



LONDON BOROUGH OF BRENT

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

Tuesday, 9 November 2010 at 10.00 am

PRESENT: Councillor Chohan (Chair) and Councillors Sneddon and HM Patel

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

None declared.

2. **Application by the Metropolitan Police for a review of the premises licence for 'Jet 7 Sete' (248-252 High Street, Harlesden, London, NW10 4TD) pursuant to the Licensing Act 2003**

Application adjourned following a joint request from the applicant and the police for an adjournment.

3. **Application by the Metropolitan Police for a review of the premises licence for 'Klub Mirage' (332-336 Neasden Lane, Neasden, London, NW10 0AD) pursuant to the Licensing Act 2003**

Relevant authority making a representation

PC Nicola McDonald (Licensing Officer, Brent Police)
Nick Mortimer (Brent Police)

Premises licence holder

Ken McLeay (premises licence holder's legal representative)
John McGowan (premises licence holder)
Mr McGuigan (designated premises supervisor of the premises) and Rachel Brown (legal representative) attended in support.

Alan Howarth (Licensing Manager, Health Safety and Licensing) introduced the matter and advised that the police had applied for a review of the premises licence on the grounds of prevention of crime and disorder. Members noted that the premises had been subject to an earlier expedited review which had resulted in a suspension of the licence until the outcome of this hearing.

Relevant authority making a representation

PC Nicola McDonald (Licensing Officer, Brent Police) advised that the location of the premises in Neasden Lane had been a hotspot for crime and disorder, however

since reviews of other licensed premises in the area had taken place, such activity had reduced significantly. In order to ensure the problem did not recur, the police had discussed with the licence holder how the premises should operate and she confirmed that they had come to agreement on most issues and had agreed a number of conditions. However, PC Nicola McDonald stated that there was a need to stagger closing times of premises in the area in order to prevent a situation where customers from various premises ended up in Neasden Lane at the same time, which was likely to fuel incidents of crime and disorder. With this in mind, she requested that the premises in question cease all licensable activities at 02.00 the following day, and close at 02.30 the following day, Monday to Sunday.

Councillor Sneddon enquired about the closing times of other licensed premises in the area and why an earlier closing time than was presently granted by the licence was necessary in view of the conditions that had been agreed by the police and the premises licence holder. In reply, PC Nicola McDonald advised that most premises in the area closed either at 01.00, 02.00 or 02.30. She stated that the premises had been subject to an expedited review because of serious concerns about crime and disorder and she suggested that the combination of the intended target audience and dance music would entail heavy drinking and therefore potential for disorder would be significant. PC Nicola McDonald explained that by reducing the hours this would in her opinion lessen the time period by which crime and disorder may occur.

Nick Mortimer (Brent Police) added that the closing times requested by the police had been carefully considered after taking into account the closing times of other licensed premises in the area and aimed to stagger closing times to reduce the potential for large crowds of people in the area at the same time which could exacerbate crime and disorder. However, he felt that the conditions attached and the strong management in place would mean that the premises licence could remain in force.

Case for the premises licence holder

Ken McLeay (premises licence holder's legal representative) informed Members that John McGowan (premises licence holder) had owned the premises since 1986. In 2009, Al Whittick obtained a licence to occupy in order to run the premises and became the designated premises supervisor and it was from this point that problems associated with the premises were encountered because of the target audience that was being attracted. Members heard that as soon as the police contacted John McGowan about the problems and their intention to apply for an expedited review, he had terminated the licence with Al Whittick and closed the premises. Since then, a number of meetings had taken place with the police and a pool of conditions had been agreed. With the agreement of the Chair, a copy of the conditions was circulated to Members. Members noted that the premises was to be called McGowan's and that the conditions suggested would promote the licensing objectives, whilst strong management was now also in place. It had also been agreed to delete all existing conditions on the licence, apart from condition 8 and condition 15 after the words "21:00 hours", which was to be amended to add the words 'unless accompanied by an adult'. Ken McLeay then drew Members' attention to the conditions circulated at the meeting. He advised the committee that the premises licence holder wanted to remain open later than the hours suggested by police and asked that if there be any reduction in hours, it be a small one,

especially as this would mean closing times in relation to other premises in the area would remain staggered and it would be easier for customers leaving the premises to move from the area.

John McGowan added that he operated licensed premises at a number of locations in and around north-west London and catered mainly for the Irish and European customers. He confirmed that Al Whittick's licence to the premises was terminated and that the licensed premises he owned next closed at 05.00. John McGowan confirmed that he had closed the premises prior to the expedited review as soon as he had been contacted by the police. Members noted that it was intended to undertake a refit of the premises and that there would be a target audience of a more traditional nature than that which had been visiting the premises when it was managed by Al Whittick.

During Members' discussion, Councillor Sneddon queried the relevance of changing the target audience to help meet the licensing objectives. He asked what the closing times were for other McGowan premises and sought clarification as to a small reduction in hours for the premises under consideration and why later hours were being requested. Councillor H M Patel also enquired how a change in the target audience would improve matters and sought further information with regard to the new designated premises supervisor's role in strengthening the running of the premises.

Alan Howarth sought further details with regard to the layout and operation of the premises. The Legal Advisor to the sub-committee sought further details with regard to security arrangements and admissions policy.

In reply to the issues raised, John McGowan advised that it was intended that the premises show sports events, host functional events and bands and play music. No bookings to external organisations or individuals would be made and all DJs would be in-house. Members noted that Eastern European food would be served one side and Irish food the other and there would be a smaller bar and a larger, more commercial bar. John McGowan informed Members that other licensed premises owned by his company, JDM Investments Ltd, closed at 05.00 and did not experience any major problems. He confirmed that any person attempting to gain admittance to the premises who appeared under the influence of alcohol or drugs would not be admitted. There would also be no re-entry to the premises after 00.30.

Ken McLeay informed Members that the premises licence holder would undertake a comprehensive risk assessment of all major events held on the premises. He stated that there had been a number of issues identified in relation to both the previous designated premises supervisor and target audience and appropriate changes had been made to address this. Ken McLeay confirmed that Mr McGuigan, the new designated premises supervisor, had experience of working at licensed premises in Neasden for over five years and had a good reputation in the industry. In addition, he lived in the flat in the property next to the premises and would be able to react to any problems promptly.

Decision

At this point, the premises licence holder, his representatives and the responsible authority were asked to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

Having considered the application by the Metropolitan Police to Review the Premises Licence for 'Klub Mirage' (332-336 Neasden Lane, Neasden, London, NW10 0AD)) ("the premises") pursuant to the provisions of the Licensing Act 2003 the Sub-Committee resolved that the **premises licence continue in force subject to amendments to premises licence and conditions as follows:-**

- (i) that the following hours for the provision of all licensable activities be specified:-
 - (a) that all licensable activities cease by 02.00 (the following day) Monday to Sunday.
 - (b) all licensable activities permitted on the existing licence to commence at the hours specified on the licence Monday to Sunday
- (ii) that the following conditions be attached to the licence:-
 - (a) that all conditions as agreed with the police be attached to the licence.

The conditions are as follows:-

1. Door supervisors shall wear clothing that can be clearly and easily identified on CCTV.
2. Door supervisors of a sufficient number and gender mix, shall be employed from 2100 hours on any day when the premises are open for the sale of alcohol past midnight.
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.***
4. 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.
5. A CCTV camera shall be installed to cover the entrance of the premises.
6. Customers shall not be permitted to take open vessels outside the premises as defined on the plan submitted to and approved by the Licensing Authority.

7. The total number of people permitted on the premises including staff and performers shall not exceed the numbers specified by the licensing authority.
8. A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
9. A “Challenge 21” policy shall be adopted and adhered to.
10. A refusal book shall be kept and maintained.
11. A secure facility to store controlled drugs and weapons prior to collection shall be available at all times.
12. The police shall be informed of all drugs and weapons seized from customers as soon as reasonably practical after the seizure.
13. A comprehensive record of all seized drugs and weapons shall be kept and made available to police and licensing officers for 12 months from the date of seizure.
14. Notices clearly explaining the licensee’s drugs and weapons policy shall be displayed at the entrance and at suitable places throughout the premises.
15. The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.
16. No alcohol shall be available for any customer when the premises are open for primarily for use by persons under the age of 18.
17. 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.
18. No entry or re-entry shall be permitted after 0030 hours.
19. No drinking vessels in external areas after 2300hrs, after time this area to be used for smoking only.
20. The number of smokers in external areas should be supervised and after 2300 hours limited to a maximum of ten at any one time.
21. Notices requesting customers to leave quietly shall be displayed at each exit.
22. Notices advertising the number of a local licensed taxi service shall be displayed in a prominent position.
23. Facilities within the premises shall be made available for customers to await taxis.

24. On major event days at Wembley Stadium the following shall apply:

- Customers shall not be allowed to congregate outside the premises.
- Pre event and two hours post event there shall be no glass bottles handed over the bar but decanted into plastic vessels.
- The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event.

(iii) that all conditions on the existing licence be removed, save:-

Condition 8

All alcohol and soft drinks shall be served in plastic or toughened glasses.

Condition 15 (as amended)

No person under the age of 18 years shall be permitted on the premises after 21.00 unless accompanied by an adult.

The Alcohol and Entertainment Licensing Sub-Committee (B) felt that the conditions attached would meet the licensing objectives and agreed that the premises licence should remain in force. However, it acknowledged the police's concern with regard to crime and disorder and public nuisance in the area and in order to address this it agreed with the police's request that the operating hours be amended accordingly.

4. **Application by Valeart Design Ltd to vary the premises licence for 'The Misty Moon' (312-314 Neasden Lane, London, NW10 0AD) pursuant to the Licensing Act 2003**

The sub-committee was informed that all relevant representations had been withdrawn before the meeting and accordingly this matter did not need to be considered.

5. **Application by Mathiyalagan Saravanamuthu to transfer the premises licence for 'Wine Well' (67 Park Parade, London, NW10 4JB) pursuant to the Licensing Act 2003**

The sub-committee was informed that the application had been withdrawn before the meeting and accordingly this matter did not need to be considered.

6. **Application by Alagiah Thangeswaran to vary a premises licence to specify a designated premises supervisor for 'Wine Well' (67 Park Parade, London, NW10 4JB) pursuant to the Licensing Act 2003**

The sub-committee was informed that the application had been withdrawn before the meeting and accordingly this matter did not need to be considered.

7. **Application by Ladbrokes Betting and Gaming Ltd for a betting premises licence for 'Ladbrokes Part Ground Floor' (86 East Lane, Wembley, HA0 3NJ) pursuant to the Licensing Act 2003**

The sub-committee was informed that all relevant representations had been withdrawn before the meeting and accordingly this matter did not need to be considered.

8. **Application by Done Brothers (Cash Betting) Ltd T/A Betfred for a betting premises licence for ' Betfred' (431-433 High Road, Wembley, HA9 7AB) pursuant to the Licensing Act 2003**

The sub-committee was informed that the application had been withdrawn before the meeting and accordingly this matter did not need to be considered.

The meeting closed at 11.30 am

B CHOHAN
Chair