



Alcohol and Entertainment Licensing Sub-Committee

Monday 22 August 2022 at 10.00 am

This will be held as an online virtual Meeting

Details on how to access the link in order to view the meeting will be made available online via the following link: [HERE](#)

Membership:

Members

Councillors:

Ahmed (Chair)
Long (Vice-Chair)
Collymore

Substitute Members

Councillors:

Bajwa, Chappell, Chohan, Georgiou, Long,
Mahmood, Rubin

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 6841; Email: devbai.bhanji@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting as an online virtual meeting. The link to view the meeting will be made available via the following link: [HERE](#)

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
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1	Apologies for absence and clarification of alternate members	
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2	Declarations of Interests	
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Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3	Application for the Review a Premises Licence following a Closure Order by The Commissioner of the Metropolitan Police for the premises known as Vybz Bar, 1 Craven Park Road, NW10 8SE, pursuant to the provisions of the Licensing Act 2003	1 - 36
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Date of the next meeting: Monday 19 September 2022



Please remember to **SWITCH OFF** your mobile phone during the meeting.

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LICENSING ACT 2003

Application for the Review a Premises Licence following a Closure Order

Name of Applicant:	Local Authority Licensing Department
Name & Address of Premises:	Vybz Bar, 1 Craven Park Road, NW10 8SE
Applicants Agent:	

1. Application

The application is for the review of a premises licence following a closure order. The licence is held by Kamika Samuel. The premises are known as Vybz Bar, 1 Craven Park Road, NW10 8SE.

2. Grounds for Review

The grounds for review are the Prevention of Crime & Disorder and the Prevention of Public Nuisance.

The premises has been causing anti-social behaviour to local residents, operating outside the permitted hours and are in breach of a number of conditions.

3. Relevant Representations

Representations have been received from the Police and Licensing Enforcement Officer.

4. Background

A review was heard by the Licensing Sub Committee on 3 August where the decision was:

- To suspend the licence for 3 months from 24 August 2022
- The current Designated Premises Supervisor to be removed
- The premises opening hours amended to 11am to 2am, with licensable activities ceasing at 1.30am
- The premises to adopt a queuing and dispersal policy; and
- The names of personal licence holders working at the premises to be provided to the Local Authority.

The Metropolitan Police have since been granted a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 by Brent Magistrates Court on 9 August 2022 for a period of 3 months ending on 9 November 2022. This review hearing is triggered automatically under the terms of section 167 of the Licensing Act 2003.

These premises are currently licensed for regulated entertainment, late night refreshment and the sale of alcohol and to remain open from 11am to 3am Monday to Sunday.

The Designated Premises Supervisor is Kamika Samuels.

5. When hearing a review the Committee if satisfied that additional measures are required to satisfy the four licensing objectives they may:

- Modify, remove or add conditions
- Exclude one or more of the licensable activities
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding 3 months
- Revoke the licence

6. **Associated Papers**

- A. Closure Order
- B. Police Evidence
- C. Licensing Rep
- D. Current Licence
- E. OS Map

IN WILLESDEN MAGISTRATES' COURT

**IN THE MATTER OF AN APPLICATION UNDER s.80 ANTI-SOCIAL
BEHAVIOUR, CRIME AND POLICING ACT 2014**

BETWEEN:

COMMISSIONER OF THE POLICE FOR THE METROPOLIS

Applicant

-and-

VYBZ BAR, 1 CRAVEN PARK ROAD, LONDON NW10 8SE

Respondent

**CLOSURE ORDER UNDER SECTION 80 OF THE ANTI-SOCIAL BEHAVIOUR,
CRIME AND POLICING ACT 2014**

On 9 August 2022,

On the complaint of:

The Commissioner of Police of the Metropolis
Metropolitan Police Service
Directorate of Legal Services
10 Lamb's Conduit Street London
WC1N 3NR

UPON an application for a closure order (“the **Order**”) being made under section 82 of the Anti-Social Behaviour, Crime and Policing Act 2014 in respect of Vybz Bar, 1 Craven Park Road, London NW10 8SE (“the **Premises**”);

UPON Having heard from Counsel for the Applicant;

And having heard from the Respondent;

This court is satisfied that (circle the relevant letter):

- (a) A person has engaged, or (if the Order is not extended) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
- (b) the use of the premises has resulted, or (if the Order is not extended) is likely to result, in serious nuisance to members of the public or
- (c) there has been, or (if the Order is not extended) is likely to be, disorder near those premises associated with the use of those premises,

and that the Order is necessary to prevent the behaviour, nuisance or disorder from continuing, reoccurring or occurring, and that it is proportionate.

A CLOSURE ORDER IS THEREFORE MADE IN RESPECT OF THE PREMISES.

This order prohibits access by all persons subject to the following exceptions:

- 1) Emergency Services
- 2) Maintenance Workers
- 3) Landlord/owners

This order is made for 3 months and ends on **9 November 2022** at 11:59pm

Note: a person who without reasonable excuse remains on or enters premises in contravention of a Closure Order commits an offence under section 86 of the Anti-social Behaviour, Crime and Policing Act 2014, liable on summary conviction to imprisonment not exceeding 51 weeks and / or an unlimited fine.

DONE THIS DAY 9 AUGUST 2022 AT WILLESDEN MAGISTRATES' COURT

SIGNED: 


[District Judge/~~Justice of the Peace~~]

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

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Statement of: [REDACTED]

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date: 21 Jul 2022

This statement is made in relation to VYBZ BAR, 1 CRAVEN PARK ROAD, NW10 8SE.

My name is [REDACTED] and I am a Police Officer attached to HARLES DEN POLICE STATION with the HARLES DEN TOWN CENTRE TEAM. Since I began working on the team in June I have noticed that VYBZ BAR has been contributing to the ongoing anti-social behaviour issues in the CRAVEN PARK area. In addition to this, I have identified a number of violent incidents outside VYBZ BAR that have been started or aggravated by patrons leaving the venue.

HARLES DEN is in the London Borough of BRENT. BRENT is one of the most diverse boroughs in the UK and from the 1st APRIL 2021 to 1st April 2022 received 13533 reports of ANTI SOCIAL BEHAVIOUR (ASB). These fell into 10 categories:

- Littering / Drugs Paraphernalia
- ASB - Personal
- Street Drinking
- ASB - Nuisance
- Prostitution Related Activity
- ASB - Environmental
- Noise
- Nuisance Calls
- Rowdy or Inconsiderate Behaviour
- Begging and Vagrancy

The Ward Boundary for HARLES DEN received 4239 reports of ANTI SOCIAL BEHAVIOUR creating 31.32% of the ASB recorded in BRENT.

In this statement, I will refer to crime reports, CADs, intelligence reports which evidence the issues created by VYBZ BAR that contribute to the previously mentioned problems.

CRIME REPORT 1916830/22: Grievous Bodily Harm/ Wounding. After both have left VYBZ BAR between 0530 and 0545 on 25/06/2022, victim and suspect have been involved in an altercation on CRAVEN PARK ROAD. Suspect has hit the victim with a glass bottle before stamping on his head. Incident captured on CCTV.

CRIME REPORT 1914165/22: Grievous Bodily Harm with intent on 28/05/2022 at 2230. Victim self-presented at NORTHWICK PARK HOSPITAL with stab wounds. Threats to stab made inside VYBZ, stabbing occurred when victim went outside. Suspects successfully entered VYBZ BAR armed with knives.

Signature: [REDACTED]

Signature Witnessed by:

Continuation of Statement of: [REDACTED]

CRIME REPORT 1911567/22: Actual Bodily Harm on 30/04/2022 between 0400 and 0430, previously classified as GBH/ Wounding. Victim states she arrived at the VYBZ bar at 0330 and went to the bar. Suspect then assaulted victim by throwing a glass bottle at her, causing injuries consistent with Actual Bodily Harm.

CRIME REPORT 1903327/22: Theft on 05/02/2022 between 0010 and 0300. Victim reporting that his phone and wallet had been stolen inside the VYBZ bar.

CRIME REPORT 1908663/22: Actual Bodily Harm on 02/04/2022 at 0440. Victim alleges he was grabbed by the neck, thrown to the ground and ejected from the VYBZ bar. Victim felt excessive force was used to eject him after being advised about lawful use of force in regard to ejection. Bar was packed upon Police arrival.

CRIME REPORT 1912851/22: Crime related incident on 16/05/2022 at 0001. Informant stated that they were assaulted by security at the VYBZ bar.

CAD 1566/18JUN22: ASB call at 0530 on 18/06/2022. Informant states that a BMW has pulled up outside the venue playing very loud music, with VYBZ customers that were leaving the bar now continuing the party in the street outside. Once the car left, the crowd remained and continued engaging in ASB.

CAD 1515/11JUN22: ASB call regarding a car parked outside VYBZ BAR playing loud music with a crowd gathering around it. States the crowd was drinking alcohol in breach of the public space protection order.

Intelligence report QKRT00524752: Email received from Inft in relation to CAD 1515/11JUN22 as previously mentioned.

A small update on Vybz Bar:

The building previously had a wooden pergola built in the back garden which was refused planning permission in 2021 and was ordered for removal. This structure has now gone and patrons in the backyard currently shelter under collapsible gazebos.

It is unclear if this back yard is considered part of the licensed area. Activities in the backyard include drinking and food preparation on a small domestic BBQ which obviously has no chimney or extraction venting for the fumes expected in most commercial kitchens. This BBQ seems to be the only on-site cooking facility despite licensing condition 7. "Substantial food and non-intoxicating beverages (including free drinking water) shall be available during the whole of licensed hours". Licensing hours are 11am to 3am

Sound is always audible from Vybz Bar when the DJs are playing. At 5:36am 11 June patrons were still milling around on the street and one had even set up a sound system on the roof of their car to continue the party ref CAD 1515/11Jun22.

CAD 1401/29JAN22: ASB/ Nuisance call. Informant is a local resident reporting ongoing noise issues with VYBZ BAR between 0500 and 0600, stating these issues are consistent every weekend and throughout the week. Informant advised to contact local council to report the matter. Anti-Social Behaviour report created to be dealt with by Safer Neighbourhood Team.

CAD 1779/17JUN22: "Outside of Vybz Bar large noisy crowd car NY04HSU playing loud music. Vybz shutter not closed yet, people still in doorway despite 3am licensing. Man doing Nox balloon."

CAD 1428/03JUN22: "Vybz Bar Harlesden NW10, venue should have shut at 3am, people still leaving noisily, drinking in street in breach of PSPO, male urinating on parking meter"

CAD 892/02JAN22: "inft is calling to report Vyvz bar being open until 4-5am every single night for the the past 3-4months +
They have a bar with a large back garden, music is always very loud,

Witness Signature: [REDACTED]

Signature Witnessed by:

Continuation of Statement of: [REDACTED]

lots of smoking going on (incl cannabis, where smoke comes into inft's room etc)

Inft has not called police previously but she has reached the end of her tether.

Could this be passed on to Licensing to review please as late opening every single night until the times suggested by inft seems excessive."

In addition to these reported incidents, I have also identified a number of unreported incidents that were captured via local CCTV cameras, exhibited as KG/01 and SH/01 and then compiled as exhibits DAB/01 and DAB/02 as storyboards.

12/06/2022, 0505: VYBZ patrons can be seen exiting the venue in a steady stream at around 0500, after which they begin to congregate outside. An argument begins between two of said patrons before turning into a mass brawl which spills south down the road into Harlesden High Street. There are no door staff present to prevent this and the fight continues until approximately 0510.

18/06/2022, 0515: VYBZ patrons can be seen exiting the venue from approximately 0450 before congregating in the street outside. A small group move northbound up Craven Park Road and begin milling around the Harlesden Food Centre, where blatant drug use and drinking in the street can be observed. At 0515, a fight breaks out between VYBZ patrons who can be seen stamping on someone who is on the floor. There is no door staff present to prevent this.

25/06/2022, 0450: VYBZ patrons can be seen congregating in the street outside the venue. Blatant drug use in public can be observed, with VYBZ patrons appearing to be receiving nitrous oxide balloons from a white Mercedes Benz parked outside VYBZ before inhaling from them. At 0502 a male who can be seen exiting VYBZ at around 0450 can be observed assaulting another male in the street outside the Harlesden Food Centre. The attacker kicks the victim whilst he is on the floor and the victim does not stand back up again for the remainder of the clip, which lasts for approximately 20 minutes. No door staff is present to prevent this or offer medical assistance to the injured male.

01/07/2022, 0301: A hooded male can be seen kicking a rubbish bag north up Craven Park Road, it splits open and the rubbish is left strewn around the street. He stops doing this outside VYBZ before entering the venue.

02/07/2022, 0500: VYBZ patrons can be seen slowly exiting the venue at 0500. A fight spills out of the front door to VYBZ between two males, before more patrons decide to join in themselves. One of the originally involved males then begins to fight a different male, which prompts more people to get involved in the fight. This eventually gets out of hand and spills south down the road onto Harlesden High Street. Throughout the clip there is one male attempting to calm down the situation whilst the rest of the crowd decide to join in with the melee. The crowd then moves northbound up Craven Park Road towards Harlesden Food Centre. From 0504 to 0505 the originator of the fight picks up a glass bottle that has been left near a bin and begins to move back towards VYBZ before being disarmed by another male. He then attempts to strangle the male that has just disarmed him before being dragged away by another group and pinned up against the shutters of Prestige Hairdressers. Two Police Officers then arrive on scene but are unable to successfully detain the male due to the size of the crowd of VYBZ patrons that has now gathered. There are no door staff present that are able to contain the incident.

From the incidents I have identified here, a number of key issues can be highlighted.

Firstly, VYBZ habitually allows their customers to stay in the venue past their licensed hours. The venue is due to shut at 0300 every day however it can clearly be observed that the majority of customers are consistently leaving at around 0500. This two hour extension is perhaps causing the customers to consume more alcohol which may be the cause of these violent incidents I have highlighted above.

Witness Signature: [REDACTED]

Signature Witnessed by:

Continuation of Statement of: [REDACTED]

Secondly, VYBZ does not employ licensed door staff to keep the venue and the local area, and therefore the local area's residents, safe. This can be seen in the CCTV highlighted above. Additionally, Police attended the venue at 0300 on 17/07/2022 to conduct licensing visits with Brent Council and were met by a male acting as a security guard at the front door. The male stated that he did not have an SIA badge when challenged before backtracking and stating that he never said he was security. When asked, he was unable to inform Police where the licensed security were. This was captured on body worn video.

VYBZ owners are clearly giving no regard to the local residents of Craven Park Road who have to put up with this constant stream of anti-social behaviour. Whilst attempts have been made by the Council to make contact with the owners of VYBZ, these attempts were not reciprocated. From this, it is clear that the owners of VYBZ are not interested in working with either the Police or the Council to make attempts to rectify the ongoing problems I have highlighted.

In conclusion, it is clear that:

- Patrons at VYBZ Bar are engaging in disorderly and offensive behaviour inside the premises.
- The use of the premises has caused a serious nuisance to members of the public.
- There has been and, unless the premises is closed, there is likely to be serious disorder near the premises associated with the use of the venue.

Witness Signature: [REDACTED]

Signature Witnessed by:

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

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Statement of: [REDACTED]
 Age if under 18: Over 18
 Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED]
 Date: 09 Aug 2022

I am PC [REDACTED] and this is a continuation of my previous statement regarding VYBZ BAR, NW10.

I have collected further CCTV footage of another incident outside VYBZ BAR, on SATURDAY 16/07/2022.

At 04:45, a male can be seen approaching VYBZ. He begins an altercation with another male stood outside the front door to the venue, kicking him. Another male then appears from the opposite side of the road, holding a long wooden plank, before joining in with the other attacker and swinging it at the defending male. This defending male then retreats back inside VYBZ and closes the door. The two attackers then begin violently hitting the door to VYBZ and the metal shutters on the front windows, before retreating backwards towards HARLESDEN HIGH STREET.

A few seconds later, two males leave VYBZ via the front door to engage with the attacking males. They have armed themselves with what appears to be a torch and another long black object which looks to be an umbrella. A melee then begins between the four males as the male with the wooden plank swings it towards one of the males that has just exited VYBZ. The fight spills out into the road in-between parked traffic. The two males from VYBZ can be seen swinging their own weapons towards the attackers during the fight.

At approximately 04:50, VYBZ patrons can be seen exiting the venue and engaging with the two attacking males, before they leave the scene.

At no point were Police called to deal with the attackers.

Signature: [REDACTED]

Signature Witnessed by:

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STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

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Statement of: [REDACTED]

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date: 17 Jul 2022

On FRIDAY 16th JULY 2022 I was in full uniform in a marked mini bus with PS [REDACTED], PC [REDACTED], PC [REDACTED] and PC [REDACTED]. It was 04:54hours and we were driving down HARLESDEN HIGH STREET through CROWN HILL ROAD NW10. There was around 30 individuals standing outside VYBZ BAR and stretching down the HIGH STREET however still lingering around VYBZ BAR. There were a few males shouting at each other. We approached the males where a man who I now know as [REDACTED] was standing outside and said that there was a male causing nuisance and said he told the male to leave hence why he was injured on his knuckles. There was also a man who I remember as [REDACTED] and an IC3 woman who I did not get her name. The impression I got from [REDACTED] was that he was the door man and the IC3 woman worked on the door for entry.

Me and PS [REDACTED] walked toward the groups of individuals lingering around VYBZ BAR. There were a couple males that were agitated. I did not get the names of the male however I am aware that a fight may have possibly taken place as the male had blood on his tshirt and another male had a lump on the right of his head. Many people around VYBZ BAR were very drunk and were told to go home. It appeared that VYBZ BAR was still open. There was still music coming from the BAR and small groups leaving the BAR. Outside VYBZ BAR there were individuals, mainly males drinking alcohol and smoking cannabis. PS [REDACTED] found a grinder with cannabis on the floor which I seized and booked in at HARLESDEN POLICE STATION.

Then tonight SATURDAY 17th JULY 2022 I was in full uniform in a marked mini bus with PS [REDACTED], PC [REDACTED], PC [REDACTED] and JOHN MCGANN who is a licensing officer from BRENT COUNCIL. We attended VYBZ BAR at 23:08 to check their licence and make them aware they need to be closed at 03:00hours as per their license as the night before they were still open at 05:00hours. I did not get the name that of the male that JOHN MCGANN spoke to however the male said he understood and that VYBZ BAR would be closed at 03:00hours.

We then went back to VYBZ BAR at around 03:00hours where it was meant to be closed. There was the same male [REDACTED] outside who claimed who was the security on the door the night before however tonight he did not want to say whether he was security or not. There was music still coming from VYBZ BAR. JOHN MCGANN requested to speak to the manager where the doorman [REDACTED] said he would get someone however we waited around 10 minutes and no one came. It was pretty obvious that no one was going to come. There was individuals coming to the door of VYBZ BAR to go inside. VYBZ BAR was not closed at 03:00hours even though they were informed that their license states that they are to be closed at 03:00hours.

There is BODY WORN VIDEO for all 3 circumstances.

Signature: [REDACTED]

Signature Witnessed by:

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: [Redacted]

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: Chair of Harlesden SNT Panel

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: [Redacted] Date: 15JUL22

This statement is to the best to my knowledge I am the above named person and am the Head Chair of Harlesden SNT panel. I have been the Head Chair of the HARLESDEN SNT Panel for over six years. I have been a resident of Harlesden, NW10 for over FIFTY YEARS.

The business I will mentioning in this statement is VYBZ bar which is 1 CRAVEN PARK ROAD, NW10. I know this business to have been in HARLESDEN for a number of years which has changed ownership multiple times.

In my job as Head Chair of the Harlesden SNT Panel regularly I received emails, texts and phone calls and also am approached by members of the Harlesden community on weekly basis about Anti-social behaviour that goes on in the HARLESDEN area. I have regularly seen some of these incidents myself. The VYBZ bar has been a regular problem in the HARLESDEN community for at least SIX YEARS. One of the problems is that when people are waiting the queue to get into the bar they are actively drinking and smoking cannabis in a public place and this is impacting on the local community who live above the bar and also in the local area. The bar sells bottles of alcohol which leads the customers leave the bar and to go outside and drink on the pavement and also allows people to go to their vehicles while under the influence of alcohol. The people in their cars are playing loud music in the early hours of the morning between the hours 0200 till 0800hours. People will loiter outside the bar which can be up to THIRTY PEOPLE being rowdy and loud singing and talking. This is having an impact on the community as it causing people who live near the bar not to be able to sleep as the music is too loud.

They have also been having BBQs outside the premises which they are not licenced to do and the smoke and the rubbish which is being left on the ground by the customers is causing the community. There has been a lot of issues when the bar is closing as it is not properly managed and they regularly break their licence and do not kick the customers out till around 0500hours in the morning this has led to violent incidents such fights in the street to weapons being seen in the street. There have been incidents where people have pulled out knives and also pulled out a baseball bat from their car. This has an impact on the community as they are in fear of seeing these fights take place and are scared in the confrontation. Customers also when leaving and going will urinate in peoples gardens, on people's doors and have no consideration for the community and when asked to stop they will be abused or threatened. This is concerning for the community as there are children in the area and the community is concerned of the impact on the children seeing these confrontations

Witness Signature: [Redacted]

Signature Witnessed by Signature:

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WITNESS STATEMENT


Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: 

Age if under 18: +18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: 

Date: 08/07/2022

I am the above named person and I am the Police Inspector of Harlesden Town Centre Team. I have over 18 years' service. Prior to my appointment I was the Learning & Development Inspector for NW-BCU, this entailed training new Constables and delivering a new recruitment pathway, previous to this I worked as a Duty Officer on an Emergency Response Team in Hillingdon as well as being a Safer Neighbourhood Sergeant for three wards in Hammersmith and Fulham, previous to this St Margaret's Ward Sergeant in Richmond Borough and other specialist roles.

My team was newly created and launched on 14th February 2022 to help improve trust and confidence in the police, reduce violence, violence against women and girls and to reduce Anti-Social Behaviour. During the first 8 weeks of operation the team had achieved a 9.2% reduction in overall crime in the town centre and ASB related calls to High Street, Harlesden which is the focal point of the town centre reduced by 90%.

We know from these results and our increased visibility in the town centre, the community are informing us of the difference they are seeing and the fact that they are feeling safer to walk the streets. The chair of Harlesden Safer Neighbourhood Panel has said much the same after speaking with many community members.

In my role as Town Centre Team Inspector I am expected to do everything in my power to help the residents and community of Harlesden in reducing ASB, violence, drug dealing, licensing issues and to use various problem solving tools and initiatives to do this.

One of the main issues that was brought to my attention early on, relates to Vybz Bar, 1 Craven Park Road, Harlesden NW10 8SE. I was receiving information from residents, council and Safer Neighbourhood Panel members that Vybz Bar were breaching their licence every weekend, and that there were large groups of people outside the bar in the early hours of most Friday and Saturday nights with people going in and out of the bar at 4am, 5am and sometimes later. The groups associated with the bar were rowdy and noisy and keeping residents up at night.

Witness Signature: 

Signature Witnessed by Signature:

Continuation of Statement of:

I have since liaised with the Licensing Team at Brent Council and have conducted research on police systems which document issues relating to Vybz Bar as shown below:

1903327/22 S049/10 Other theft. VIW reporting that his phone and his wallet containing items were stolen at venue. VYBZ BAR on SAT 05/02/2022 between 00:10 hours and SAT 03:00hrs.

1908663/22 S008/06 ABH. "Male ejected from club, grabbed by neck. Police were called by the victim who initially stated that he was being ejected from the bar and was grabbed around the neck and thrown to the ground. He was told by the operator about lawful ejection but he felt as though they used too much force. On police arrival the bar was packed but was near to closing time" Vybz Bar SAT 02/04/2022 between 04:40 hours and SAT 04:40 hours.

1911567/22 S008/01 GBH/Wound. VIW1 stated she got to the club at approx. 0330hrs and has gone straight to the bar. SUS1 has assaulted VIW1 by throwing a glass bottle causing abh injuries. Vybz Bar SAT 30/04/2022 between 04:00 hours and SAT 04:30 hours.

1912851/22 Crime Related Incident. Informant calling stating they have been assaulted by the security. Vybz Bar MON 16/05/2022 at 00:01 hours.

1914165/22 S005/01 GBH W/I. Call regarding a victim of a stabbing needing help, no victim present on police arrival. 3 x females were in Vybz Bar with another group of suspects who managed to enter with a knife/knives. Threats were made by suspects inside venue and victim was stabbed by the group when she went outside. SAT 28/05/2022 at 22:30 hours.

1916830/22 S008/01 GBH/Wound. Male has been stamped on in the street causing a laceration to his face. Both victim and suspect inside Vybz Bar, heavily intoxicated, suspect had 3 Bottles of Ciroc Vodka. Victim walked outside and was immediately attacked with a bottle by the suspect and head stamped on. SAT 25/06/2022 between 05:30 hours and SAT 05:45 hours.

1930159/21 S030/83 Burg-Bus/Com. Burglary, money, laptops stolen from venue VYBZ Bar FRI 19/11/2021 between 21:30 hours and SAT 22:00 hours.

As you can see from the above data, the majority of these offences and incidents are taking place at a time considerably past when the club should be closed and are in clear breach of their licence. The management of Vybz Bar and the blatant disregard to the licensing laws has contributed to violence, ASB and assaults in Harlesden town centre.

Witness Signature:
.....

Signature Witnessed by Signature:.....



Witness Statement

CJ Act 1967, s9;

MC Act 1980, ss5A(a) and 5B;

MC Rules 1981, r70;

UPRN:

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Statement of: [REDACTED]

Age of if under 18 (if over 18 insert 'over 18') Over 18.

Occupation: Anti-Social Behaviour (ASB) Localities Officer.

This statement (consisting of 2 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated the: 23rd May 2022

Signature: [REDACTED]

My name is [REDACTED], I work as Anti-Social Behaviour (ASB) Localities Officer for Brent Council. I have been in this post for over 4 years and my job entails delivering an effective anti-social behaviour service for Brent, dealing with resident complaints, taking suitable enforcement action where necessary, and coordinating partnership problem solving forums for the resolution of embedded community safety problems within a specified locality.

During my time within the team, there have been a number of complaints regarding Craven Park Road. These complaints range from drug taking, alleged drug dealing and street drinking in the vicinity. These are from local residents and partners of the London Borough of Brent Council.

Vybz Bar at 1 Craven Park Road NW10 is located adjacent to where High Street Harlesden ends and is opposite Crownhill Road, on a busy one-way street. The premise is a venue that opens at night, has a dance floor or other space for dancing by members of the public, and provides music, whether live or recorded, for dancing.

For the duration of July 2020 to the present day, a number of complainants alleged that the premise was continuing to trade outside of their permitted hours after 03:00hrs. Between July 2020 and August 2020 complainants had observed a number of breaches. It was also suspected that the premise was trading as a nightclub, which, at the time of this, these types of business were to remain closed. This was required by the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. The information was passed on to partners in our CCTV, Licensing and Noise departments.

Subsequently a Prohibition Notice was served on Saturday 15th August 2020 by [REDACTED] Principal Nuisance Control Officer for Brent Council on behalf of [REDACTED] Senior Enforcement Officer (Brent Council). [REDACTED] served the notice to a Ms. Kamika Samuel, who I believe to be the licensee. [REDACTED] noted that prior to serving the notice that loud music was heard coming from the front of the premise.

I was informed that Licensing team conducted a number of online checks from 'open source' online material that strongly suggested that whilst the premise was closed from 20th March until 4th July and where, after refurbishment the premise opened for business on or about Friday 4th July 2020. The premise has been open since then and was last seen to be trading on the weekend of 22nd / 23rd August 2020.

During this time, Brent Council's CCTV department also had gathered intelligence around the location of Craven Park Road and footage showed the premise were exceeding its licensable hours with events running on past 03:00hrs.

This was prior to the announcement by the Prime Minister of the stricter lockdowns measures stating establishments such as bars and restaurants were now only allowed to operate until 22.00hrs.

On Thursday 24th September, I received intelligence that Vybz Bar are due to hold an event on Sunday 27th September 2020. It was rumoured to be a DJ event from 3pm-12pm. The next day on Friday 25th September 2020, I was informed the Licensing Police asked the licence holder, Ms. Kamika Samuel about the alleged event, and she confirmed in writing that the timings have been moved due to the new restrictions and therefore will not open beyond 22.00hrs.

On Monday 28th September 2020, [REDACTED], at the time in her capacity as an Licensing Enforcement Officer (Brent Council) went into the CCTV suite to check whether they had abided by this and she confirmed that the last customers she saw leaving was at 22.00hrs.

I was made aware today, 30th September 2020, that [REDACTED] sent a warning letter to Vybz Bar regarding the new government regulations where the premise must now close at 22.00hrs. At least until the restrictions were lifted.

During the last 18 months between Summer 2020 to May 2022, it is clear despite the efforts concerning our partnership work in the past and present associated to Vybz Bar, that this premise is affecting the local community.

The issues with the loud music, alleged drug usage outside the bar and the individuals loitering outside the business and around the Craven Park area in to the early hours of the morning is having a major impact.

Signature: [REDACTED]

Date: 23 May, 2022

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Anonymous

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: Not Stated

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: Date: 20JUL22

This statement is to the best to my knowledge and refers to when to the anti-social behaviour that occurs at in directly outside the Vybz Bar on CRAVEN PARK ROAD, NW10.

In my statement I would like to remain anonymous. Police have my details should they be required and have signed in an officer PNB that this is my statement. I will be referring to in this statement the business known as VYBZ Bar which is located on CRAVEN PARK ROAD, NW10. I know this bar to regularly have anti-social behaviour for a couple of years now.

I am a local resident of HARLESDEN I have been living in HARLESDEN for many years now and during this time I have seen antisocial behaviour going on at the VYBZ bar. I am aware that the VBYZ Bar is supposed to close at 0300hours.I have seen on many occasions customers coming out of the VBYZs bar after 0300hours as much as 0500hours. Once the customers come out onto the street I have seen them drinking in the street and leaving their bottles, cans of alcohol on the pavement. They also regularly keep playing loud music after their closing time which is causing residents to be unable to sleep. I have also seen the customers are parking their cars all over the pavement which is causing nuisance for the local residents. On one occasion a local resident who lives near the VBYZ bar explained that it was a nightmare to live there because of the noise and the loud customers who are rowdy and shouting in the street which was causing his children to distressed and be alarmed. I have seen the customers from the VYBZ bar and urinating in the streets.

I have also seen the aftermath including injured victims of violent acts as on one occasion on the 16th APRIL 2022 at 0600hours I saw a large group of rowdy customers leaving the VYBZ bar and then I saw one disgruntled customer who I saw kicking the door trying to regain entry to the VYBZ bar. He was shouting and threatening that he would search anyone who came out until he 'got his money back'. I also have seen a man lying on the ground outside the VBYZ bar with a serious head injury.

These incidents are causing alarm and distress to the local community of Harlesden due to the noise and rowdiness of the customers and bar residents in the local area are unable to sleep and are becoming stressed.

Witness Signature:

Signature Witnessed by Signature:.....

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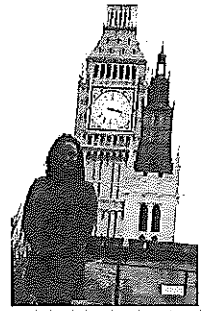
Dawn Butler MP

Labour MP for Brent Central

www.DawnButler.org.uk | @DawnButlerBrent

House of Commons, London SW1A 0AA | 020 7219 8591

Constituency Advice Line: 0208 451 6560



Office of Dawn Butler MP
House of Commons
Westminster
London
SW1A 0AA

9 June 2022
Our Ref: ZA25989

To whom it may concern,

RE: Impact Statement regarding Craven Park

I am providing this statement in my capacity as the Member of Parliament for Brent Central as a continuation to the Impact Statement provided in May 2020.

I am aware of serious issues in regards to criminal and anti-social behaviour occurring specifically within the vicinity of the Craven Park area and surrounding roads. Anti social behaviour issues often fill my inbox. The anti-social activity taking place is having a detrimental impact on my constituents quality of life and general well-being.

An issue that is persistently raised with me from constituents also concerns surrounding the drug dealing, taking and anti-social behaviour taking place surrounding the areas of BT phone box locations on Craven Park, with a concentration at the phone box located at St Albans Road. There is further loitering as a result of this at Odeon Court. I have attempted a number of times to get these phone boxes removed.

In light of all of the above, I know that the Craven Park and surrounding roads continue to be areas of concern for our Safer Neighbourhood Teams and others within the Metropolitan Police. I know that they are doing their utmost to tackle the problem and I am pleased therefore to write in support of their efforts. I do however also wish to call on other associated agencies to constructively work with them, and give them the resources they need to help them effectively and consistently police these local streets and the local area in order to maintain law and order in the most difficult of circumstances.

Warm regards,

Dawn Butler MP

Labour Member of Parliament for Brent Central

Our community is our strength

Dudden Hill | Dollis Hill | Harlesden | Kensal Green | Mapesbury | Stonebridge | Tokyngton | Welsh Harp | Willesden Green
I am committed to keeping my constituents informed on issues. If you would like to receive any correspondence from me about the work I or the local Labour Party do, other than the issues you have previously written to me regarding, please write to me using the above address.

You can find my GDPR privacy notice published on my website at <https://www.dawnbutler.org.uk/contact/>

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LICENSING ACT 2003

Licence: Review following Closure Order

Reference: 25790

12/08/2022

Dear Sir/Madam,

I am employed by the London Borough of Brent as a Licensing Enforcement Officer. I have been in this role since 23/05/2022. In this capacity I am authorised to exercise duties under the Licensing Act 2003.

On 16/06/2022 I applied for a review of the premises licence for VYBZ BAR, 1 CRAVEN PARK ROAD, LONDON, NW10 8SE. This was then heard at an Alcohol and Entertainment Licensing Sub-Committee virtual hearing on the 3rd August 2022. The decision was that;

- The licence will be suspended for three months from the 24 August 2022.
- The designated premises supervisor is to be removed and replaced with a new designated supervisor to be appointed by the end of the period of suspension.

The licence conditions are amended as following:

- The premises opening hours are amended to be from 11.00 to 02.00 hours.
- All licensable activities to cease at 01.30 hours.
- The premises is required to adopt a queuing and dispersal policy to ensure the dispersal of its customers and staff from the premises' immediate vicinity by 03.00 hours, such policy is to be adopted by the end of the suspension period.
- The names of personal licence holders working at the premises to be provided to the Licensing authority by the end of the suspension period. The names of any additional personal licence holders who commence work at the premises is to be provided to the Licensing authority within seven days of them commencing work.

At the time of this hearing there was a closure notice in place on the premises issued by the Metropolitan Police and the full hearing of this matter was heard on the 9th August at Willesden Magistrates Court. On hearing all the evidence the Deputy District Judge decided to issue a Closure Order in respect of the premises for the maximum 3 months and this ends on 9th November 2022 at 11.59pm. At any time before the expiry of the closure order, an application may be made to a justice of the peace, by complaint, for an extension (or further extension) of the period for which the order is in force.

This closure order has now triggered a further review hearing for Vybz Bar.

PC [REDACTED] has submitted the closure order hearing bundle for this review hearing. This bundle contains a number of statements that were not part of the review hearing on 3rd August. These include;

- Impact statement from Dawn Butler MP
- Statement from [REDACTED] who is Head Chair of the Harlesden SNT Ward Panel
- Statement from [REDACTED] LB Brent ASB Officer
- Anonymous statement from Harlesden resident
- 2 x statements from PC [REDACTED]
- Statement from Insp [REDACTED]

These statements give further weight of evidence to the serious problems of crime, disorder and ant-social behaviour linked to Vubz Bar.

At the Closure Order hearing it was established that Police had also identified a number of unreported incidents that were captured via local CCTV cameras during their closure order investigations.

1. 12 June 2022 - patrons can be seen exiting the venue in a steady stream at around 05:00, after which they begin to congregate outside. An argument begins between two patrons which then turns into a mass brawl which spills south down the road into Harlesden High Street. There are no door staff present to prevent this and the fight continues until approximately 05:10.

2. 18 June 2022 - patrons can be seen exiting the Premises from approximately 04:50 before congregating in the street outside. A small group move northbound up Craven Park Road and begin milling around the Harlesden Food Centre, where blatant drug use and drinking in the street can be observed. At 05:15, a fight breaks out between patrons who can then be seen stamping on someone who is on the floor. There is no door staff present to prevent this.

3. 25 June 2022 – from 04:50, patrons can be seen congregating in the street outside the venue. Blatant drug use in public can be observed, with patrons appearing to be receiving nitrous oxide balloons from a white Mercedes Benz parked outside the Premises before inhaling from them. At 05:02 a male, who can be seen exiting the Premises at around 04:50, can be observed assaulting another male in the street outside the Harlesden Food Centre. The attacker kicks the victim whilst he is on the floor and the victim does not stand back up again for the remainder of the clip, which lasts for approximately 20 minutes. No door staff is present to prevent this or offer medical assistance to the injured male.

4. 1 July 2021 – at 03:01, a hooded male can be seen kicking a rubbish bag north up Craven Park Road, it splits open, and the rubbish is left strewn around the street. He stops doing this outside the Premises before entering the venue.

5. 2 July 2022 - patrons can be seen slowly exiting the Premises at 05:00. A fight spills out of the front door between two males, before more patrons decide to join in. One of the originally involved males then begins to fight a different male, which prompts more people to get involved in the fight. This eventually gets out of hand and spills south down the road onto Harlesden High Street. Throughout the clip there is one male attempting to calm down the situation whilst the rest of the crowd decide to join in with the melee. The crowd then moves northbound up Craven Park Road towards Harlesden Food Centre. From 05:04 to 05:05 the originator of the fight picks up a glass bottle that has been left near a bin and begins to move back towards VYBZ before being disarmed by another male. He then attempts to strangle the male that has just disarmed him before being dragged away by another group and pinned up against the shutters of Prestige Hairdressers. Two Police Officers then arrive on scene but are unable to successfully detain the male due to the size of the crowd of patrons that has now gathered. There are no door staff present that are able to contain the incident.

The Premises Licence Holder and current Designated Premises Supervisor Kamika Samuel has had little or no involvement in both the review and closure order hearings. This highlights concerns that she is not in control of her premises. This control would appear to have been passed onto her husband [REDACTED] [REDACTED]. At both the previous review hearing and the closure order hearing he has played himself out to be a victim in all of these proceedings and that the incidents of serious crime and disorder and ASB has nothing to do with his patrons or premises despite evidence to the contrary. In fact, at the closure order hearing I was accused by [REDACTED] solicitor of being a racist and being recently employed by Brent Council to just close down Vybz Bar. I refuted these allegations.

I am totally convinced that this premise has been the source of serious incidents of crime, disorder and ASB both at the premises and its immediate vicinity for a number of years. This has resulted in both the Licensing Authority and the Metropolitan Police having to take their own actions to deal with this problem premises. [REDACTED] has indicated that he is going to appeal both decisions that has been made against Vybz Bar.

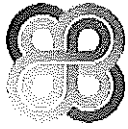
On behalf of the Licensing Authority I respectfully ask the Alcohol and Entertainment Licensing Sub-Committee to consider REVOKING the premises licence for Vybz Bar.

Yours sincerely

John McGann

John McGann
Licensing Officer
Regulatory Services

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Brent

Regulatory Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

TEL: 020 8937 5359
EMAIL: business.licence@brent.gov.uk
WEB: www.brent.gov.uk

London Borough of Brent

Premises Licence

Part A

This Premises Licence was granted by Brent Council, Licensing Authority for the area of the Borough of Brent under the Licensing Act 2003

Original grant date: 16 January 2008 Current issue date: 07 August 2020  Authorised signatory
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Premises licence number: 318510

Part 1 – Premises Details

Postal address of premises, or if none, ordinance survey map reference or description Vybz Bar 1 Craven Park Road, London, Brent, NW10 8SE
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Where the licence is time limited the dates

Licensable activities authorised by the licence Section E: Live music Section F: Recorded music

Section I: Provision of late night refreshment:**Indoors****Section J: Sale of alcohol: On the premises**

The times the licence authorises the carrying out of licensable activities

Section E: Live music

Day	Start Time	End Time
Monday	11:00	03:00
Tuesday	11:00	03:00
Wednesday	11:00	03:00
Thursday	11:00	03:00
Friday	11:00	03:00
Saturday	11:00	03:00
Sunday	11:00	03:00

This will be in the form of live interludes from performing artist singing to the customers or possibly a rendition (s) from a professional pianist playing a repertoire of wide and varied music, for example jazz music, popular music, show tunes and classical music to match the ambiance.

Section F: Recorded music

Day	Start Time	End Time
Monday	11:00	03:00
Tuesday	11:00	03:00
Wednesday	11:00	03:00
Thursday	11:00	03:00
Friday	11:00	03:00
Saturday	11:00	03:00
Sunday	11:00	03:00

This will be in the form of background music from radio and television via an internal integrated stereo system using CD's DVD's etc.

Section I: Provision of Late Night**Refreshments:Indoors**

Day	Start Time	End Time
Monday	23:00	03:00
Tuesday	23:00	03:00
Wednesday	23:00	03:00
Thursday	23:00	03:00
Friday	23:00	03:00
Saturday	23:00	03:00
Sunday	23:00	03:00

Section J: Sale or Supply of Alcohol: On the

premises

Day	Start Time	End Time
Monday	11:00	03:00
Tuesday	11:00	03:00
Wednesday	11:00	03:00
Thursday	11:00	03:00
Friday	11:00	03:00
Saturday	11:00	03:00
Sunday	11:00	03:00

The opening hours of the premises

Day	Start Time	End Time
Monday	11:00	03:00
Tuesday	11:00	03:00
Wednesday	11:00	03:00
Thursday	11:00	03:00
Friday	11:00	03:00
Saturday	11:00	03:00
Sunday	11:00	03:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence

Kamika Samuel
 [Redacted]
 [Redacted]

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Kamika Patrice
 [Redacted]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number: [REDACTED]
Issuing authority: [REDACTED]

Annex 1 – Mandatory conditions

No Irresponsible Drinks Promotions

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

1. (a) games or other activities which require or encourage,

or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Free Water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Small Measures to be Available

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Minimum Price of Alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a)—duty|| is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b)—permitted price|| is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c)—relevant person|| means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) —relevant person|| means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)—valued added tax|| means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (—the first day||) would be different from the permitted price on the next day (—the second day||) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Requirement for a DPS

(1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervisors and Security Staff to be Licensed by the SIA (when required)

Where the licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions:

a) premises where the premises licence authorises plays or films

b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001

Film Classification When required

(i) The admission of children to the exhibition of any film must be restricted in accordance with the recommendation of the designated film classification body unless section (ii) applies.

(ii) Where the licensing authority notifies the holder of the licence that this subsection applies the admission of children must be restricted in accordance with any recommendation made by the licensing authority.

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority

under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the operating schedule

1. CCTV shall be installed and maintained in a working condition.

2. All CCTV recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.

3. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.

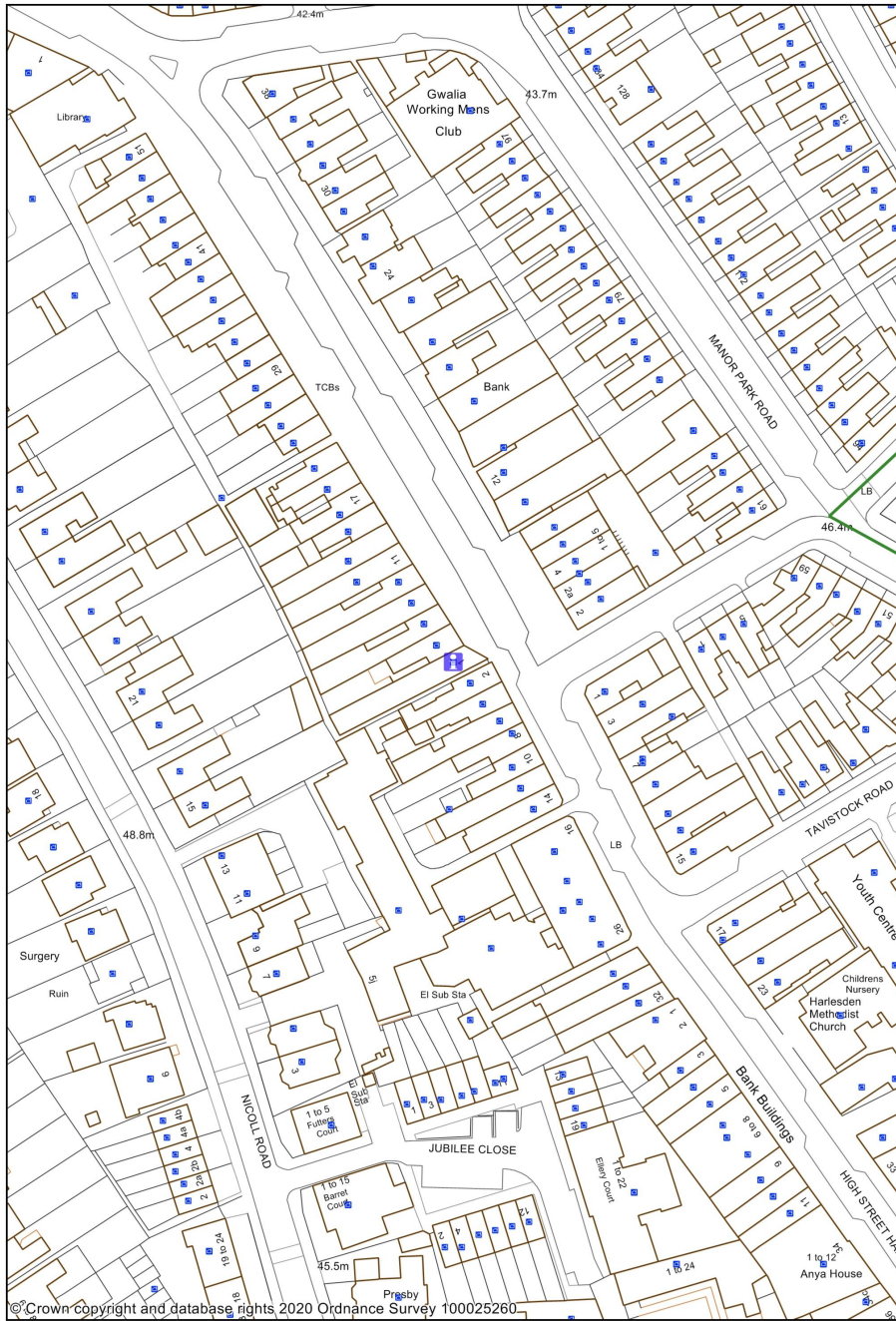
4. Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
5. The total number of people permitted on the premises including staff and performers shall not exceed 50.
6. Door supervisors of a sufficient number and gender mix, shall be employed from 20:00 hours on any day when the premises are open for the sale of alcohol past midnight.
7. Substantial food and non-intoxicating beverages (including free drinking water) shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided.
8. The licensee or his/her deputy shall be a member of, and actively participate in the local pubwatch scheme.
9. No entry or re-entry shall be permitted after midnight.
10. The Licensee shall undertake a risk assessment of any significant promotion or event, using the Metropolitan Police Service Promotion/Event Risk Assessment Form (Form 696) or an equivalent and provide a copy to the Metropolitan Police and Brent Council's Licensing Unit not less than 14 days before the event is due to take place.
11. Where an event has taken place the licensee shall complete a Debrief Risk Assessment Form (Form 696A) and submit this to the Metropolitan Police and Brent Council's Licensing Unit within 3 days of the conclusion of the event.
12. Notices clearly explaining the licensee's drugs policy shall be displayed at the entrance and at suitable places throughout the premises.
13. When prior notice has been given the licensee shall allow free and unimpeded access to police officers with drug sampling equipment and/or "sniffer" dogs, to test customers prior to entry, for drug use and possession.
14. If dancers are employed, their names, passport and visa details, including those of the band members, shall be supplied to the police no less than one month before they are due to start performing.
15. A residual current device (RDC), having a rated residual operating current not exceeding 30 milliamps, shall be provided to any socket or power supplies to be used for temporary stage, band or disco equipment, likely to be accessible to performers, staff or public. This protection shall be extended to gaming machines, cigarette machines and similar equipment used by the public.
16. The front inward opening doors shall be locked back in the open position while the public are on the premises.
17. The "Challenge 21" proof of age scheme or similar such scheme shall be adopted.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

See attached

Vybz Bar, 1 Craven Park Road, NW10 8SE



1:1250

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**IN THE MATTER OF AN APPLICATION TO REVIEW A PREMISES LICENSE
UNDER SECTION 167 OF THE LICENSING ACT 2003**

SKELETON ARGUMENT OF THE RESPONDENT

Introduction

1. This is a second application for review of the premises license originally granted on 16 January 2008 to a premises known as Vybz Bar at 1 Craven Park Road, London Brent NW10 8SE (“the **Second Review**”; “the **License**”, “the **Premises**” or “**Vybz Bar**”). The “trigger” for the Second Review is the closure order imposed by the Willesden Magistrates’ Court on 9 August 2022 (“the **Closure Order**”) by DDJ Hannah, see section 167 of the Licensing Act 2003 (“the **2003 Act**”). It appears that the Licensing Enforcement Team seek revocation of the License (“the **LET**”). This is resisted. The LSC should take no action.

2. The key point is that Brent Licensing Sub-Committee decided on 4 August 2022, not even a month ago, that it would not be appropriate to revoke the license (“the **First Review**”; “the **LSC**”). They reached that decision aware of the closure order proceedings, and aware of the alleged issues with the premises, including those on 16 July 2022. They, instead, decided to (principally) **suspend** the license for three months, remove the designated premises supervisor, and impose substantial restrictions on the Licence conditions.

3. The position of the Respondent is simple. Vybz Bar has been shut since the First Review was decided on 4 August 2022. The LSC has already determined what is “*appropriate*” in the First Review. That is suspension of the license. The LET rely on no instances since the First Review that would justify the LSC adopting a different approach in the Second Review. Vybz Bar will not appeal against the First Review.¹ The effect is that the License will be suspended for three months, the DPS will be replaced, and the substantial variations to the licensing conditions will take effect.

4. There is, respectfully, simply no reason for the LSC taking further steps in this Second Review, and the Respondent invites the LSC to take **no action**.

¹ I can confirm – in open, written correspondence – that I am the barrister instructed by Vybz Bar in relation to a number of matters, and that my instructions are to **not** appeal against the First Review.

Background

5. The Premises is in Craven Park Road, London, Brent. There is no dispute that there is a general backdrop of anti-social behaviour in the area. It cannot seriously be contended that this is solely the responsibility of – let alone associated with – the Premises.
6. The First Review commenced by application dated 16 June 2022, signed by Mr McGann on behalf of the Brent LET. The Brent LET asked for “*the ultimate sanction of revocation*” in its Representations of 14 July 2022 (First Review, Doc 3.4). They adduced further evidence on 21 July 2022 (Doc 3.8), which included two police statements in relation to alleged incidents on 16 July 2022 [Appdx 36 and 37], and CCTV footage [Appdx 38-40]. They said this letter “*adds further weight of evidence to show that this premises licence should be revoked*”.
7. The police representation said that although there were missed opportunities to work with the police, they would “*still be willing to do so and would encourage the owners and staff to make contact in order to **work together in the future***” First Review, Doc [3.5] (14/07/22, statement of PC ██████████) (emphasis added). It said, further, that “*From the information I have found it appears that the venue is operating outside of its licensable hours and **needs to be managed in a more responsible manner***” (emphasis added) The inference is that the police did not seek revocation of the License; they sought to work with the license-holder. No real explanation for why the LET appears to take a different approach is offered. For reference, an extract of this statement is provided in Annex [R1]
8. The LSC heard evidence from Mr McGann, who explained that there were closure order proceedings on foot. It heard from a representative for Vybz Bar. It considered the alleged incidents on 16 July 2022 in detail, including CCTV footage.
9. The LSC determined that “*the premises has been operating in breach of the conditions of its license*” and that it had evidence of the premises operating outside of its permitted hours. It also considered the CCTV footage of the alleged incident on 16 July 2022, and found that it was of “*considerable concern*”.

10. However, the LSC decided to not revoke the license [R3]. **The Committee is requested to read the decision in full.**

The committee has however decided not to revoke the licence. Instead, the committee has determined to take the following steps:

The licence will be suspended for three months from the 24 August 2022.

The designated premises supervisor is to be removed and replaced with a new designated supervisor to be appointed by the end of the period of suspension.

11. **The** license conditions were amended so that (1) the premises opening hours cease at 2:00, not 3:00, (2) all licensable activities to cease at 01:30, not 3:00, (3) the premises is required to adopt a queuing and dispersal policy. This is a substantial curtailment of the licensing conditions.
12. Since the First Review, the Premises have not been open. As a result of the Closure Order on 9 August 2022, it would effectively have been unlawful for the Premises to operate.² Vybz Bar has not been able to operate **at all** since then. Still less has it been given the opportunity to operate under the substantially reduced conditions that the SLC considered appropriate in the First Review.
13. In short, the LSC in the First Review was aware of the matters that are now relied on in the Second Review. It decided that the appropriate step on review was to suspend – not revoke the license. The Respondent will not appeal against that decision. The appropriate – and proportionate – step to take in these review proceedings is to **take no action**.

² The effect of the Closure Order is, in essence, that it is a criminal offence to be on the Premises, unless a person falls within a relevant exception (such as emergency worker, owner or landlord).

Legal Context

Application for Second Review: the statutory question

14. It is important to note that the Second Review has been triggered automatically. When a closure order is imposed on a license premises, the 2003 Act requires a further review to take place within 28 days (see s. 167(2) and (3)).
15. Critically, the **mere fact** that a closure order has been made does not mean the License should be revoked. The 2003 Act could have easily provided for automatic termination; but it does not. The question in the Second Review proceedings is identical to the First Review: what steps are “*appropriate*” (compare s. 167(6) and s. 52(4) of the 2003 Act).
16. It is clear from the 2003 Act that the LSC can choose to take no steps on review, where that would be appropriate: (see s. 167(5)(b)). There are exceptional circumstances here (a First Review conducted fewer than three week’s ago, on essentially the same evidence, for the same Premises) which justify that approach.

Consistency

17. The LSC is a public body. It is fundamental principle of public law – and indeed good administration – that decisions should be rational. They should not be arbitrary. Part and parcel of that requirement is that like cases should be treated alike. None of this is new; it is simply the “*well established principle of administrative law that persons should be treated uniformly unless there is some valid reason to treat them differently*”.³
18. In addition, consistency is important for the trust and integrity reposed in the licensing system. That trust and confidence would be undermined if the same body’s views as to what was ‘appropriate’ for situation A changed substantially within one month, without good reason. As stated in the planning context, “*Consistency in decision-making is important both to developers and local planning authorities, because it serves to maintain public confidence in the operation of the development control system.*”⁴ The same general principle applies to licensing.

³ *SSHD v BK (Afghanistan)* [2019] EWCA Civ 1358, §39 (Rose LJ)

⁴ *Bloor Homes East Midlands Ltd. v SSCLG* [2014] EWHC 754 (Admin), §19(7) (Lindblom J).

19. If further authority illustrating that general principle were required, the Legislative and Regulatory Reform Act 2006, section 21(2)(b) states that regulatory activities “*should be carried out in a way which is transparent, accountable, **proportionate and consistent***” (emphasis mine).⁵

Submissions

20. The appropriate step in this case, given the determination in the First Review, is to take no action. The Respondent will not appeal against the First Review. The License will be suspended for three months; the DPS will be changed; and the Premises will operate under the substantially reduced hours that the LSC – not even a month ago – considered appropriate.
21. What would be inappropriate (with respect) is for the LSC to now turn back on its decision and revoke the Licence. This is, in particular, given that (1) the Premises **has not been operating since the First Review** and (2) has not yet had a chance to operate on the substantially reduced conditions that the First Review found appropriate. Revocation would not be consistent, not be proportionate, and not be appropriate.
22. The LET suggests in its Representation of 12/08/22 that “*at the Closure Order hearing it was established that Police had also identified a number of unreported incidents*” (emphasis added). With respect, that suggestion is unsupported by the evidence before the LSC:
- a. The LSC has no transcript of DDJ Hannah’s decision. We do not know what facts she found.
 - b. The only record the LSC has of the Closure Order is the order itself. That makes no record of the facts that were found. It does not even record which ‘limb’ of the closure order test the Closure Order was imposed on (the relevant letters from (a) to (c) have not been circled).

⁵ This applies to the exercise of licensing powers under the 2003 Act. See Legislative and Regulatory Reform Act 2006, section 24, read with The Legislative and Regulatory Reform (Regulatory Functions) Order 2007, Reg 2 and Schedule, Part III.

23. The LET also relies on a number of statements that were not part of the review hearing on 3 August 2022. They are (with dates added)
- a. Impact Statement from Dawn Butler MP [Doc 3.10], dated 9 June 2022;
 - b. Statement from ██████████ who is Head Chair of the Harleden SNT Ward Panel [Doc 3.6], dated 15 July 2022
 - c. Statement from ██████████ LB Brent ASB Officer [Doc 3.8], dated 23 May 2022
 - d. Anonymous statement from Harlesden resident [Doc3.9], dated 20 July 2022
 - e. 2 x statements from PC ██████████ [Docs 3.3 and 3.4], dated 21 July and 9 August 2022
 - f. Statement from Insp ██████████ [Doc 3.7] dated 8 July 2022
24. With respect, these take the LSC no further than the material in the First Review. They would not justify the radical departure from the First Review that the LET invites the LSC to take. Nor could they, for at least four reasons:
- a. Not one of the materials (bar the second statement of PC ██████████) relied on post-date 3 August 2022. The second statement of PC ██████████, in any event, does not rely upon any incident occurring after the 3 August 2022;
 - b. None of the materials actually argue for revocation of the Licence;
 - c. None of the material grapple with PC ██████████ signed witness statement prepared for the First Review dated 14 July 2022 that he would be willing to work with the license-holders and that the premises simply needed to be managed better, i.e. that revocation was not necessary (see above, paragraph 7);
 - d. Most importantly, the principal incident relied on in the statements is that on the 16 July, **but this was already before the First Review**, which considered it **in detail** and decided to not revoke the License.

25. The evidence will be explored before the LSC, but the Respondent makes the following observations. The overarching point is that there is no new information before the LSC that the First Review did not consider; there is no reason for departing from the First Review by revoking the license:
- a. *Impact Statement from Dawn Butler MP* [Doc 3.10]. This refers to general ASB within Harlesden which cannot be attributed to the Premises alone. In any event, the letter identifies the centre of ASB to be in Odeon Court/St Alban's Road, which are some five minutes away from the Premises itself [see **R2**];
 - b. *Statement from [REDACTED] who is Head Chair of the Harlesden SNT Ward Panel* does not request revocation of the Licence, and provides no further information than what was before the First Review;
 - c. *Statement from [REDACTED] LB Brent ASB Officer* mostly details instances in 2020, over two years ago. It then refers generally to “*during the last 18 months between Summer 2020 to May 2022*”. There is no material that was not before the First Review;
 - d. *Anonymous statement from Harlesden resident*. This refers to general anti-social behaviour, and breach of licensing conditions at Vybz Bar. The First Review was aware of both.
 - e. *2 x statements from PC [REDACTED]* [presumed to be Docs 3.3 and 3.4]
 - i. The three points made in that statement are Vybz Bar remaining open after hours; lack of door staff; and ASB. The First Review was aware of all of them; and
 - ii. Although the second statement is dated 9 August 2022, it relates to the incident on 16 July 2022 which the First Review already considered.
 - f. *Statement from Insp [REDACTED]*. This statement refers to general ASB in the area (for which the Premises cannot seriously be held responsible), and to various ASB and licensing breaches alleged at the Premises, of which the First Review was aware.

26. The LSC is in an exceptional position. It is faced with a Second Review, mandated by statute, barely three weeks after the First Review determined what was “appropriate”. The First Review cannot – with respect – be ignored. There is no new material brought before the LSC in the Second Review application. The steps found to be appropriate some three weeks ago, in respect of the same Premises and on essentially the same facts remain appropriate today.

Conclusion

27. In a nutshell, the LSC has spoken, not even three weeks ago. The appropriate steps are to suspend the license for three months; remove the DPS; and substantially reduce the operating hours. Vybz Bar has not been open since the First Review. It has not had the chance to operate under the conditions that the LSC found “appropriate” in the First Review. There is, in the Respondent’s submission, no reason – let alone a *rational* reason – to take a different decision now on the 22 August 2022.
28. The Second Review provides no further material than what was before the First Review. The LSC will be aware of the importance of consistency in decision-making. Respectfully, it would undermine the integrity of the licencing system as a whole for the LSC to depart from the steps it itself considered appropriate on the 4 August 2022, when considering the same Premises and effectively the same evidence, some three weeks later.
29. What is “appropriate” is for the LSC to take no steps. The steps proposed in the First Review will take effect. The licence will be suspended for three months, and the Premises will operate under much more stringent conditions. There is no reason for departing from that carefully considered First Review.

MICHAEL RHIMES
FRANCIS TAYLOR BUILDING
19 AUGUST 2022

ANNEX R1

EXTRACT FROM WITNESS STATEMENT OF ██████████, DOCUMENT 3.5
OF FIRST REVIEW

3.5 Vybz Review - Police Statement.pdf
Page 1 of 2

RESTRICTED (when complete) MG11C

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: ██████████
Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: ██████████.....Date: 14/07/2022

This statement is written about the Vybz club at 1 Craven Park in Kilburn and the issues the Licensing police have found with this venue over the last few years.

I am a Police Sergeant and have been in the Metropolitan Police for 19 years. Since January 2021 I have been posted to the Licensing team in the North West Basic Command Unit. My role is to supervise the three licensing teams of which is one of them.

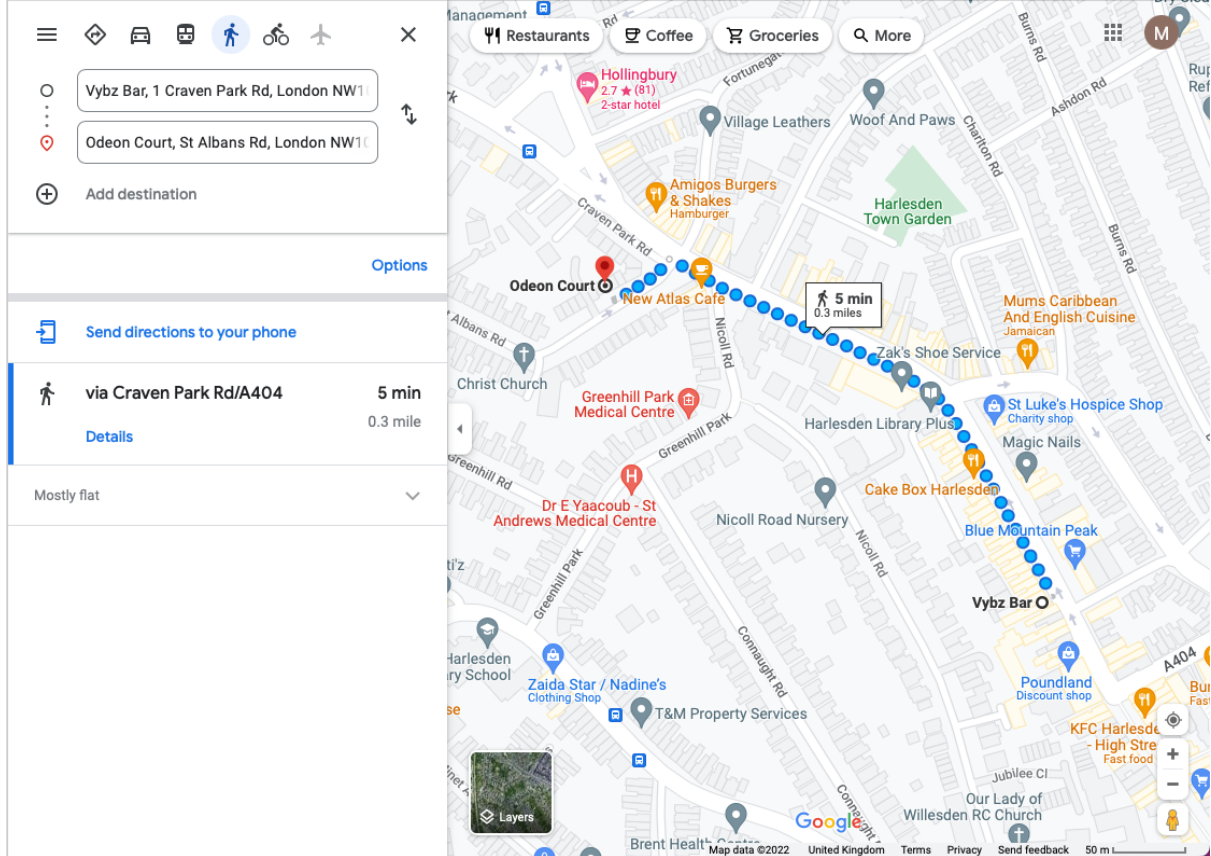
[...]

From the information I have found it appears that the venue is operating outside of it licensable hours and needs to be managed in a more responsible manner. The venues staff do not appear to respond to emails or phone calls recently and there appears to be no effort made to have a good relationship with police. After all the calls and emails, these appear to be missed opportunities to work with us. If so we could offer advice and even training that would help them be a safer place for customers and staff. I would still be willing to do so and would encourage the owners and staff to make contact in order to work together in future. I would also like to give notice that I may submit further supplementary information before the date of the hearing.

The full witness statement can be reviewed here:
<https://democracy.brent.gov.uk/mgAi.aspx?ID=61797#mgDocuments>

ANNEX R2

GOOGLE MAPS SCREENSHOT SHOWING DISTANCE BETWEEN VYBZ BAR AND SAINT ALBANS ROAD, REFERRED TO IN STATEMENT OF DAWN BUTLER MP



R3

DECISION OF BRENT LICENSING SUB-COMMITTEE OF 4 AUGUST 2022

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing on 3 August 2022 by remote hearing

NOTICE OF DECISION

Premises

Vybz Bar
1 Craven Park Road
NW10 8SE

1. Members of the Sub-Committee

Councillors Ahmed (Chair), Long (Vice-Chair) & Collymore
(Legal clerk to the committee: Archie Maddan, Barrister)

2. The Application

The Application was for the review of a premises licence by John McGann
(Licensing Enforcement Officer)

3. Representation

The Reviewer was John McGann (LBB)

The Police were not represented

The Licence holder Kamika Samuel was present and was represented by
Mathew Lewin of counsel

██████████ gave evidence for the Licence holder.

4. The Hearing

Linda Legister of Brent Licensing introduced the application. The application was for review of the premises licence on the basis that there was breach of licence conditions in that the premises had been open beyond its permitted opening hours and had thereby failed to meet the licensing objectives of preventing crime and disorder and public nuisance.

The Chair opening the hearing by explaining that the committee had read all of the papers and did not wish for the attendees to repeat any of the matters covered in the agenda papers and it should be assumed that the committee was aware of all of those matters.

The Applicant, Licensing Enforcement Officer John McGann addressed the hearing.

Mr McGann informed the hearing that there was now a closure notice in place on the premises issued by the Met Police and that the full hearing of this matter was due for 9 August at the magistrates' Court. This showed the seriousness of the situation at the premises. Mr McGann stated that he intended to show CCTV footage that would show habitual breaches of the conditions on the premises licence. The CCTV was a snapshot of longer-term problems. Mr McGann noted the objections made to the licence holder's previous application to extend the opening hours of the premises.

Mr McGann requested the exclusion of the press and public from the showing of the video footage because it allowed the potential identification of individuals. This request was granted by the committee and the committee went into private session.

Mr McGann showed the following video footage:

Appendix 40

16 July 2022 video footage of Mr McGann visiting the premises with police and talking with the door staff at around 03.00 hours, music could be heard playing and the door staff were unclear about the correct closing time of the premises. Mr McGann had visited earlier that evening and told the licence holder's husband that it was expected that the bar would be shut by 03.00 hours.

Appendix 39

04.37 - 04.42 hours showing customers leaving the premises.

Appendix 38

16 July 2022 footage showing a fight taking place at the premises whilst customers were leaving.

Clip 1 - 04.47 - 04.48 hours

Clip 2 - 04.49 hours

Clip 3 - 04.55 hours

No one at the premises called the police following the incident

Appendix 43

Clip of footage provided by licence holder allegedly showing the inside of the premises with a cleaner after closure, time stamped as 04.42 hours on 28 May 2022.

However, CCTV footage in Appendix 44 showed the public CCTV covering the outside street at the same time showed customers leaving the premises. Mr McGann believed that the footage provided by the licence holder was false and did not show the inside of the premises on the date and time claimed.

Mr McGann answered questions about the footage from members of the committee and the licence holder's representatives.

Following these questions, the hearing reverted to being held in public.

There were further questions to Mr McGann.

Mr Lewin asked if he was aware of a serious noise nuisance issue on the road. Mr McGann replied that he was aware of some issues with noise in the area.

In answer to a question from Councillor Long Mr McGann replied that the only noise he had heard personally in the area between 3am and 5am was from the premises.

██████████ asked how many times he had visited the premises. Mr McGann replied once.

The licence holders' case was presented by Mr Lewin.

Mr Lewin told the hearing that the licence holder did not accept the majority of the allegations made against the premises, for the most part the premises did trade within its permitted hours and the premises was being blamed for well-known anti-social behaviour problems in the area caused by others. The licence holder invited the committee not to revoke but to amend the licence conditions to include a new policy on the dispersal of customers at closing time.

██████████ gave evidence on behalf of the licence holder.

██████████ told the committee that the incident that had taken place on 16 July 2022 was caused by two individuals who had decided to attack the premises whilst it was open. The premises was the victim in this instance and he defended his security staff and the way they had handled the situation. There had been no warning of the incident and the two individuals had previously been banned from the premises. The police had not arrested the individuals responsible when they had attended.

██████████ explained that the area around the premises was plagued by noise nuisance caused by unrelated individuals coming and playing music loudly, often from motor vehicles. He accepted that there was a need to have a dispersal policy in place.

██████████ answered questions from members of the committee.

He told the committee that he was the day-to-day manager of the premises. The licence holder oversaw ensuring compliance with the licence requirements.

He accepted that the video was accurate in showing people leaving at around 04.30 hours, however he said that these persons were members of staff. The loud music heard by Mr McGann on his visit was due to him being away due to a panic attack and the staff not acting correctly in his absence. The publicity material did not give closing time since the promoters didn't want to put off

customers. [REDACTED] explained about the fire evacuation plan and the use of the rear garden of the premises. The incident on 16 July was the first such incident in 5 years of operation of the premises. He told the committee that there were 4 security staff on duty and around 15 members of staff in total. The security staff have their SIA badges visible and were employed by the bar but sourced from an agency. When the security staff had told Mr McGann that he didn't know the closing time he was being sarcastic he went inside to cross-check certain information with a colleague. There were 2 or 3 personal licence holders working at the premises who provided cover when the licence holder was not present.

Summing up:

Mr McGann told the committee that he had heard nothing to change his mind and the prevention of disorder and public nuisance required the revocation of the licence.

Mr Lewin told the committee that the licence holder opposed revocation and proposed a new condition for dispersal.

The committee went into private session to consider the application.

5. Determination of the Application.

The sub-committee determined the application in accordance with the Licensing Act 2003 and in accordance with the statutory licensing objectives. The committee had regard to section 182 of the Licensing Act 2003 and the authority's licensing policy. The authority had regard to section 17 of the Crime and Disorder Act 1998.

The committee had regard to the need to reach a decision that was necessary, proportionate and justified on the evidence presented to it.

6. Decision:

The committee's decision is as follows:

The committee has read the papers and listened carefully to the evidence and submissions presented at the hearing. The committee has noted the contents of the video evidence presented.

The committee is mindful of its duty under the Licensing Act 2003 section 52 (3) to take such steps as it considers appropriate to promote the licensing objectives.

The committee is satisfied that the premises has been operating in breach of the conditions of its licence. The committee is satisfied that the premises has been operating outside of its permitted hours. The committee has viewed video footage that shows the club operating after its permitted hours with music playing and customers entering and leaving the premises after permitted times.

The CCTV footage of the incident on 16 July 2022 was of considerable concern and especially the failure to contact the police, the committee does not accept the explanation given by [REDACTED] regarding the failure to call the police.

The failure to respect the condition relating to opening hours directly caused the gathering of customers and others outside the premises leading to disorder and nuisance, which has inevitably affected local residents.

The committee has however decided not to revoke the licence. Instead, the committee has determined to take the following steps:

The licence will be suspended for three months from the 24 August 2022.

The designated premises supervisor is to be removed and replaced with a new designated supervisor to be appointed by the end of the period of suspension.

The licence conditions are amended as following:

The premises opening hours are amended to be from 11.00 to 02.00 hours.

All licensable activities to cease at 01.30 hours.

The premises is required to adopt a queuing and dispersal policy to ensure the dispersal of its customers and staff from the premises' immediate vicinity by 03.00 hours, such policy is to be adopted by the end of the suspension period.

The names of personal licence holders working at the premises to be provided to the Licensing authority by the end of the suspension period. The names of any additional personal licence holders who commence work at the premises is to be provided to the Licensing authority within seven days of them commencing work.

7. Right of appeal

The applicant and any person who made relevant representations has the right to appeal against this decision pursuant to section 181 and schedule 5 of the Licensing Act 2003.

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.

Dated 4 August 2022

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