



LONDON BOROUGH OF BRENT

MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (B) Thursday 13 February 2014 at 10.00 am

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

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Application by Mr Christian Masters for a personal licence pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager informed the Sub Committee that an application for a personal licence for Christian Masters was received 18 April 2013 and a representation was subsequently received from the Metropolitan Police.

Nick Mortimer (Metropolitan Police) informed the Sub Committee that a relevant offence of driving whilst under the influence of alcohol was still unspent and would not be considered spent until May 2015. He noted that a 16 month ban and fine were issued and felt that the applicant was not a fit and proper person to hold a personal licence.

RESOLVED:

That the application by Mr Christian Masters for a personal licence pursuant to the provisions of the Licensing Act 2003 be refused. The applicant has an unspent conviction against him of a relevant offence under Schedule 4 of the Licensing Act 2003. The Sub-Committee therefore has a duty to consider the application on its individual merits. The Police raised objection to the grant of the application on the basis that it would undermine the promotion of the licensing objectives (Prevention of Crime and Disorder, Protection of Children from Harm, Public Safety, Public Nuisance). The applicant failed to submit any "exceptional or compelling reasons" which would justify the granting of such an application and taking all relevant circumstances into account the Licensing Sub-Committee felt it was justified in refusing the application.

3. **Application by Mr Gareth Paul Underhill for a personal licence pursuant to the provisions of the Licensing Act 2003**

RESOLVED:

That the application by Mr Gareth Paul Underhill for a personal licence pursuant to the provisions of the Licensing Act 2003 be adjourned.

The Alcohol and Entertainment Licensing Sub-Committee (B) felt that in the absence of the applicant, the application should be adjourned having exercised its discretion under paragraph 20 of the Licensing Act 2003 (Hearings) Regulations 2005 to allow the applicant to respond to the concerns raised in the written representations. However, the Sub-Committee also stated that the applicant should be advised that should he fail to attend a future hearing for whatever reason, then the application may be considered in his absence.

4. **Application by Kilburn Cosmos for a new premises licence for Gladstone Park Community Centre (Anson Road London NW2 6BH) pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager informed the Sub Committee that an application by Kilburn Cosmos for a new premises licence for Gladstone Park Community Centre (Anson Road London NW2 6BH) was received and relevant objections had been received from local residents including a local nursery and a petition. It was clarified that the objection raised by the local nursery had been withdrawn following the applicant agreeing to the hours requested by the nursery. The Legal Advisor highlighted that the petition should not be considered as a relevant representation as it did not identify any objections in line with the promotion of the four licensing objectives.

RESOLVED:

The Sub-Committee was informed that all relevant representations had been withdrawn that the application by Kilburn Cosmos for a new premises licence for Gladstone Park Community Centre (Anson Road London NW2 6BH) pursuant to the provisions of the Licensing Act 2003 be deemed granted.

5. **Application by Babylon Palace Ltd for a variation of premises licence for Babylon Palace Ltd (89 Kenton Road Harrow HA3 0AN) pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Officer informed the Sub Committee that an application by Babylon Palace Ltd for a variation of premises licence for Babylon Palace Ltd (89 Kenton Road Harrow HA3 0AN) had been received with relevant representations submitted by the Metropolitan Police, Trading Standards and Environmental Health. Subsequently representations from Environmental Health and Trading Standards had been withdrawn after reaching an agreement with the applicant over reduced hours and no amplified music to be played in external areas of the premises.

The Senior Regulatory Services Manager circulated a copy of the agreed conditions with Environmental Health and Trading Standards and the Sub Committee was briefly adjourned to enable all parties to view the agreed conditions.

The applicant was invited to make his representation and highlighted the following points:

- The business was busy late in the evening and he wished to capture a greater trade
- Due to an error he was previously operating later and wished to have similar hours again

- He did not intend to operate until 4am everyday but wished to have the flexibility to do so
- He had worked with departments and agreed conditions with environmental health and trading standards
- He currently operated in a way that meant complaints were not received and would continue to do so

The following points were clarified following questions of the applicant:

- Shisha was the main source of income for the business and was carried out at the front of the premises with a complaint smoking shelter
- The applicant informed residents of any large parties that were due to take place at the premises
- Beverages were not allowed outside after 11pm in accordance with the licence and many customers would smoke shisha without drinking
- Lebanese food was served in the restaurant area and the shisha area although the shisha lounge provided approximately 80% of income
- Most customers arrived between 7.00pm and 10.30pm with the last re-entry being 11.30pm
- The applicant reported 30-50 customers could be in the shisha lounge at any one time depending on peaks in demand and was at least 25% of the premises, allowing space for large volumes of custom
- The applicant did not operate other forms of entertainment although permissible on the licence, he confirmed that this was part of the licence when transferred
- There was a variety of clientele however the applicant tended to refuse custom to groups of young persons and preferred to have a calmer crowd
- Enforcement action had previously taken place at the premises due to incorrect signage on shisha pipes which had subsequently been amended with staff being made fully aware of legislation
- The applicant had been advised to get the variation approved prior to apply for a change in planning conditions
- Door supervisors were required if selling alcohol after midnight although this rarely happened

The Police informed the Sub Committee that the licence had never permitted the sale of alcohol until 3.30am following the initial transfer of the licence. It was also highlighted that whilst the applicant was away, noise nuisance was observed and reiterated their objection and if granted it was felt that door supervisors would be required to promote the licensing objectives. It was also reported that there was an issue with planning regulations that would also need to be addressed in the future by the appropriate channels.

The applicant explained that there was one entrance into the premises to ensure numbers were controlled through refusing entrance to intoxicated persons or large groups of 'rowdy' people. The premises was situated on a busy road, which masked any noise emanating from the premises and did not have its own parking with customers using on street parking in the surrounding area.

During discussions, members queried why an application had been made that would vary the licence but breach planning conditions. The Legal Advisor explained that the planning conditions should have been explained to the applicant

when adopting the 20 year lease and that the application had to be considered on its merits and that planning conditions were not relevant. He concluded that should planning conditions be breached, then the Council were entitled to take enforcement action. The applicant highlighted the shisha area for the sub committee and confirmed that coals were prepared in the kitchen. The applicant confirmed that when he took over the lease the premises was operating as a public house but held an A3 licence which enabled them to operate as a restaurant and shisha lounge. He concluded that he would like his hours extended as agreed with environmental health.

In summary the Police confirmed they were objecting to the application in whole, as well as 50 persons being in the shisha area being unacceptable. They highlighted that the noise of the premises was audible over traffic and that one of the owners was not always present.

RESOLVED:

That the application by Babylon Palace Ltd for a variation of premises licence for Babylon Palace Ltd (89 Kenton Road Harrow HA3 0AN) pursuant to the provisions of the Licensing Act 2003 Road be approved in accordance with all previously agreed conditions with amendments to the hours as follows and the following additional conditions to ensure promotion of the licensing objectives particularly prevention of public nuisance and protection of public safety.

1. All licensable activity Monday to Sunday cease at 2am, which is 30 minutes before closing.
2. That a scaled plan be submitted highlighting the shisha area separately from the restaurant area of the premises so that the number of persons in the shisha lounge can be set by the public safety and allocated accordingly.

6. **Application by MacNeil Ltd for a variation of premises licence for Honeypot Public House, (Honeypot Lane Stanmore HA7 1EF) pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager informed the Sub Committee that the application by MacNeil Ltd for a variation of premises licence for Honeypot Public House, (Honeypot Lane Stanmore HA7 1EF) was submitted to increase capacity, and extend the hours for the supply of alcohol.

The Metropolitan Police were invited to make their representation. IT was explained that they had no objection to the application in principle but wished to bring conditions in line with current practices. Changes to conditions had been discussed and agreed with the applicant as follows:

1. Drinking Up Time

Police suggest supply of alcohol cease at 0030 hours and close to the public at 0100 hours Sunday to Thursday and supply of alcohol cease at 0130 hours and premises close to the public at 0200 hours on Friday and Saturdays.

2. That conditions three, six and seven are removed from the current premises licence
3. 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 authorised Officers from Brent Council.
4. CCTV cameras shall be installed to cover the public entrances of the premises and external areas.
5. Door supervisors shall wear high visibility clothing that can be clearly and easily identified on CCTV.
6. Customers will not take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
7. Customers carrying open or sealed bottles or glasses shall not be admitted to the premises.
8. A “Challenge 21” policy shall be adopted and adhered to.
9. A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
10. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
11. No alcohol shall be available for any customer when the premises are open primarily for use by persons under the age of 18.
12. A suitable intruder alarm complete with panic button shall be fitted and maintained.
13. No persons under the age of 18 shall be permitted in the shisha area at anytime.

Following queries from the Sub Committee it was confirmed that the smoking area was compliant with regulations and the restaurant had recently been refurbished with a new toilet block allowing an increased capacity for the premises. The applicant explained that the bar in the shisha area also served alcohol as well as shisha.

RESOLVED:

That the application by MacNeil Ltd for a variation of premises licence for Honey Pot Public House, (Honey Pot Lane Stanmore HA7 1EF) pursuant to the provisions of the Licensing Act 2003 be agreed subject to the following conditions:

1. Drinking Up Time

Police suggest supply of alcohol cease at 0030 hours and close to the public at 0100 hours Sunday to Thursday and supply of alcohol cease at 0130 hours and premises close to the public at 0200 hours on Friday and Saturdays.

2. That conditions three, six and seven are removed from the current premises licence
3. 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 authorised Officers from Brent Council.
4. CCTV cameras shall be installed to cover the public entrances of the premises and external areas.
5. Door supervisors shall wear high visibility clothing that can be clearly and easily identified on CCTV.
6. Customers will not take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
7. Customers carrying open or sealed bottles or glasses shall not be admitted to the premises.
8. A "Challenge 21" policy shall be adopted and adhered to.
9. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
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 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

11. No alcohol shall be available for any customer when the premises are open primarily for use by persons under the age of 18.
12. A suitable intruder alarm complete with panic button shall be fitted and maintained.
13. No persons under the age of 18 shall be permitted in the shisha area at anytime.

7. **Application by Joscelyn Ellis for a temporary event notice for Theorum Music Complex (385 High Road NW10 9PY) pursuant to the provisions of the Licensing Act 2003**

RESOLVED:

The Sub-Committee was informed that all relevant representations had been withdrawn and accordingly this matter did not need to be considered.

8. **Application by Pierre Hoyte for a temporary event notice for The Stonebridge School (Shakespeare Avenue NW10 8NG) pursuant to the provisions of the Licensing Act 2003**

RESOLVED:

The Sub-Committee was informed that all relevant representations had been withdrawn and accordingly this matter did not need to be considered.

The meeting closed at 12.40 pm

B CHOHAN
Chair