



## LONDON BOROUGH OF BRENT

### MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (B) Thursday 27 February 2014 at 2.00 pm

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

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

None declared.

2. **Application by Location Cafe for a new premises licence for 232 High Road NW10 2NX pursuant to the provisions of the Licensing Act 2003**

RESOLVED:

That the application by Location Cafe for a new premises licence for 232 High Road NW10 2NX be deferred pursuant to the provisions of the Licensing Act 2003.

3. **Application by Jose Rocha for a new premises licence for Windrush (212 High Street NW10 4SY) pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager informed the Sub Committee that the application for a new premises licence for Windrush (212 High Street NW10 4SY) had been received and objections had been received from local residents.

The applicant was invited to speak and highlighted the following points:

- They had been operating the business since 25 October 2013 as a restaurant and had no affiliation with the premises prior to this
- Following a visit from the Police all recommendations had been adhered to and carried out
- No complaints from, neighbours had been received since opening the premises and operating until 2.30am on occasions
- Notices asking customers to leave quietly had been displayed
- A variety of meals including a takeaway services was offered at the premises
- SIA door staff were provided despite the premises not being a night club
- The fire service had advised of risk assessments required and were impressed by security arrangements
- They had been working with local resident associations and wanted to bring something positive to the community
- Local taxi numbers were made available to assist in persons getting home and not loitering

During questions of the applicant the following points were clarified:

- Currently the business was trialling new ideas and had not needed sound limiters as had only had background music during events

- The premises had previously held a licence until 4am
- As well as birthday parties it was hoped that community events such as black history, seasonal celebrations and poetry evenings would be held at the premises
- There was a maximum seated capacity of 50 persons for the venue

Leroy Simpson, Chair of Harlesden Town Team was invited to speak in objection to the application. He expressed concerns that should a licence be granted until 4am, it would give opportunity for the premises to be opened late every occasion. He highlighted that the premises was situated close to residential housing and residents had expressed concern that the premises could potentially become a nightclub again. He concluded that parking outside the premises was limited and taxis were not always easy to come by at 4am.

The Legal Advisor informed members that considerations regarding parking did not relate to the licensing objectives and should be disregarded.

The applicant reiterated that they had not received any complaints from residents or the police and intended to only open late on seasonal occasions and events. They continued to clarify that there was no plan to aggravate neighbours and only had a small sound system with which the noise team were more than welcome to inspect. In response to concerns regarding patrons leaving the premises, the applicant clarified that intoxicated persons would not be served and had no intentions of lowering its standards.

In summary the applicant explained that they had invested a lot of money in the premises and hoped to create something good for the community.

Leroy Simpson concluded that he did not object to the premises rather the 4am closing due to the risk of regular events and customers loitering until the tube restarted in the morning.

RESOLVED:

That the application by Jose Rocha for a new premises licence for Windrush (212 High Street NW10 4SY) be approved pursuant to the provisions of the Licensing Act 2003

4. **Application by Wayout Dreams Community Project Limited for a variation of the premises licence for '71-73 High Street' (London, NW10 4NS) pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager informed the sub committee that an application by Wayout Dreams Community Project Limited for a variation of the premises licence for '71-73 High Street' (London, NW10 4NS) had been received with objections presented by local residents. The Legal Advisor clarified that the process to be followed was a fair and democratic process.

The applicant was invited to speak and made the following points:

- The application was to extend the hours to sell alcohol

- The premises was a self funded community centre and all profits went back into the centre
- The premises had previously had their licence reduce and subsequently the premises had changed the nature of its business and customer base
- The majority of current customers were members living in the vicinity or guests of members
- The community centre offered a gym, dance classes, catered for events such as weddings or christenings as well as fundraising
- There had been over 30 events in the past 3.5 years which had all been successful following working closely with the local police
- There had not been any issues with immediate neighbours regarding the events held
- It would not be cost effective to hold events regularly and would be to enable occasions such as weddings to be celebrated a little longer and for the community centre to be sustainable in the current financial climate
- Events that served alcohol had tight alcohol controls and SIA door staff were always present and to the required standard

During questions of the applicant the following points were clarified:

- The applicant currently received funding but due to the ending of many government grants wished to become self funded and sustainable for the future
- Members attended many daytime activities at the centre and the applicants knew most using the centre
- There was a residential property adjacent to the premises although there had never been any complaints received and had complied with advice from the noise pollution team for TENS
- There had previously been incidents of antisocial behaviour in the past which had been resolved in changes to use of the premises and clientele
- They had learnt their lesson from the previous reduction in licensing hours and had changed the business to a successful community venue with a new management team

Councillor Hector was invited to speak and raised the following concerns:

- She had received a number of complaints and concerns from local residents
- Residents were concerned that if granted, the premises would revert back to its old ways
- Residents had highlighted issues of dispersal at the end of the night with many persons waiting for public transport or loitering until the tube recommenced
- Cars often played loud music outside and rubbish would be left by patrons leaving the premises after purchasing food
- There was concern over children being exposed to alcohol and crime and disorder should the premises hold christenings and birthday parties

During questions of Councillor Hector, the following points were clarified:

- Many of the residents concerns were based on past events and it was unclear whether they were linked to the premises or other late night venues in the vicinity
- It was unclear whether the previous late opening was the reason for issues in the past as the area was a crime hot spot
- Residents had raised disturbances at local meetings recently although it was unclear whether this was in reaction to the hearing notices
- Residents had not given details of any specific incidents but raised general concerns particularly as there local licensing officer had left

The Legal Advisor highlighted that previous incidents had to be disregarded from the sub committees decision making. The Senior Regulatory Services Manager advised that all licensing officer posts were full and the police had seen the list of conditions and not made a representation to the application. The applicant clarified that no complaints had been received over the events held in the past three years and they were happy to work with residents to resolve any issues should they occur.

In summary the applicant explained that the premises was a community centre and not a night club and had held events successfully for the past three years. He stated that many attendees were known to the premises and the intention was not to hold regularly events but to ensure the financial survival of the community centre.

Councillor Hector concluded that there was a distinct impression of ongoing problems with the establishment and a fear of the previous issues reoccurring should the hours be extended. She reiterated concerns of children being exposed to alcohol at events such as Christenings and weddings.

RESOLVED:

That the application by Wayout Dreams Community Project Limited for a variation of the premises licence for 71-73 high street NW10 4ns be approved subject to the following conditions:

- 1) Notices advertising the number of a local licensed taxi service shall be displayed in a prominent position.
- 2) Facilities within the premises shall be made available for customers to await taxis.

**5. Application by Abraham Ryan, Cyrus Abbasian & Malcolm McCaig for a review of premises licence for The Woody Grill (44 High Road Willesden NW10 2QA) pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager informed the sub committee that an application by Abraham Ryan, Cyrus Abbasian and Malcolm McCaig for a review of premises licence for The Woody Grill (44 High Road Willesden NW10 2QA) had been received on the grounds of public nuisance, promotion of public safety and crime and disorder. She highlighted that the premises did not sell alcohol.

Abraham Ryan was invited to speak and raised the following points:

- The premises' flue admitted smoke and fumes 24 hours a day which created noise and smells making his balcony unusable
- He suffered emphysema which was exasperated by the flue.
- Changes to the flue including a 1m extension had reduced the smoke but fumes were still omitted
- A second inspection from the Council was anticipated in regard to whether the changes were acceptable.
- There had been issues of refuse being left on Metropolitan Court and communications from the buildings management company were ignored for several months.
- The bin had now been relocated but there was concern that it could reoccur
- The Woody Grilled stored fat in the back yard of its premises which omitted smells and there was concern that it may attract rodents
- Customers frequently parked on the entrance to Metropolitan Court
- The premises was not displaying notices asking customers to leave quietly
- People loitered around the premises and residents had witnessed antisocial behaviour as well as incidents of drug deals
- He had made attempts to resolve issues with the premises which had been unsuccessful and generally felt the location of the premises was unsuitable

The Legal Advisor informed members that parking issues were not a licensable activity and should be disregarded.

During questions of the applicant the following points were clarified:

- The flue was checked by the noise team prior to Christmas although he hoped they would come around again as he believed it was not doing the job it should do
- The rubbish situation had improved although employees occasionally left personal waste and the management company had been notified
- Woody Grill had separate access to their back yard and did not need to gain access via Metropolitan Court
- Fat stored in the back yard was leaking through into the soil of Metropolitan Court gardens
- There were 37 apartments at Metropolitan Court and six above the Woody Grill

The licence holder for Woody Grill was invited to speak and made the following points:

- They had made large improvements to the premises and had tried to be peaceful with their neighbours
- Improvements to waste removal had been made with it now being removed daily following contracting a new company
- There had not been any complaints from the properties above and it was believed this was the first complaint with one of the applicants withdrawing their complaints
- The extractor flue had been checked and approved by the Council
- They had addressed the issues raised and were happy to work with the management company should issues occur in future

During questions of the licence holder the following points were clarified:

- The flue had charcoal filters that was maintained every three months and following the initial complaints they were checked for blockages and found to be working fine
- The premises had CCTV on site that recorded and stored for 31 days
- The licence and all hygiene certificates were displayed on the premises
- There had been no intention to cause disturbances and wished to apologise if that had occurred and wanted to run their business as peacefully as possible
- Fat was collected every three days but were happy to review this arrangement if it was found to be unacceptable
- Cartons of fat had the same packaging and were often stacked in the same way giving the appearance that they had not been removed
- There had been a recent change in management although it was recognised that communication with residents and the previous manager was not adequate
- Attempts to resolve issues had cost the business financially through ending the waste contract early to find a suitable alternative company
- Staff left the building at separate times and as such it was unclear how they could make large amounts of noise
- Evidence of the charcoal filters had been provided to the Council
- The premises usually closed at 5am
- Notices asking customers to leave quietly were displayed inside on the wall but they were happy to place them in more prominent positions such as on the windows

Abraham Ryan concluded that the Woody Grill had a negative impact on residents in terms of opening times, noise, fumes, antisocial behaviour, crime and disruption to access of parking and property. He noted that issues such as waste removal had improved although felt their could be serious health concerns from the fat and fumes.

The licence holder summarised that they were respectful to their neighbours and had tried to address all the complaints made to ensure a stronger relationship.

RESOLVED:

That premises licence for the Woody Grill 44 High Road Willesden be amended as follow

- 1) Storage of waste oils should be within the curtilage of the building
- 2) To ensure refuse bins are able to store all daily refuse and be securely closed at all times

Following the application for a review of the premises licence by Abraham Ryan, Cyrus Abbasian & Malcolm McCaig

6. **Application by Metropolitan Police for a review of premises licence for Mace (17 College Parade, Salusbury Road, NW6 6RN) pursuant to the provisions of the Licensing Act 2003**

The Senior Regulatory Services Manager informed the sub committee that an application by Metropolitan Police for a review of the premises licence for Mace (17 College Parade, Salusbury Road, NW6 6RN) had been received under the grounds of protection of children, prevention of public nuisance and prevention of crime and disorder. The Legal Advisor explained to the sub committee that they had the following decision making powers:

- Modify and add conditions to the licence,
- Exclude licensable activity from the licence,
- Remove the designated premises supervisor (DPS),
- Suspend the licensing for a period of time no greater than three months, and
- Revoke the licence.

The Metropolitan Police were invited to make their representation and highlighted the following points:

- There were a variety of witness statements from police, neighbourhood police, residents and parents detailing the sale of alcohol to underage persons up to December 2013.
- Evidence of a 13 year old girl being sold alcohol, resulting in her being seriously ill during February 2014 was included in the pack.
- The premises had been offered a variety of opportunities to work with the Police to address issues but had not cooperated.
- An action plan was introduced to address issues but had not been actioned.
- The premises had chosen to not follow legal advice and continued to sell alcohol during the review consultation.
- Youths loitered outside of the shop and on occasions were drinking alcohol.
- CCTV had failed to be provided on request.
- The shop failed to promote the licensing objectives and the Police felt the licence should be revoked.

During questions of the Metropolitan Police the following points were clarified:

- None of the actions identified in the action plan had been completed to date following its submission to the premises in August 2012.
- Fixed penalty notices had been issued following the sale of alcohol to underage persons.
- A warrant was issued under section 23 of the misuse of drugs act on 8 March 2013 and Nazeem Bashir was charged for possession of cannabis.

The Legal Advisor informed the Sub Committee that the premises owners had made a request for the hearing to be adjourned due to their legal representative being unable to attend. He highlighted that the sub committee had discretion to do so but should consider the public interest and whether adjournment was appropriate. The premises owner informed the sub committee that their solicitor was unable to attend due to being booked for another appeal and although enquiring at other solicitors, none had been able to attend on behalf of the premises. The Metropolitan Police highlighted that they felt it was in the public interest to continue with the hearing and expressed concern that if adjourned, the premises would be able to operate and a serious incident could occur. The sub committee adjourned to deliberate the request for an adjournment by the premises owner. On reconvening the sub committee confirmed that the hearing would continue to take place due to the high public interest. The Legal Advisor highlighted that the hearing followed a fair and democratic process and there had been opportunity to seek legal advice and had not provided any evidence to demonstrate attempts to achieve alternative representation.

Richard Warrington, Neighbourhood Police for Queens Park ward was invited to speak. He informed the sub committee that he had worked in the area for five years and had never seen the DPS in the shop. He explained that reports of youths loitering had been received and believed this was linked to Nazeem's friendly attitude towards them and him subsequently being issued with a fixed penalty notice for the sale of underage alcohol. He continued to report that the notices advising of the review had been removed from the premises and had offered support to the premises on numerous occasions, leaving his contact details. PC Warrington advised of an occasion when he arrived as two youths were being sold alcohol and on advising Nazeem Bashir to ask for ID, the customers left.

During questions of PC Warrington the following points were clarified:

- Had he walked in slightly later he believed he would have witness an underage sale of alcohol
- There were several local schools in the vicinity and the police received frequent calls regarding anti social behaviour and drinking outside the premises
- Only one phone call from the premises had been received reporting the issue of youths congregating outside the shop

The premises owners were invited to speak and highlighted the following points:

- They felt they could not address the sub committee correctly without a solicitor.
- The sale of underage alcohol that PC Warrington could have potentially witnessed was to persons over 18. It was clarified that on request for their ID they could not present it and left the shop to retrieve it.
- They were willing to work with the Police to address issues.

- CCTV within the premises had always been present and working but difficulties in retrieval had now been resolved.
- There had been many allegations of illegal activities on the premises and following searches there had never been no evidence of such activities.
- It was difficult to stop youths loitering outside the shop as they could be aggressive at times.
- It was felt the Police were not available when help was required.
- Nazeem Bashir usually had family members with him whilst serving however the premises owners were happy to stop him working in the shop if it was felt this could resolve many issues.
- Over the past year the DPS had suffered from back pains which had prevented him being at the premises as much as he would have liked.
- The DPS had been in place and had only experienced recently due to his lack of presence at the premises.
- There was friction in the area from youths and addicts situated at the hotel opposite.
- It was felt there was prejudice towards the family which had prevented the family business attending local community meetings.

Following queries of the premises owners, the following points were clarified:

- Requests for CCTV had not been complied with due to difficulties in retrieving the information but technical support would be supplied next week to enable the footage to be retrieved and a second hard drive to enable greater retention
- The DPS would attend the premises for odd hours a day but was unable to serve for long periods of times
- The DPS was aware of some problems surrounding his brother working on the premises and was happy to remove him
- The DPS felt that youths loitering outside the shop were not linked to his brothers behaviour
- The DPS's sister who also worked in the shop was currently being trained on a supervisory course
- The DPS was still receiving weekly physiotherapy and regretted the effect it had on the business.
- The DPS was willing to work with Police to find a way forward particularly where there were issues regarding youths.
- None of the workers in the store held a personal licence.
- Although the action plan stated Nazeem should not work in the shop, this action had not been complied with as he had been supervised whilst working

In summary the Metropolitan Police reiterated that the DPS had been made aware of a full list of problems at the premises but had failed to address the issues or contact the Police to resolve matters. As well as issues of selling underage, there were reports of sales to intoxicated persons and issues of antisocial behaviour surrounding the shop. Concern was expressed over the continued failure to produce CCTV and it was believed that the premises would not work with the Police. The Police concluded that although a family business, due to the seriousness of the continued sale of alcohol to underage alcohol they felt the most appropriate course of action was for the licence to be revoked.

In summary the premises owners advised that they were willing to remove Nazeem from the shop, produced the CCTV footage requested , attend community meetings and work with Police to progress forward.

The sub committee adjourned whilst deliberating their decision.

RESOLVED:

That the premises licence for Mace, 17 College Parade, Salusbury Road be revoked following the application by the metropolitan police for a review of the premises licence due to the failure to promote the licensing objectives, in particular the protection of children, prevention of crime and disorder and prevention of public nuisance. The sub committee were particularly mindful that 4 separate incidents had taken place where a minor was sold alcohol and the seriousness of which could not be overlooked by the council as a responsible licensing authority. Additionally the panel were mindful of the failure to undertake recommendations from the metropolitan police to ensure promotion of the licensing objectives.

The meeting closed at 6.50 pm

B CHOHAN  
Chair