



LONDON BOROUGH OF BRENT

MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (B) Monday 9 March 2015 at 10.30 am

PRESENT: Councillor Mahmood (Chair) and Councillors Davidson and Tatler (substitute for Councillor Hector)

An apology for absence was received from: Councillor Hector

1. **Appointment of Chair**

As the Chair of the sub-committee was absent, nominations were invited to appoint a chair for this meeting. Councillor Mahmood was proposed by Councillor Tatler. There were no other nominations.

RESOLVED:

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

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

None declared.

3. **Application by Kulendiran Yogendiran for a personal licence pursuant to the provisions of the Licensing Act 2003**

The Sub-Committee was informed that the application had been withdrawn prior to the hearing and accordingly this matter did not need to be considered.

4. **Application by Enotria Winecellars Ltd for a premises licence for 'Thunder House' (23 Cumberland Avenue, London NW10 7RX) pursuant to the provisions of the Licensing Act 2003**

The Sub-Committee was informed that all relevant representations had been withdrawn prior to the hearing and accordingly this matter did not need to be considered.

5. **Application by the Licensing Department, Brent Council, to review the premises licence for 'D Den' (47 Cricklewood Broadway, London NW2 3JX) pursuant to the provisions of the Licensing Act 2003**

Responsible authorities present

Esther Chan (Licensing Inspector, Licensing Team)
Susana Figuerido (Licensing Inspector, Licensing Team)
Juhaina Junaid (Enforcement Officer, Noise Control Team)
Lavine Miller-Johnson (Licensing Inspector, Licensing Team)
PC Nicola McDonald (Brent Police Licensing)

Premises licence holder present

Lisa Amoye (premises licence holder and designated premises supervisor)
Winston Brown (premises licence holder's legal representative)

Having considered the matter, the Sub-Committee then asked the Licensing Team, the Noise Control Team, Brent Licensing Police, the premises licence holder and their legal representative to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

RESOLVED:

Having considered the application by the Licensing Department, Brent Council, to review the premises licence for 'D Den' (47 Cricklewood Broadway London NW2 3JX) pursuant to the provisions of the Licensing Act 2003, the Sub-Committee resolved that the **premises licence continue in full force and effect, with additional conditions (including removal of the present designated premises supervisor) and deletion of existing conditions, subject to an amendment to condition 2 (b) in (i) below and deletion of condition 3 (c), as set out in the Licensing Department's written representation, and to amendments in the operational hours of licensable activities and opening times and deletion of a licensable activity.**

- (i) that additional condition 2 (b) as set out in the Licensing Department's written representation be amended to read as follows:

No entry or re-entry shall be permitted after 23:00 hours Sunday to Thursday and after 01:00 Friday and Saturday. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be limited to four persons at any one time and must leave premises straight into a cordoned off area (not fixed) at the front of the premises and then straight back into the premises. If they exit this area they must not be allowed back into the premises after 23:00 (and after 01:00 on Friday and Saturday).

- (ii) that the operational hours of licensable activities and opening times be amended to read the following:

- (a) that the hours during which recorded music and supply of alcohol be permitted be:

Sunday to Thursday – 11:00 to 23:30
Friday and Saturday – 11:00 to 02:00 (the following day).

- (b) that the hours during which late night refreshment be permitted be:

Sunday to Thursday – 23:00 to 23:30
Friday and Saturday – 23:00 to 02:00 (the following day).

- (c) that the hours during which provision of facilities for dancing be permitted be:

Friday and Saturday – 11:00 to 02:00 (the following day).

- (d) that the hours during which the premises is permitted to be open to the public be:

Sunday to Thursday – 11:00 to 00:00
Friday and Saturday – 11:00 to 02:30 (the following day).

- (iii) that the following licensable activity be deleted from the premises licence:

Live music.

The Alcohol and Entertainment Licensing Sub-Committee (B) acknowledged that most of the conditions as set out in the Licensing Department's written representation had been agreed prior to the hearing with the premises licence holder, including the removal of the present designated premises supervisor. The Sub-Committee also felt that it was reasonable, proportionate and necessary in all of the circumstances to add these conditions in order to help the premises licence holder uphold the promotion of the licensing objectives (prevention of crime and disorder, ensuring public safety, prevention of public nuisance and protection of children from harm) in addition to improving the management of the premises which had fallen below the required standard a fact acknowledged by the licence premise holder. The Sub-Committee also noted that the premises licence holder had indicated that they would be willing to remove live music as a licensable activity on the premises licence and accordingly this was agreed. In respect of the operational hours, members noted that a significant number of incidents of reported public nuisance associated with the premises had occurred in the early hours of the morning. Members during the decision making process had regard to the resident's human rights when considering the issue of noise nuisance. It was of some material importance that those affected residents were entitled to enjoy the comforts of their homes under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998 (incorporating the European Convention on Human Rights) and those rights extended to getting a good night's sleep free from unreasonable interruption. The Sub-Committee therefore felt it was reasonable, proportionate and necessary in all of the circumstances to amend the hours of licensable activities and opening hours as proposed in the Licensing Department's written representation in order to help the premises licence holder uphold the promotion of the licensing objectives (prevention of crime and disorder, ensuring public safety, prevention of public nuisance and protection of children from harm)

The Alcohol and Entertainment Licensing Sub-Committee (B) also issued informatives advising the premises licence holder to appoint a qualified sound

engineer within a period of 2 months to carry out a full assessment of the premises in relation to any possible sound insulation remedial works required to the premises where necessary, so as to prevent excessive noise escaping and to liaise accordingly with the Council's Noise and Licensing Departments as to the recommendations/course of action that maybe detailed in such a report going forward.

6. **Application by Suresh Dabasia for a temporary event notice for 'Kingsbury Green Primary School' (Old Kenton Lane, London NW9 9ND) pursuant to the provisions of the Licensing Act 2003**

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

The meeting closed at 2.20 pm

A MAHMOOD
Chair