



LONDON BOROUGH OF BRENT

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

Wednesday 5 August 2015 at 10.00 am

PRESENT: Councillor Long (Chair, alternate for Councillor Ketan Sheth) and Councillors Hylton (alternate for Councillor Harrison) and Kansagra

Apologies for absence were received from: Councillors Ketan Sheth and Harrison

1. Declarations of personal and prejudicial interests

None.

2. Application by the Metropolitan Police for the review of the premises licence held by Mr Jagdish Devshi for the premises "Moonbay" (1-2 Court Parade, East Lane HA0 3HY) pursuant to the provisions of the Licensing Act 2003.

Responsible Authority

Nick Mortimer	Brent Licensing Police
Nicola McDonald	Brent Licensing Police
Rockwell Charles	Brent Environmental Health

Applicants

P Sivashankar	Agent
Jagdish Karsan Devshi	Premises Licence Holder & DPS
Smita Devshi	

Decision

The Sub-Committee decided that the application by the Metropolitan Police for the review of the premises licence held by Mr Jagdish Devshi for the premises "Moonbay" (1-2 Court Parade, East Lane HA0 3HY) be granted subject to the following conditions:

That Mr Jagdish Devshi be not removed as the Designated Premises Supervisor (DPS).

11. The outside drinking areas shall cease at 2300 hours.

1 A CCTV camera shall be installed to cover the entrance and exit of the premises 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 the police and authorised officers from Brent Council.

- 2 Customers will not take open drink containers outside of the premises or beer garden as shown on the plan submitted to and approved by the Licensing Authority.
- 3 A "Challenge 25" policy shall be adopted and adhered to.
- 4 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
 - (g) Any refusal of the sale of alcohol
- 5 Notices clearly explaining the licensee's drugs policy shall be displayed at the entrance in all toilets and at suitable places throughout the premises
- 6 Toilets shall be checked every two hours for the use of drugs and other illegal activities
- 7 A toilet checklist shall be displayed on the wall in all toilets. Staff shall use these checklists to record their name and certify the time of check. Checklists are to be replaced daily and all old checklists must be retained and made available for inspection by the police and authorised officers from Brent Council.
- 8 The outside drinking areas shall cease at 2300
- 9 Notices asking customers to leave quietly shall be conspicuously displayed at all exits.

Informative

The Sub-Committee added the following informatives:

Mr Devshi should consult the police upon the location of the internal CCTV cameras which he had recently installed to enable images to be downloaded on to a phone.

Once the premises were closed only employees shall be present in order to ensure that the licensing objectives were upheld.

The full record of the Sub-Committee's decision and the reasons are as set out in the decision letter, set out below.

The application

The Sub-Committee has given careful consideration to an application by the Police, under section 51 of the Licensing Act 2003, to review the premises licence relating to Moonbay 1 – 2 Court Parade East Lane HAO 3HY. Mr Jagdish Karsan Devshi is the premises licence holder and is also the designated premises supervisor (DPS). The premises are licensed for the playing of live and recorded music, performance of dance and facilitating any of the aforesaid, on Monday to Thursday and Sunday from 10.00 hours to 00.00 hours and on Friday and Saturday from 10.00 hours to 01.00 hours, the provision of late night refreshment Monday to Thursday and Sunday from 23.00 hours to 00.00 hours and Friday and Saturday from 23.00 hours to 01.00 hours, the supply /sale of alcohol Monday to Thursday and Sunday from 10.00 hours to 00.00 hours and Friday and Saturday from 10.00 hours to 01.00 hours.

Further to a review of the licence at a hearing before the Sub Committee held on 22 August 2013, there shall be no regulated entertainment after 23.00 hours Monday to Sunday with the exception of the use of televisions and monitors until such time that an acoustics survey has been undertaken to identify any acoustic weakness and to address these to prevent any further incidents of public nuisance to adjacent properties.

In summary, the Police raised concerns about the following licensing objectives: prevention of crime and disorder, public safety and public nuisance. The Police alleged that Mr Devshi failed to operate the premises within the limits of his licence, breached the requirements of the Licensing Act 2003, the venue having a long history of crime and disorder and noise complaints (eg. continuing to trade beyond authorised times) permitted alcohol sales to persons who were drunk, there was evidence of class A drug use on the premises, fights, criminal damage, and theft. According to the Police, advice, and formal warnings have not been heeded by Mr Devshi.

The Police requested that Mr Devshi be removed as the DPS and that various additional conditions be added to the licence.

Representations were also made by the council's Noise Team. A Noise Abatement Notice was served on Mr Devshi on 25 October 2006 and breaches of that notice resulted in Prosecution in 2013.

The full details of the application made by the Police and the representation made by the Noise Team, amongst other information, is contained within the Document pack and Supplementary pack attached to the Agenda for our meeting. This information is publicly available and is therefore not repeated in detail in our decision notice. Mr Devshi was represented by Mr Sivashankar of Compliance Direct Ltd at the hearing. Mr Sivashankar had prepared written submissions which were given to the Committee at the hearing.

The hearing

Mr Jagdish Karsan Devshi attended the hearing and he was represented by his agent Mr Sivashankar.

PC Nicola McDonald represented the police.

Rockwell Charles represented the Noise Team.

The decision

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We have taken into account our duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of our discretion on, and the need to do all we reasonably can, to prevent crime and disorder in our area and the misuse of alcohol.

We confirm that in making our decision we have sought to promote the licensing objectives.

We also confirm that we have imposed further regulation only if satisfied that it was necessary, proportionate and appropriate to do so and justified on the facts of this particular case.

On the facts of this application, it is particularly noteworthy that, according to statutory guidance, we should accept all reasonable and proportionate representations made by the Police unless we have evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the Police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

We first of all considered a complaint made by Mr Sivashankar that the police had failed to comply with the review application procedure rules, namely that the application was e mailed only to Mr Devshi and was not followed up with a hard copy. We heard evidence from the police licensing officer Mr Mortimer during the course of the hearing that it was agreed with Mr Devshi that the application would be submitted by e mail. This evidence was not challenged at the time. We did not consider that any prejudice had been caused. This was purely a minor technical error that had no impact upon the facts of this case.

We found that the evidence submitted by the Police demonstrated that the premises had been badly managed and supervised by Mr Devshi in particular between November 2010 and August of 2013, resulting in many complaints and police interventions. Examples of drunk customers on the premises after-hours opening, alcohol related crime and disorder associated with the premises, noise nuisance were given by the Police. However since the review of the licence in August 2013 there have not been any significant concerns about the management of the premises that undermine the licensing objectives.

Mr Devshi has closed the Shisha area that was previously set up to the rear of the premises, the CCTV is now in working order and there has only been 1 further unverified complaint regarding noise.

We have therefore decided not to remove Mr Devshi as the Designated Premises Supervisor (DPS).

During the course of the hearing we discussed the conditions the Police requested be added to the premises licence. The police requested that the outside drinking areas shall cease at 2200 hours. We found that there was no evidence to suggest that late night opening hours were attributable to the concerns raised by the police. We therefore rejected the police request to reduce the hours to 10pm and amend condition 11 as follows,

11. The outside drinking areas shall cease at 2300 hours.

Not all the conditions requested by the police were contested by Mr Sivashankar who helpfully confirmed on behalf of Mr Devshi that he did not object to the following Police conditions being added to the premises licence.

1. A CCTV camera shall be installed to cover the entrance and exit of the premises 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 the police and authorised officers from Brent Council.
2. Customers will not take open drink containers outside of the premises or beer garden as shown on the plan submitted to and approved by the Licensing Authority.

3. A "Challenge 25" policy shall be adopted and adhered to.
4. 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
 - (g) Any refusal of the sale of alcohol
5. Notices clearly explaining the licensee's drugs policy shall be displayed at the entrance in all toilets and at suitable places throughout the premises
6. Toilets shall be checked every two hours for the use of drugs and other illegal activities
7. A toilet checklist shall be displayed on the wall in all toilets. Staff shall use these checklists to record their name and certify the time of check. Checklists are to be replaced daily and all old checklists must be retained and made available for inspection by the police and authorised officers from Brent Council.
8. The outside drinking areas shall cease at 2300
9. Notices asking customers to leave quietly shall be conspicuously displayed at all exits

We also felt that the above conditions were necessary, proportionate and appropriate and we therefore decided to add them to the licence.

The following conditions were withdrawn/were not agreed, either in part or in full, but based on the facts of this review application, are also necessary, proportionate and appropriate.

Not Agreed

6. A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours of sale.
13. The licensee shall make available and publish a telephone number for residents to make contact

Withdrawn

10. A clear unobstructed view into the premises shall be maintained at all times. The police withdrew this condition at the hearing because it would be unworkable due to the layout of the premises.

Informative

At the hearing Mr Devshi stated that he has now had a new CCTV system installed which enables images to be downloaded on to a phone. We would suggest that Mr Devshi consult the police upon the location of the internal CCTV cameras.

We noted Mr Devshi stated that he had on occasion in the past had a few drinks at the bar with friends after closing time. We would therefore advise that once the premises is closed only employees shall be present in order to ensure that the licensing objectives are upheld.

The effective date of this decision

This decision does not take effect until the end of the period for appealing this decision or, if appropriate, the outcome of the appeal.

Right of Appeal

The parties have a right of appeal to Brent Magistrates' Court against this decision.

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

3. **Application by Mr Mansuckh Shamji to extend the hours for the sale of alcohol, recorded music and dance at premises "Savannah Lounge", (4 Lancelot Parade, Lancelot Road, Wembley, HA0 2AJ) pursuant to the provisions of the Licensing Act 2003.**

Res

(ii) No entry or re- entry to the premises shall be permitted after 00.30 hours.

(i)

ii) *possible Authority*

Michael Sullivan Brent Licensing Police

MC Nicola McDonald Brent Licensing Police

Decision

That the application by Mr Mansuckh Shamji to extend the hours for the sale of alcohol, recorded music and dance at premises "Savannah Lounge" (4 Lancelot Parade, Lancelot Road, Wembley, HA0 2AJ) be granted subject to the following conditions additional to existing conditions:

- (i) The smoking area at the front of the premises shall not be used after 23.00 hours, and the rear yard smoking area shall be limited to 5 people after 23.00 hours, and will be suitably supervised.
- (ii) No entry or re- entry to the premises shall be permitted after 00.30 hours.
- (iii) During late night lower ground floor (ie. basement) events, the Upper Ground floor (ie.street level) shall not be used in any capacity from 00.30 hours apart from to allow patrons to exit the premises.
- (iv) Door supervisors of a sufficient number and gender mix, shall be employed from 2100 hours on any day when the premises are open for the sale of alcohol past midnight. In addition two stewards in high visibility clothing of a suitable gender mix, shall be employed from midnight on any day when the premises are open for the sale of alcohol past midnight, and will patrol the premises and street to advise patrons regarding noise and anti-social behaviour.

The full record of the Sub-Committee's decision and the reasons are as set out in the decision letter, set out below.

The application

The Sub-Committee has given careful consideration to an application by Mr Vekaria under section 34 of the Licensing Act 2003, to vary the premises licence relating to Savannah Lounge 4 Lancelot Parade Lancelot Road Wembley HAO 2AJ. The application is to extend the hours for the sale of alcohol, recorded music and dance until 04:30hrs Thursday to Saturday, and the provision of live music and late night refreshment until 02:00hrs Thursday to Saturday. Also to increase capacity from 120 persons to 150 persons. The premises are currently licensed for regulated entertainment from 19:00 hrs to 01:30hrs, the sale of alcohol from 11:00hrs to 02:00hrs and late night refreshment from 23:00hrs to 00:00hrs and to remain open until 02:30hrs Monday to Sunday.

The hearing

PC Michael Sullivan represented the police.

The premises licence holder Mr Vekaria did not attend the hearing and was not represented.

The Representation received from the Noise team had been withdrawn after confirmation from Mr Vekaria that a noise limiter will be installed and he agreed to amend the operating schedule of his application accordingly.

We considered the representation made by a local resident in regard to loud music emanating from the premises.

A petition in support of the application signed by local residents had also been received.

PC Sullivan confirmed that the conditions of the variation application had been agreed directly with Mr Vekaria, that the request to increase the capacity from 120 to 150 persons was now withdrawn and that hereby he agreed to vary his application accordingly. The police also stated that temporary event notice applications had been made in the past and granted until 5.00am for this venue and that there had been no concerns despite the fact that Mr Vekaria has not had a great deal of experience in managing late night events. The police informed us that Mr Vekaria had assured them that he would have door security staff in place.

The police produced a list of conditions that Mr Vekaria had agreed (which would be written into the operating schedule of his application) and on that basis confirmed that they no longer objected to the application.

The decision

We agreed to grant the amended application to vary the premise licence.

We also agreed that the conditions, as set out below, are appropriate, necessary a proportionate and we therefore decided to add them to the licence. We have rearranged a couple of the Conditions to read more logically.

Condition 11 **After 2300 hours outside smoking areas shall be limited to 5 persons and each shall be suitably supervised**, be removed and replaced with the condition below

The smoking area at the front of the premises shall not be used after 23.00 hours, and the rear yard smoking area shall be limited to 5 people after 23.00 hours, and will be suitably supervised.

No entry or re- entry to the premises shall be permitted after 00.30 hours.

During late night lower ground floor (ie. basement) events, the Upper Ground floor (ie. street level) shall not be used in any capacity from 00.30 hours apart from to allow patrons to exit the premises.

Door supervisors of a sufficient number and gender mix, shall be employed from 2100 hours on any day when the premises are open for the sale of alcohol past

midnight. **In addition two stewards in high visibility clothing of a suitable gender mix, shall be employed from midnight on any day when the premises are open for the sale of alcohol past midnight, and will patrol the premises and street to advise patrons regarding noise and anti-social behaviour.**

A register/log containing the names, badge number, where appropriate, dates & times of duty of security staff and stewards and any incidents that occur shall be kept and made available to the Police and Licensing Authority.

A noise limiter shall be installed on the premises.

All other existing conditions as detailed in the list produced by the police remain the same.

The effective date of this decision

This decision takes effect immediately. However, the premises cannot be used in accordance with this decision until the licence (or a certified copy) is kept at the premises and a summary of that licence (or a certified copy) is displayed at the premises. These documents will be issued by the Licensing Services as soon as possible.

Right of Appeal

Residents who made representations have a right of appeal to Brent Magistrates' Court against this decision.

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision

1 September

The meeting closed at 2.17 pm

J. LONG (alternate)

Chair