

London Borough of Brent – Decisions taken by the Alcohol and Entertainment Licensing Sub-Committee (B) on Wednesday 13 November 2013

Agenda Item No	Topic	Decision
1.	Declarations of personal and prejudicial interests	None declared.
2.	Application by Nuno Rodrigues for a premises licence for 'Grill 4 You' (758 Harrow Road, London, NW10 5LE) pursuant to the provisions of the Licensing Act 2003	<p>RESOLVED:</p> <p>In accordance with the provisions of the Licensing Act 2003, the application for a new premises licence for Grill 4 you, 758 Harrow Road was granted subject to the agreed conditions with the Police and all other relevant authorities.</p>
3.	Application by Green King Retailing Limited for a variation of premises licence for The Falcon, (341 Kilburn Lane London W9 3EG) pursuant to the provisions of the Licensing Act 2003	<p>RESOLVED:</p> <p>The Sub-Committee were informed that the application had been withdrawn and accordingly this matter did not need to be considered.</p>
4.	Application by the Metropolitan Police for a review of premises licence for Wembley Inn, (1 Ealing Road Wembley HA0 4AA) pursuant of the provisions of the Licensing Act 2003	<p>RESOLVED:</p> <p>In accordance with the provisions of the Licensing Act 2003, having heard the evidence provided by the Metropolitan Police following the application for a review of the premises licence of Wembley Inn, 1 Ealing Road, Wembley, HA0 4AA, the Alcohol and Entertainment Licensing Sub Committee agreed to revoke the premises licence for the following reasons:</p> <ul style="list-style-type: none"> i. Failure to promote the prevention of crime and disorder ii. Failure to promote public safety iii. Failure to prevent public nuisance iv. Failure to promote the prevention of harm to children v. Failure to comply with conditions of the licence

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		<p>vi. Failure to follow advice and implement changes vii. Continued issues regarding illegal substances on the premises</p> <p>Accordingly, it was noted that the licence premises holder had made an attempt to surrender his licence a few hours prior to the hearing. However, Members upon receiving legal advice and after careful consideration of matters, took the view that an “effective surrender” had not taken place within the meaning of section 28 of the Licensing Act 2003 (“The Act”). In essence Section 28 (1) of the Act provides:-</p> <p>(1) Where the holder of a premises licence wishes to surrender his licence he may give the relevant authority a notice to that effect. (2) The Notice must be accompanied by the premises licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. (3) Where a notice of surrender is given in accordance with this section, the premises licence lapses, on receipt of the notice by the authority. (4) This section is subject to section 50 (which makes provision for the reinstatement in certain circumstances of a licence surrendered under this section)</p> <p>Members having regard to the specific wording of section 28 maintained that the requirements in that section had not been fully complied with and on that basis the licence was not revoked in law. In accordance with Paragraph 20 (2) (3) of the Licensing Act 2003 (Hearings) Regulations 2005 where a person fails to attend the hearing, the authority reserves the right to consider the application and relevant representations. Members contended that it was not in the public interest to delay hearing given that the licence premises holder had, had prior warning to attend coupled with the serious nature of the breaches complained of. It was</p>

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		<p>therefore just and reasonable having regard to all the circumstances of the case to continue with the review hearing of the licence on its individual merits.</p> <p>Members appreciate that revoking a licence is a last resort for a Licensing Authority and did not arrive at the decision lightly. However, Members had grave concerns with regard to the running of the premises and could not ignore those concerns, clearly documented from the representations made. The Committee had to strike the right balance in terms of its general duties as a licensing authority under section 4 of the Act.</p> <p>Members during the decision making process felt that the most effective power it could exercise here was revocation. Accordingly, the weight of evidence was such that to invoke any other power afforded to the committee under section 52 (4) of the Act, would not have achieved the desired effect. Members in their final analysis of matters were of the opinion that the management in running the premises were far too lackadaisical in their approach leading ultimately to the review of the premises by the Police and a complete disregard of the licensing process, poor management was identified as a significant factor in the committee's conclusions.</p> <p>Members further contended that the actions of the licence premises holder were not of a professional and responsible nature with particular reference to the licensing objectives of crime and disorder and protection of harm from children. The committee considered this to be wholly relevant to its decision and of material importance.</p> <p>Members at all material times during the decision making process took into account the licence premises holders human rights under the Human Rights Act 1998, namely Articles 1, 6 and 8 of the European Convention, the Council's Statement of Licensing Policy and amended Home Office Guidance (October 2012) issued under section 182 of the Act so that their interests were</p>

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		not adversely affected or prejudiced in anyway.