



LONDON BOROUGH OF BRENT

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

Wednesday, 14 December 2011 at 9.30 am

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

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

None declared.

2. **Application by Paul Campbell for a Temporary Event Notice for 'North West 10' (71-73 High Street, London, NW10 4NS) pursuant to the provisions of the Licensing Act 2003**

Responsible authority making a representation

Sergeant Adrian Adolphus (Brent Police)

Applicant

It was noted that neither the applicant nor anyone representing the applicant was present.

Yogini Patel (Senior Regulatory Service Manager, Environment and Protection Unit, Environment and Neighbourhood Services) introduced the matter and stated that it was understood that the applicant was to withdraw his application and had indicated that he would not be intending to attend the hearing.

The sub-committee felt that in view of the impending date of the intended temporary event notice, and an indication from Yogini Patel that the applicant was not intending to attend the meeting and further verbal indication that he intended to withdraw the applicant, that the case be heard.

Responsible authority making a representation

Sergeant Adrian Adolphus (Brent Police) began by stating that he was still awaiting a risk assessment to be provided by the applicant at the request of the police. The sub-committee heard that the sister of the applicant had verbally informed Sergeant Adrian Adolphus that the applicant was to withdraw the application, however written confirmation was awaited. It was also noted that there had been problems associated with the premises before and that the hours applied for were particularly late.

Case for the applicant

The sub-committee considered the written application submitted by the applicant.

Decision

At this point, the responsible authority was asked to leave the room to allow the Sub-Committee to discuss the relevant issues of the application in closed session.

that the application by Paul Campbell for a Temporary Event Notice 'North West 10' (71-73 High Street, London, NW10 4NS) pursuant to the provisions of the Licensing Act 2003 be **refused and a counter notice served**.

The Alcohol and Entertainment Licensing Sub-Committee (B) noted that the applicant had indicated that they would be withdrawing their application, however neither the Licensing Authority, nor the Police, had received notification in writing. It was also noted that the applicant had failed to provide relevant information in respect of a risk assessment for holding the event and accordingly the application was refused and a counter notice would be served by the Licensing Authority on that basis.

3. **Application by Power Leisure Bookmakers Ltd for a variation of the betting premises licence for 'Paddy Power' (517 Kingsbury Road, London, NW9 9EG) pursuant to the provisions of the Licensing Act 2003**

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

4. **Application by Green House Garden Centre Ltd for a premises licence for 'Green House Garden Centre Ltd (Birchen Grove, Kingsbury, London, NW9 8RY) pursuant to the provisions of the Licensing Act 2003**

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

5. **Application by Local Food Express to vary the designated premises supervisor for 'Local Food Express' (16 Park Parade, London, NW10 4JH) pursuant to the provisions of the Licensing Act 2003**

Relevant authority making a representation

Sergeant Adrian Adolphus (Brent Police)

Applicant

Mujahid Yousefzai (the applicant)

Yogini Patel (Senior Regulatory Service Manager, Environment and Protection Unit, Environment and Neighbourhood Services) introduced the matter and set out the applicant's request as set out in the report.

Relevant authority making a representation

Sergeant Adrian Adolphus (Brent Police) stated that there was a relevant conviction with regard to the applicant. He indicated that he had a copy of the relevant conviction and with the agreement of the applicant, this was circulated to the sub-committee. Sergeant Adrian Adolphus asserted that the applicant agreed that he was guilty of the conviction which related to a drink driving incident around two years ago and that this would remain unspent for a further three years.

Sergeant Adrian Adolphus continued that the premises was located in a busy area close to some public houses, one of which has required police attention. In addition, there were also a number of street drinking related incidences in the area. The sub-committee heard that the proposed designated premises supervisor (DPS), Mujahid Yousefzai, lived in Leeds, which Sergeant Adrian Adolphus believed made it very difficult for the premises to operate to the standards required by the council's licensing objectives. According to checks undertaken by police, Mujahid Yousefzai had operated two off licence premises in Leeds, one of which he remained the DPS for, according to Leeds City Council.

Upon receiving a copy of the application in August 2011, Sergeant Adrian Adolphus requested that a personal licence holder be present on the premises, particularly on later hours in the evening. He also suggested that the applicant suggest an alternative DPS for the premises.

In reply to queries from Members, Sergeant Adrian Adolphus explained that a personal licence holder fluent in English should be present on the premises.

Upon responses provided by the applicant, Sergeant Adrian Adolphus indicated that he would advise Leeds City Council accordingly with regard to the applicant's involvement of the off licence premises in Leeds mentioned above.

Case for the applicant

Mujahid Yousefzai (the applicant) asserted that he had sold his off licence businesses in Leeds and had secured 16 Park Parade in London as a suitable premises in London. His family remained in Leeds and he continued to live in Leeds too. Mujahid Yousefzai confirmed that he had received a conviction for drink driving and stated that he had since stopped drinking alcohol. He agreed that he needed to transfer his DPS licence in Leeds and stated that he would provide staff with the appropriate training.

In reply to queries from Members, Mujahid Yousefzai stated that he was not intending to move his family to London as he would not be able to afford to. In addition, he felt that he could not afford to employ a DPS for the premises at 16

Park Parade. He claimed that he was still awaiting a new premises licence for 16 Park Parade and was in the process of transferring his DPS and premises licence in Leeds. He acknowledged that any other staff needed to be trained to acquire a personal licence.

In answer to queries from Sergeant Adrian Adolphus, Mujahid Yousefzai stated that he had ceased working at 128 Roundhay Road in Leeds on May 2011 and that he was working at 16 Park Parade from 08:00 to 16:00 seven days a week, although he had not worked there in the last two weeks due to illness. Another member of staff worked there part time but did not hold a personal licence. Mujahid Yousefzai acknowledged that he was not aware that the shop at 16 Park Parade could not trade without a personal licence holder present.

Decision

At this point, the applicant 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.

That the application by Local Food Express to vary the designated supervisor for 'Local Food Express' (16 Park Parade, London, NW10 4JH) pursuant to the provisions of the Licensing Act 2003 be **refused**.

The Alcohol and Entertainment Licensing Sub-Committee (B) felt that as the proposed designated premises supervisor (DPS) lived in Leeds, it would significantly affect his ability to perform this role at his premises in London. The sub-committee also heard evidence from the applicant that inferred that he had been acting outside the provisions of the Licensing Act 2003, namely that the premises had been operating without either a DPS or a personal licence holder giving rise to potential breaches of the premises licence. Members of the Sub-committee were not entirely convinced that the applicant was able to manage the premises effectively and thus promote the licensing objectives (Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm). It was noted that the applicant had committed a relevant offence in respect of the prevention of crime and disorder objective and accordingly this was regarded to be of material consideration as part of the Committees decision making process when determining the application. The sub-committee further considered that the granting of the application would undermine the licensing objective linked to the prevention of crime and disorder. In view of the above reasons, the sub-committee accordingly refused the application.

The sub-committee added an informative advising that the applicant seek the appropriate professional advice in progressing this application.

- 6. Application by Pizza Express (Restaurants) Limited for a premises licence for 'Pizza Express' (Unit 99 (W07), London Designer Outlet, Wembley) pursuant to the provisions of the Licensing Act 2003**

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

The meeting closed at 11.15 am

B CHOHAN
Chair