

London Borough of Brent

Decision of the Brent Alcohol and Entertainment Licensing Sub-Committee following a hearing on 15 May 2019 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

Sally's Bar
249 Neasden Lane
NW10 1QG

1. Members of the Sub-Committee

Councillors Ahmed (C) Long and Maurice

2. The Application

Application for a new premises licence for the Sale & Supply of Alcohol and Recorded Music from 10:00hrs to 00:00hrs Sunday to Wednesday, 10:00hrs to 01:00hrs Thursday and 10:00hrs to 02:00hrs Thursday & Friday; Live Music from 19:00hrs to 00:00hrs Sunday to Wednesday, 19:00hrs to 01:00hrs Thursday and 19:00hrs to 02:00hrs Thursday & Friday and to remain open from 10:00hrs to 00:30hrs Sunday to Wednesday, 10:00hrs to 01:30hrs Thursday and 10:00hrs to 02:30hrs Thursday & Friday.

3. Representation

The Applicant Mr Counihan did attend and was represented by Mr Sutherland.

The local resident objector did not attend.

4. The Hearing

Mr Sutherland commended the application to the panel, along with the agreements with the responsible authorities. It was noted that the only outstanding objection was from a local resident, who had not attended the hearing. It was noted that the opening and licensable hours has been amended by agreement since the application had been made.

The licensable hours agreed with the responsible authorities are as follows:

Supply of Alcohol

Monday to Sunday – 10:00hrs to 00:00hrs (changed)

Hours Premises is Open to the Public

Monday – Sunday – 10:00hrs to 00:30hrs (changed)

Non Standard Timings

There shall be no non-standard timings

In addition, it was agreed to remove the following licensable activities

- Live Music
- Recorded Music
- Anything of a Similar Description

It was emphasised that the basis of the application was that Mr Sheahan was going to remove himself from running the premises, and the Applicant would have day to day management of the premises.

Councillor Long, noting that the intention was to attract a “younger crowd” and questioned the Applicant as to how he intended to do this. The Applicant stated that he had identified a new client base.

The Applicant, under questioning, confirmed that the capacity had been set at 110, without the furniture. It was confirmed that between 40 – 45 could be seated at any one time. As to the capacity Mr Sutherland submitted that the Public Safety Officer had set the capacity and the sub-committee should accept the recommendation.

It was confirmed that an application for a new DPS needed to be made, but the premises was looking to open as soon as a licence had been granted. The Applicant stated that he was not sure, as yet, how busy the premises would be. The Applicant confirmed that, as far as he was aware, Mr Sheehan did not live about the premises.

It was confirmed under questioning that the lease had been executed.

There was no summing up from the Applicant.

5. Determination of the Application

The sub-committee determined the application in accordance the provisions of the Licensing Act 2003. Further the sub-committee considered the matter with a view to promoting the licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Brent's licensing policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee were mindful of the need to reach a decision that was necessary, proportionate, and justified on the evidence before them.

6. Decision

The sub-committee have listened carefully to the submissions made by the Applicant. We have noted the agreement reached with the Responsible Authorities, although we remind the Applicant that, regardless of any agreement, the decision still rests with this sub-committee.

This premises had an incredibly poor history, most of which is down to mis-management by Mr Sheahan. We are, however, satisfied that with the agreed conditions the licensing objectives can be upheld at this premises.

We do have one area of concern. Whilst the capacity has been set by the Public Safety Team we consider 110, without furniture high. We note that the Applicant has stated that he expects the seating capacity to be 40-45. We expect the Applicant to take a pro-active approach in managing patrons capacity and to review the position should the necessity arise.

The Application will be granted with the agreed conditions.

7. Right of Appeal

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

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

Dated:28 May 2019