



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

Monday 27 April 2015 at 10.30 am

PRESENT: Councillor Long (Chair), and Councillors McLeish and Mahmood (alternate for Councillor Hoda-Benn)

Also present: Horatio Chance (Legal Adviser, Joe Kwateng (Democratic Services) and Yogini Patel (Senior Regulatory Services Manager, Environment and Protection)

Apologies for absence were received from: Councillor Hoda-Benn.

1. Declarations of personal and prejudicial interests

None.

2. Application by the Metropolitan Police for the review of the premises licence for 'Alisan' (The Junction, Engineers Way, Wembley HA9 0EG) pursuant to the provisions of the Licensing Act 2003

In attendance:

PC Sam Lewis-Evans	Responsible authority (Brent Police)
Mr Pankaj Kolhari	Premises Licence Holder
Mr Bharat Desai	Proposed Designated Premises Supervisor (DPS)

Before the chair opened the meeting, the legal representative briefed members on the options open to them and referred to the Home Office guidance and the relevant provisions of the European Human Rights Act.

Yogini Patel (Senior Regulatory Services Manager, Environment and Protection) introduced the matter and set out the grounds on which the review of the premises licence had been made, these being crime and disorder, public nuisance and public safety.

Horatio Chance (Legal Adviser) then advised the sub-committee of the various actions it could take upon considering the application to review the premises licence.

Responsible authority making a representation

PC Sam Lewis-Evans (Brent Police) submitted her evidence. The Sub-Committee about a series of incidents for premises that was supposed to be a restaurant but which had turned into a late night drinking and entertainment venue resulting in an appalling catalogue of events. Members were shown a video footage obtained from the DPS which confirmed the appalling history including grievous bodily harm (GBH) to an intoxicated customer who was being heavily beaten, kicked in the head and left unconscious at the rear of the bar area without intervention by the security

or door staff until an ambulance arrived at the scene. She continued that Mr Lakhani (DPS) was not present at the premises contrary to the agreed action plan and conditions. PC Sam Lewis-Evans drew members' attention to the use of firearms in the footage and the ensuing altercation

In addition to the video footage, PC Sam Lewis-Evans drew members' attention to the additional colour photos which sought to advertise the venue in as manner which did not accord with the licensing objectives. These included a flyer which advertised the premises as a 400 capacity venue (instead of 200), "hooters girls" against the advice of the police and created a mentality as a drinking venue instead of a restaurant serving alcohol as a substantial table meal. Members were informed that due to the failures of the door staff, the door supervisor had been reported to the SIA (the regulating body) for his license to be revoked. PC Sam Lewis-Evans advised members that the premises were carrying out activities outside of its licensable activities.

Members of the sub-committee questioned the Police on aspects relating to the operation of the premises. The Police stated that in response to the DPS's request for premises licence to suit his needs, he was advised that as he was unable to run the venue in accordance with the licensing objectives, the Police could not recommend an upgrade to the licence.

Case for the Appellant

Mr Pankaj Kolhari (Premises Licence Holder) stated that he was shocked to see the video footage adding that it was irresponsible on the part of the DPS in not reporting the matter to him. He confirmed that he did not make cursory checks of the venue as he had full faith in the DPS. He added that he would like to cooperate fully with the Police and to operate the premises in full adherence to the licensing objectives.

Summing by the responsible authority

PC Sam Lewis-Evans stated that in view of serious concerns about the operation of premises, evidenced by the catalogue of incidents and amplified by the video footage which did not promote the licensing objectives of crime and disorder she recommended the Sub-Committee to revoke the premises licence.

Summing by the premises licence holder

Mr Pankaj Kolhari (premises licence holder) apologised for the incidents that took place at the premises and sought a further opportunity to be allowed to operate and offering his full cooperation with the responsible authority

At this point, the responsible authority, appellant and the proposed DPS were asked to leave the room to allow the sub-committee to discuss the relevant issues of the application in closed session.

RESOLVED:

The Alcohol and Licensing Sub-Committee (C) , having considered the application by the Metropolitan Police to review the premises licence for 'Alisan' (The Junction, Engineers Way, Wembley HA9 0EG) pursuant to section 53 (C) of the Licensing

Act 2003 ("The Act"), the Sub-Committee resolved it was reasonable in all of the circumstances to revoke the premises licence under Section 53 (C) (3) (e) for the following reasons;

- a. Persistent breaches of the licensing objectives, with particular reference to crime and disorder.
- b. Persistent breaches of licensing conditions.
- c. Failure of the premises licence holder to work effectively in partnership with the Police in implementing an agreed Action Plan.
- d. Failure of the premises licence holder to manage and oversee the premises having regard to the promotion of the licensing objectives.

The Sub-Committee, when arriving at its decision considered all of the evidence in light of the Council's Statement of Licensing Policy, amended guidance issued from time to time under section 182 of the Act and the licence holders human rights under the Human Rights Act 1998 (namely Article 6, Article 8 and Article 1 of the First Protocol.

Members, noted that the licence premises holder must be afforded the opportunity to earn a living having regard to Article 8 of the Human Rights Act 1998 and will only use the power of revocation as a last resort. It was therefore not in the habit of putting premises out of business as a matter of course. However, the evidence weighted against the licence premises holder in respect of the lack of control and management of the premises was so overwhelming that the Council has a duty to act in the best interests of the public when considering the licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm) and as a responsible Licensing Authority the Sub-Committee could not overlook these material factors. Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee was reasonable, necessary and proportionate.

3. **Application by Betting Shop Services Limited to vary the premises licence for 'Jenningsbet' (429 High Road, Wembley, HA9 7AB) pursuant to the provisions of the Licensing Act 2003**

The Alcohol and Licensing Sub-Committee (C) was informed that all objections to the application had been withdrawn and accordingly the Sub-Committee did not need to consider the matter.

4. **Application by the Nuisance Control Team for the review of a premises licence held by Mr Fatos Alimeri for 'Three Fratelli' (249 High Road, NW10 2RX) pursuant to the provisions of the Licensing Act 2003**

Responsible Authority

Martin Wood (Enforcement Officer, Noise Control Team)

Premises Licence Holder

Fatos Alimeri

Having considered the matter, the Sub-Committee then asked the Noise Control Team and the applicants to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

RESOLVED:

that the Alcohol and Licensing Sub-Committee (C) having considered the application by the Council's Nuisance Control Team to review the premises licence for "Three Fratelli" (249 High Road NW10 2RX) pursuant to Section 52 of the Licensing Act 2003 ("The Act") the Sub-Committee resolved that live music is to be removed from the scope of the licence as a licensable activity and shall not be permitted at the premises until such time as a scheme of acoustic treatment, approved by the Council's Nuisance Control Team, has been installed, completed and tested by a registered Member of the Institute of Acoustics who shall be competent and qualified to undertake the testing of such works. It was felt that with the removal of this condition this should have the desired effect of minimising the complaints received in respect of unreasonable noise emanating from the premises in addition to upholding the promotion of the licensing objectives, in particular the objective relating to the prevention of public nuisance.

The Sub-Committee when arriving at its decision considered all of the evidence in light of the Council's Statement of Licensing Policy, amended guidance issued from time to time under Section 182 of the Act, and the licence premises holders human rights under the Human Rights Act 1998 (namely Article 6, Article 8 and Article 1 of the First Protocol). Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee was reasonable, necessary and proportionate.

5. **Application by Mr Ali Reza Faizollahi for a personal licence to authorise the sale or supply of alcohol or to become a Designated Premises Supervisor for licensed premises. pursuant to the provisions of the Licensing Act 2003**

Responsible Authority

Nicola McDonald (Metropolitan Police, Brent Licensing)

Premises Licence Holder

Ali Reza Faizollahi

Having considered the matter, the Sub-Committee then asked the Police and the applicants to leave the room to allow the Sub-Committee to discuss the relevant issues concerning the application.

RESOLVED:

The Alcohol and Licensing Sub-Committee (C) decided that the application for a personal licence by Mr Ali Reza Faizollahi be refused on the grounds that the Sub-Committee were not convinced that Mr Faizollahi was a fit and proper person to hold a personal licence at this stage in view of his unspent relevant offence and would thus undermine the four licensing objectives in particular the crime prevention objective.

The Sub-Committee when arriving at its decision considered all of the evidence in light of the Council's Statement of Licensing Policy, amended guidance issued from time to time under Section 182 of the Act and the licence premises holders human rights under the Human Rights Act 1998 (namely Article 6, Article 8 and Article 1 of

the First Protocol. Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee was reasonable, necessary and proportionate.

The meeting closed at 4.45 pm

J LONG
Chair