



LONDON BOROUGH OF BRENT

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

Wednesday, 19 October 2011 at 7.00 pm

PRESENT: Councillor Jones (Chair) and Councillors HM Patel and Oladapo (alternate for Councillor Chohan)

Also Present: Councillors S Choudhary, Moloney and Van Kalwala

An apology for absence was received from: Councillor Chohan

1. **Appointment of Chair**

As the Chair of the sub-committee was not present for this meeting, nominations were invited to appoint a chair for this meeting. Councillor Jones was proposed by Councillor H M Patel. There were no other nominations.

RESOLVED:-

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

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

None declared.

3. **Application by the Railway Terraces Residents' Community Association and North West Two Residents' Association to review the premises licence for 'The Heritage Inn' (301 Cricklewood Broadway, London, NW2 6PG) pursuant to the provisions of the Licensing Act 2003**

Interested parties making representations

Mike Faulkner (Railway Terraces Residents' Community Association)
Rocio Reynolds (Railway Terraces Residents' Community Association)
Councillor Choudhary (representing NorthWest Two Residents' Association)

A number of other residents, including Jessica Howey, Cathy Johnson and Clayton Crabree (all Railway Terraces Residents' Community Association) attended in support of the application for review of the premises licence.

Sergeant Adrian Adolphus (Brent Police) was also in attendance to present relevant information and answer queries from the sub-committee.

Licensee and representatives of licensee

Dave Joseph (licensee's representative)
Mark Davidson (licensee)
Patrick Shortt (acoustics engineer speaking in support of the licensee)
Councillor Moloney (speaking in support of the licensee)
Councillor Van Kalwala (speaking in support of the licensee)

Diana Oti, Tim Nolan and Dionne (Mora Road residents) and Dorothy Simpson and Adelar Antunes (The Terraces residents) attended in support of the licensee.

Yogini Patel (Senior Service Regulatory Manager - Environment and Protection, Environment and Neighbourhood Services) introduced the matter and set out the grounds on which the review of the premises licence had been made, these being crime and disorder, public safety, public nuisance and the protection of children from harm. She confirmed the current licensing operational hours for the premises and advised the sub-committee of the various actions it could take upon considering the application to review the premises licence.

Interested parties making representations

Mike Faulkner (Railway Terraces Residents' Community Association) addressed the sub-committee and clarified that the Railway Terraces was located directly opposite The Heritage Inn and not 0.3 miles away previously claimed by the licensee's representative at a hearing to consider a variation of the premises licence on 7 October 2009. He stated that in some instances, residents' properties were only 34 metres from the premises. Mike Faulkner advised that contrary to what may have been indicated on the premises' Facebook site, the residents supporting the review were not seeking to have the premises licence revoked, but wished to see a reduction in total of four hours over the week in licensable activities. Mike Faulkner commented that he was in agreement to some extent in what had been stated in support of the licensee in the agenda papers, namely in some of the activities the premises supported on behalf of the community. There had also been some improvements since the last hearing involving the premises on 12 April 2011, including a reduction in noise breakout directly from the premises. However, although the efforts of the licensee to address noise and nuisance issues in relation to customer dispersal upon leaving the premises had had some effect, the impact on residents remained significant.

Mike Faulkner commented that the problems had begun since the extension of licensing hours granted to The Heritage Inn on 7 October 2009, where the 3.30am closing time on Fridays and Saturdays led to regular early morning disturbances to residents. In particular, the sudden nature of the noise created, such as shouting, car horns and slamming doors was clearly audible above the traffic noise that the residents had become accustomed to. It was noted that many of the residents' properties did not have front gardens so these were even more affected by the noise of customers and their cars as they would be directly outside the residents' homes. The problem was exacerbated by the large number of customers attending

The Heritage Inn events on Fridays and Saturdays, which could exceed 500 with customers coming from all over London. Mike Faulkner stated that The Heritage Inn operated more like a nightclub venue on Fridays and Saturdays and this was not appropriate for a residential area. Although other licensed premises in the area also had late closing times, their impact on residents was less as they attracted a far smaller clientele. Attention was drawn to the colour photographs of the residents' streets and their relationship to The Heritage Inn submitted in the written representation. Mike Faulkner concluded by stating that residents preferred the hours for licensable activities return to the original times of 00.00 with a closing time of 00.30 (the following day), although allowing licensable activities until 01.00 (the following day) with a closing time of 01.30 (the following day) may also be tolerable to residents, however any times later than this would have too great an impact on residents.

Rocio Reynolds (Railway Terraces Residents' Community Association) also addressed the sub-committee and explained that she had lived in the area for 11 years. She stated that she was regularly disturbed by noise, shouting and revving engines on Friday and Saturday nights and there were also incidents of urinating in the streets. The previous weekend, she had been awoken by loud shouting, including use of foul language and arguing at around 03.00 and the area continued to be blighted by traffic, noise and disturbances which she believed was primarily caused by customers of The Heritage Inn. Rocio Reynolds felt that the marshalling operated by the premises to control dispersal of customers as they left The Heritage Inn was not working effectively and that the only way to address the problems was to return the premises operating hours to that of a normal public house.

Councillor Choudhary (representing North West Two Residents' Association) then addressed the sub-committee. He commented that there had been improvements in respect of noise break-out from The Heritage Inn, however problems remained with regard to customers leaving the premises. Although efforts had been made in respect of introducing a dispersal policy, it had not been a success and there continued to be anti-social behaviour on Friday and Saturday nights such as large gatherings of people making noise, littering, and public urination as well as noise and parking issues caused by customers' cars. Residents had also submitted a petition highlighting the problems that they were experiencing. Councillor Choudhary asserted that The Heritage Inn had also been subject to two noise abatement notices. He felt that although the licensee had made efforts to address the concerns raised, the issues were too big for him to be able to handle and therefore Councillor Choudhary felt that the only solution to the problem was to reduce the hours of licensable activities.

In response to the issues raised, the Chair sought clarification with regard to noise abatement notices. With regard to litter, she commented that licensed premises in Brent usually had a standard condition on their licence not permitting glass containers to be taken off the premises.

In reply, Yogini Patel confirmed that Barnet Council had issued a noise abatement notice on The Heritage Inn in relation to a likely occurrence of noise. Brent Council had also served a noise abatement notice on the premises but this had been prior to works undertaken in the lobby area. Officers have not witnessed any breach of notices served.

The sub-committee viewed videos filmed by local residents at night time in the vicinity of The Heritage Inn that had been submitted as evidence to support their application for review.

Sergeant Adrian Adolphus (Brent Police) was invited to comment in respect of the application to review the premises licence. He referred Members to the latest crime report relating to The Heritage Inn which represented a very low crime statistic compared to other licensed premises. In the police's view, the premises did not pose concern from a crime perspective. Sergeant Adrian Adolphus commented that incidence of noise and public urination had been witnessed in the area.

The Chair commented that the area should be classed as being mixed residential and industrial. She sought comments in respect of a letter from Camden Police concerning the licensee's previous premises which stated that the licensee had been subject to malicious calls. In reply, Sergeant Adrian Adolphus advised that he did not have any further information to provide in relation to this matter.

Case for the licensee

David Joseph (licensee's representative) introduced himself as the licensee's representative and as a regular customer of The Heritage Inn. He stated that the premises operated as a public house that welcomed the whole community and local businesses. With regard to the concerns raised by residents and responsible authorities, appropriate measures had been taken to remedy these. In respect of noise, David Joseph felt that the licensee had gone considerably beyond what could be expected of him, including extensive building works, reduction of noise acoustics, changes to the ventilation, installing heavy draping and mobile sound detectors. Access to the garden and terrace of the premises was also restricted to minimise noise. Door supervisors at the premises' entrance ensured the safety of both customers and local residents, whilst patrol stewards covered the local neighbouring areas to address issues such as litter and fly posting. There had been consultation with neighbourhood groups, meetings with user groups and the licensee had liaised with the council's licensing officers and the police after each event and he also participated in the Brent and Barnet Pubwatch scheme and the Best Bar None scheme. In his experience as a customer, David Joseph felt that the management of the premises operated in a professional manner.

Patrick Shortt (acoustics engineer speaking in support of the licensee) addressed the sub-committee. Patrick Shortt explained that he was a professionally qualified acoustics engineer and had been appointed by the licensee in February 2011. Following works that had been carried out on 4 April 2011, he conducted an acoustics survey on 11 April 2011 and had determined that the revised lobby was more than sufficient to prevent noise breakout. Subsequent remedy action in the summer had also, in Patrick Shortt's view, addressed any other noise-related issues.

The Chair sought comments with regard to how the dispersal policy was operating and clarification of any agreement concerning the use of Wickes and Matalan's car parks. She also asked for a response in respect of claims in the residents' representations that the premises was in breach of its re-entry condition on its

license and what arrangements were in place with regard to patrons who wished to smoke outside. Horatio Chance (Legal Adviser, Brent Council) sought further details regarding the licensee's admissions policy and in particular towards customers attempting to gain entry to the premises that may be under the influence of alcohol or drugs.

In reply, Mark Davidson (licensee) felt that although the new dispersal policy was at the early stages since being introduced, to date it had gone well. He also advised that he had an arrangement with Wickes for his patrons to use their car park and this was stewarded. David Joseph confirmed that the premises complied with licensing regulations in respect of patrons who were intoxicated or under the influence of drugs who attempted to gain entry to the premises. He also added that no re-entry after 01.00 was rigorously enforced and there was clear signage on the premises advising customers of this. A smoking area was available to customers at the rear of the premises and this was marshalled by premises staff.

Councillor Moloney (speaking in support of the licensee) addressed the sub-committee. He commented that The Heritage Inn was a popular venue and that the present licensee operated the premises much more effectively than the previous management where it had ran as a hotel and could supply alcohol on a 24 hour basis. Councillor Moloney stated that in his view, the licensee was doing all he could to tackle noise and public nuisance and he was one of the best operators in Brent. A loss in later licensing hours would make the nature of his business unviable. Councillor Moloney suggested that there was no evidence to suggest that Heritage Inn customers were the main source of anti-social behaviour.

Councillor Van Kalwala (speaking in support of the licensee) also felt that there was a lack of evidence to suggest customers from The Heritage Inn were the source of anti-social behaviour. Noting that the licensee had been operating at the premises since June 2009, he queried why there had been no complaints received until October 2010 and it appeared that complaints had only been triggered when the licensee had applied for a variation of his premises licence for an extension of hours. It was also queried about the accuracy of Brent Council's Enforcement Officer for Environmental Health's observations of 23 January 2011 in view that the officer was placed some 30 metres away from the premises inside a motor vehicle with the window wound down. Councillor Van Kalwala also queried whether The Heritage Inn would play some of the type of music that had allegedly been heard emanating from the premises on 23 January 2011. In respect of the noise abatement notice served on the premises from Barnet Council, he again queried whether there was any evidence that this was due to the patrons of the Heritage Inn. He felt that the best way of moving forward with this issue was to concentrate on developing partnerships between the licensee, residents and relevant authorities.

The sub-committee then viewed footage of The Heritage Inn's CCTV provided as evidence in support of the licensee.

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 of the application in closed session.

Having considered the application by Railway Residents' Community Association and North West Two Residents' Association to review the premises licence for 'The Heritage Inn' (301 Cricklewood Broadway, London, NW2 6PG) ("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 but the licensee be issued with a warning.**

The Alcohol and Entertainment Licensing Sub-Committee (B) acknowledged having regard to the oral and written evidence that there had been public nuisance related incidents in the vicinity of the premises, however, as mentioned by residents, the licensee had taken a proactive role in attempting to address noise issues within the premises. The licensee is now required to take a proactive role by taking the necessary steps to address noise and public nuisance matters upon customers leaving his premises and that this will be monitored by the relevant authorities. It is also noted that the police and other responsible authorities had not given prior warning to the licence premises holder on the grounds of public nuisance or any other breach of the licensing objectives and in accordance with government guidance the Licensing Sub-Committee exercised discretion during the decision making process to issue a formal warning.

The Sub-Committee added an informative that the licensee continue to liaise with the licensing authority and residents' associations to promote the workings of his Dispersal Policy and that there be a noticeable improvement with regard to this within a three month period.

The meeting closed at 9.55 pm.

L JONES
In the Chair