



**MINUTES OF THE ALCOHOL AND ENTERTAINMENT
LICENSING SUB-COMMITTEE (C)
Monday, 8 March 2010 at 10.00 am**

PRESENT: Councillor Corcoran (Chair) and Councillors Singh and Steel

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

None declared.

2. **Application by Brent Police Licensing Unit for a Review of the Premises Licence for 'Dicey Reillys' (295 Neasden Lane, London, NW10 1QR) pursuant to the Licensing Act 2003**

Responsible Authority Making a Representation

Gary Grant (Legal Representative of Brent Police)
PC Nick Mortimer (Brent Police) attended in support
PC Nicola McDonald (Brent Police) attended in support

Premises Licence Holder and its' Representative

Alex Wright (Legal representative of the Premises Licence Holder)
Mr Kelly (Director of Company that hold the premises licence) attended in support
Mr Meesham (Licensing Consultant) attended in support

Alan Howarth (Health Safety and Licensing Manager) introduced the matter and confirmed that the application for a review of the premises licence had been made by Sergeant Adrian Adolphus (Brent Police). Members noted that the premises licence was presently suspended on an interim basis by this Sub-Committee after considering an expedited review of the licence on 10 February 2010.

Responsible Authority Making a Representation

Gary Grant (Legal Representative of Brent Police) referred to Sergeant Adrian Adolphus's (Brent Police) written representation which included reporting of a number of violent and other crime and disorder related incidents in connection with the premises. He advised Members that there had been considerable discussion between Brent Police, their representative and the premises licence holder and their representatives and with the approval of the Chair, copies of suggested additional conditions that had been discussed between both parties was circulated to Members. He stated that the intention was to transform the nature of the premises and that it was intended that it become a comedy and cabaret club with no facilities for dancing for customers. It was also felt that changes to the designated premises supervisor and to the name of the premises would mean that

it was less likely to attract the clientele such as that which had caused problems in the past.

Gary Grant then drew Members' attention to the proposed conditions and suggested amendments to the following conditions:-

Condition 1 – Delete last two sentences and replace with:

“Live bands and solo musicians may not perform on the premises unless 14 days written notice is provided to the police licensing officer and the police licensing officer have given his/her prior approval for the performance to take place.”

Condition 15 – add a sentence to the end of the condition to read:

“A new security company is to be employed and the Police are to provide prior written approval of that company.” It was felt this addition was necessary as the Police had expressed concern about the conduct of the present door supervisors.

In relation to Condition 23, Gary Grant felt that it was appropriate for the premises licence to remain suspended for a further 28 days after the decision takes effect in 21 days, meaning 49 days in total, as it would allow sufficient time for the premises licence holder to refurbish the premises, train staff and acquire a new designated premises supervisor. In addition, he suggested that this would also provide a sufficient deterrent to the premises licence holder to not compromise the Council's licensing objectives and make it clear to the existing clientele that the nature of the premises was changing. Gary Grant confirmed that the conditions suggested were in addition, or amendments and replacements to, existing conditions on the premises licence.

During discussion, Councillor Steel sought clarification of the term “background music”, commenting that there could be differences in opinion over what would constitute a reasonable volume for such music. He also sought clarification of the term “private functions”. Councillor Steel enquired whether incidents of crime and disorder had continued in the area around the premises since the premises' closure following the interim suspension of the premises licence and were the clientele now visiting other licensed premises in the area. Councillor Singh asked if there was a capacity limit for the premises.

The Chair felt that it would be appropriate to delete the words “shall be utilised” in Condition 14 and replace with “must be used” in relation to use of security scanners. All parties concurred that this change would be acceptable to them.

In answer to queries, Gary Grant advised that the Licensing Authority could determine if music was too loud to be deemed background music and if it did this would be a breach of the licence. He understood that the capacity limit for the premises was 400 people. In respect of private functions, he advised that these were not a licensable activity, however he felt it unlikely that the clientele that had previously caused problems in the vicinity of the premises would be interested in visiting it under its proposed new guise. For clarity, Gary Grant suggested that a private function would not include any event where there is monetary gain.

PC Nick Mortimer (Brent Police) added that in his view he did not think that the clientele of the premises were now visiting other licensed premises in the area as these were much different in nature to Dicey Reilly's. He confirmed that reports of

crime and disorder in the area had dropped to almost zero since the premises had closed under the interim suspension of the licence. PC Nick Mortimer suggested that a few working days notice of a private function be provided to the Police be added to Condition 21.

Case for the Premises Licence Holder

Alex Wright (Legal Representative of the Premises Licence Holder) confirmed that the premises licence holder endorsed the conditions that had been suggested. He acknowledged that there had been incidences of crime and disorder in the vicinity of the premises, however he felt that some problems were caused as a result of customers buying alcohol from a nearby 24 hour off-licence. The Sub-Committee heard that there was to be a wholesale change in the nature of the premises and Alex Wright felt that it would offer something new and of interest to the local community and the conditions proposed would fully address the concerns that had been raised by the Police.

During discussion, Councillor Steel enquired on the number of waiters and waitresses to be employed. He also asked for details of the type of food that was to be provided on the premises. Councillor Singh asked if the proposed dress code would be hard to enforce and what measures were in place to prevent drunken customers being served more alcohol.

The Chair sought information with regard to the proposed name change to the premises and how would this be advertised. He also suggested that there be signage on the premises indicating that free tap water was available to customers on request.

Alan Howarth suggested that an additional condition be added to the premises licence to include that copies of all written police approvals must be kept on the premises and made available to the licensing authority upon request.

In reply, Alex Wright agreed to the Chair's suggestion concerning signage about availability of free tap water. Alex Wright stated that a sufficient number of waiting staff would be employed to ensure that customers did not have to wait too long to receive alcoholic drinks and it was essential to the success of the business that this was undertaken. Members heard that although there had not been a final decision on the new name of the premises, it had been suggested that it be named 'Dicey's Cabaret and Comedy Venue' and a new sign would be placed on the entrance side of the premises. It was felt that this name would make it clear to customers what the nature of the premises was and a Facebook site promoting the premises had also been set up. The Sub-Committee noted that many clubs have dress codes and this would not be difficult to enforce, whilst it was an offence to sell alcohol to intoxicated customers. Alex Wright agreed to the additional condition suggested by Alan Howarth concerning copies of written police approvals being on the premises and available for inspection by the Licensing Authority. However, Alex Wright felt that the proposed condition of suspension of the premises licence for 28 days from the date the decision on this review takes effect was excessive as this would mean 49 days before the premises could re-open should the Sub-Committee decide that the premises licence continue in force and he asked that Members consider this matter.

All parties agreed that at least five working written notice be provided to the Police with regard to private functions.

Mr Meesham (Licensing Consultant in support of the Premises Licence Holder) added that the premises licence holder had taken action against customers who had caused problems and that they had been prevented entry to the premises. This had led to damage being done to door supervisors' vehicles.

Decision

At this point, the responsible authority and their representatives and the premises licence holder and their representatives were asked to leave the room to allow the Sub-Committee to consider the matter in private.

Having considered the application by Brent Police Licensing Unit to Review the Premises Licence for 'Dicey Reillys' (295 Neasden Lane, London, NW10 1QR) ("the premises") pursuant to the Licensing Act 2003 resolved that the **premises licence continue in force subject to the following additional conditions** or amendments to existing conditions.

that the following conditions be attached to the licence:-

1. The premises shall operate only as a Cabaret / Comedy / Live Entertainments venue and alcohol may only be served to customers present at the premises to attend such a performance. Live bands and solo musicians may not perform on the premises unless 14 days written notice is provided to the police licensing officer and the police licensing officer have given his/her written prior approval for the performance to take place.
2. All customers shall be seated at tables and alcohol shall be provided by waiter/waitress service only.
3. Only performers are permitted to dance at the premises, not customers. Any facilities for dancing must be limited to those for use by performers.
4. Background music may be played, but any other music may only be played for the purposes of a performance.
5. A written dress code policy for customers shall be employed and strictly adhered to. This policy must be approved in writing by Brent's police licensing officer and made available for inspection upon the request of any police or licensing authority officer.
6. Customers must pay an entrance charge on entry to the premises.
7. No patrons under the age of 21 shall be permitted to enter the premises.
8. The premises shall operate a strict "Challenge 25" age verification policy.

9. There shall be a change of Designated Premises Supervisor. The new DPS should be experienced in running licensed premises and his/her details provided to the police licensing officer for prior approval.
10. The premises must close the public no later than 02:00hrs
11. All permitted licensable activities must end no later than 01:30hrs.
12. There shall be no Entry or Re-Entry to the premises after 00.00hrs (midnight) *[amends condition 10 of Annex 2]*
13. A minimum of 1 Personal Licence Holder shall be on duty and at the premises at any time when alcohol is sold by retail
14. Security scanners (ie ClubScan or an equivalent) must be used on entry to the premises.
15. A minimum of 3 SIA approved door supervisors to be employed at the premises at all times it is open to the public. On occasions when 300 customers or more are present at the premises (or expected to be) then 4 SIA approved door supervisors must be employed. The door supervisors are to remain on duty until at least 30 minutes after the last customer leaves the premises in order to assist with the orderly dispersal of departing customers. A new security company is to be employed and the Police are to provide prior written approval of that company. *[replaces condition 2 of Annex 2]*
16. All drinks must be served in plastic or polycarbonate vessels. No glass bottles or glasses are permitted to be served to customers.
17. Substantial food refreshments shall be available at all times when the premises are open for Licensable Activities.
18. The premises shall ensure that free tap water is provided on request to customers where it is reasonably available. *[replaces condition 11 of Annex 2]*
19. There shall be no promotions that provide for alcohol to be supplied on a 'two for one' basis and the premises shall not operate a 'happy hour' or similar promotion where alcohol is available at a discounted rate for a limited period of time.
20. There shall be no sales of alcohol for consumption off the premises.
21. Where the premises have been pre-booked for any private functions, a list of the attending guests shall be provided to the Metropolitan Police Service at

least 5 working days in advance of the commencement of the function. A private function will not include any event where there is monetary gain.

22. Where the premises have been pre-booked for any externally promoted event:

- the Metropolitan Police Service (MPS) will be given at least 14 days notice of all forthcoming events organized by an external promoter and have received a completed MPS Promotion / Event Risk Assessment (form 696) 14 days in advance of any such event. A copy of the form 696 is also to be provided to the Licensing Office at Wembley Police Station.
- The Metropolitan Police Service will be provided with a completed MPS Debrief Promotion / Event Risk Assessment (form 696a) three days after any risk assessed event.
- The MPS form 696 and form 696a will be typed and sent electronically.

23. The premises licence is suspended for a period of 14 days from the date this decision on review takes effect (ie the decision takes effect 35 days after 8 March 2010).

24. Copies of all written police approvals must be kept on the premises and made available to the licensing authority upon request.

Having heard the representations, the Alcohol and Entertainment Licensing Sub-Committee (C) felt that the conditions above would promote the licensing objectives and accordingly decided that the premises licence remain in force with these conditions added. The Sub-Committee also acknowledged that the interim suspension of the premises licence will continue until the decision of the Sub-Committee comes into effect.

The meeting closed at 11.15 am

P. CORCORAN
Chair