



**MINUTES OF THE ALCOHOL AND ENTERTAINMENT
LICENSING SUB-COMMITTEE (C)
Thursday, 13 October 2011 at 7.00 pm**

PRESENT: Councillor Mistry (In the Chair), Councillor Beckman

Apologies were received from: Councillors Sneddon

1. Appointment of Chair

As the Chair of the sub-committee was absent, nominations were invited to appoint a chair for this meeting. Councillor Mistry was proposed by Councillor Beckman. There were no other nominations.

RESOLVED:-

that Councillor Mistry be elected Chair of the Alcohol and Entertainment Licensing Sub-Committee (C) for this meeting.

2. Declarations of personal and prejudicial interests (if any)

None declared.

3. Application by a local resident for a review of the premises licence for 'Paradise' (19 Kilburn Lane, London, W10 4AE) pursuant to the provisions of the Licensing Act 2003

Interested parties making representations

John Sachs (premises licence review requester and local resident), Carole Lloyd (local resident) and E Lloyd (local resident) made representations but were neither present nor represented at the meeting.

Premises licence holder and their representatives

Ken McCleay (premises licence holder's representative)
Riz Shaikh (Director of Colombo Group, owners of The Paradise)
Dan Coshan (General Manager, The Paradise)
Robert Messham (Licensing Consultant)

Geoff Galilee (Head of Service - Environment and Protection, Environment and Neighbourhood Services) introduced the matter and outlined the grounds of the

review. He referred Members to the options available for them to consider in light of the review. Geoff Galilee advised that the review requester, John Sachs, was not present at the hearing and that he had not responded to any attempts to contact him on this matter from Health Safety and Licensing officers. It was also noted that Carole Lloyd and E Lloyd were not present at the hearing. The sub-committee, in noting that the matter had already been deferred at a previous hearing on 20 July 2011 in order to give an opportunity for the review requester to attend, and that the residents concerned had been informed of the subsequent hearing date, decided to consider the matter in their absence.

Interested parties making representations

The sub-committee noted the written representations made by John Sachs (premises licence review requester), Carole Lloyd (local resident) and E Lloyd (local resident).

Case for the premises licence holder

Ken McCleay (premises licence holder's representative) stated that as neither the resident requesting the review nor any of the other residents who had made representations were present, then the claims made by them could not be substantiated. In addition, it was the responsibility of those requesting the review to establish the reasons for this and to explain the concerns raised. With regard to the use of the rear garden as mentioned in John Sach's request for a review, Ken McLeay asserted that this was addressed by condition 13 on the premises licence. Members heard that the last complaint made in respect of the premises dated back to December 2010. Ken McCleay felt that the premises licence holder had been proactive in any concerns raised and complaints were taken seriously. In addition, checks undertaken by the council's Noise Nuisance Team had concluded that there was no audible noise emanating from the premises. Ken McLeay concluded by asking that the sub-committee either dismiss the application for review or take no further action.

Riz Shaikh (Director of Colombo Group, owners of The Paradise) added that an acoustics company had been recruited to assess noise breakout possibilities and numerous attempts had been made to contact John Sachs to discuss his concerns, all of which had not received a reply from him. The sub-committee heard that there had also been an offer to soundproof John Sach's windows and he had also not responded to this offer.

Decision

At this point, the premises licence holder and their representatives were asked to leave the room to allow the sub-committee to discuss the relevant issues concerning the application.

Having considered the application by a local resident to review the premises licence for 'The Paradise' (19 Kilburn Lane, London, W10 4AE) ("the premises") pursuant to the provisions of the Licensing Act 2003 the Sub-Committee resolved that the **premises licence continue in force without any changes to the licence.**

The Alcohol and Entertainment Licensing Sub-Committee (C) felt that the claims made by the local resident who had submitted the request to review the premises licence were unsubstantiated. In addition, the concerns raised were not considered serious enough to merit any changes to the premises licence. It was noted that the resident requesting the review had again failed to attend the hearing that had been arranged to consider his request and neither had any effort been made on his part to respond to attempts by the premises licence holder and their representatives to discuss addressing the concerns that he had raised. Accordingly, with the above factors in mind, the sub-committee determined that the premises licence remain in force and no further action be taken.

The meeting closed at 7.35 pm

J MISTRY
In the Chair