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The Kilburn Arms  
97-101 Willesden Lane  
NW6 7SD

05/12/2022

Our Ref: 26627

Dear Business Licence,

**Licensing Representation to the application for a review of premises licence under Sec 51 of the Licensing Act 2003 for premises at KILBURN ARMS, 97-101 WILLESDEN LANE, LONDON, NW6 7SD.**

The application for the review has been made by [REDACTED] in the capacity of an individual who is not a responsible authority.

**I am an officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.**

The Licensing Authority representations are primarily concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

1. I have considered the application and I wish to make a representation. In reaching my decision, consideration has been given to the relevant provisions of the Licensing Act 2003 - in particular the guidance issued under Section 182 of the Act and the London Borough of Brent Statement of Licensing Policy 2020 – 2025.
  2. I have been aware of ongoing noise related complaints from [REDACTED] against the Kilburn Arms. On 18/07/2022 I was assigned service request 7217 following a complaint from [REDACTED].
    - Appendix 1 – Email from [REDACTED] dated 16/07/2022
    - Appendix 2 – Cars double parked
    - Appendix 3 – Pub door open
    - Appendix 4 – Video of customers drinking in the street
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3. On 18/07/2022 I had an email from Brent Council Nuisance Control Officer, Diane Lewis, stating that she is dealing with [REDACTED] noise complaint and that she has been dealing with the Designated Premises Supervisor at the pub.
4. On 19/07/2022 I sent an email to the Designated Premises Supervisor - Mr. Constantin Tofan. In this email I informed Mr. Tofan that I was aware of the noise complaint and made enquiries re the pubs compliance with conditions on the premises licence. I never received any reply to this email.

Appendix 5 – Email to DPS dated 19/07/2022

5. Appendix 5 also contains an email trail between Evie and myself. In this trail I also stated that I was going to advise the complainants that I have insufficient evidence to apply for a review of the premises licence, but this is an option that is open to them to consider if they feel your premises has undermined any of the licensing objectives.

The Home Office guidance issued under Section 182 of the Licensing Act at para 11.5 states

“Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review”

6. [REDACTED] has exercised his right to apply for a review which I feel has been justified. He resides with his family close to the premises and the effects of loud music on a Wednesday night does appear to have a detrimental effect on this family's quality of life. [REDACTED] appears to have tried to work with the pub but to no avail.
  7. On Thursday 10/11/2022 I attended the Kilburn Arms to place the Blue Notice on a nearby lamppost. This is a statutory requirement under Regulation 25 of The Licensing Act (Premises licences and club premises certificates) Regulations 2005. I then entered the pub to notify them about this. I then met with Evie who was working.
  8. During this meeting I explained that a review application had been received and I explained the process. I explained that the review was centred around noise nuisance caused mainly by the live music on a Wednesday. Evie explained that the premises licence allows the playing of live music until midnight on Sunday to Monday and 01.00am on Friday and Saturday.
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9. Evie further stated that they had voluntarily to reduce this to 1.00pm on Wednesday nights because of the complaints by [REDACTED] and she stated that the bans on occasions had gone on a little past 11.00pm. She also stated that reducing the time from midnight to 11.00pm had cost them up to £45000 per week as most of the customers attended late into the night.
10. Evie also stated that the pub used to have a good relationship with [REDACTED] and that they used to take parcel deliveries for him. But this relationship has turned sour in recent times as she stated that [REDACTED] would sometimes be abusive when attending the pub to complain about loud music.
11. I have read [REDACTED] review application and I feel the sanctions he seeks are proportionate to help the premises promote the licensing objectives for residents living nearby.

I feel that the pub has not been pro-active enough in dealing with the noise complaints raised by [REDACTED] I also feel that some action needs to be taken or this problem will continue. This will have a detriment effect on local residents and an unnecessary demand on council resources.

I support [REDACTED] application.

Yours sincerely

*John McGann*

John McGann  
Licensing Officer  
Regulatory Services

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