

Sent: 03 November 2021 12:02

To: Business Licence <business.licence@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>

Subject: RE: Premises Licence number 152252 - Application to vary numbered 22739 280 Watford Road Harrow HA1 3TZ Blue Ginger Restaurant & Bar Ltd/Big Shots

Importance: High

Dear Vanesha Haulkhory,

Further to the below exchange, I am very relieved to find that I may add to my representations following acceptance of my initial comments and objection, up to the time the Hearing takes place. . I attach the Note of Decision (which includes the Hearing notes), as I refer to this in this email. (I am also copying this email to others, and they need it for ease of reference. I am obviously aware that you have it.)

I have spent some considerable time looking further into this, rereading the Decision, and will come back with objections tailored to the four licensing objectives, once I have your replies..

In the interim, **please take this email as a further strong objection**, as well as an information seeking email of some urgency.

However, I would still like to suggest that this application should be withdrawn, as it is on the face of it full of defects and lacks information including that which the Committee in September 2020 specified would be requisite if such an application was brought to Committee (Conditions 11 and 18). Instead, the Applicant suggests that they simply be deleted.

In the Application's current state, it is impossible for the residents who live near the site to assess properly what their views are and makes the process lack meaning, transparency and any semblance of accountability. What is the duty on the Authority in respect of the public detail on applications properly to allow consideration by affected parties?

In my view, it is impossible properly and fairly to assess it against the 4 Licensing Objectives. If the Council has the information, it should be public, if not actually insisting on its being included in the application/ Plan. The Application is at best premature.

In any event, may I please see the current Operational Site Management Plan, and the one proposed going forward?

The one presented to the Hearing was v3, and due to be reviewed in November 2020 (appended to the decision). Has anyone looked at the CCTV records and incident books when considering this application, as referred to in the stringent management control provisions? I am not suggesting there will have been any difficulties but it would be vital to know that they have been checked. Especially as the Committee asked the applicant to consider additional security and was told - see Hearing notes - it was too

expensive. Do the drug-related incidents in the car park get logged, and if so where? Is there CCTV in the car parks?

The "current" Operational Site Management Plan only deals with the relationship between Blue Ginger Bar & Restaurant Limited (BGBR) and Paul Lawrence Management Ltd (PLM), the two authorised subtenants. However, the areas they can legally control are limited. See the plans to their two subleases attached; those are the only areas of which each can legally have possession, occupation and control.

Playgolf London Limited (PLL) is the only party with lawful possession, occupation and control of the whole of rest of the premises, as Brent Council's tenant through which there are various bar areas and roving waiters/waitresses. PLL and BGBR may share owners and directors but the law provides they are separate legal entities. How is operational control dealt with in the areas not let to BGBR or PLM, which areas will now be added to?

The plan indicates that the new areas (Areas F and B - to which, if approved area K would "naturally" be added may be sublet. Where is this covered? Who controls the waiters/waitresses in these new areas?

Indeed, under the sublease to PLM, **no legal right is granted to BGBR, the Premises Licence holder to enter PLM's premises to exercise any control**; it is not even certain from the sublease that PLL can do so under the reservations out of the sublease. So, if PLM felt like it, legally they could bar the premises licence holder from entering to control.

The plans also seem to suggest other areas may be separately let - the "*Cafe Licence Demise*" (which according to the footnote, Aisha has to confirm if it is to be licensed so we don't even know that), "*Player Ground Bay Licence demise*" to add to Area F, Area B, and Area K. Are these to be franchised? How has the question been posed and answered in operational management terms on site? And who controls the traffic and interaction within the premises and issues such as where family members separate for the different attractions?

What is also particularly galling is that, **in the Hearing just over a year ago, the Licence holder - its Counsel making it clear this was a concession - gave up the licensing of Area K to get the variation**. As residents pointed out at the hearing, we had had no idea it was licensed. The Hearing itself saw the confusion over plans; my own attempts to find out what was the correct plan in February 2020 resulted in my being given the wrong plan (which was itself so poor on marking the licensed areas, who would have known?) The confusion is apparent from the notes; residents had been totally unaware of the extensions of licensed areas. Indeed at the time the applications were granted, the only user of the building was for golf, the driving range and the restaurant plus a small cafe by reception, with the old uses of gym and golf store closed down and empty.

One of the principal grounds of objection has always been noise nuisance, born of lived experience when the Centre opened, and the external areas were so used. The meetings every six months which were to be held with local residents, Councillors and the SNT have never been offered. First one was due last April. **No-one of course suggested such a meeting to discuss this Application.**

I hate to say it but some may feel "So much for the assurances in the Licensing meeting that the new owners of PLL were a different type of business - to be trusted by local residents."

We await hearing if the car registration numbers we were informed by the Director at the Hearing were taken by members of staff when they witnessed drug dealing in the car park were received and if that resulted in any action . Have there been further incidents? What happened? I hope that the Council has followed up on this serious matter when discussing the latest application. We hope to be able to get hold of the SNT shortly to check; as you know, they are incredibly busy and I have been waiting also to speak to our local female PC for over a week on another matter on which she urgently wants to talk to me!

Looking particularly at two Conditions which are very relevant to this Application - Conditions 11 and 18. These conditions - imposed by the Licensing Committee indicated that, if these areas were brought into operation, details of the arrangements needed to be submitted to the licensing authority. The licensing authority needed to ensure that this did not have an effect on the existing licensable activities being carried out.

The application makes no attempt to deal with the substance of these conditions - or, if it has, none of these details are available to the general public to assess them from the experience of the residents here.. Perhaps the Licensing Authority has all the detail of the arrangements, etc to comply and is satisfied. If that is the case, it should certainly insist that they appear on the face of the Application so that we can see they have been addressed by the Licensing Authority and how the Condition has been considered in each case - and we can then comment on whether they will satisfy the 4 licensing objectives, from our perspective with local knowledge. All we can see is that the Licensing Authority finds the application acceptable with those conditions just deleted, even though the Committee must have added them for some reason. Further Area K needs special attention; the Applicant clearly saw its removal for the last Application as necessary for that application's success. Some would say its addition back now - just saying "Phase 2", as though that affected the fact that it will be licensed - looks cynical.

The only information for Area F is that it will contain a min-bowling alley and "(pool table) etc". The plan is not much more illuminating but the bar is right next to what appears to be two pool tables. In any case, this can only be illustrative and not binding. How this is going to be run - whether it will be run by Blue Ginger or Paul Lawrence or someone else and under what terms is not made clear. A serious issue which needs understanding because this is precisely the kind of use which will attract young people, teenagers, certainly under 16s may be interested.. Condition 42 says no under 16s will be admitted to the premises unless accompanied by an adult. Ok but once in there - what if the adult goes to some other part of the establishment? There will be plenty to choose from.

All we "know" about **Area B** is that it is a "sports bar"; again no detail of any arrangements. Just one long bar next to the two wide "fire exit" doors. No seating, no TV screens, no other equipment shown. How Area B is going to be run - whether it will be run by Blue Ginger or Paul Lawrence or someone else and under what terms - is not made clear, . If these are in fact given to The Licensing Authority, then they should be made public.

There is no information about Area K; save it is "Phase 2". This can hardly comply with Condition 18; we do not even have the illustrative details given for Area F. It does not look good.

Conditions 29 and 30 set out numbers for particular areas; these were interrogated in the Hearing, as set out in the Note of the Decision. There is no information about Numbers expected in Areas B, F and K, which clearly bear on issues of nuisance by numbers, by access to alcohol by traffic exiting the premises and parking on adjoining unregulated streets, including in the early morning after close down. Please obtain this detail amongst other detailing requisite as required by the Committee in imposing the Conditions to understand how the areas will be used.

Where is the Operational Management Plan for these areas, and the traffic between them, particularly in context of families entering the premises but then splitting up (See above Condition 42 and safeguarding)> This is not Alton Towers (with which Counsel for the Applicant sought to draw a comparison at the September hearing; it is **one building** of many parts under this plan with many separate areas and attractions for all ages - all with alcohol available under this plan - relying for its safeguarding only on its staff, and on CCTV in certain areas. The staff - for their own safety - which I totally understand - cannot even do more than take numbers of cars when they witness drug-dealing.

As above, I look forward to receiving further information so that I can assess what I may wish to say about the safety of children (and be able to speak from a more informed viewpoint with our fellow residents).

IF this was a licensing application fresh for this building on this site, constructed as it is with numerous exterior openings and no sound insulation, with exterior areas licensed and surrounded by a "significantly residential area with fields which carry the acoustic of noise at night time, in an area of public open space out of town, I suspect that it might be viewed more seriously than it seems to be. What a good tactic, just to get the whole covered by licensing by accretion - and the death of residents' protection, and the protection of acceptable ancillary planning uses on public open space/MOL by 1000 cuts.

To assist, I am just setting out the difficulties which I had interpreting the Plan and Application in some detail. Please let me have a response as soon as may be possible

A (Unnumbered) Plan Neospace 27 September 2021 (the "Application Plan")

i) the Key and interpretive lettering used on this plan (blue rectangle at the top) is **identical** to that used on the current Licensing plan as referred to in the Decision of the Alcohol and Entertainment Licensing Sub – Committee following hearing on 24 September 2020 (the "**September 2020 Decision**").

For ease of comparison, and clarity, I have attached the plan for the September 2020 Decision, as a screen shot, as well as the Application Plan. **It would be helpful if Licensing were able to confirm that this screen shot is indeed the current Licensing Plan.**

As can be seen, the letters applied to the areas of the Premises on the respective plans is different - but the key is identical. This makes it extremely difficult to interpret the Application, as below and needs to be taken into account with the interpretation of the Conditions

ii) unfortunately, there is no key to the different **colourings** on the Application Plan. There are blocks of pink, incomplete red edging (Area K), blue edging (on occasion incomplete) and lilac and arrange hatching. The September 2020 Decision plan **did** use a second key – the licensing purposes for the particular areas.

So that there is no doubt for the future, a clear indication has to be available on the Application Plan, and final Licensing Plan of the areas, and what they are licensed for. It should be clear the extent of the premises to which each letter applies, and what overall areas are licensed for what licensing purpose..

iii) the area described with the letter N is unclear.

In the blue rectangular box Key, it is referred to as on the Lower Ground Floor but appears to be on the Ground Floor. In the second footnote, area N is referred to as the "*reception area*". As per the key, it is a bar/kitchen.

Then it is stated that "*a cafe is being added to Reception Area N which is being redesigned to include a new reception, offices and a new bathroom block*". Which looks a lot to fit in Area N as shown on either plan.

But is this "cafe" to be added the "*Common Grounds Cafe*" (which also seems to be the "*Cafe License Area*"), labelled Area E, which later is referred to as part of Area L?

iv) to add yet more confusion, the first footnote to the Application Plan refers to "*Area L (now designated as E, N and D)*" - which simply makes no sense at all when looking at the two plans, or in the light of my above comments about Area N.

v) the first footnote also refers to the kitchen expansion (presumably on the "Upper Ground Floor"- also known as the "Ground Floor"), as shown on the "*original licence plan attached to the previous licence updated by Neospace as that 05.09.1*". What does this mean in context of the correct current (September 2020 Decision) plan and the Application Plan?

Where is this 5 September plan and what does it show? Is it in the Licensing file, and has it been considered by any officers/necessary authorities? On what authority was it "updated"? It does not quite seem to make sense in the context that this is also a Neospace plan with a later date, 27 September.

vi) as pointed out in my email of 1 November, it appears from the footnotes that the Application Plan is not a final plan. Surely it should show the layout as it will be for consideration by the committee – i.e., as finally altered ."*On the restaurant side, the bar at Area L (now designated as areas E,N,D) **will be repositioned and the kitchen expanded as shown on original licence plan attached to the premises licence updated by Neospace as at 05.09.21***". Presumably the expanded kitchen will not be covered by licensing?

vii)) Similarly, second bullet point to the foot of the Application Plan: "*The Cafe License Demise area my understanding is this will not be licensed for the sale of alcohol (Aisha please confirm) if so it would not need to be outlined in red*". Is this area also to be licensed?

viii) perhaps this is the wrong plan. On page 2 of the Application under the heading "*Details of the application to vary premises licence*", it states "*as shown on updated plan AD05 GA (D) (1)*". The Application Plan uploaded to the website has no reference number on it at all

ix) extra areas appear to be included – certainly in the pink colouring. As above, it is not clear what the pink colouring means. The following are added:-

an L – shape in the north-west corner adjoining area A, on the lower ground floor;

a rectangle to the north-east of area G on the Ground Floor, carved out of Area F. As Area G is the driving range bays, it would seem appropriate to have an explanation of this addition.

B the Application

i) as is apparent from the Notice of Decision for the September 2020 decision, detailed representations were made both by the applicant at that time, and myself and Councillor Perrin as objectors speaking in person. The applicant was represented by Counsel, Mr Gary Grant who also set out written summary of the submissions in the Supporting Bundle for the hearing.

The 46 detailed conditions imposed on the licence were the subject of detailed debate, and some additional conditions were offered, and some were amended in the course of the Hearing. Many related to specific identified areas on the plan at which the Committee was looking at the time.

So, if a final plan for this variation application is achieved, the full list of all those 46 conditions will have to be run through in order to check that the conditions carefully imposed under the September 2020 Decision and the precise areas they apply to are properly re-referenced in any variation, if the plan and its limitations are changed.

This may have been overlooked by the Applicant and its agents in their paragraph "**Please describe briefly the nature of the proposed variation.**"

To illustrate, until we have the corrected plan, at least I can look at that paragraph, briefly describing the nature of the proposed variation, **section 3 Amendments or omissions of conditions:**

a) I am not sure what is meant by the "*conditions under annexe 2 consistent with the operating schedule*" means. Can this be clarified? What is annexe 2? I have a copy of the "*Operational Site Management Plan*" approved at the September 2020 Decision hearing, which was due to review on November 2020 and labelled as v3. Is that what is meant by the operating schedule, or has it been updated? If so, **should a copy not to be available** and be displayed on the licensing website for this application? I am assuming that it means the 46 conditions in the September 2020 Decision but still need the "operating schedule".

- b) a minor point "Condition 4 – CCTV shall cover areas A, H, J, C on the lower ground floor" will have the additional L – shape area - **if it** is an additional area approved for licensing.
 - c) Condition 5 – whilst the September 2020 decision plan is not clear on the extent of the various areas indicated, the areas E, L, D, M, and G do not look the same, and, as above, Areas L and N are complete mysteries .
 - d) Condition 9 – area N is unclear. As to area L – without an understanding of the reconfiguration referred to – again what does this mean? Whatever they are, they are not the same as the areas on the September 2020 Decision plan.
 - e) Condition 9 – what does "to include areas (f)" mean? Does it mean the bar indicated in Area F, as an extra area from which waiters and waitresses will operate, or does it mean that Area F will be served by waiters and waitresses throughout the area, or was the bar in Area F meant to be marked separately?
 - f) just on the point of checking lettering in the other conditions, the following will have to be looked at: condition 7 - what **is** Area N? Condition 14 must include Area B (if approved); Condition 16 must be extended at least to Area F (if approved ,bearing in mind proposed uses of that area); Condition 19 will need to be extended to any other areas which may be operated by a sub tenant (potentially "Cafe License Demise ", Area F, Area B, "Player Ground Bay Licence demise"); Condition 29 – what is Area L ?
- ii) as set out in my first email of 1 November, Condition 9 says that the sports bar in Area B will be an exclusive area for golfing patrons. Condition 11 says that area B will be approved for opening to the general public. What is the difference, and which is the correct interpretation? I am aware that this is not relevant to licensing but this is public open space and no area should be exclusive. Including under the Lease that Brent Council granted.

So I look forward to those queries being cleared up. Can you please also let me know if previous nuisance issues (so far as not resolved) raised at ;previous hearings will be available to the Committee or if it is necessary to set them all out again? It would be great not to have to do so but the Committee coming fresh to it will not know the background, particularly on car-parking and the strict planning position.