

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing
on 20 February 2019 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

The Arch
324 Harrow Road
Wembley
HA9 6LL

1. Members of the Sub-Committee

Councillors Ahmed (Chair), Long, Hector

2. The Application

The application is for a variation for the licence as follows:

Extend the hours for regulated entertainment to 04:00hrs Thursday to Saturday.

Extend the hours for the sale & supply of alcohol to 03:30hrs Thursday to Saturday

Extend the opening hours to 04:30hrs Thursday to Saturday.

To change condition No. 9 – to extend the hour that the outside drinking area is in use to 00:30hrs.

To change Condition No. 15 – To extend the ‘No Entry/Re-Entry’ condition to 01:00hrs.

On major event days – to be able to sell and consume alcohol on the forecourt.

On major event days – the sale of alcohol to cease 1 hour before kick-off

3. Representation

Police: PC McDonald

Licensing: Susana Figueiredo

Nuisance Control: Jennifer Barrett

Applicant: Mr Savan Patel

4. The Hearing

Susana Figueiredo set out her objection to the application. She explained that the premises were operating without an updated plan in place. It was submitted that the Applicant had been reminded that he needed to update the premise plan, as it was out of

date, but he had failed to do so. Furthermore, there was concern about the late terminal hour. On the application, the form did not express what the non-standard timings for seasonal hours were to be. On the 30 January 2019 a visit was carried out and a follow up email was sent to the Applicant asking for further information in relation to the application, but there had been no response to her questions. The plans accompanying the application was not correctly labelled. The sub-committee were asked to reject the application.

The Nuisance Control team explained that they were concerned about the terminal hours, in particular over the weekend connected with the potential for nuisance. It was explained that the premises was close to residential properties. There had been a noise complaint in June 2018 following an event at the premises. They also asked for the Application to be rejected.

PC McDonald set out the Police objections to the Application. She explained that the police opposed the Application, along the same grounds as the other Responsible Authorities. There had been no response from the Applicant to the police. The police set out that there were concerns about the premises operating on football event days. In addition, the premises did not have sufficient parking, resulting in patrons parking vehicles on pathways and along the road, which was causing a public nuisance. PC McDonald conducted a planned visit to the premises on the 11 September 2018 seeking CCTV in relation to an alleged offence nearby. It transpired that the CCTV was only recording for 14 days, in breach of the licence. Furthermore, door supervisors had not been working for the minimum number of hours prior to kick off; there was no incident book; no noise limiter had been installed and no notices were displayed. A warning letter was issued. Furthermore, in May of 2018 PC McDonald visited the premises, on the day of the FA Cup Final. She explained that there were over 600 patrons present, which raised concerns about public safety. A further visit was carried out the following week, on this occasion 650 patrons were present. The police suggested that the Applicant did not wish to co-operate with the police.

Under questioning, it was confirmed by the Responsible Authorities, that the plans were not up to date. For example, on a visit to the premises the fire exits were locked, which did not match the current plans. It was explained that the premises was a hotel as well as a bar.

The Applicant accepted that he needed to communicate more, and that he needed to do more. He accepted the complaints made by the Responsible Authorities. It was suggested that the error with the plans were out of his hands, and that this was the responsibility of his architect. He now accepted that the terminal hour of 4:00am was too late, and he would be happy to reduce it down to 02:00am.

In the course of his submissions, the Applicant stated that perhaps it was better to withdraw his application and re-submit it, having spoken to the Responsible Authorities. The legal advisor to the panel explained to the Applicant that this was his decision, and there was no requirement to withdraw. The Applicant stated that, having heard what had been said, he accepted that it was better to withdraw the application and re-submit it when he was ready to do so.

5. Determination of the Application

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

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

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

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

6. Decision

The sub-committee have listened carefully to the submissions made by all parties.

During the course of this hearing the Applicant has indicated his desire to withdraw his application for a variation. Accordingly, we dismiss his application.

We also take his opportunity to note that, on the evidence we had heard up until that point, we would have rejected the application in any event. The Applicant accepted that he had not engaged with the Responsible Authorities. We have concerns about the Applicant's level of competence in running a large hotel and bar and simply raise this so that it is recorded for any future applications.

7. Right of Appeal

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

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

Dated 21 February 2019