

### **Objection to Licensing Application - Premises Licence number 152252**

Firstly I have to make clear that the current License is for the hours 07:00 to 00:00 Monday to Thursdays and 07:00 to 02:00 Friday to Sunday, whereas the variation amends this to 11:00 to 00:00 Monday to Sunday with 30 minutes clear up time to 00:30. My approach here is to respond to the present licensing hours and what I would expect the Licensing Committee to impose as new hours taking regard to the comprehensive Brent Licensing Policy and not the applicant's proposals that falls outside of Brent's Licensing Policy in many ways as laid out below.

I have reviewed the history of this Premises Licence and its variations and consider its amendments to have been granted **against Brent Council's Statement of Licensing Policy** and the License should revert forthwith to its original form and comply with the conditions set out in Planning Application 07/2629, Appendix 1.

Additionally regarding the operational hours, I will present Policy arguments later, the Planning Consent Conditions for the venue are as follows:

#### **Planning Conditions 99/2397**

**10 The clubhouse building shall not be used before 07.00 hours or after 23.00 hours on any day and shall only be used in connection with the golf course and driving range and for no other purpose. As such, the coffee shop and creche facilities shall only be used as ancillary accommodation expressly for users of the course and range.**

My reasons for demanding Amendments reversal are found within the Policy Document as follows: The beginning of the Policy states:

*Planning - It goes without saying that the Planning regime has an impact on the Licensing regime. It is also noted that each of these regimes is covered by a separate legislative framework and administered through separate parts of the Council, with separate Committees overseeing the processes. However, **the Council commits to working in alignment with the Planning regime as closely as is possible.***

*The use of premises for the sale or provision of alcohol, provision of entertainment or late-night refreshment or indoor sports is subject to planning control. **Such use will require planning permission or must otherwise be lawful under planning legislation.** Planning permission is generally required for the establishment of new premises or the change of use of premises.*

*In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. Although, Licensing and Planning are separate regimes, **consents from both must be in place to operate legally.** If there is variance between the hours given under a licence and those permitted by the planning permission, **the earlier hours granted will apply.***

The Premises in question only have Planning Permission for very limited areas and hours for serving food and drink, all these Planning Permissions been vastly exceeded by this and its preceding Amendment to the Premises Licence which I believe have clearly been granted erroneously by the Committee as Officers were clearly ignoring stated Policy regarding the Planning and Licensing regulation. In fact at a previous Licensing meeting we were informed that planning has nothing to do with Licensing, clearly that is untrue and therefore the previous revision should be reversed.

I note that if Objections are not received for an application then it can be granted by the Licensing Authority, however, in this case the Application was invalid when set against the Council's Licensing Policy and should therefore none of the proceeding variations should have been granted.

## The Four Licensing Objectives

### The prevention of crime and disorder

The list below are all contributing factors to Crime and Disorder:

- The current operator is unknown to the Local Authority with no track record in Brent.
- It was stated at the previous Licensing meeting that they operator was aware of drug use/trading in its car park. It appears that these events were not reported to the Police.
- The venue is advertising all in packages, two of which offer as much as you can drink.
- The venue capacity will, due to all the changes, raise the capacity to well over 1,200 persons. The driving bays alone will accommodate at least 336, the current legal restaurant capacity is 350, the Cafe seats 40, Putt Crazy probably seats 50+. The other areas are much larger so may well accommodate at least another 6-700. How will the capacity be regulated? Have the capacity limits been calculated according to Policy?
- The number of cars using the venue will rise substantially due to the enlarged capacity and distinct lack of Public Transport (PTAL1). How many will be drinking and driving, how will the operator police this, or will this crime just go unnoticed until people are killed.
- Watford Road has a prohibition on U turns due to the dangers inherent in those manoeuvres on such a busy road (over 24,000 vehicle movements a day as at 2016). Prior to Covid Penalty Notices were issued in their hundreds for illegal U turns. Bollards have had to be erected in the bell mouth of Pebworth Road to stop drivers from the golf site driving over the pavements. Drivers from the site also use Harrow School Farm and The MS Centres car park as somewhere to turn round. Witnesses have observed over 20 vehicles an hour on a Saturday using this private area.
- On Monday the 6th December while I was walking home from the hospital I observed two vehicles exiting the venue and performing illegal U turns around the traffic island. Only last week I witnessed a vehicle crossing the carriageway to enter the site through the No Entry (exit).
- How can staff possibly monitor and keep order of so many hundreds of persons in so many different spaces.
- The site will is currently licensed for 4 days of 07:00 to 00:00 being 68 hours, plus 3 days of 07:00 to 02:00 being some 57 hours and therefore a total of 125 hours per week. The DPS is expected according to Brent's Policy to be on site at least 50% of the time. Obviously this is most unlikely, therefore the Licensing Hours are too long and need reducing substantially. The current Licence variation on the table proposes changes in the hours to 11:00 to 00:00 7 days a week, that being some 91 hours a week, requiring the DPS to be on site for over 45 hours per week, again the hours are too long for a DPS to cover as per Policy. The current hours are still excessive for proper supervision by the DPS.
- The new operator's website and onsite advertising portray the venue as a Party venue with drink being at the forefront; even the onsite advertising for the family Putt Crazy has representations of adults drinking alcohol.



- **Public Safety**

- Alcohol on the driving range with readily places golf clubs in each of the 56 bays is an obvious danger to Public Safety, drink and weapons (golf clubs) do not sit well together.
- The venue is some considerable distance from any town centre and will therefore not be patrolled by the Police, so any drink related altercations will have to be controlled by the venues staff. With such a large capacity of well over 1,200 a large number of well trained security staff would be required, firstly to hopefully prevent altercations and secondly to quell any that transpire. If this was a town centre location it would most surely be on the Police radar for regular visits.
- Drivers exiting the site after no doubt having consumed alcohol will pose a danger to other road users and local residents. Prior to Covid it was noted by residents that clients of the golf centre were parking in local roads, they presumed that they didn't want to be seen leaving the venue and be pulled up and be breathalysed.
- As stated under Prevention of Crime and Disorder the site has been used for drug taking and distribution. This poses a Public Safety issue to anyone on site or outside. It should be noted that Harrow School pupils often use the site; this is a distinct safeguarding issue for both adults and children.
- Local children have used the venue over the years and it is expected that they will continue to do so. The lack of policing, drug use and alcohol are all safeguarding issues to be considered. Or perhaps the venue will exclude under 18's even though it sits on designated Public Open Space and the operator cannot legally exclude anyone.
- Harrow School attempted to close and reroute some Public Footpaths crossing their land because of the dangers to their pupils. Having such a large entertainment venue in close proximity to the school would no doubt also cause the school concern over the safety of their pupils. Footpaths lead directly from the venue onto the School's estate and footpath network.
- The thought of several hundred vehicle (relevant to the venues perceived new capacity) exiting the site (after presumably consuming alcohol) onto one of Bent's busiest trunk routes makes one shudder for the safety of other road users and pedestrians. Interestingly the pavement outside the venue is a shared pedestrian and cycleway, and carries substantial commuting cyclists who may well be in danger at the venues entrance and exit, and now more so as so many are using this pavement cycleway for electric scooter as the roadway is so busy and dangerous. The capacity of the venue must be kept at an acceptable level, the 300 plus 125 accepted by the previous Licensing Committee Hearing is probably the maximum safe limit, but the capacity calculation laid out in the Policies should be utilised.

## **The prevention of public nuisance**

- Historically this venue has caused Public Nuisance from performances of various types and amplified music in the current licensed restaurant and outside. Those affected are neighbours whose homes back onto the Metropolitan Open Land and Public Open Space along Nathans Road, Pebworth Road and some other nearby locations such as St Cuthbert's church and vicarage. After many complaints to Planning Enforcement the Planning Conditions were enforced and the performances were stopped and the nuisance abated.
- Several times in its early history the venue has held outdoor events which also caused Public Nuisance from noise and excessive traffic. These were controlled by Planning Conditions on the use of the Special Events Area, the Consent has lapsed as a Management Plan was never agreed, the last version of which only allowed about 10 events a year and not more than one a month, the uses were also quite restrictive. As the Planning Consent has lapsed the current overflow car park does not have Planning Consent.
- All fifty-six driving bays now have loud speakers installed in them even though the Planning Conditions do not allow them on site and a Planning Inspector also imposed a condition excluding loud speakers. To allow any area of the venue to be licensed for music and dancing would be in contravention of the various Planning Consents and Conditions as well as being a widespread public nuisance. We must not forget the close proximity of Northwick Park Hospital that will without doubt suffer noise nuisance from the driving bays. At the previous Licensing Hearing the doors to the driving bays had to be kept closed so that noise from within the building did not get out.
- The excessive number of vehicles attracted to this venue will cause traffic jams on Watford road (due to tailbacks) due to the lack of parking on site, i.e. vehicles will queue to enter the site while waiting for the limited parking to become available. It should be remembered that we are talking about the ambulance route to Northwick Park Hospital's A&E department.
- The operator of the site has already changed part of the site into unauthorised car parking in contravention of specific Planning Consents and Conditions. The more cars attracted to the site, the more Public Nuisance.
- Allowing alcohol to be consumed outside the building on such a raised piece of land will allow the noise (usually shouting after a few drinks) to travel across the open space into surrounding homes, the hospital and boarding houses at Harrow School thus creating a Public Nuisance to many and across a wide area. Interestingly Harrow on the Hill itself acts as an echo board as has been witnessed by some of the daytime activities at Harrow School.
- As this is not a town centre location there will be little or no policing leading to possible disorder in the venue and car parks and spilling out into the parkland surrounding the venue.

### **The protection of children from harm.**

- The venue has been a family orientated venue for some years, however, now that it is becoming an out of town entertainment venue with almost all areas to be licensed. The previous family facing facility will disappear and any children attending will be confronted with adverts to sell alcohol, offers of "as much as you can drink", dozens of adults drinking around them, party nights, amplified music, drug use and trade (as noted at the previous Licensing Hearing and as yet not investigated).
- As the DPS will no doubt not be able to be on site for over 50% of the time (either 125 or 91 hours) children's safeguarding will be an issue for a large amount of the time. The Licence variation on the table at the moment proposes changes in the hours to 11:00 to 00:00 7 days a week, that being some 91 hours a week, requiring the DPS to be on site for over 45 hours per week.
- This out of town centre entertainment venue will probably have no policing other than in an emergency (if called out, with prolonged wait times for a response), were it a town centre there would be a police presence giving children at least some on the spot and available protection; without policing anything could happen. The previous operator has shown that they don't do anything about drug crime within their boundaries; we should probably expect this to continue unless the operator is willing to self police within their entire boundary.
- The driving bays (and possibly other areas) has terminals from where alcohol can be ordered, it is not beyond the wit of minors to obtain a payment card and order drinks to be delivered to a location without having to pass the age tests. The use of terminals should be prohibited. All purchases of alcohol should be policed by staff to make sure the purchaser and consumer are of age as per Brent's Licensing Policy.
- All advertising of alcohol within the premises such as the large posters and TV screens should not be allowed throughout the venue so as to safeguard children.

**The Licensing Act 2003 also outlines five other key aims that are important for all those involved in licensing to support and promote through good practice.**

**Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;**

- Several reasons have been listed above where this licensing application and its previously erroneously granted permission do not comply with the act.
- Because this is not a Town centre locations, policing will not be sufficient
- Due to the very large numbers attending the venue the staff could well be overwhelmed by events.
- The DPS will probably not be on site for round 40 plus hours of licensed activities each week.
- The multitude of loud speakers at the site will no doubt create public nuisance.
- Due to the potential large numbers attending the site, vehicle usage and parking will be an issue in the area.
- Historically drug dealing and taking has been apparent on site and not dealt with. It is highly likely that these activities were and will take place inside the building. The potential numbers attending are just not manageable on an adhoc basis, just how will the venue know when they will have 1,200 people attending, how will they cope if more turn up. There is a distinct lack of a Management Plan for such a venue with risks to staff, clients and local residents.
- With the venue being an out of town venue with no police presence the likelihood of anti-social behaviour and noise nuisance will be very high. It is a well known fact in Brent that the Council's Noise Nuisance Team are under resourced and are only on duty during weekend evening/nights, I think 6pm to 2pm. Police responses for these issues are very patchy to say the least. The local SNT are only able to cover 3-4 shifts per week and are particularly undermanned.
- The current operator has shown themselves to be irresponsible in having contravened Planning Consents and Conditions, tampered with polluted ground and ignore the status of the land which is designated as Metropolitan Open Land - the removal of soil and grass from the driving range and the installation of stone and plastic grass being a environmental catastrophe for the area. The installation of low lever LED lighting taking no account of Protected Species (the venue abuts a SSSI area and know habitat of several species of Bats)
- The operator is also shown to be irresponsible as they have installed heaters in each of the outdoor driving bays, taking no notice of the environmental impact.

**Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;**

Due to the lack of policing resources to this of town venue, plus we understand the Licensing Team have not inspected this venue and definitely not in its forthcoming guise it is impossible to have any confidence that the Police and Licensing Team can ensure that the venue will be effectively managed. Also, as neither body will know what is going on at the venue, how will they be able to take action, indeed what action could they take once the License is granted? What penalties could be imposed and for what? Are the operators going to tell the police and licensing team they are having problems, we think not.

I am aware that there have been assaults at the venue in the past that were never reported to the police. If it were a town centre location the police would definitely have become aware, but at this venue these events are easily hidden from the authorities.

**Recognising the important role which pubs and other licensed premises play in our local communities, and minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;**

Due to the location of the venue, that it being out of town, the regulatory burden posed by these premises, in that the Police will have to make special visits as will the Licensing Team to make sure the venue operates as it should. This burden is amplified substantially due to the size and capacity of the venue and its multiplicity of event areas.

The number of areas licensed within the venue should be substantially reduced and the current capacity limit of 475 should be retained and enforced (making sure that that number complies with the capacity calculations found within the policy documentation. Allowing more visitors than 475 at one time will cause all sorts of issues to the local community, and will put yet more burden of management on the Police and Licensing Team.

**Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and,**

Interestingly Brent has a Licensing Policy but does not comply with it when it comes to the required Planning and Licensing alignments. Nor by the letter, by not making any proper effort to involve local communities, it is as if the Licensing Team doesn't want anyone interfering in their domain. Obviously Licensing is about the act and the law, but the Licensing Team need to make substantially more effort to engage and assist the residents of Brent as the 2003 Act requires.

**Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them**

Brent's Licensing Team pays only lip service to this as they make no attempt to inform residents other through the archaic and ineffective posting of the odd signs and placing advertisement in online newspapers that do not serve the area where the Licensing Applicant is located. The signs posted around the sites are often hidden from the public through poor placement and colour of the paper. To date I have only found one sign near the site. Not even Residents' Associations were informed, and often Councillors are not informed as in the case of this venue.

Therefore, there is a distinct lack of encouraging greater community involvement in licensing decisions; local residents are therefore not given the opportunity to have their say regarding licensing decisions. In this case I as the local Councillor asked for a postponement so I could involve local residents, I was denied this by both Democratic Services and the Strategic Director.

It is therefore my opinion that the Council do not comply with this part of the 2003 Act when it comes to community involvement, in fact we appear to reject it when give an opportunity to do so.



## **Planning and Licensing - Brent's Licensing Policy 2016**

### **The Licensing Policy states:**

*It goes without saying that the Planning regime has an impact on the Licensing regime. It is also noted that each of these regimes is covered by a separate legislative framework and administered through separate parts of the Council, with separate Committees overseeing the processes. However, the Council commits to working in alignment with the Planning regime as closely as is possible.*

*The use of premises for the sale or provision of alcohol, provision of entertainment or late-night refreshment or indoor sports is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.*

*In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. Although, Licensing and Planning are separate regimes, consents from both must be in place to operate legally. If there is variance between the hours given under a licence and those permitted by the planning permission, the earlier hours granted will apply.*

I believe the line "***the Council commits to working in alignment with the Planning regime as closely as is possible***" says it all, in that without Planning Permission for the proposed Licensed uses this Application and its predecessors cannot stand or be progressed. I ask the Committee to revert the Licence pack to its 2012 position for just the Restaurant formerly known as Blue Zenzer.

**I mentioned earlier in this document that the site is not located in a Brent Town Centre, the Policy 2016 states the following areas are Town Centre locations.**

The eight (8) priority town centres in Brent include:

- Kilburn
- Wembley
- Burnt Oak
- Colindale
- Ealing Road
- Harlesden
- Neasden
- Willesden Green

### **3. Principles of the policy**

*The Council recognises that, in addition to the licensing objectives, it also has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.*

Allowing a large licensed entertainment venue to be established away from a designated Town Centre and away from the view of the Police is in my view not complying with Act and is also irresponsible, I refer to: **"has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough."**

*The Council will not take "need" (commercial demand) into account when determining an application. This is not a matter for a licensing authority in discharging its licensing functions.*

Is it possible that the Council are supporting the **"commercial demands"** of the new operator at this site? As a member of the public and councillor it appears that this may be the case especially as the Council refuses to support valid queries and enquiries, especially blocking FOI requests on the basis of Commercial Confidentiality.

*North Brent: Areas in the north of the borough generally show lower concentrations of anti-social behaviour (ASB), alcohol-related crime, and activities that violate the four licensing objectives relative to the south of the borough. This area stretches in a curve from north of Sudbury Town Centre along north of Wembley Central and to the north of Kilburn High Road (approximately following the Metropolitan Line tracks. The key characteristics, relative to the south of the borough, are:*

- *Light foot-traffic*
- *Fewer licensed premises*
- *Lower concentration of licensed premises*
- *Fewer crime and anti-social behaviour incidents recorded.*

The above part of the 2016 Licensing Policy makes it clear that the site's location (Northwick Park) is not considered an area of ASB and alcohol related crimes etc. Perhaps it is because there are no Town Centres in the area and therefore there is little ASB and alcohol related crime.

Allowing this extremely large capacity venue in an out of town location is obviously a recipe for disaster and will no doubt attract ASB and alcohol related crime to an area which is has next to no police resources with which to manage those problems. This will be especially true as the operator's modus operandi seems to be to create an adult party venue and offering packages of unlimited alcohol and also slowly excluding children to that end, meanwhile creating numerous safeguarding issues. One only needs to peruse the various large colour photo posters on site and also the company's website.

The near 100% licensing of the venue is yet another pointer to what is envisaged by the operator who won't have the overhead of financing the policing and the licensing regulation and checking that the venue is operating within the law. Obviously the reporting of any problems, along with paying for policing and the regulating body will fall upon the residents who have already been substantially disenfranchised from this Licensing Application. An example of the residents' problems with licensing is the inability of the Residents' Association to provide a speaker at the Hearing. It should be noted that recently the Residents' Association has had to spend large amounts of money hiring professional to represent them at various hearings all because someone is trying to make money out of the area with disregard for the residents.

## Part 2: Licensing objectives

*The Act underpins the four statutory licensing objectives which the Council must seek to promote when determining an application. These objectives are the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. Due to the wide variety of premises and activities to which this policy applies, applications will be expected to address all aspects relevant to the individual style, character of the premises and events that would take place. These objectives are set out in more detail in this section.*

*Applicants are encouraged to provide a detailed operating schedule which demonstrates how they will promote the licensing objectives. Applicants are encouraged to:*

- demonstrate knowledge of the local area when describing the steps, they propose to take in order to promote the licensing objectives;*
- undertake enquiries about the area in which the premises are situated to inform the content of the application;*
- obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:*
  - a) the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
  - b) any risks posed to the local area by the applicants' proposed licensable activities;*
  - c) any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) they propose to put in place which might help to mitigate any potential risks.*

I am very interested to know how the applicant will:

- Stop the sound from the loud speakers in the driving bays being heard in the surrounding area.
- Control the parking and traffic arriving at the site when they only have circa 150 parking spaces.
- Prevent drug taking and trading with no police presence.
- Check that no alcohol purchases made via terminal is supplied to under age persons.
- Prevent illegal U turns on Watford Road.
- Prevent noise from its proposed external areas being heard in the surrounding area.
- Comply with Planning Permission and Conditions.
- The operator was supposed to hold 6 monthly meetings with Councillors, Safer Neighbourhood Team and residents. This has not happened.
- The applicant has made no attempt to contact local residents so as to understand local issues.
- There appears to be a complete disregard to the affects the substantial expansion of licensed activities on local roads and residents' amenity.
- Attracting such large numbers to this out of town venue (in excess of 1,200) is irresponsible as there is no readily available police resource.
- The previous applicant was aware of drug dealing and trading taking place in the car parks. How will this be controlled, especially when there is no police presence as there would be in a town centre location?
- St Cuthbert's Church next door to the venue has had to install flood lights and gates to their car park as it was being used for inappropriate activities.

## 6. Measures for the prevention of Crime and Disorder

### Major events at Wembley Stadium

Due to the proximity of Wembley Stadium, the premises may well be used by match goers, especially because it has free parking and is relatively close to several tube stations and a bus route that passes close to the Stadium. Public Houses in the local area are generally prevented from having late licences because of the proximity of Wembley Stadium, I particularly remember the Police objecting to a post 23:00 license for a gastro pub on Llanover Road, why should this location be any different, especially as it has 150 parking spaces and sports bars open after 23:00. I propose that the venue's license should be restricted to 23:00 as other local venues are, especially as it is in an unpoliced out of town location and already has a history of drug use and supply in this unmonitored location. Then of course there is the nonalignment with Planning.

## 7. Measures to ensure Public Safety

The venues planning constraints limits the access to the venue's interior to only one set of doors, there are also 2 fire escapes, one from the retail space (F) and one from the restaurant (D). As the venue's capacity is being pushed well beyond 1,200 persons I don't believe the fire escapes are sufficient. The upper driving bays will hold some 180 persons with only one set of doors through which to exit, this exit merges with the lower floor escape route. Basically several hundred persons would need to evacuate through the same set of doors and a junction of two escape routes. There is a strong possibility that several hundred people could be trying to exit through this one set of doors.

I believe the venue has not been designed to guarantee public safety in an emergency situation for such large numbers of visitors. The previous Licensing Hearing limited the capacity of the venue to 475 persons. Three hundred and fifty of those visitors would be in the restaurant which has two fire exits, one through the reception area and the other, a much more natural escape route, being a fire door exiting to the outside of the building. The remaining 150 visitors would have to exit via the reception or the fire escape in the retail area (F). To expect another 700 plus visitors to also use this same escape route is unacceptable.

This public safety issue is particularly worrying when the majority of the visitors will more than likely have drunk alcohol, and quite possibly in copious amounts if the advertising of the venue as a party destination come to pass. In my view Public Safety improvements in line with the substantially increased capacity have not been thought about nor designed in or installed.

Furthermore, the easily available alcohol to the driving bays via the terminal ordering service combined with golf clubs being readily available in each bay is surely a Public Safety issue of some concern as any altercation could easily become one of grievous harm to users if the golf clubs were used as weapons. Also, it being an out of town location and hidden from the highway it will have no policing other than from our limited police response units via 999 calls with very long response times especially at weekends.

*Applicants should note that the public safety objective is concerned with the physical safety of the people using the premises and not with public health which is covered by other legislation. Applicants may consider seeking advice from Licensing Officers, Health and Safety Officers, Environmental Health Officers and Fire Safety Officers before preparing their operating schedules. All new applications and variations should be accompanied by a Fire Safety risk assessment as required under the Regulatory Reform (Fire Safety) Order 2005.*

*This will reduce the likelihood of the Fire Authority making a representation against the application.*

The venue's licence stems from a completely different venue usage and was limited to less than 500 visitors at once at the 2020 Licensing Hearing. As the current venue proposal will now have a capacity in excess of 1,200 visitors the current Fire Safety Risk Assessment will be inappropriate. The Licensing Policy states "**All new applications and variations should be accompanied by a Fire Safety risk assessment as required under the Regulatory Reform (Fire Safety) Order 2005.** This will reduce the likelihood of the Fire Authority making a representation against the application.

I would ask, have the Fire Authority been informed of the proposed substantial increase in the capacity of the venue?" and have they made any representations.

***Premises or activities that present a risk to the public either because of the way they are designed as well as the large numbers expected to attend in comparison to the size of the venue will be required to provide a capacity specific risk assessment for those premises or activities. This assessment will include holding capacity, exit capacity and calculations to demonstrate how the capacity was reached; the lower of the two numbers shall be the final capacity. Examples of this are discos and other entertainment venues (which may include dance), music etc. which attract large numbers of people, public houses close to Wembley National Stadium where large numbers of people may attend on event days, and activities that involve entertainments such as novelty acts involving pyrotechnics and other special effects. Whilst the character and nature of the premises will determine capacity limits, the Council recommends that occupancy figures should be set at one person for every 0.3m<sup>2</sup> of available floor space for standing areas, one person for every 0.5m<sup>2</sup> for dance areas and one person for every 1m<sup>2</sup> for a seated area (although the final capacity may be curtailed by the number of fire exits).***

Has this part of the Policy been complied with considering that the capacity of the venue will probably exceed 1,200 at times and is within walking distance of tube lines and bus routes that go direct to the stadium area? The issues of concern are not limited to event days only, but all the time.

*Where there is relevant representation and the Council considers that public safety has not been fully addressed in the operating schedule, it will consider attaching conditions to licences in order to promote this licensing objective.*

Due to the large capacity of the venue and its advertised uses including as a party venue, it is unlikely that public safety can be guaranteed by the operator, this is further compounded as the venue is at an out of town location and has no police presence. What conditions can the Licensing Committee impose to promote the Public safety objective at this venue with such a large capacity at an out of town location?

## 8. Measures to prevent public nuisance

*The Council recognises that licensed premises, especially those operating late at night or in the early hours of the morning, can cause a range of nuisances that impact on people living, working or sleeping in the vicinity of the premises.*

*The Council will interpret nuisance in its widest sense and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, litter, human waste (such as vomit and urine), fly posting and anti-social behaviour.*

*Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower, and residents are trying to sleep, and so it is essential that applicants demonstrate how they will effectively manage these issues. It can include issues such as:*

- *the exit and dispersal of patrons including patrons loitering;*
- *noise from patrons standing in queues or in smoking areas;*
- *patrons returning to cars parked in surrounding streets*
- *access to taxi marshals, ranks or services; and*
- *general noise of people arriving and leaving.*

*Applicants for licences which are proposed **to run after midnight** and for variations to extend existing hours are expected to **prepare a detailed dispersal policy** and submit it with the application. Where applicants are completing operating schedules, they are **expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.***

Large numbers of visitors, combined with drink, music internally and externally, large numbers of vehicles and all congregated on a raised area in the middle Metropolitan Open Land (open fields); being surrounded by residential property, a Church, an acute hospital with A&E, several thousand flats up to 15 stories in height and not forgetting Harrow School's boarding houses for over 1,000 pupils will all be disturbed by any external noises in the late evening and night time. Acknowledging these various surrounding facilities/residences and the Policy wording above, it is quite clear that this is an inappropriate location for licensed premises to operate passed 23:00 hours, the Planning Permissions and Conditions make this quite clear that the location is inappropriate to operate after 23:00 hours so as not to disamenity local residents and others in the surrounding area, especially as noise travels further across open space and is considered even more inappropriate in quiet areas such as this semi rural location.

The disturbances will no doubt continue well after the licensed hours as it would take some considerable time for some 1,200 plus users to disperse, and therefore prolonging any disturbance and ASB, especially as the area has a very low PTAL rating. Most routes to the local tube lines are via residential street, visitors dispersing via the tube lines will therefore cause considerable disturbances in these residential areas as well as, no doubt ASB.

## 9. Measures to protect children from harm

*The Council takes the protection of children from harm seriously and expects all licence holders and staff employed on licensed premises to do so as well. Applicants for new licences and variations are expected to address this in detail in their operating schedules. Existing licensees are advised to review their policies regularly to ensure that they are still relevant for the nature of the premises.*

My concern here is that the venue, as can be seen from its internal and external advertising along with its website is all about partying and drinking. Here is a photograph of advertising on site for the Putt Crazy facility which is aimed at children, the screen on the left shows adults drinking in the facility and the right a young child within the same facility.



Also, and has been mentioned before, the use of Terminals for ordering alcohol is unacceptable as children are quite capable of having possession of a credit, debit or preloaded payment card and can therefore order drinks to be delivered to a specific location without having to prove age.

How the Council will check the principals of its Policy regarding protection of children is adhered to when Terminals will be in use and the venue is a warren of secluded areas is beyond me. I challenge the Committee to set conditions to ensure so that minors cannot purchase alcohol, purloin alcohol and find a secluded area to consume that alcohol unseen by the venues staff.

## **Policy 1: Process for applications**

The method of notifying the Public is archaic and unfit for purpose.

*The steps for consideration of a licence application are:*

*e) Conditions on the licence, additional to those voluntarily sought/agreed by the applicant, may be considered. Conditions will focus on matters which are within the control of individual licensee and which relate to the premises or areas being used for licensable activities, the potential impact of the resulting activities in the vicinity. If situations arise where the licensing objectives may be undermined but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be granted or continue to operate.*

It is my belief that the Licensing Objectives are being substantially undermined by

- The likely number of visitors
- The lack of parking on site for such numbers
- No planning consents for the changes of use
- the use of terminals for the purchase of alcohol
- Child safeguarding issues
- The excessive licensed hours which the DPS cannot reasonably cover
- Public safety issues
- External loudspeaker installations
- Lack of adequate Fire Escapes and routes
- ASB in the surrounding residential areas
- Disregard for the alignment of Licensing and Planning as per Licensing Policy.

## **Policy 2: Licensing fees**

*Licence fees are set in alignment with business rates (rateable value) and the Council expects licence holders to pay the required licence fee when it is due.*

As the venues uses are now being substantially restructured the Business Rates need to be reviewed and therefore the Licence fee also being revised. Again, like planning, the cart is in front of the horse yet again.

## **Policy 3: Partnership Working**

The Council is committed to working collaboratively and as seamlessly as possible with all the Responsible Authorities, enforcement agencies within Brent and more widely as appropriate. In particular, this will include:

Tasking meetings:

- Tasking meetings forms the basis for partnership working within the wider Council and local partnership.

The previous Licensing Committee Hearing placed a condition on the operator to have 6 monthly meetings with residents, the Safer Neighbourhood Team and Local Councillors. No attempt has been made by the operator to hold the said meetings.



#### **Policy 4: Enforcement approach**

*The Council prefers a targeted approach to enforcement, where compliant, well-regulated licensed businesses are not generally a focus of enforcement. Where licensed businesses do not meet this standard they will be supported to become a compliant, well-regulated business. Where this is not possible or successful, they will be subject to appropriate and proportionate enforcement measures.*

The new operator, Bigshots (in whatever guise) have shown themselves to be none compliant regarding the various planning requirements necessary to redevelop the site. Therefore they are not responsible enough to hold a Premises Licence, especially for the areas lacking the correct Planning Permission; this would be over 50% of the building. Bringing forward new facilities with disregard to the sites current maximum capacity of 350 plus 125 is also irresponsible. As the new capacity will be in excess of 1,200 visitors the Fire Safety has become a major issue with potentially 7-800 people all trying to exit via the same set of doors is also irresponsible.

*An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder, and nuisance in and around licensed premises will be collated to provide a risk-based approach for inspection and, where appropriate, surveillance.*

As we know this is an out of town location with no police presence, it has history of drug use and trade in the car park that went unreported to the police or dealt with by the operator. There have been assaults on the premises that were unreported to the police. Overall, the capacity limit of the venue should be retained and preferably reduced because of these issues. It is a totally inappropriate site for such a large licensed entertainment venue and therefore law and regulatory enforcement will be a real challenge.

#### **Policy 6: Temporary Events**

As the Licensing of the venue is primarily regulated by its Planning Consents and Conditions, i.e. to regulate the opening hours of the Clubhouse because it sits on an elevated piece of land in the middle of MOL and has an effect on the amenity of many residential properties, a Church, Harrow School and Northwick Park Hospital, I believe it only right that a condition be set preventing the use of TENs as they would be none compliant with Brent's Licensing Policy where by Licensing and planning must be aligned

#### **Policy 7: Reviews**

*Where a valid and reasonable request for a review of a licence is made to the Council, the Council will initiate a process to consider the review application.*

*Responsible Authorities, residents, businesses or a representative of these may ask the Council to review a premises licence because of concern(s) about the premises in connection with any of the four licensing objectives.*

As there have been so many changes within and without the premises without Planning Permission and the current and proposed amendment do not comply with Brent's Licensing Policy regarding the alignment of Planning and Licensing I request that the License is reviewed and aligned to Brent's Licensing Policy as a matter of urgency.

***Policy 8: Impact of major entertainment venues***

Will the full Wembley Event conditions apply at this site? I believe this is necessary because of the venues 150 car parking spaces and proximity to bus and tube routes to Wembley Stadium.

***Policy 10: Public Space Protection Orders***

*Brent has a Public Space Protection Order for street drinking covering the whole borough and therefore it is an offence to drink alcohol **in any public place**.*

As the venue is within designate Public Open Space outdoor drinking must not be allowed outside so as to protect residents and especially influencing minors. The Policy is quite clear that the PSPO applies to any public place and by the venues designation it falls with the description of "**any public space**". Therefore, **to comply with Brent's Licensing Policy no outside spaces can be licensed** at this venue. In fact, as the driving bays are outside the walls of the building envelope, they too are "public spaces" and therefore cannot be licensed.

## **Policy 16: Venue capacity limitations**

*Venue capacity will be considered as part of wider consideration for licence applications*

*When determining applications for a licence, consideration of venue capacity will be taken into account. This is to help the Council limit the potential for large venues becoming problem hot spots. This will apply to those venues that fit or likely to fit within the description of high-volume vertical drinking establishments where applicable. Applicants are required to submit robust crime & disorder proposals in their operating schedules as well as noise dispersal policies.*

*The Council accepts that a lot of the problems that may occur in large premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises may also assist in promoting all of the licensing objectives, primarily crime & disorder and public nuisance.*

*The Council will consider capacity conditions where this may be beneficial in promoting the licensing objectives.*

*Elsewhere in the Licensing Policy the follow lines appear:  
the Council recommends that occupancy figures should be set at one person for every 0.3m<sup>2</sup> of available floor space for standing areas, one person for every 0.5m<sup>2</sup> for dance areas and one person for every 1m<sup>2</sup> for a seated area (although **the final capacity may be curtailed by the number of fire exits**).*

Have the occupancy calculations for the proposed and previous applications been calculated, without those calculations the Licensing Application should not proceed and its predecessor should be revoked.

I could not find any reference connection regarding "*the final capacity may be curtailed by the number of fire exits*" can this legislation be provided and explained.

Previously the venue's licensed areas only included the 350 persons in the Restaurant area. There is now an attempt to licence the entire building, I estimate the possible minimum capacity will be increased as follows:

Restaurant	350
Driving Bays	336
Cafe	40+
Bowling Alley	60+
Putt Crazy	50+
Sports bar	250+
Balcony	40+
Frontage	60
Total	1,186+ persons while the previous capacity was 475.

There are only 150 parking permitted spaces on the site, therefore the new capacity will create a substantial need for on street parking nearby, however, most of the area is already heavily parked. The potential for disturbing the surrounding residential areas is high with such a large site capacity.

**Policy 19: Outside spaces**

*Beer gardens, roof terraces, pavements and other outdoor areas in licensed premises are expected to **comply with appropriate conditions to ensure there is minimal disruption to residents in proximity to the licensed premises.***

*Where applicants intend to use private land for alfresco meals or refreshments, they will be required to explain how possible nuisance or crime and disorder from late night use of table and chairs will be controlled. This may include such matters as restricting music or other forms of entertainment, providing additional supervision and/or installing CCTV. Police recommend in general that outside areas (e.g. beer gardens) should not be used after 23:00 hours.*

The outside areas of this site do not have any Planning Permissions that allow for the sale or consumption of alcohol outside of the building envelope and are explicitly excluded in the various Planning Consents and Conditions. As Planning and Licensing are to be aligned, no outside area, in my view including the Driving Bays can be licensed without going against an explicit Brent Policy.

There were many complaints when previous operators tried to use the outside spaces for licensed activities plus internal entertainment and internal live and amplified music for which the premises were not designed - these uses are in contravention of the Planning Permissions granted. Planning and Licensing are supposed to align. It should be remembered that these premises sit high above the surrounding land and noise from the site can therefore it is acknowledged it can be heard at considerable distances.

As noise in outside areas is supposed to be managed, how will this apply to the driving bays where there are loud speakers in each of the 56 bays, where alcohol can be summoned up in moments from a terminal? As we all know drink just makes everyone speak louder and even shout due to lowering of personal inhibitions, so how will this be managed so that the surrounding properties and hospital wards are not detrimentally affected? Again, there are many reasons why the driving bays should not be licensed for alcohol or music.

**Policy 20: Dispersal and entry**

*Licensed premises should take all reasonable measures to ensure that dispersal of patrons from the premises, and entry of patrons into the premises uphold the licensing objectives.*

*The Council recognises that it is difficult for licence holders to have influence over their patrons once they have left the immediate vicinity of their premises, however, disturbance caused by patrons, if linked to the operation of the premises, where contrary to the licensing objectives, can be a reason for the Council to take action.*

There is local concern over the number of vehicles that will be attracted to this venue when fully occupied. How will the operator:

- Prevent queues on Watford Road when the car parks are full, remembering that the capacity is going to be in excess of 1,100 persons and the car park only holds 150 vehicles?
- How will illegal U turns on Watford Road be prevented?
- How will the operator prevent U turns in the Harrow School Farmyard?
- How will the operator prevent dangerous U turns in the bell mouth of Pebworth Road?
- How will the operator prevent drink driving and the use of drugs?
- How will the operator prevent users using the incorrect entrance?
- If large numbers of users come by tube, how will the operator prevent large intoxicated groups from disturbing local residents on the route to the tube stations? This will include the student and nursing accommodation on the way to Northwick Park station.

**Policy 22: Age verification and test purchasing**

*The Council expects all licensed premises to have the specific age verification measures (outlined below) in place and will conduct test purchasing operations to test and assure compliance with the minimum purchase age requirements. If sales to children are made action will be taken by the Council.*

As a large majority of alcohol purchases will be via Terminals, how will the operator ensure the goods have not been purchased by and consumed by minors? There would have to be constantly monitored CCTV in every area especially at the various terminals and secluded areas where the alcohol could be taken to be consumed. This is a GREAT worry with this format of trading - trust is not enough. Age verification of a terminal is may not be possible - I think the DPS would require several assistants.

**Policy 23: Authority and Designated Premises Supervisor**

*The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. **The Authority expects that this will be in excess of 50% of a 7-day week.***

*The Council expects that a DPS will be able to demonstrate knowledge of both the local geographic area and the patrons the premises attracts.*

*The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided*

**"it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a 7-day week"** As the current erroneously granted licensed hours are 125 and the new proposed hours are 91 the DPS would therefore need to be at the premises for a minimum of either 62.5 or 45.5 hours per week. I would expect these hours to be proven on a regular basis and records inspected by the licensing regulators.

Do we have proof that the NEW DPS has knowledge of the LOCAL AREA as above?

Do we have proof that the NEW DPS has "*experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided*" that is managing a multiuse operation with terminal ordering and a capacity of well over 1,000 users including large numbers of minors?

## Policy 24: Irresponsible Drinks Promotions

The operator is proving themselves to be irresponsible with regards to Drinks Promotions; one only has to visit their website (screen grabs below) .

Policy states: Examples of irresponsible drinks promotions may include:

- all you can drink for £xx;
- 10 pints for £xx
- Drinks promotions which encourage a person to 'binge drink' in one serving/sitting.
- Multi buy alcohol promotions that offer a discount for buying multiple items. e.g. 3 bottles of wine for £12.00.

**SMALL GROUPS**  
CHRISTMAS

FESTIVE TIPPLES	TIPPLES & NIBBLES	CHRISTMAS CRACKER	5 GOLD RINGS
2 DRINKS*	FOOD Choose from a selection of our delicious pizzas, burgers or tasty hot dogs 2 DRINKS*	FOOD Choose from a selection of our delicious pizzas, burgers or tasty hot dogs 4 DRINKS*	FOOD Choose from a selection of our delicious pizzas, burgers or tasty hot dogs UNLIMITED DRINKS FOR 2 HOURS*
£10pp	£30pp	£40pp	£55pp

PACKAGES DO NOT INCLUDE GOLF OR THE £5 PP MEMBERSHIP FEE

**LARGE GROUPS**  
CHRISTMAS

CHRISTMAS CROWD PLEASERS	CHRISTMAS BELLY BUSTERS	CHRISTMAS GO BIG OR GO HOME
FOOD PLATTER Turkey mini bon bon - Tempura Brussels sprout (s) - Smoked salmon and caramel Wine - Baked pumpkin white chocolate (s) (s) - Baked brie and cranberry (s) - Stuffed turkey cabbage (s) (s) Ham and turkey sliders Canvey platters pork loin, turkey, salmon, brussels sprout, horseradish mash, potatoes, greens, mini desserts, cranberry sauce, red wine sauce, pork ribs (s), green, grilled sweetcorn Vegetarian options available 4 BOTTLES OF WINE / 12 BEERS* RECOMMENDED FOR GROUPS OF UP TO 8	FOOD PLATTER Turkey mini bon bon - Tempura Brussels sprout (s) - Smoked salmon and caramel Wine - Smoked mackerel mini salad - Crispy fire grass on Chinese cabbage - Baked pumpkin white chocolate (s) (s) - Baked brie and cranberry (s) - Stuffed turkey cabbage (s) (s) Ham and turkey sliders Canvey platters pork loin, turkey, beef Wellington, brussels sprout, horseradish mash, potatoes, greens, mini desserts, cranberry sauce, red wine sauce, pork ribs (s), green, grilled sweetcorn Vegetarian options available 8 BOTTLES OF WINE / 24 BEERS* RECOMMENDED FOR GROUPS OF UP TO 12	FOOD PLATTER Turkey mini bon bon - Tempura Brussels sprout (s) - Smoked salmon and caramel Wine - Smoked mackerel mini salad - Crispy fire grass on Chinese cabbage - Baked pumpkin white chocolate (s) (s) - Baked brie and cranberry (s) - Stuffed turkey cabbage (s) (s) Ham and turkey sliders Canvey platters pork loin, turkey, beef Wellington, brussels sprout, horseradish mash, potatoes, greens, mini desserts, cranberry sauce, red wine sauce, pork ribs (s), green, grilled sweetcorn Vegetarian options available UNLIMITED Beer - Wine - Prosecco - Soft drinks for 1 hour* RECOMMENDED FOR GROUPS OF UP TO 16
£250	£500	£750

PACKAGES DO NOT INCLUDE GOLF OR THE £5 PP MEMBERSHIP FEE

**LARGE GROUPS**  
EVENT PACKAGES

TEERING OFF	ABOVE PAR	HOLD THE BUGGY	THE GAME CHANGER
2 DRINKS*	FOOD Choose from a selection of our delicious pizzas, burgers or tasty hot dogs 2 DRINKS*	FOOD Choose from a selection of our delicious pizzas, burgers or tasty hot dogs 4 DRINKS*	FOOD Choose from a selection of our delicious pizzas, burgers or tasty hot dogs UNLIMITED DRINKS FOR 1 HOUR*
£10pp	£25pp	£35pp	£45pp

**LARGE GROUPS**  
EVENT PACKAGES

THE BIG SHOTS CROWD PLEASERS	THE BIG SHOTS BELLY BUSTERS	THE BIG SHOTS GO BIG OR GO HOME
FOOD PLATTER Mini sliders - basket of wings with a choice of dips - coleslaw haloumi sticks - salad nachos (v) - fries 4 BOTTLES OF WINE / 12 BEERS* RECOMMENDED FOR GROUPS UP TO 6	FOOD PLATTER Variety of tacos - basket of wings with choice of dips - mini sliders quesadillas (v) - Philly Cheesesteak nachos (v) - hot dogs - churros selection of fries 8 BOTTLES OF WINE / 24 BEERS* RECOMMENDED FOR GROUPS UP TO 12	FOOD PLATTER Variety of tacos - basket of wings with choice of dips - mini sliders quesadillas (v) - Philly Cheesesteak hot dogs - churros - selection of fries UNLIMITED Beer - wine - prosecco - soft drinks for 1 hour* RECOMMENDED FOR GROUPS UP TO 16
£250	£500	£750

PACKAGES DO NOT INCLUDE GOLF OR THE £5 PP MEMBERSHIP FEE

## Policy 27: Compliance with existing regulatory regimes

The Council expects all applicants to be able to evidence, upon application, lawful compliance with all other relevant regulatory regimes.

Obviously the operator is not complying with Planning Permissions and their Conditions.



**BRENT COUNCIL**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**DECISION NOTICE – APPROVAL**

Application No: 07/2629

To: David Postins  
Playgolf (Northwick Park) Ltd  
4-12 Morton Street  
Leamington Spa  
Warwickshire  
CV2 5SY

I refer to your application dated 29/08/2007 proposing the following:  
Retention of existing restaurant with bar at the Playgolf Northwick Park Golf Centre (Use Class A3) and  
subject to a Deed of Agreement dated 22nd January 2009 under Section 106 of the Town and Country  
Planning Act 1990, as amended  
and accompanied by plans or documents listed here:  
Letters dated 29/08/2007 and 15/10/2007

NP/100  
NP/B/310  
at Playgolf Northwick Park, 280 Watford Road, Harrow, HA1 3TZ

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the  
reasons and subject to the conditions set out on the attached Schedule B.

Date: 24/04/2009

Signature:

Chief Planner

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

DocFoldr: Decision  
DocDesc: Brent's decision notice

DocFDN  
Ref: 07/2629 Page 1 of 4



**SUMMARY OF REASONS FOR APPROVAL**

- 1 The proposed development is in general accordance with policies contained in Brent's Unitary Development Plan 2004, Central Government Guidance and the London Plan.

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Site-Specific Policies

**CONDITIONS**

- 1 The restaurant use hereby approved must not operate outside the hours of 0730 and 2300, Sunday to Thursday, and 0730 and midnight on Friday, Saturday and Sunday.

Reason: To ensure the use remains functionally linked to the primary use of the golf centre and to preserve local amenity.

- 2 The only entrance to the restaurant that customers may first enter or leave the premises shall be the main entry to the golf centre building, via its main reception area, near the centre of its western elevation.

Reason: To ensure that access remains functionally linked to the primary use of the golf centre and to preserve local amenity.

- 3 No private functions, that exclude any member of the public or any golf centre user, or require purchase of a ticket to enter may be held in the restaurant.

Reason: To ensure the use remains functionally linked to the primary use of the golf centre and to preserve local amenity.

- 4 No dividing walls or other permanent structures that create an enclosed physical separation between any designated area of the restaurant shall be erected.

Reason: To ensure the use of the premises remains within the use class hereby approved.

- 5 No area in connection with the restaurant area outside the main building shall be used other than as defined in a management plan to be submitted to and approved in writing by the Local Planning Authority.

Reason: To control the use of the restaurant activities and their potential impact on the Metropolitan Open Land.

- 6 The premises shall be used only for purposes within Use Class A3 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that use of the premises does not prejudice the amenity of the area and conforms with Council's policies.

**INFORMATIVES**

- 1 For the purposes of clarity the permitted hours are the hours which customers are allowed to

be in the building. It is generally accepted that a preparation and cleaning up time before and after closing of 30 minutes is acceptable, during which staff are allowed to be on the premises for these purposes.

## Appendix 2

### Planning Consents and Conditions relevant to this Premises Licence

Earlier in this representation I pinpointed the Licensing Policy that requires Licensing and Planning to be aligned. Below are the many Planning Consent Conditions that have not been complied with for this Licensing Application and its predecessor.

#### ***Planning Conditions 99/2397***

*3 The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith, prior to occupation of the building(s) and commencement of the use of the land and be retained thereafter.*

*10 The clubhouse building shall not be used before 07.00 hours or after 23.00 hours on any day and shall only be used in connection with the golf course and driving range and for no other purpose. As such, the coffee shop and creche facilities shall only be used as ancillary accommodation expressly for users of the course and range.*

*18 No loudspeakers shall be used at any time, without the prior agreement of the Local Planning Authority.*

#### ***Planning Conditions 07/2629***

*1 The restaurant use hereby approved must not operate outside the hours of 0730 and 2300, Sunday to Thursday, and 0730 and midnight on Friday, Saturday and Sunday.*

*2 The only entrance to the restaurant that customers may first enter or leave the premises shall be the main entry to the golf centre building, via its main reception area, near the centre of its Western elevation.*

*3 No private functions that exclude any member of the public or any golf centre user, or require purchase of a ticket to enter may be held, in the restaurant.*

*4 No dividing walls or other permanent structures that create an enclosed physical separation between any designated areas of the restaurant shall be erected.*

The current alterations to the Area D, L & N require planning permission, there by the current Licensing is invalid according to Policy as no Planning Application has been submitted.

*5 No area in connection with the restaurant area outside the main building shall be used other than as defined in a management plan to be submitted to and approved in writing by the Local Planning Authority.*

*6 The premises shall be used only for purposes within Use Class A3 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended*

There are many others that have not been complied with, one of which was to restrict the number of vehicles allowed on site, another not allowing the cafe to be licensed, etc, etc.

## Appendix 3

### Current Licence Conditions

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, 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.
7. Fully trained staff of the premises licence holder shall manage the lower and upper ground floors proactively with regular patrols to supervise customers
8. The provision of alcohol shall be provided by waiter or waitress service from the Bar areas marked J and L and from mobile ordering devices throughout the lower and upper floors.
9. All bars areas where alcohol is retailed from shall be monitored by staff of the premises licence holder.
10. 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.
11. 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.
12. 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:
  - i. all crimes reported to the venue
  - ii. all ejections of patrons
  - iii. any complaints received
  - iv. any incidents of disorder
  - v. all seizures of drugs or offensive weapons
  - vi. any faults in the CCTV system or searching equipment or scanning equipment
  - vii. any visit by a relevant authority or emergency service.
13. 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.
14. There shall be a specified area for smoking (designated as area M the external area on the plan of the premises).
15. 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.
16. 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.
17. 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.
18. 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.
  19. All areas as set out on the plan of the upper ground floor are to be managed and operated by the premises licence holder
  20. All retail sales of alcohol are to be managed by the premises licence holder.
  21. A notice shall be placed on the party room (area H) door stating 'Strictly no alcohol beyond this point'
  22. A 'Challenge 25' policy shall be adopted and adhered to.
  23. 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
  24. The children's party room located in Area H will not be used for the consumption of alcohol.
  25. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways.
  26. 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.
  27. 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.
  28. The maximum number of persons permitted in the Bar Area & Restaurant (Area L) shall not exceed 350
  29. The maximum number of persons permitted in Area A shall not exceed 125.
  30. 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).
  31. 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.
  32. 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.
  33. 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.
  34. 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.
  35. 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.
  36. 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.
  37. Toilets shall be checked every hour for the use of drugs and other illegal activities.

38. Notices advertising the number of a local licensed taxi service shall be displayed in a prominent position.
39. Public transport information including night time travel options shall be made available.
40. Notices requesting customers to leave quietly shall be displayed at each exit.
41. Nudity, striptease and other entertainment of an adult nature shall not be permitted on the premises.
42. No children under 16 shall be admitted unless accompanied by a responsible adult.
43. In the driving ranges (areas C and G) alcohol sales and consumption of alcohol shall terminate at 22.00 hours.
44. The flood lights on the driving ranges are to be turned off no later than 22.00 hours.
45. 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.