was due to a 'private' 28th birthday party. Mr Dal Forno was unable to provide the premise licence and the incident book upon request. Furthermore, he could not demonstate that he had adopted an age verification policy in accordance to his licence conditions.

I requested Mr Dal Forno to show me the CCTV recordings for 26th October and 16th /17th November 2019. Mr Dal Forno was unable to access the recordings on the night. He was instructed to download the footages and contact me once the requested recordings were available.

Whilst I was talking to Mr Dal Forno, I noticed the music had finished and customers were leaving the premises. Mr Dal Forno said he had decided to close the premises early as a result of my visit.

I then left the premise and sat in the car to carry out further observations. I was advised by my colleague that customers from the premises were behaving inappropriately and posing a hazard to oncoming vehicles.

On Monday 18th November 2019, I visited Brent Council's CCTV Control Room to view recordings captured on Brent CCTV cameras on Sunday 17th November 2019 from 00:20 – 01:00hrs, which shows activities taking place when customers were outside the premises. **The Licensing Authority will be presenting the footage (Exhibit EC/2) at the committee hearing as part of my evidence.**

Time	Decription of Activity
00:23hrs	Four people standing outside premises
00:32hrs	People leaving and standing outside premise. Two males leave the premises. Male (1) in blue jacket comes out of premises with an open vessel and walks across the road.
00:33hrs	Female (1) leaves the premises, runs over to a bicycle laying on the floor, picks it up and starts riding. Licensing Inspector can hear her screaming. At this point, there are approximately 12 people congregating outside the premises.
00:36hrs	Male (3) leaving premises holding an open vessel in his hand.
00:38hrs	Female (2) jumps on a person's back and screams
00:44hrs	Male (4) in tan jacket kicks a barrel twice, creating a loud noise.
00:54hrs	Large number of people (approx 30) congregating outside the premise. Some patrons seen crossing the road carelessly
00:55hrs	Male (5) acts disabled when crossing the road. He opens car door and walks onto the road again and obstructs oncoming vehicle. Male (6) waves his arm in the air and crosses the road.
00:56hrs	Male (5) walks across the road to premises acting 'disabled' and obstructs oncoming lorry. Male (6) waving arms and legs, obstructing oncoming vehicle.
00:57hrs	Customers crossing road carelessly.
00:59hrs	External area quiet.

Based on my observations, there was clearly a lack of control of customers leaving the premises. There were large groups of people congregating on the public highway and causing a hazard to oncoming vehicles.

On Friday 22nd November 2019, Mr Forno attended Brent Civic Centre to hand deliver the CCTV footages as per my request on Sunday 17th November 2019. Mr Forno advised me that three of the cameras were not working.

Mr Forno told me that he will be leaving the premise in 3 weeks and has applied for a new premise licence at 212 High Street, Harlesden.

The CCTV recordings provided by Mr Forno did not include 26th October 2019. The footage for the 16th November 2019 did not show the timings and only show limited areas, which did not cover the main restaurant area nor the external areas.

The Licensing Authority are satisfied that the following conditions were breached:

Condition 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 licensing officers if requested.

Condition 2 - A CCTV shall be installed to cover the front entrance of the premises.

Condition 3 - Customers will not take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority

Condition 4 - The maximum number of persons permitted on the premises shall not exceed 36 persons including staff.

Condition 5 - A "Challenge 21" policy shall be adopted and adhered to.

Condition 6 - Alcohol shall only be provided as an accompaniment to a meal.

Condition 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 incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

Condition 8 - 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.

It has been noted that the plan attached to premise licence does not coincide with the actual layout. The counter has now been relocated to the rear left hand side of the premises to create a aisle space. The Licence Holder had failed to submit a variation application to vary the plan.

The Licensing Authority request the premise licence to be **revoked** as the Mr Dal Forno is not deemed a 'fit and proper' licensee. He has breached the conditions embedded on the premise licence and failed to uphold the licensing objectives.

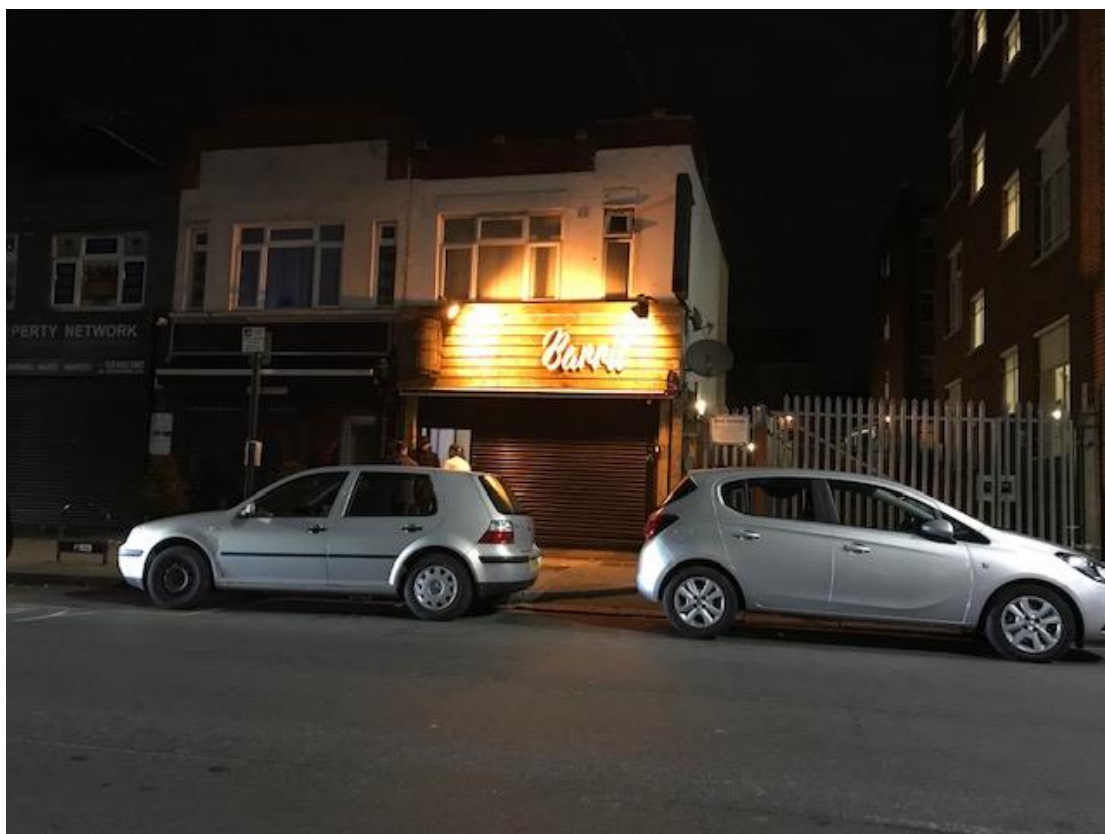
Yours faithfully,



Esther Chan
Licensing Inspector
Regulatory Services

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EXHIBIT EC/1



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