

**MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE**  
**(B)**  
**Wednesday, 7th October, 2009 at 7.30 pm**

PRESENT: Councillor Mrs Fernandes (Chair), Councillor    and Councillors Farrell and Gupta

Also Present: Councillors

Apologies were received from: Councillors

**1.     Declarations of Personal and Prejudicial Interests (if any)**

None

**2.     Application by Asbir Mohamud Gulled for a Premises Licence for 'The Lodge' (226-228 High Street, London, NW10 4TD) pursuant to the Licensing Act 2003**

The Sub-Committee decided that the hearing for this application be adjourned at the request of the applicant and the objectors to a date to be confirmed.

**3.     Application by DJ's Caribbean for a Variation of the Premises Licence for 'Heritage Inn' (301 Cricklewood Broadway, London, NW2 6PG) pursuant to the Licensing Act 2003**

The Chair welcomed the applicant and his representative to the meeting and after general introductions, explained the procedure that would be followed during the hearing.

**Applicant**

Mr Stephen Hill (Applicant's representative)

Mr & Mrs DJ (the applicant) and supporters were in attendance.

**Licensing Authority**

Mr Alan Howarth, Health Safety & Licensing introduced the matter and drew the Sub-Committee's attention to the applicant's request for the variation of a premises licence to allow the supply of alcohol, refreshments and regulated entertainment from 10:00 hours until 01:00 hours the following morning on Sunday to Thursday and until 03:00 hours the following morning on Friday and Saturday and to open for a further 30 minutes past these times. He added that representations were received from the Public Safety Officer and the Police but as these had been resolved, both representations had been withdrawn. He continued that the only representations outstanding were those from local residents.

## Case for the Applicant

Mr Stephen Hill for the applicant started by saying that the application for the variation of a premises licence from 10:00 hours until 01:00 hours the following morning on Sunday to Thursday and until 03:00 hours the following morning on Friday and Saturday was for a total of 4 extra hours per week. He continued that as his client had resolved issues raised by the environmental Health and the Police both agencies had withdrawn their representations. He then referred to the objections raised by some local residents.

In reference to the ordnance map attached to the report, Mr Hill stated that those residents who objected to the premises licence lived some 0.3miles away from the application site address (301 Cricklewood Broadway). Furthermore, there were several houses, licensed premises, trees and foliage between the objectors' residence and the application premises. For the above reasons he submitted that it was unlikely that the issues raised by the objectors could not have emanated from the application premises. He added that the applicant had obtained temporary event notices (exhibits produced at the meeting) enabling Heritage Inn to open until 03:00 hours and apart from those instances, Heritage Inn had had no issues with any of the residents. Mr Hill added that his client would welcome additional conditions if it was felt expedient to do so.

Councillor Farrell commented on the reported breaches of closing times and sought assurances from the applicant he would stringently adhere to the existing or varied closing times if agreed. In addition to a confirmation that he would adhere to the closing times, Mr Hill (the representative) stated that his client had obtained Temporary Event Notices for 7 and 8 August 2009 (the dates when breaches were alleged to have occurred) which enabled him to open until 03:00hours.

In response to a query by Councillor Gupta about the source of nuisance complained about by the residents, Mr Hill stated that as Johnston Terrace and Midland Terrace were some distances away from the application premises, it was unlikely that Heritage Inn was the sole source of the nuisance. He informed the Sub-Committee that his client had had meetings with the local residents aimed at resolving their concerns and at the moment there appeared to be no further issues outstanding.

At this point the applicant, his representative and supporters were asked to leave the meeting room to enable the Sub-Committee to discuss the relevant issues of the application.

Having considered the submissions by the applicant's representatives and the representations made by the objectors, the Sub-Committee determined;

that the application by DJ's Caribbean for variation of premises licence to allow the supply of alcohol, refreshments and regulated entertainment from 10:00 hours until 01:00 hours the following morning on Sunday to Thursday and until 03:00 hours the following morning on Friday and Saturday the following morning and to open for a further 30 minutes past these times **be granted**.

The Sub-Committee noted the representations submitted by the objectors but concluded that due to (a) the distances between 301 Cricklewood Broadway (the application premises) and Midland Terrace and Johnston Terrace, (b) the existence of several licensed premises in the area and (c) the submission of documentary proofs that DJ's Caribbean had temporary event notices for the dates on which the breaches were alleged to have been caused, the grant of a variation of a premises licence to DJ's Caribbean for 2 extra hours on Friday and Saturday mornings until 03.00 hours would not have a significant impact on the residential amenities of the area.

4. **Application by Ganapathy Cash & Carry Ltd for a Premises Licence for 'Ganapathy Food & Wine' (Unit 4, 29-33 Ealing Road, Wembley, Middlesex, HA0 4AA) pursuant to the Licensing Act 2003**

The Chair welcomed the applicant, his representative and the objectors to the meeting and after general introductions explained the procedure that would be followed during the hearing.

**Applicant**

Ms Debora Sylvester (Applicant's representative)  
Mr Rajasingam Marshal (the applicant) attended in support.

Licensing Authority

Mr Alan Howarth, Health Safety & Licensing introduced the matter and drew the Sub-Committee's attention to the applicant's request for a new premises licence to allow the supply of alcohol from 06:00 hours until midnight daily.

He informed the Sub-Committee that representations had been received from local businesses whose representatives were in attendance at the hearing and from the Licensing Constable whose report and conditions for the grant of a premises licence were attached to the main report.

**Objectors**

Mr Shahab Hussein – Wembley Mosque.

Mr Hussein started by saying that the application for a premises licence to supply alcohol 29-33 Ealing Road would be inappropriate due to its proximity to the Mosque, a place of worship. He added that the supply of alcohol inherently encouraged street drinkers and frequently resulted in harassment of the worshippers particularly women. This was likely to lead to accentuate the current anti-social behaviour for which the local Police had been called frequently to attend to in the past. In summing up Mr Hussein stated that the existence of numerous off-licence establishments, the concerns on drink and drunkenness and anti social behaviour were sufficient reasons for members to refuse the application for a new premises licence

Mr David Musiyampilani – St Antony's Cash & Carry Ltd

Mr Musiyampilani informed the Sub-Committee that the grant of a new premises licence would detrimentally affect his friends' business which was also trading under the name Ganapathy (St Antony Cash & Carry) Ltd in terms of confusion and loss of trade. He continued that the supply of alcohol in an area which was already saturated with similar establishments would aggravate the social problems and anti-social behaviour for which Brent Council had worked so hard to prevent.

Mr Kashif Ahmad – Bismillah Butchers

Mr Ahmad started by saying that the grant of a premises licence would aggravate the current anti-social behaviour by youth drinkers about which he had sometimes intervened and called the Police. He added that as there were several similar establishments in the area which encouraged anti-social, there was no need to grant this application as it would further worsen the existing situation.

### **Applicant**

Ms Sylvester started by saying that the applicant Mr Marshal being an owner of numerous licensed premises was an experienced licence holder who had had no problems with either the Police or youth drinkers. She added that the applicant had been in regular contact with the Police throughout the preparation of the application and had given his unqualified assurance to accept and implement the conditions set by the police for the grant of the premises licence.

She continued that Mr Marshal the applicant had resolved any outstanding issues with the next door neighbour, TULSI and produced a written document to confirm that TULSI had withdrawn their objections to the application. She clarified that the problems highlighted by the previous objectors had nothing to do with the applicant as he was not the trading operator then. In conclusion, Ms Sylvester reiterated that the applicant would be willing to accept the conditions recommended by the Police for the grant of a premises licence.

At this point the applicant, his representative and the objectors were asked to leave the meeting room to enable the Sub-Committee to discuss the relevant issues of the application.

Having considered the submissions by the applicant's representatives and the representations made by the objectors, the Sub-Committee determined;

that the application by Ganapathy Cash & Carry Ltd for a new premises licence to allow the supply of alcohol from 06:00 hours until midnight daily pursuant to the Licensing Act 2003 **be granted subject to 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 licensing officers if requested.
- 2 A CCTV camera shall be installed to cover the entrance of the premises.
- 3 A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

- 4 A "Challenge 21" policy shall be adopted and adhered to.
- 5 A refusal book shall be kept and maintained.
- 6 No high strength beers, lagers, ciders above 5.5% ABV shall be stocked with the exception of premium beers.
- 7 "Raid Control" crime prevention measures shall be installed and all staff given suitable training (not including smoke note).
- 8 The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.
- 9 A clear and unobstructed view into the premises shall be maintained at all times.
- 10 A suitable intruder alarm complete with panic button shall be fitted and maintained.
- 11 A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
- 12 The premises shall be staffed by a minimum of 2 persons after 6.00pm.

The Sub-Committee acknowledged the representations made and the conditions recommended by the Police and felt that the imposition of those conditions which the applicant had clearly indicated to accept, would address the concerns expressed by the objectors and issues that could arise from the grant of the premises licence.

The meeting closed at 9.00 pm

A JOHN  
Chair