



Alcohol and Entertainment Licensing Sub-Committee – Second Supplementary

Monday 21 March 2022 at 10.00 am

This will be held as an online virtual Meeting

Details on how to access the link in order to view the meeting will be made available online via the following link: [HERE](#)

Membership:

Members

Councillors:

Long (Vice-Chair)
Grah
Hylton

Substitute Members

Councillors:

Ahmed, Chohan, Denselow, Hector, McLeish, Maurice,
Shahzad

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 6841; 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 as an online virtual meeting. The link to view the meeting will be made available via the following link: [HERE](#)

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 the Review a Premises Licence by the Licensing Enforcement Officer for the premises known as Shanzelize, 11 Kilburn Bridge, Kilburn High Road, NW6 6HT, pursuant to the provisions of the Licensing Act 2003	1 - 18

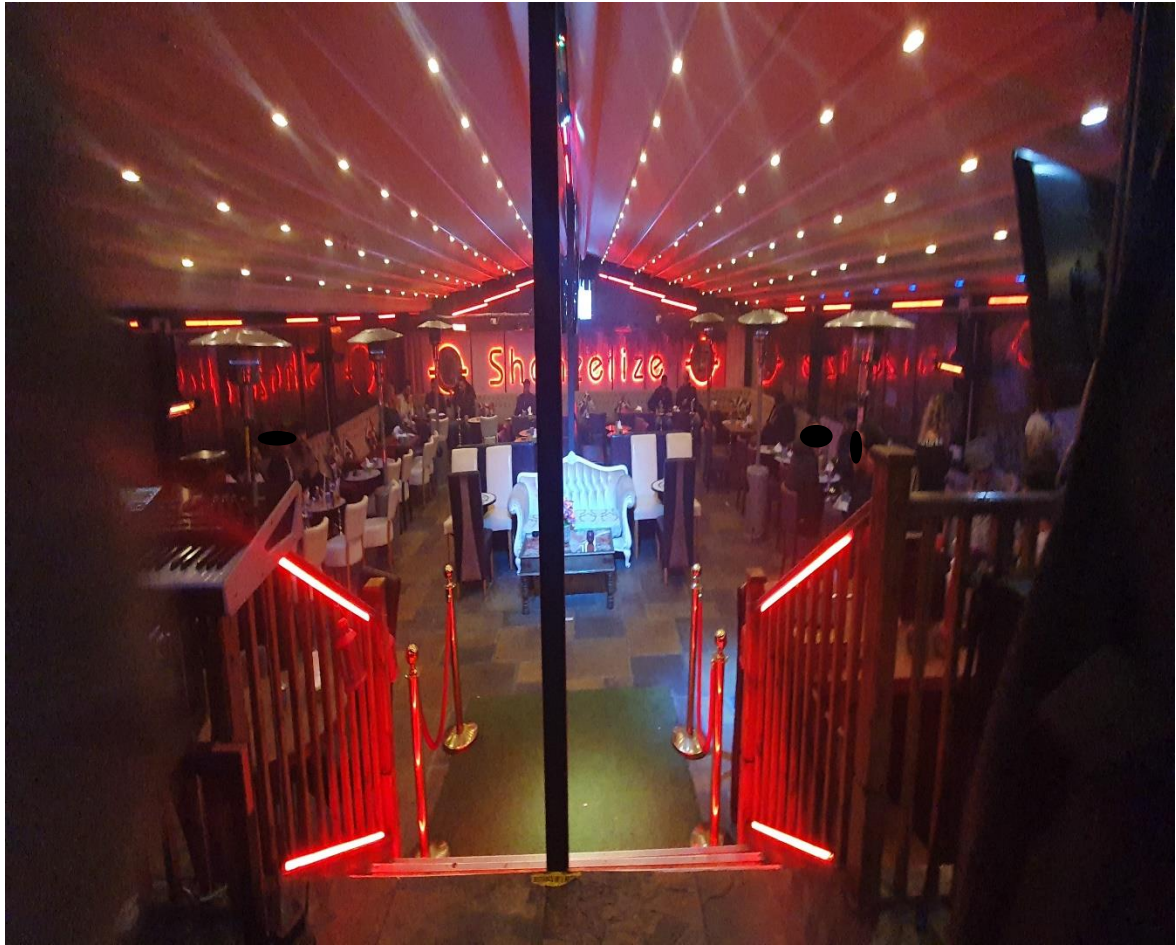
Date of the next meeting: Tuesday 29 March 2022



Please remember to **SWITCH OFF** your mobile phone during the meeting.

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APPENDIX 45 – CUSTOMERS IN REAR SEATING AREA



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APPENDIX 46 – MUSICIAN PLAYING KEYBOARD IN REAR SEATING AREA



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**APPENDIX 47 – MALE SIA STAFF SEATED IN LICENSED
AREA**



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From: Ramesh, Keerthana
Sent: 08 February 2022 14:20
To: Business Licence <business.licence@brent.gov.uk>
Subject: Review of Shanzelize, 11 Kilburn High Road, NW6 6HT
Importance: High

Dear Licensing Authority,

On behalf of Environmental Health, I wish to support the application for the review of Shanzelize, 11 Kilburn High Road, NW6 6HT.

I have now had a chance to review the history of the premises and can report as below.

We have had complaints about smoking inside the premises including the basement at Shanzelize, 11 Kilburn High Road, NW6 6HT which is in contravention to the Health Act 2006. In 2019 a warning letter outlining the contravention in relation to the above legislation was hand delivered to the premises (Exhibit 1). This gave the proprietor clear information on compliance.

In 2021, under the, The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, officers found smoking inside the premises which was in contravention to the legislation above. A warning letter was again hand delivered and clear explanation was given that shisha smoking is not permitted.

The premises is on our 'list of concern' as it undermines public safety objective.

Kind Regards

Mrs Keerthana Ramesh
Senior Environmental Health Officer

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REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ

Tel: (020) 8937 5252

Direct Line (020) 8937 5174

Email: andreas.kirschner@brent.gov.uk

Web: www.brent.gov.uk

Date: 21/02/2019

Mr Beik Mohammadi
Shanzelize
11 Kilburn Bridge
Kilburn High Road
London
NW6 6HT

Your Ref:
Our Ref: SFINS/14241/18
Contact: A Kirschner

Dear Mr Beik Mohammadi,

The Health Act 2006

The Health and Safety at Work Act 1974

The Smoke-free (Premises and Enforcement) Regulations 2006

The Tobacco and Related Products Regulations 2016

Children and Young Persons (Protection from Tobacco) Act 1991(as amended) Section 4

The Companies Act 2006

Re: Smoking of tobacco/shisha at 11 Kilburn Bridge, Kilburn High Road, London, NW6 6HT

We have received reports that guests/customers are allowed to smoke at your premises. I would like to remind you that since 1st July 2007 smoking is prohibited in 'enclosed' or 'substantially enclosed' parts of premises that are open to the public or are used as a place of work by more than one person (including vehicles).

Smoking includes the smoking of tobacco or anything which contains tobacco, or being in possession of lit tobacco or anything which contains tobacco, or being in possession of any other lit substance in a form in which it can be smoked. This includes cigarettes, herbal cigarettes, hand rolled cigarettes, cigars, pipes, water pipes, shisha, hookah etc. The definition of enclosed and substantially enclosed is given below.

Enclosed: Premises will be considered to be "enclosed" if they have a ceiling or roof, and except for doors and windows or passageways are wholly enclosed, whether on a permanent or temporary basis.

Substantially enclosed: Premises will be considered to be "substantially enclosed" if they have a ceiling or roof, but there are openings in the walls which are less than half of the total wall area, including other structures that serve the purpose of walls and constitute the perimeter of the premises. When working out the area of an opening, no account can be taken of openings in which doors, windows or other fittings that can be opened or shut.

This is known as the **50% rule**.

It is your legal responsibility as the proprietor and/or manager of the above premises to prevent people from smoking in your premises as your premises does not comply with the smoke-free law. 'No-smoking' signs must be displayed to enclosed or substantially enclosed parts of your premises.

All receptacles (shisha pipes and tobacco containers) and tobacco products must display the required health warnings. You also have to display an A3 size sign stating that it is illegal to sell tobacco or tobacco products to anyone under the age of 18 and display your business ownership details.

Health and Safety laws require you to assess all risks, specifically those arising from open fire (charcoal), smoke and other dangers that could pose a risk to staff or customers

Please note that anyone who does not comply with the smoke-free law will be committing a criminal offence. The Fixed Penalty Notices and maximum fine for each offence are set out in the table below.

Example of Penalties

Offence	Who is liable?	Fixed Penalty Notice (if paid in 15 days)	Fixed Penalty Notice (if paid in 29 days)	Court Awarded Fine
Health and Safety contraventions	Business owner or employer	N/A	N/A	Can be unlimited and/or imprisonment
Persons smoking in a smoke free place or a vehicle	Anyone who smokes in a smoke free place or a vehicle	£30	£50	up to £200
Failing to prevent smoking in a smoke free place or a vehicle	Anyone who controls or manages the smoke free premises or a vehicle	N/A	N/A	up to £2,500

The Fixed Penalty Notice includes information on the details of the offence and how payment is to be made. Anyone who receives a Fixed Penalty Notice can choose to have the matter dealt with by a court. If a person does not pay a fixed penalty notice, the matter may also be referred to a court to be dealt with.

Officers from Brent Council's Regulatory Services will carry out routine inspections of premises to ensure compliance with the law.

Where contraventions of smoke-free or other legislations are identified appropriate enforcement action will be taken.

Further information on smoke free law can be found at:

**www.brent.gov.uk and
www.smokefreeengland.co.uk**

Please contact me quoting the above reference if you would like any further advice or information.

Yours sincerely,

Andreas Kirschner
Senior Enforcement Officer
Regeneration and Environmental Services



Brent - building a better borough

From: Patel, Kushal
Sent: 31 January 2022 18:21
To: Business Licence <business.licence@brent.gov.uk>
Subject: Shanzelize, 11 Kilburn Bridge, Kilburn High Road, NW6 6HT - 23635

Dear Sir/Madam,

On behalf of the planning authority, we confirm that no planning permission for the premises to be used for shisha smoking exists. Furthermore, the large structure/enclosure to the rear of the premises also does not benefit from planning consent. This is a breach of planning control, and the council have taken formal enforcement action as significant planning harm is caused. We have taken enforcement action to remedy the breach, but the owner has appealed and we are currently awaiting for the outcome of the appeal. The reason why we are pursuing enforcement action is because of the design of the structure, being thin, noise transmits to neighbouring residential premises throughout the hours of operation. This is detrimental to residential amenity.

Regards,

Kushal Patel
Principal Planning Enforcement Officer

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Public Safety
Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ
Tel: (020) 8937 2439
Email: laura.davies@brent.gov.uk
Date: 24/02/2022

Dear Business Licencing,

Licensee: **Mr Hasem Beik Mohammadi**
Premises: **Shanzelize, 11 Kilburn Bridge, Kilburn High Road, NW6 6HT**

Further to the application to review the premises licence for the Shanzelize, I would like to put forward a representation in regard to concerns surrounding public safety, supporting the recommendation for the licence to be revoked.

On 8th October 2021, I visited the premises with Esther Chan in the presence of Mr Mohammadi and Mr Tahzib. My reason for attending was that concerns had been raised by Esther Chan regarding public safety, as a letter had been received from the London Fire Brigade (LFB) (dated 10th September 2021 – appendix 36 of Esther Chan's representation) highlighting fire safety deficiencies at the premises.

As highlighted within the LFB letter, no written fire risk assessment was available and when I asked Mr Mohammadi if one had ever been done, he could not answer. None of fire extinguishers throughout the premises had records to show they had been serviced annually and when I highlighted this to Mr Mohammadi and Mr Tahzib, they were unaware of this requirement under BS 5306-3:2000.

Throughout the premises there was a heavy use of 'daisy chaining' extension cables, something which poses a greater fire risk.

The rear seating area of the premises had seating for 100+ people due to the layout and type of seating in use, such as booth seating around the edge of the extension. As highlighted by the LFB in their report, emergency exit signage was insufficient and the rear exit was not compliant as an emergency exit due to it being locked with by a sliding gate on the inside, the door was obstructed by cleaning materials upon arrival and the rear step leading out of the door was not stable.

In the absence of a fire risk assessment being done by a competent assessor, the safe capacity of the premises was unknown. Therefore I raised concerns that the permitted number of persons allowed in the premises as a whole could exceed the maximum capacity for an emergency, as there were only 2 exits. (One exit being the door mentioned in the above paragraph)

When inspecting the basement, there were a number of decorations and confetti on the floor with a mixer and speaker system near the stage. There were large pools of water on the floor with evidence on the ceiling that there had been a leak at some point. To add further concern, there were extension cables 'daisy chained' within the basement, raising the same concern of an increased fire risk.

After inspecting the premises, I sat with Mr Mohammadi, Mr Tahzib and Esther Chan to discuss my findings, along with the concerns raised by Esther Chan. In regard to elements surrounding public safety, I advised they seek a competent assessor urgently to conduct their fire risk assessment, to address the actions highlighted and to send a copy of the report too Esther Chan and the LFB, noting the areas previously highlighted by the LFB. I reminded both Mr Mohammadi and Mr Tahzib that fire extinguishers need to be serviced annually by a competent engineer, with records kept on site.

In relation to the rear seating area, both Esther Chan and I reminded them that this was an unlicensed area, which is unsuitable for shisha due to it being fully enclosed. Mr Tahzib understood the points raised and interpreted this information to Mr Mohammadi, along with relaying the options available for them to consider in order to make the area suitable and legal.

It was evident that Mr Mohammadi did not understand the seriousness of everything that was mentioned from a public safety perspective, as his response throughout the meeting was business had been difficult due to the pandemic and that he has invested large amounts of money into the business.

To date, no fire risk assessment has been submitted to the London Borough of Brent.

Yours sincerely,



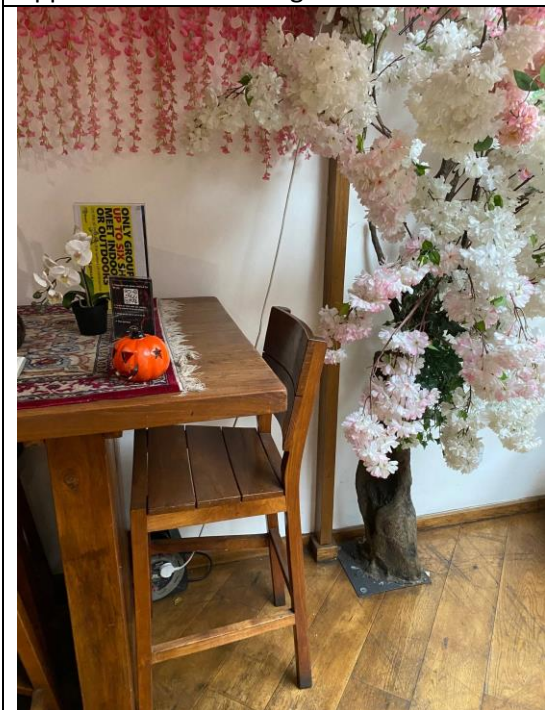
Laura Davies
Public Safety Officer



Appendix 1 – Fire Extinguishers



Appendix 2 – Fire Extinguisher record blank



Appendix 3 – Daisy chain of extension cables



Appendix 4 – Seating area at the rear of the premises



Appendix 5 – Seating area at the rear of the premises



Appendix 6 – Rear fire exit



Appendix 7 – Rear fire exit step



Appendix 8 – Basement Ceiling

Witness Statement

CJ Act 1967, s9;

MC Act 1980, ss5A(a) and 5B;

MC Rules 1981, r70;

UPRN:

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Statement of:Esther Chan.....

Age of if under 18..... (if over 18 insert 'over 18').....Over 18.....

Occupation:Licensing Inspector

This statement (consisting of ..2..page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated: 17th February 2022

Signature:



.....

I am employed by the London Borough of Brent as a Licensing Inspector. My duties include enforcing the Licensing Act 2003.

On Friday 25th January 2022, the Licensing Authority submitted an application to review the premise licence of Shanzelize, 11 Kilburn Bridge, Kilburn High Road, NW6 6HT. The review application form and evidence documents were sent to the licence holder, Mr Hashem Mohammadi via email.

As part of the process, I also visited the premises on 25th January 2022 at 22:05hrs with the Licensing Police Officers, PC Gary Norton and PC Paul Scott to hand deliver the review application form with the evidence including three discs containing footages from various sources.

At the time of our visit, the premises was open to the public. The licensed area being the restaurant was practically empty. Most of the customers were sitting at the rear seating area consuming refreshments and smoking shisha (Appendix 45).

Upon entering the rear seating area, I noticed a female dressed in a peach colour traditional belly dancing costume standing by the bar. She was positioned in a manner that she was about to make an entry into the rear seating area to perform a dance to the audience.

When she acknowledged our presence, she did not proceed to perform and sat on a chair awaiting instructions from staff members.

I then entered the rear seating area and noticed a male playing the keyboard on the left hand side. It was clear that regulated entertainment was being provided in an unauthorised area (Appendix 46).

When I saw Mr Mohammadi in the licensed area, I asked him to confirm if he had received my review application via email earlier in the day. He said he had received my email but due to being busy, he did not have the opportunity to read the review application bundle. He said he has passed the documents to his solicitor.

A hard copy of the documents and DVD discs were handed to Mr Mohammadi in the presence of the Police Officers.

During my presence, I noticed there were no SIA staff present as per conditions embedded on the premise licence, which stipulates the following:

Condition 1 - Door supervisors shall wear clothing that can be clearly and easily identified on CCTV.

Condition 2 - 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 with music either live or recorded and the facilities for dance or the performance of dance past midnight.

Condition 3 - 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.

I questioned Mr Mohammadi why he had no SIA staff present. He then pointed at a male who was sitting by the table and claimed the male was his door staff but hadn't started his shift.

The male was dressed in patterned jacket and dark trousers. When called, he approached us to show us his SIA badge details, however he was not wearing anything to identify himself as a SIA staff (Appendix 47).

Mr Mohammadi then gave the male SIA a badge holder and instructed him to complete the SIA register, when I'd asked to view the door log register.

At this point, we stood by the bar, when I asked Mr Mohammadi why he had ignored the Council's warnings by continuing to use unauthorised areas to provide licensable activities. He said he has to pay his rates and rent.

PC Norton explained the issues to Mr Mohammadi. During their conversation, I observed a number of customers entering the premises without being searched or questioned by the SIA staff. The customers entered the rear seating area.

We left the scene to continue with our duties.

Signature:.....



..... Signature Witnessed by:.....