

London Borough of Brent

**Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing
on the 24th September 2020 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ**

NOTICE OF DECISION

PREMISES

Blue Zenzer,
280 Watford Road,
Harrow,
HA1 3TZ

1. Members of the Sub-Committee

Councillors Long (Chair), Kennelly and Hylton.

2. The Application

The applicant, Blue Ginger Bar and Restaurant Ltd, has applied to vary its licence to accommodate changes to the layout on the lower ground floor and the upper ground floor and, to reduce the hours for regulated entertainment, late night refreshment and the sale of alcohol to 11:00hrs to 00:00hrs from Monday to Sunday and to remain open from 11:00hrs to 00:30hrs from Monday to Sunday.

The premises is currently licensed for regulated entertainment, late night refreshment and the sale of alcohol from 07:30hrs to 00:00hrs from Monday to Thursday and from 07:30hrs to 02:00hrs from Friday to Sunday.

The applicant's agent is Joshua Simons & Associates Ltd.

Representations were received and withdrawn from the Licensing Authority. Representations remain outstanding from the Ward Councillor and local residents.

As written representations had been received, a hearing was held pursuant to section 35 of the Licensing Act 2003.

3. Representation

The applicant was represented by Gary Grant of counsel. Also in attendance were the applicant's agent, Joshua Simons, Nalu Popat (company director) and Ketan Mandalia

(company director and designated premises supervisor).

The objectors who attended were Councillor Perrin and Gaynor Lloyd. Although Ms Lloyd is a Councillor, she was attending in the capacity of a local resident.

4. The Hearing

As a result of the Covid-19 pandemic and social distancing guidance, the hearing was conducted on Zoom and broadcast via a live webcast.

At the start of the hearing, Councillor Perrin applied to adjourn on the basis that he had not had time to properly consider the supplementary material served on Monday evening. He had not been able to consult with all of the objectors. He added that an adjournment would give them a chance to speak to the applicant and try to come to agreement.

Ms Lloyd said she was ready to go but only because she had stayed up until 2am. She did want to protest about the late service though. She was also concerned that not all of the information is in the pack. Objections were made in February which have not been included. The change of hours came late in the day and this is an incredibly complicated matter. She thought it would be better if the hearing was adjourned.

Mr Grant asked the sub-committee to proceed today. The applicant had asked when any further material was required and was told Tuesday evening. The supplementary material was emailed the day before that. The material says nothing new. It simply brings together an extremely bulky pack. The intention was to make things easier and set out in advance what he was going to say. The application was submitted on the 26th May. The hearing should have taken place 21 days after the 28 days consultation period. We are now several months on. To delay further would cause real prejudice to the applicant.

The live stream was stopped and the sub-committee had a private discussion to decide the application. The decision was then announced once the parties had re-joined and the webcast had re-started:

The sub-committee has considered the application for an adjournment and decided the hearing should proceed. They took the view that there was little new information in the supplementary pack and there had been sufficient time to read and digest it. Much of the material in the supplementary bundle helps to clarify the issues and is designed to save time during the hearing.

Ms Lloyd then queried why one of the objector's representations had not been included the pack. Ms Legister explained that the objector was emailed on 1 July saying there were

two options; either she agreed to her details being disclosed to the applicant or withdraw her representations. She was given a deadline of the 3rd July but did not respond. She was emailed again on the 6th July to say that, as they hadn't heard from her, her representations would not be included.

Mr Grant said he was happy for representations of that objector to be included in Ms Lloyd's oral representations.

Ms Lloyd set out her objections:

Ms Lloyd said that the parties had had to read a lot of material. The applicant's barrister was somewhat disparaging about the length of the objections and their relevance in his written submissions but the case was not straightforward.

She had seen Mr Mandalia's references which are welcome. The directors are prominent businessmen and she was full of respect for them but that was not relevant to the objections. As a resident, she and others had been engaging with issues with the golf course for over 25 years. She knew the area and knew the problems. The intention for the site was for there to be a golf club and some ancillary buildings including a café. There is no sound insulation. There is now one storey above that was allowed under the planning permission and the external areas are being used for licensable activities which was never intended. The garden was meant to be part of a climbing wall. It then became a creche and then a beer garden.

The residents had no idea of the application back in 2005 which is the one that applies at the moment. The 2005 plan is incomprehensible. It didn't include the external balcony. It was known that would cause noise.

There have been tight planning controls over the years to preserve the local amenity. There is nothing between the site and local houses and the noise travels. The site is in an area of Metropolitan Open Land.

The planning decision was that the external balcony area could only be used subject to management plan being submitted. As far as she was aware, that was never submitted to Planning.

The new application is difficult to follow. It was first made in January. Ms Lloyd had to enquire what the plan was and what conditions applied and was told it was the 2005 plan. Mr Grant says Putt Crazy was included in that plan but she could not see it.

None of the residents were aware of the 2005 application. It is hard to spot a licensing application as it gets stuck on a post somewhere. Luckily she spotted the January one, only because she happened to regularly walk towards Northwick Park. In response to that application, it was pointed out that there was no bar area downstairs and the application had to be withdrawn.

The café was only provided to give breakfast to golfers, not for alcohol to be sold. In 2005, had it been known what hours were being applied for, it would certainly have been opposed.

Harrow Council opposed the original planning application on the grounds that they feared it would become an out of town entertainment centre. They only approved the café.

The operating manual accepts that most people will travel by car. She was glad they have a parking management plan; they had been asking for one for 20 years. Residents had asked for sleeping policemen and bollards to be installed and they haven't. No traffic survey has been carried out since the early 2000s. The parking from the site will overflow onto residents' land. There is also the issue of noise when people return late to their cars. Sometimes people think it's a good idea to park away from the licensed premises.

There is a traffic island in the middle of road which makes it extremely dangerous. The main concern is the motor bikes who deliver the off-sales who turn right out of the venue. It's quicker but very dangerous. Off-licence sales should be banned.

The 2005 plans did not contain the 56 driving ranges. Problems have been caused to the walkers crossing the driving range on the footpath which they fought extremely hard to preserve. It had been closed by the initial constructors of the golf club but it is part of a historic network of footpaths. You can't have people walking across driving range, so protective measures were agreed. That included netting being put up but it has had huge holes in it for years. Pedestrians are totally visible through it. It is concerning that people using the driving range will have alcohol. When Councillor Perrin went, people were already drinking alcohol in the driving ranges despite not yet being licensed. Particular types of club were also prohibited. The hospital complained in the past because balls smashed car windows in their car park. It will be impossible to police the use of clubs and the strength of drives.

The next issue is light. The driving range lighting has to be switched off at 10pm. There were complaints in the past about the lights being on after that including complaints from the hospital and Barn Hill residents. That was finally resolved. We don't want to go back to those nuisance complaints.

Ms Lloyd was also concerned about noise from the driving bays and was not happy with the comments of the Noise Control Officer. He noted that the site is in a residential area but said there would be no significant noise impact. He did not ask the councillors or local residents. Did he look at the records and take into account the fact that the site is in Metropolitan open land?

The baseball batting cage was the subject of a contested planning application that ended up in front of the Planning Inspector. That creates noise as well.

Ms Lloyd fully accepted that this is now an application for reduced hours but she queried why the noise officer referred to an extension of hours. She also queried the wording re 'noise' or 'regulated entertainment' in the conditions dealing with keeping doors and windows closed.

It was not clear to the residents that the hours were being reduced. Ms Lloyd had no idea when that change came about. They objected mightily in February and none of those objections are on the website.

The change in hours does not change the fundamental objection which is this building will be almost entirely licensed. The concern is that it will become an out of town entertainment centre. No doubt there will be applications for special events that will go on later and the residents won't hear about those.

The previous owners used the venue for a lot of noisy events which residents could hear clearly, day and night. The residents complained. All of the residents that backed onto the fields were up to arms. There were also problems with parking. They do not want that to happen again. Ms Lloyd was sorry that these gentlemen are getting the backlash from that, but once something has happened before, people worry it will happen again.

There will be lots of people going in and out. Doors may get propped open. Unless you properly enforce that one sound barrier, it is useless. The 56 driving ranges stretch right out so you will not be able to have gate-keeping across all of them.

Ms Lloyd was puzzled by the reference to the bar area on the lower ground floor by Mr Grant as she did not think there was one. She did not understand why incorporating new bar areas was done at the request of the responsible authorities. Why do they want to encourage stand-alone drinking?

In relation to the safeguarding to children, Ms Lloyd had seen nothing to reassure her. When Putt Crazy first advertised there were lots of references to Monster Claws and pictures with children. There is a special charging rate for children. Yet, there is no

physical barrier blocking off the children. The only condition is that staff will collect bottles and glasses regularly. Children will be in a non-segregated area with 80 tables (later corrected to seats) serving alcohol. What about access to the toilets? What about molestation of children in the toilets? There will not be CCTV in there. She knew that children simply get dropped off by parents. There are photos of children using the driving range. She knew they go in unsupervised.

In relation to Paul Laurence Management Ltd, there had been a suggestion in the earlier application that there would be some sharing of directors. That is not the case anymore. It is not a subsidiary company or part of the same group. How will authority be exerted? She had been told there will be a sub-lease but she had not seen it. She accepted that, if there is, at least there will be controls in place. The operation plan is simply aspirational and not enforceable.

In relation to CCTV, she could see that it has been ramped up and will now contain facial recognition. She is a privacy campaigner and knows a lot about the DPA and GDPR. The fact that images of children would be kept for 31 days was extremely concerning.

Ms Wolf-Cochrane's objection that had not been included was then read out. She said the extension to the licensing hours will have a hugely detrimental effect. The noise from the driving ranges will cause nuisance. It travels across the fields and can be heard a lot more clearly at night. There will also be an increase in ASB due to alcohol use. It cannot be in the best interests of the community. She was concerned it could draw other ASB such as drug taking. The site is used by children. Her grandchildren had been allowed to use the driving ranges unaccompanied. She would be very concerned about alcohol being used. Lighting has also caused nuisance and there have been issues with traffic and disruption to hospital vehicles using the road. She attached some photographs.

Councillor Perrin then set out his objections:

He is the Councillor for Northwick Park and has been for 6 years. He knows a lot of the residents. He has approximately 1,200 residents he can contact through various Whatsapp groups. When he became aware of the original application, it was very close to the deadline and so a lot of the residents used his wording. A lot of them like the facility. However, they are concerned about the noise and people who leave the site after drinking and the odd things they do on the Watford Road.

He had received a report from the farm across the road saying 22 vehicles had used their land to turn around. Would people do that if they had not been drinking? Lots of people do u-turns on the road. He had had several near misses. They had to install bollards at the bell mouth and on Watford Rd to deter u-turns. At one point they had a camera car

there during the day and a lot of PCNs were issued. That stopped and the u-turns have started to happen again.

Everyone thought the hours were as per the lease. He would expect this application to match those in lease.

There has been a site there for 25 years. It is generally well thought of although they have stretched the use over the years. It is a golf course with ancillary usage, not a multi-entertainment venue which would not be allowed under planning or under the lease as it is on Metropolitan Open Land. This application is in contravention of the lease. There will be issues with noise and traffic. Originally, the planners were determined to turn it into entertainment venue in breach of the lease. That was how they presented it when they were looking for investors. In the past, they have tried karaoke, live music etc which severely affected local residents until it stopped.

The building is not designed to minimise sound nuisance as it is built out of concrete without insulation. It causes nuisance over a wide area due to its height.

There are not any great problems during the day. It is mainly at night at the weekend. He did not think the adventure golf area was licensed but alcohol is definitely consumed there. This application will increase noise nuisance. Noise Control are limited in what they can regulate. Any nuisances will take months to curtail if at all. It takes months even years to address such problems.

The premises has a lease which requires compliance with planning. That has been ignored. The majority of the premises has no license to sell alcohol presently. The reception area is explicitly prohibited by planning. There was no reference to the selling of alcohol in the certificate of lawfulness application as it was not required. If they put in a planning application for the lower ground floor, it would be refused because it is not ancillary to the golf course.

Councillor Perrin saw 80 seats on the lower ground floor during his visit in the early afternoon. Copious amounts of alcohol were being consumed on the driving ranges.

Parking does not come under the certificate of lawfulness and therefore cannot be regulated. The overflow car park should have a proper management plan. The reason these issues were not brought into planning is because it's a golf club, not an entertainment centre. In the past all of the car parks overflowed and they parked on surrounding roads and grass. The whole thing backed up to the hospital and ambulances could not get through. He was concerned that granting this application will attract a lot more people to the site and will cause havoc.

The planning consents and lease control the opening hours. He believed those specified closing at 11pm weekdays and midnight at weekends. He would be delighted if the licensing hours were amended to match.

The use of the outside areas in the past have had a substantial impact on local residents especially those in the two farm cottages. He was not sure why they have not complained this time. They are not in his ward but in Harrow.

Even with double glazing, one can hear people on the balcony. Food was being served out there even though it is expressly prohibited by the lease.

Users of the venue and delivery drivers constantly do u-turns on Watford Road. He expects a lot of the users had been drinking due to the ridiculous manoeuvres he had seen being carried out. He had asked for a sign to be put up asking drivers to use the roundabout at the end of the road but people ignore it.

There is a church at the side of the play golf site. Quite often in evening, the car park would suddenly receive several vehicles. It was suspected they were coming from Play Golf. It would fit with the timings. The vicar had to put gates up. He wanted to object but didn't have time.

There were two notifications on the street for the previous application – one is in a bush and the other has been blown around to the other side of the lamppost. There are no notifications on the street for the current application. It is supposed to be published in press. There is a local paper. It should have been published in that.

Residents are concerned they can no longer drop their kids off and that kids will not be able to use a lot of the venue unless accompanied. That is not acceptable. It is supposed to be a sports centre for the community. The applicant is essentially excluding children and not protecting them.

He regularly walks the footpath across the driving range and every time balls are aimed at him. He was concerned that was alcohol-related. No sober person would do it.

People use drivers on the upper bay and sneak in proper golf balls. They are regularly found in the hospital car park. Are those the actions of people who have not been drinking?

The use of the balcony is totally unacceptable. Alcohol should not be allowed there. One cannot access the balcony except through the reception area.

In relation to the function rooms on the lower ground floor, they tried to use them as conference rooms, which was not allowed, and so they changed that to function rooms to get it through planning. They then started drinking alcohol there.

Councillor Perrin said he and Ms Lloyd were banned from the site previously because of their objections.

He queried whether the Wembley events day conditions applied.

He had been told the bar area was only used for snacks.

There have been incidents of crime and disorder including one in which a man was assaulted but they never got to the police. Safer Neighbourhoods say they rarely visit the site because they do not get many complaints. He expected that was because it is controlled by the site.

Questions asked by the sub-committee:

Councillor Hylton: Can you hear traffic noise from your house? Ms Lloyd said she can hear it faintly but her husband can hear it loudly throughout the house.

Is there a CPZ in the area? No.

Councillor Kennelly asked for clarification about where the notices had been displayed. Ms Legister confirmed they had received an email from the applicant containing photos of the displayed notices. Mr Grant said they were checked by the Licensing Officer and were in full compliance. They were advertised in the local newspaper. He imagined they were put on the website as well. Ms Legister confirmed the notices went up on the 1st June. Ms Lloyd said it is no use advertising in the Brent and Kilburn Times as it is not distributed in the area.

Councillor Long asked what the position was re protection of children from harm? On the one hand there were complaints that they can't now be unaccompanied, on the other hand safeguarding concerns were being raised. Ms Lloyd said that they will now only be able to go with their parents. An unintended consequence is therefore that children are deprived of the facility. Residents think it's a shame. There are also concerns about safeguarding children due to alcohol being consumed throughout the venue when it was not really consumed downstairs before. Councillor Perrin suggested excluding the lower ground floor, driving ranges and reception, so children can continue to use those areas.

Councillor Kennelly asked the objectors whether they thought the new hours were an improvement and asked for more details about the traffic problems? Councillor Perrin said the most recent traffic surveys were before the changes at the hospital. At that stage there were 24,000 traffic movements per day on Watford Road. There is not as much congestion as they used to have because the current users aren't trying to have extra events on the site but now they will and things will go back to how they were. The biggest problem is the traffic island which was put there to stop right turns due to accidents. There are multiple collisions outside the farm each week because it's a bit like coming out of a tunnel and you can't see brake lights up ahead.

Ms Lloyd added that there had been no traffic survey carried out since the site was used simply as a golf course and ancillary use. There are about to be £9m worth of road works. They are about to completely reconfigure that road causing 3 years of disruption. In addition, houses are being built and the school is planning building works. She said they were concerned about the application whatever the hours because an entire large building will essentially be licensed.

Councillor Hylton asked where the parking is. There are bays at the front of the building. Then there is the overflow to the side between the club and the hospital. There is a special events area behind that. It is not for parking but has been used as such. They wanted sleepers and bollards put in down the service road but that has not been complied with.

Mr Grant had no questions for the objectors.

Mr Grant then presented the case for the applicant:

Like any business, if the applicant's business does not adapt to what customers want, it will die. That has been accelerated by the pandemic. Since 2009 the applicant has been operating the restaurant, Blue Zenzer. They were not in control of the rest of premises. The way in which they have operated the restaurant gives a good sense of the type of operators they are. They won the Best Bar None award in 2010. If one looks at p.39 of the main bundle, there is a comment by the licensing officer in response to Cllr Perrin saying they had never had a complaint about the applicant and that they had visited the restaurant in 2015 and did not identify any breaches.

They now have control of the entire site. Mr Mandalia has a number of positive references. He will be the DPS for whole site. The extremely responsible operators before the sub-committee at the hearing will be in charge. Conditions are only as good as the operators who are in charge.

There are entirely justified concerns about what's happened in the past, but those should not be held against the applicant. There seems to have been a lack of engagement with the residents. He encouraged them to meet with his clients and other residents at the venue as regularly as they like so that any issues are dealt with quickly. That will be the case whatever happens at the hearing. A condition could be added to the effect that the premises licence holder is to arrange quarterly resident meetings with local councillors and residents at the club for as long as the councillors and residents want them.

It is a complicated application. That is why he set out written submissions to clarify matters in his own head.

The error he had made in his written submissions was corrected (see para. 13 of p.7 of the supplement). The terminal closing hour will stay the same during the week.

He hoped the reduction of hours would be welcomed. If they were to stay open until 2.30, the venue could be used as something akin to a nightclub. It would not be done by his client as that's not their business model but the licence could be transferred. We're future proofing the licence to prevent that.

Granting the application will in fact promote licensing more than refusing it due to the reduction in hours. This is not a review hearing and so there would be no power to reduce the hours beyond what is being applied for.

There may be concerns about planning and leases but they are wholly irrelevant to this sub-committee which is why the applicant hasn't addressed them. If Planning imposes lower hours, the applicant will have to follow those.

Issues of traffic and parking are outside licensing considerations. They can be dealt with by the council, however, there will be a parking management plan.

The variation if granted will mean that the licence properly controls the reality of the premises. There is already a premises licence but it doesn't cover all areas. The existing licence includes an off-licence which means people can buy alcohol and drink it anywhere. There is little control over it. If you bring that within the licence by extending the red line, it can be properly controlled. The off sales licence has been given up.

The lower ground floor on the present (2005) plan includes a function room. That is where Putt Crazy is. If one looks at p.97 of the main bundle, the conditions on the current licence specifically refer to the function room so that must have been included. That area is therefore already licensed until 2.30am. They are proposing that is reduced.

Mr Grant asked everyone to look at the plan on p.27 of the main bundle and then went through it area by area:

Area K is known as the bear garden. It was an outside licensed area. That will be removed from the licence as result of this application and the public will be prevented from accessing it.

Area B is a vacant retail area that isn't in the licensed area.

Area C is an extended driving range area. At the moment anyone can buy alcohol from the bars and drink it anywhere. The applicant would like to do it in a more civilised way so that people order food and drink to be served to them there. They will use mobile ordering apps.

The Putt Crazy area is marked A. There may be some argument about whether that area is the same size as the function room but the whole or part of it is already licensed. The applicant is not seeking to increase capacity. It will remain 125. The supplement contains pictures of it.

In terms of the protection of children, alcohol and children together in same premises is something we are familiar with. If a parent goes to a soft play area, they can buy a beer at the bar. People can drink at Alton Towers etc. What matters is having responsible operators to ensure children cannot drink. A Child Safeguarding Policy is being drawn up. It can be made a condition that it be drafted and submitted to the licensing authority if needed. They will do it in any event.

They will comply with all Home Office guidance on CCTV footage. It is not appropriate for the licensing sub-committee to address it.

Area H is the children's party room. A condition has been agreed that there is to be no consumption of alcohol in that room.

Area J is a new bar that has been added to serve people in an area that's already licensed.

In relation to the upper ground floor:

Area F is a retail area not within licence.

Area E is a reception area with a café. At the suggestion of the licensing officer, the bar at N is to be inserted for people using the cafe. It is better they can buy beer there rather than having to walk to Blue Zenzer.

Area E is already licensed for alcohol. On the right is the Blue Zenzer restaurant that's been there since 2009 without complaints.

Area G is the top deck of the driving range. Everything that had been said about C equally applies there.

Area M is the balcony. It is not clear whether that is within the current red line because no one has a colour copy of the 2005 map. It contains a seating area for people to have a sandwich and a beer. It is also the smoking area. It is better to bring it within red line so we can control it.

If the applicant did want to turn the premises into a party venue which causes nuisance, then the last thing they would be doing is asking to reduce the terminal hour at the weekend. That is the greatest indication that is not the business model aimed for.

The operational site management plan has been approved by the Licensing Officer.

There was a lot of engagement with the responsible authorities before the application was made. The plans have been fed into by officers. None of the responsible authorities think granting the application will undermine the licensing objectives. The sub-committee should give that considerable weight.

The residents' objections seem to be mostly on the basis of their understanding that the applicant wants to stay open until later. He could understand why there has been confusion and apologises for the applicant's part in that.

The real issues occurred before September 2019 when the applicant took over the operation of the whole site. He hoped the sins of the father would not be held against the son.

The presumption is to grant the variation unless there is a good reason not to on the evidence.

If the premises does turn into a party venue that causes havoc, all parties have the right to review the licence. Given the attention that is being paid to the site, his clients must expect that to happen.

The premises is important to the wider community. They employ over 100 people and have invested heavily in it.

Following further instructions, Mr Grant added that his client believed the balcony has always been within the red line.

Ms Bhanji shared the 2005 plan on screen. Mr Grant confirmed that was the one he had been referring to. Ms Lloyd said that the one on the screen said 2008 at the top and she'd been sent another one.

In terms of conditions, the ones that had been agreed are at p.14 onwards of the supplementary pack. As a result of concerns raised during the hearing, Mr Grant had instructions to offer two additional conditions:

In the driving ranges (C and G) alcohol sales and consumption of alcohol shall terminate at 22.00 hours;

The flood lights at the driving range are turned off no later than 22.00 hours.

The sub-committee then asked questions:

Councillor Hylton – how many people fit on the balcony? Mr Mandalia – There are 4 tables of 4 therefore the capacity is 16. That is the smoking area.

Councillor Long asked how it will work in practice if the consumption of alcohol on the driving ranges has to stop at 22.00. Mr Mandalia - last orders will be at 9.30 or 9.45 for the driving ranges. People will be given drinking up time and then moved inside at 10.00.

On Wembley Event days how many bookings do you get? Mr Mandalia – we hardly ever have anyone coming to us on match days as there is no coach parking. We have never encouraged that market. We only have one internal event in the restaurant on the 31st of each month where we open until 1.30 and have karaoke. There are no other event days. People tend to go out in Wembley and Kingsbury on match days.

Are you intending to apply for TENs? Mr Mandalia - There are no plans to do so. If we did, we would put a policy in place to allow the neighbours know what was planned. Mr Grant added that you can put any conditions onto a TEN that are on the premises licence.

Councillor Kennelly – what is the capacity of the car parks and how will they be managed? Mr Mandalia - There are approximately 60 spaces plus 70 in the overflow. The further overflow is not used and is gated. They have discovered people taking drugs in the car park. That has been reported to the police. Mr Mandalia had told his staff not to approach anyone but to record the registration number, when people were there and for how long, and report it to the police.

The capacity is 500. How would you accommodate all of them parking wise? Mr Mandalia – he would be very happy if he had 500 people but it just would not happen. There are 120 covers in the restaurant. Downstairs, there's a kids 9 hole and an adult 9 hole. There are hourly slots for those. The maximum number you would have at any one time downstairs would be 50-60. The maximum number of people they would expect in the venue at any one time would be 240. The additional overflow can accommodate about another 30 cars.

How many customers drive? Mr Mandalia – about 60% drive, 40% walk or take public transport.

Councillor Hylton – any experiences with drunkenness? Mr Mandalia – he had never experienced that in the restaurant and the police have never complained.

Councillor Long – Is there one CCTV system for the whole site now? Mr Mandalia – yes we have converted three systems into one.

Councillor Kennelly – Will there always be a personal licence holder on site? Yes

Have SIA staff been considered? Mr Mandalia – yes but they are too expensive. Mr Mandalia is there a lot personally and he has fully trained all the staff. There will be a security guard there at all times. They had an issue with people from the hospital using their parking so he will be keeping an eye on that. Mr Grant added that they will risk assess the need for SIA and the sub-committee could add a condition to that effect if they wanted to.

Councillor Long – can you still fit the 125 capacity downstairs? Mr Grant- it's unlikely to ever happen but they don't volunteer a reduction.

How many underage people used to come in just to play golf? Mr Mandalia did not have that information as they had just taken over.

Mr Popat was asked whether the applicant wanted the variation to take effect immediately or whether they still needed time to ensure everything was ready. He said there were still a couple of things that needed sorting but they would be ready in a couple of weeks. Mr Grant suggested a 21-day period to mirror the appeal period.

There was a discussion about condition 14 and it was agreed that could be amended to include area M and to cover both noise and regulated entertainment. Condition 26 could then be removed. It was agreed that condition 35 should be removed.

Ms Lloyd asked whether the toilets could be inspected every hour. Mr Mandalia said that happened anyway and he was happy for condition 40 to be amended accordingly.

There was a discussion about the smoking area. It was confirmed that the smoking area that had been at the front had been moved to the balcony (area M). People will have to go to area M to smoke. They can't smoke anywhere else. Mr Mandalia said that the area with tables and capacity for 16 was the part of area M by the entrance where the tables are marked on the plan. The other part of area M at the side contains no seating; it is just the walk-through. That needs to be licensed in case people have a glass in their hand.

Mr Grant clarified that area N relates to the UGF. The index on the plan incorrectly says 'LGF' next to it.

Ms Lloyd asked some questions:

Where does area A begin and end? Mr Popat - It covers everything within the blue line.

Is that all sub-let? Yes, other than the bar which is ours. That bar doesn't sell alcohol.

Is the door into the beer garden locked and alarmed? Mr Mandalia – it's locked and the door into stock room is locked. The public cannot access it.

Can the Safer Neighbourhoods Team can be invited to meetings? Yes

Councillor Perrin asked whether the closing time could be 11pm to match the other venues nearby. He was reminded that this was not a review hearing and there was no power to reduce the hours beyond that applied for.

Closing statements were then invited.

Ms Lloyd and Councillor Perrin said they had already said what they wanted to. Ms Lloyd was still a bit concerned about the driving range but she did not want to add anything further.

Mr Grant said that he hoped everyone would agree that the hearing had worked as it should. It had given everyone an opportunity to discuss the issues and the applicant had been able to react to them. He was confident that any future problems could be ironed out through meetings.

5. Determination of the Application

Pursuant to section 35(3) of Licensing Act 2003, the sub-committee had regard to the representations and considered which of the steps listed in section 35(4) (if any) it considered appropriate for the promotion of the licencing 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 Home Office Revised Guidance and Brent's revised Statement of Licensing Policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

6. Decision

The sub-committee took into account the written representations and listened carefully to the representations made during the hearing.

The sub-committee found that there was no real evidence that granting the application would undermine the objectives of preventing crime and disorder, ensuring public safety and protecting children from harm. No objections had been received by the police or Public Safety and any concerns that there are will be amply met by the proposed conditions.

The relevant concerns that had been raised by the objectors predominantly related to public nuisance. Whilst the sub-committee found that some of those concerns were legitimate, many of them related to the site when it was under different management and many of the objectors were under the impression that the applicant wished to carry out licensable activities until 2am which is not correct. The application was for a reduction of the hours during which such activities can take place at the weekend so that those activities would stop at midnight and the venue would close at 00.30 hours.

The sub-committee found that the reduction in hours met a lot of the concerns raised. In addition, it was accepted that granting the application will bring under control a lot of activities that are already taking place at the venue as a result of the applicant currently having an off-licence. The variation will remove the off-licence.

The applicant had produced their Operational Site Management Plan and had proposed and agreed a large number of conditions with the licensing officer addressing the risk of public nuisance. The sub-committee accepted that the applicant was committed to

keeping public nuisance to a minimum and that their business model was not designed to cater for the late-night parties some of the objectors were concerned about.

It was clear from the behaviour of the applicant's representatives during the hearing that they are committed to working with local councillors and local residents and are keen to keep the impact on them to a minimum. A number of conditions were proposed during the hearing as a result of concerns raised.

The combination of the reduction in hours and the conditions agreed meant that the sub-committee was satisfied that granting the application would promote the licensing objectives.

All of the conditions listed at pp.14-19 of the supplementary pack are imposed bar the following amendments:

Condition 14 will be amended to include the balcony marked as M on the plan and to make reference to the breakout of both regulated entertainment and noise.

Condition 26 is removed

Condition 35 is removed.

Condition 40 is amended to mean the toilets must be checked every hour rather than every two hours.

The following conditions will be added:

In the driving range (areas C and G) alcohol sales and consumption of alcohol shall terminate at 22.00 hours.

The flood lights on the driving ranges are to be turned off no later than 22.00 hours.

The premises licence holder is to arrange six-monthly meetings at the premises that can be attended by local councillors, local residents and members of the Safer Neighbourhoods Team who want to attend. Those meetings are to continue for as long as the local councillors and residents want them to continue. The first meeting should be held within six months of the date on which the variation comes into effect.

The sub-committee decided there was no need to add a further condition relating to SIAs.

The variation will take effect from the 15th October 2020.

Full list of conditions (including the ones from the current premises licence that are being retained, some with amendment)

CCTV

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.
2. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
3. A CCTV camera shall be installed to cover the entrance of the premises.
4. CCTV shall cover areas A, H, J, C on the lower ground floors
5. CCTV shall cover areas E, L, D, M, G, N on the upper ground floor for the detection and prevention of crime and disorder.
6. The nominated Designated Premises Supervisor or authorised manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Local Authority on request.

MANAGEMENT & CONTROL OF SPECIFIC AREAS

7. In relation to Area N (on the upper ground floor) outside of the hours authorised for the sale of alcohol, all alcohol within Area N the trading area is to be secured behind locked fridge or cabinet doors so as to prevent access to the alcohol by customers or staff.
8. Fully trained staff of the premises licence holder shall manage the lower and upper ground floors proactively with regular patrols to supervise customers.
9. The provision of alcohol shall be provided by waiter or waitress service from the Bar areas marked J and L, and N and from mobile ordering devices throughout the lower and upper floors.
10. All bars areas where alcohol is retailed from shall be monitored by staff of the premises licence holder.

11. If areas B and F are sublet to a third party then details of such arrangements would be submitted to the licensing authority prior to any licensable activities being conducted or the area being occupied.
12. An operations management policy document shall provide full details of how the premises on both the lower and upper ground floors shall be operated and managed by the premises licence holder and the sub tenant. This policy shall be updated if there is a change in the sub tenant or tenant.
13. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or Brent Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
14. Doors and windows to the external driving range areas marked as C (lower ground floor) and G (upper ground floor) and the balcony area marked as M, with the exception of access and egress, shall be kept closed to prevent the breakout of regulated entertainment and noise.
15. There shall be a specified area for smoking (designated as area M the external area on the plan of the premises).
16. To prevent children accessing alcohol in Area A, staff of the premises licence holder shall be responsible for regularly clearing glassware and bottles from this area.
17. To prevent children from accessing alcohol in any of the public areas on the Lower or Upper ground floors, staff of the premises licence holder shall be responsible for clearing glassware and bottles in these areas.
18. Areas F, B & K as shown on the lower ground floor plan are to be closed to members of the public with no access or licensable activities. Should any of these areas be brought back into operation, the Licensing Authority will be notified by the premises licence holder to ensure this does not have an effect on the existing licensable activities being carried out.

19. Whether Areas A and H are operated by a sub tenant, the entire lower ground floor shall be managed and overseen by the premises licence holder.
20. All areas as set out on the plan of the upper ground floor are to be managed and operated by the premises licence holder
21. All retail sales of alcohol are to be managed by the premises licence holder.
22. A notice shall be placed on the party room (area H) door stating 'Strictly no alcohol beyond this point'.
23. A 'Challenge 25' policy shall be adopted and adhered to.
24. Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation (at least every 12 months). The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
25. The children's party room located in Area H will not be used for the consumption of alcohol.
26. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
27. A capacity specific risk assessment shall be conducted by a competent risk assessor. This assessment will include holding capacity, exit capacity and the calculations to demonstrate how that was reached, the lower of the two numbers shall be the final capacity. The guidance used to reach this capacity must be quoted. This risk assessment shall be appraised annually or at the time of any building or layout structural works. The Capacity Assessment must be made available to an authorised officer upon request.

EXISTING CONDITIONS ON PREMISES LICENCE THAT ARE TO REMAIN (WITH AMENDMENTS)

28. 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.
29. The maximum number of persons permitted in the Bar Area & Restaurant (Area L) shall not exceed 350.

30. The maximum number of persons permitted in Area A shall not exceed 125.
31. The socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).
32. Where Area A is to be used for pre-booked events and where the event is to take place beyond midnight, the premises licence holder/DPS/management shall liaise with the Police as to whether door supervisors are to be deployed.
33. 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.
34. 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.
35. On major event days at Wembley Stadium the following shall apply:
- i. Customers shall not be allowed to congregate outside the premises.
 - ii. No glass bottles shall be handed over the bar but decanted into toughened glass or plastic vessels.
36. The Licensee shall undertake a risk assessment of any significant promotion or event 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.
37. Where an event has taken place, the licensee shall complete a Debrief Risk Assessment Form and submit this to the Metropolitan Police and Brent Council's Licensing Unit within 3 days of the conclusion of the event.
38. Toilets shall be checked every hour for the use of drugs and other illegal activities.
39. Notices advertising the number of a local licensed taxi service shall be displayed in a prominent position.
40. Public transport information including night time travel options shall be made available.
41. Notices requesting customers to leave quietly shall be displayed at each exit.

42. Nudity, striptease and other entertainment of an adult nature shall not be permitted on the premises.

43. No children under 16 shall be admitted unless accompanied by a responsible adult.

ADDITIONAL CONDITIONS IMPOSED DURING THE HEARING

44. In the driving ranges (areas C and G) alcohol sales and consumption of alcohol shall terminate at 22.00 hours.

45. The flood lights on the driving ranges are to be turned off no later than 22.00 hours.

46. The premises licence holder is to arrange six-monthly meetings at the premises that can be attended by local councillors, local residents and members of the Safer Neighbourhoods Team who want to attend. Those meetings are to continue for as long as the local councillors and residents want them to continue. The first meeting should be held within six months of the date on which the variation comes into effect.

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 30 September 2020