



LONDON BOROUGH OF BRENT

MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (B)

Tuesday, 1 December 2009 at 7.00 pm

PRESENT: Councillor HM Patel (Chair), Councillor Farrell and Councillor Gupta

Apologies were received from: Councillor Mrs Fernandes

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

None at this meeting.

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

The Chair delayed the start time scheduled for this hearing in order to allow sufficient time for the applicant's attendance. The Sub-Committee noted the failure of the applicant and/or his representatives to attend the hearing. The Chair welcomed the objectors and their representatives to the meeting and after general introductions explained the procedure that would be followed during the hearing.

Applicant

Members noted that the applicant and/or his representatives had failed to attend the hearing.

Licensing Authority

Ms Susan Figueredo, Health Safety & Licensing introduced the matter and drew the Sub-Committee's attention to the applicant's request for the grant of a premises licence for the sale of late night refreshments and the provision of some regulated entertainment from 12:00 hours until midnight Sunday to Thursday and until 05:00 hours the following morning Friday and Saturday.

In setting the background to the application, Ms Figueredo stated that the premises which previously operated as a bar attracted several complaints and eventually became the subject of a review. She continued that following the Sub-Committee's decision to reduce the hours and introduce additional conditions, the premises closed down. She referred to written representations that had been received from the police (who had given their apologies for absence), the Council's Safety Surveyors, Environmental Health Officers local residents and their representatives who were in attendance.

Objectors

Mr Gareth Hughes (representative of Mr Gilchrist, an objector).

Mr Hughes started by referring to the statement submitted by the Police which he said put the case clearly against the grant of a premises licence on grounds of the applicant's failure to promote the licensing objectives of preventing crime and disorder. He pointed out that as the previous premises licence holder surrendered the licence to the Council the applicant had been operating the premises without a premises licence. He also referred to a catalogue of events which his client Mr Gilchrist had compiled over a long period of time which showed the consistent noise nuisance and disturbance generated by the operation of the premises as patrons were entering or leaving the premises. Most residents living close to the premises were therefore unable to enjoy their sleep particularly in the weekend when the operation continued until 05.00 hours the next day.

Mr Hughes continued that the Police were called several times to the premises to deal with disturbances but often got attacked by some of the customers. The Noise Patrol Team were also called several times to the premises as were officers from the Environment Health Unit some of whom were attacked during some of their inspection visits. He produced a copy of a flyer that advertised an event on 26 September 2009 and raised major concerns about the premises for the residents. Mr Hughes urged the Sub-Committee to refuse the application for a premises licence for the reasons outlined above.

Mr Brian Cleaver

Mr Cleaver a local resident informed the Sub-Committee that he had often observed a large group of people going into and out of the premises and causing disruptive behaviour. He added that due to consistent noise nuisance and disturbance, firework displays outside of the premises and loud amplified music during the weekend until 05.00 hours the next day, the applicant had failed to comply with licensing objectives. Mr Cleaver also urged members to refuse the application for a premises licence.

Mr Glasmar Ali

Mr Ali the owner of the adjoining residential premises added that his tenants had been complaining to him about incessant noise nuisance and disturbance at the Lodge during weekend and often until 07.00 hours the next morning to the detriment of the quiet enjoyment of their sleep. He continued that the customers were often obstructing access to his property in addition to their inconsiderate parking. He added that whenever his tenants complained to the management of the Lodge they were faced with personal threats.

Mrs Paula Ranco

Mrs Ranco speaking in a similar vein added that the operation of the premises was encouraging drug taking and alcohol abuse which was evident in the following mornings. She brought to the attention of members the consistent vandalism to her

son's vehicle and in order to deter people from similar undesirable acts, she had had installed a closed circuit television at her house. She continued that noise and disturbance and loud volume of music generated at the premises were causing her lack of sleep especially during the weekends and that complaints to the management had only resulted in threats to her personal safety.

Mrs Elizabeth Murray

Mrs Murray informed the Sub-Committee that the operation of the Lodge had resulted in horrendous noise nuisance including street fighting, slamming of car doors and loud amplified music in the early hours of the morning. She added that these had often resulted in her lack of sleep.

At this point the objectors (the applicant failed to attend) 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 and the submissions and the representations made by the objectors and other agencies, the Sub-Committee determined;

That the application by Mr Mohamud Gulled for the grant of a premises licence for the sale of late night refreshments and the provision of some regulated entertainment from 12:00 hours until midnight Sunday to Thursday and until 05:00 hours the following morning Friday and Saturday **be not granted**.

The Sub-Committee accepted the evidence from the Police and local residents that playing of music had occurred beyond the hours permitted under the previous licence and (following its surrender) when there was no licence in existence at all. In view of this, they considered that there had been a consistent disregard of the need to promote the licensing objectives to prevent crime and disorder and public nuisance and that the applicant had demonstrated a total inability to manage the premises properly. In coming to its decision, members took note of the number and seriousness of the incidents that had taken place at the premises in breach of licensing requirements. They considered whether a licence could be granted with hours reduced from those sought but did not feel that this was appropriate, in view of their lack of confidence in the proper management of the premises.

3. **Application by Carla Alelia Da Silva Conceicao for a Premises Licence for 'Oforcado0 (31A Station Road, London, NW10 4UP) pursuant to the Licensing Act 2003**

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

Applicant

Jose Manuel Rocha

Licensing Authority

Ms Susan Figuiredo, Health Safety & Licensing introduced the matter and stated that the application was for the grant of a premises licence for regulated entertainment from 10:00 hours until 23:00 hours, the sale of alcohol and opening hours from 08:00 hours until 23:00 daily. She continued that representations had been received from residents and the Police adding that the Police had since withdrawn their objections subject to conditions as set out in their letter dated 30 October 2009 and annexed to the report.

Objectors

Mr Peter Turner

Mr Turner a resident of the upper floor flat raised objections to the grant of a premises licence on the grounds that the area already had a number of similar establishments including night clubs. In addition to noise and disturbance from loud music and patrons until 03:00 hours the following morning, some of the clients of the night clubs were engaging in unhygienic practices to the detriment of residential amenities. Mr Turner added that to his knowledge, the use class of the premises was for A1 (shop) and that he was not aware that the use class had changed to A3 (restaurant). He expressed fears that if the application for a premises licence was granted there would be crowds spilling out on to the pavement, giving rise to increased unauthorised use of his recessed doorway at street level as a smoking area and increasing noise disturbances.

Applicant

Mrs Manuel Rocha speaking on behalf of her husband, the applicant stated that the application was for a small friendly cafe selling sandwiches and alcohol (wines and beers). She added that since commencement there had been no complaints from the Authorities and that the Police had withdrawn their objections subject to conditions which the applicant had indicated to agree. She clarified that the operation would not be a public house (pub) or a disco and that the fears expressed by the objector were unfounded.

In response to an enquiry from Councillor Farrell about the likely level of drunkenness the applicant stated that the operation would involve the sale of salads and tapas which were normally served with wine or beer in small quantities. Councillor Gupta sought guidance from the Environmental Health Officers on whether the smell of food into the objector's flat needed addressing and after confirmation he asked the applicant how he proposed to deal with that. The applicant confirmed that he would install an extractor fan to the required standard to address that problem. He reiterated that he would be agreeable to all the conditions sought by the Police and that background music from a radio and not amplified music would be played.

At this point the applicant 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 and representations made by the applicant and the objectors, the Sub-Committee determined;

That the application by Mr Jose Manuel Rocha for the grant of a premises licence for regulated entertainment from 10:00 hours until 23:00 hours, the sale of alcohol and opening hours from 08:00 hours until 23:00 daily **be granted subject to conditions as agreed with the Police i.e.;**

- a. Open glass containers shall not be permitted outside the premises
- b. Adoption and adherence of a "Challenge 21" policy
- c. Maintenance of a refusal book and an incident book
- d. Display of a copy of the premises licence summary including permitted licensable hours and activities, visible from the outside of each entrance to the premises.
- e. Additional condition requiring the applicant to take reasonable steps to prevent customers from causing nuisance outside the premises.

In arriving at its decision, the Sub-Committee noted that there was insufficient evidence to justify a refusal of the application on grounds of public nuisance, crime and disorder particularly as the applicant had agreed to the conditions set by the Police. The Sub-Committee excluded the playing of recorded music from the licence since the applicant only wished to operate a TV or radio and a licence under the Licensing Act was not required for this.

4. **Application by John Emeh for a Premises Licence for (58 Willesden Lane, London, NW6 7SX) pursuant to the Licensing Act 2003**

The Chair welcomed the applicant to the meeting and after general introductions explained the procedure that would be followed during the hearing. The Sub-Committee noted that the objectors to this application were not present and that the police, having given their apologies for absence, had submitted a written statement for consideration.

Applicant

Mr John Emeh

Licensing Authority

Ms Susan Figuirodo, Health Safety & Licensing introduced the matter and stated that the application was for the grant of a premises licence for the provision of late night refreshments from 23:00 hours until 03:00 hours Monday to Wednesday the following morning and until 05:00 hours Thursday to Sunday the following morning. The opening hours were for 11:00 hours to 03:00 hours Monday to Wednesday the following morning and until 05:00 hours Thursday to Sunday the following morning.

She continued that representations were received from local residents and the Police. The residents raised concerns about noise nuisance from late night customers and proposed extractor fan to the rear of the property, loss of privacy and loss of security. The Police had re-confirmed their objections adding that if the Sub-Committee was minded to agree the application then their conditions as set out in the report be added to the licence. She added that the Police considered the hours of opening to be excessive in an area that was largely residential and with that in view, had recommended a revised closing time of 01:00 hours on week days and 02:30 hours on weekends.

Applicant

Mr John Emeh described the proposal and clarified that the premises had been configured to ensure that the 3 rooms available would be used as serving area, kitchen area and storage area with a closed circuit television operating in the entire premises. He added that no alcohol or tobacco would be sold or consumed on the premises and that there would be no amplified music. He continued that the atmosphere would be friendly, peaceful and that a healthy relationship with the Police would be maintained. He informed the Sub-Committee that majority of the local residents and businesses welcomed his application adding that there were several other premises in the vicinity with late night licences.

Having read the submission from the Police the applicant expressed his agreement except for the times recommended by the Police insisting that he needed to operate until 05:00 hours. In respect of the concern expressed by the Police on the cost of security provision to the applicant, Mr Emeh stated that as a family member was a registered security officer, provision of door security would not be a financial burden to his operation. Mr Emeh also confirmed that he had been granted planning permission for the erection of the extractor which had been installed inside the premises in accordance with the planning conditions. In response to a question from the legal representative on noise to the residents, Mr Emeh stated that most of the residents supported his application which was situated in an area that was mainly commercial rather than residential.

At this point the applicant 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 and representations made by the applicant and the objectors, the Sub-Committee determined;

that the application for the grant of a premises licence for the provision of late night refreshments **be granted as follows and subject to conditions as agreed with the Police and as set out below:**

Monday to Thursday and Sunday - from 11:00 hours until midnight
Friday and Saturday – from 11:00 hours until 01.00 hours the next morning.

CCTV

CCTV shall be installed to Home Office Guidance standards to cover the entrance of the premises;

A Clear and unobstructed view into the premises shall be maintained at all times.

A copy of the premises licence summary including permitted hours of licensable activities shall be visible from the outside of each entrance to the premises

The installation of a suitable intruder alarm with panic button shall be fitted.

All deliveries shall take place from 09:00 hours to 18:00 hours.

Litter

The licensee shall ensure all public areas within 5 metres of the premises are cleared of litter arising from the premises daily.

In arriving at its decision, the Sub-Committee was mindful of the possible noise nuisance likely to be caused by the patrons and the extractor fan to the detriment of residential amenities but considered that with times limited as set out above and with the conditions as set out above, these issues would be adequately addressed and therefore there would be no grounds to refuse the licence.

5. Application by Hell Yes Ltd for a Premises Licence for (8 Station Terrace, Kensal Rise, London, NW10 5RT) pursuant to the Licensing Act 2003

The Chair welcomed the applicant to the meeting and after general introductions explained the procedure that would be followed during the hearing. The Sub-Committee noted that the objectors to this application were not present and that the police had indicated to withdraw their objections subject to the applicant agreeing to their conditions in full.

Applicant's agent

Mr Brian Jamieson

Licensing Authority

Ms Susan Figueredo, Health Safety & Licensing introduced the matter and stated that the application was for the grant of a premises licence for the sale of alcohol from 11:00 hours until 23:00 hours Monday to Saturday and until 22:30 hours on Sunday. She drew members' attention to objections raised by some residents, Public Safety Team and the police which were annexed to the main report. She added that the Police and the Public Safety Team had indicated the withdrawal of their objections subject to the applicant agreeing to their conditions and confirming their acceptance in writing.

Mr Brian Jamieson the applicant's started by reiterating that both the Police and Public Safety Team had indicated to withdraw their objections subject to the applicant agreeing to their conditions. He confirmed that the applicant had accepted the conditions in full as imposed by the Police and the Public Safety

Team. In reference to the objections raised by residents he stated that the premises would not be used as a bar and that amplified music would not be played on the premises. In reference to the objections raised by residents, Mr Jamieson stated that the operation would not involve the use of the garden so as to prevent interference with the objector's use of the garden. He continued that the issue about smoking had been grossly exaggerated by the objector. Mr Jamieson confirmed that the capacity limit would be set for 50 persons and that the sound proofing above the level required had been installed.

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

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

That the application by Hell Yes Ltd for the grant of a premises licence for the sale of alcohol from 11:00 hours until 23:00 hours Monday to Saturday and from 12:00 hours until 22:30 hours on Sunday **be granted subject to conditions as agreed with the Police i.e.;**

- f. Open glass containers shall not be permitted outside the premises
- g. Installation of CCTV to Home Office Guidance standards
- h. Adoption and adherence of a "Challenge 21" policy
- i. Maintenance of a refusal book and an incident book which shall be made available to the Police and Licensing Authority
- j. Total capacity limits including staff and performers shall not exceed 50
- k. Secure facility to store controlled drugs and weapons prior to collection as set out in the representation from the Public Safety Team.

In arriving at its decision, the Sub-Committee noted the acceptance in full of the conditions required by the Police and the Public Safety Team. Members also noted that as the applicant was not applying for music licence and that the hours were limited as set out above and conditions as set out above would be imposed, serious nuisance was unlikely to be caused to the residents and therefore there were no grounds to refuse the application.

The meeting closed at 9.00 pm

H M PATEL
CHAIR

NOTE

Ms Susan Figuirodo, Health Safety & Licensing Officer having declared that she had been involved in the inspection for the Lodge and that she knew a friend of the applicant for 58 Willesden Lane. She therefore withdrew from the meeting room during deliberations of both applications.