

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing
on 17th August 2021 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

VIP Lounge,
546 High Road,
Wembley,
HA0 2AA

1. Members of the Sub-Committee

Councillors Long (Chair), Ahmed and Hector.

2. The Application

The application is made by Darren Jules for a temporary event notice to extend the terminal hour of the licensable activities on the night of the 21st to the 22nd August 2021 from 1.30 hours to 3.30 hours for a ticketed birthday party with 220 attendees.

Objection has been made by PC Paul Scott on behalf of the Metropolitan Police on the grounds of crime and disorder, public safety and the prevention of nuisance.

A hearing was therefore convened pursuant to section 105 of the Licensing Act 2003.

The hearing was conducted via Zoom and live-streamed.

3. Representation

The applicant and PC Scott attended.

4. The Hearing

PC Scott set his objections:

VIP Lounge is currently under review. It would undermine the review case if the police were to allow this to go ahead. There have been a number of complaints received by police and the Licensing Authority. One was a noise nuisance complaint at almost 4am

saying people were using the rear door. There was a lot of noise and a large crowd was gathering. It was believed they were breaching Covid restrictions. There was swearing and singing. Some people appeared to be very drunk and unable to stand.

On the 1st August 2021, there was a serious incident inside. It was investigated by the police but the victim would not co-operate.

On the 25th July 2021, there was another incident but the victim was so drunk he couldn't confirm whether it happened inside or on the street.

On the 5th July 2021, a licensing officer attended. The front door was shut so she went to the rear. There were SIA doormen there who wouldn't let her in. The officer waited outside to speak to the DPS and heard the DJ inside saying that there was a council officer outside and asked everyone to sit down and maintain social distancing. When the officer went in, the music was so loud she had to go back out in order to speak to the DPS.

PC Scott acknowledged that it is hard at the moment for operators and the police want to work with licensees. He was not saying that the event should not take place, simply that it should stop at the usual hour.

Questions were then asked.

Clr Long – is music outside a problem? PC Scott - I believe it was contained inside. The complaint did not mention music, just people leaving making noise.

Have there been any problems with people arriving? PC Scott - No. I visited in 2019 and it was agreed the rear would just be used as a fire exit. The front would be used for entry and exit. The front entrance is on the high road which is noisy anyway. At the back, there are a lot of residential premises so the problems only arise when the rear is used.

Mr Jules – why weren't we contacted re the alleged assaults and asked for CCTV footage? PC Scott – the crime report says the officer contacted the phone number given on the 1st August and there was no reply.

Mr Jules then set out the case for the applicant:

We've been financially impacted by Covid. This is a 55th birthday party. It's a well-known promoter who does this sort of events. They want it to go on later, hence the application.

We have never had complaints when we have used the front entrance/exit. We only used the back due to Covid restrictions. There were only 26 people inside when Susanna

Figueiredo visited. There are other venues in the area and I asked SF why the noise was being attributed to us. That is being investigated.

Cllr Long – where is the smoking area? Mr Jules - at the front. The back is just for emergencies.

Whose birthday is it? Mr Jules – a man called [REDACTED]. It's his birthday on the 21st. He's a Brent resident. I think he wants to use our premises because we met and he likes the layout. He thinks he could use it for regular events at our venue. It would give us a boost as we want to have more events for an older crowd. He has already done a few smaller events at our venue to try it out.

If the TEN is not granted, what will happen? Mr Jules - If we don't get the extension I don't think it would happen. He would probably have to find a new venue.

[REDACTED] has already been selling tickets? Mr Jules – Yes. He was selling tickets online and he sent me an advertisement.

Where will the attendees be coming from? Mr Jules - I don't know where the people are coming from. I know at previous events he has held people have travelled from out of London. It varies.

Do people tend to use their own cars? Mr Jules - I don't know whether people intend to drive. People at these sorts of events usually use taxis, mostly Uber.

Will the whole venue be used? Mr Jules - The upper floor will not be in use or may just be used to serve food. The lower part will be the party area.

How will people prove they have a ticket? Mr Jules – They would usually have a QR code or electronic ticket that's scanned on the door. Only people who have a ticket in advance will be allowed in. You won't be able to buy a ticket on the door.

How many tickets have been sold? Mr Jules - I don't know but I told him he has 200 limit.

How will numbers be monitored? Mr Jules - I have my own clickers that I give to security. There is one clicker that clicks anyone who comes and another that clicks people who leave. People will only be re-admitted if they have gone out to smoke or if there a medical reason e.g. if they've gone out to get their asthma pump or for a breath of fresh air if they're feeling ill.

What time is last entry? Mr Jules - At the weekend it's 12 or 12.30.

Cllr Hector – Are you sure this is going to be older generation people? One of his advertised events is at a student's union? Mr Jules – Yes, I'm 100% sure.

This is not just a one-off is it? Mr Jules – No, he has several events over a few weeks. I don't know what he does at other venues but all of the ones at our venue are for the older generation.

Cllr Long – The advertisement says last entry is 1.30? Mr Jules - We won't allow them in after what time our licence condition says.

What will you do if people turn up at 1.30? Mr Jules - I'll now contact the promoter and ask him to correct that and send out a notice to people.

Where will people wait for Ubers? Mr Jules - We ask them to wait inside and, if possible to send taxis to Lancelot Road or the other roads off the main road.

Will there be a contact number in case of issues on the night? Mr Jules – Yes, my number will be available. The number online was disconnected due to being shut due to Covid. I do have another number that I've given to promoters.

What time will people arrive? Mr Jules – The majority of people will arrive by 11pm/11.30. Usually with events, it will be the DJ, staff and family members there early. The general crowd who come to party will arrive 1.5 to 2 hours after the doors open. This is a business to [REDACTED]. He makes money from his birthday. He does it every year and sells tickets.

Is there going to be food? Mr Jules - There will be food. I can't say they'll eat it. We just provide it and somewhere for them to sit. We supply Caribbean food. We'll cater for maybe 40 people which will cover two events at the weekend and if anyone comes in during the day.

Cllr Ahmed – what is the capacity? Mr Jules – 230.

Cllr Long – are the rear fire doors alarmed? Mr Jules – yes.

PC Scott had no questions.

PC Scott summed up:

The police understand and accept that these are difficult times. The venue has come to our notice for the wrong reasons. We don't object to the event taking place but to the

extension of hours due to the noise nuisance that's occurred. We object on the basis of crime and disorder and public nuisance.

Mr Jules summed up:

The event should go ahead. We've not been given a chance to show what we can do if open later. We were going to apply for an extension in September 2019 but were told to wait for 6 months. Then Covid happened. Now we're open and we're trying to stay afloat. This is our chance to prove ourselves.

5. Determination of the Application

Pursuant to section 105 of the Licensing Act 2003, the sub-committee considered whether it was appropriate to give a counter notice in order to promote a licensing objective.

The licensing objectives are:

- 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 Summary Review Guidance 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.

6. Decision

The sub-committee listened carefully to the representations made by both parties.

They decided it was not appropriate to issue a counter notice in order to promote the licensing objectives.

Although the premises is being reviewed, it would not be right for this sub-committee to pre-judge that. Whilst the sub-committee heard about some allegations at the venue, insufficient evidence was produced at the hearing to categorically link the venue to crime and disorder or public nuisance. Those allegations will be dealt with at the review hearing and it would not be appropriate for this sub-committee to make any findings in relation to them.

The sub-committee took into account the fact that the application was simply for an extension of the hours in which licensable activities can take place by 2 hours.

The sub-committee decided that allowing the application would promote the licensing objectives but urges Mr Jules to fully familiarise himself with the conditions.

In order to promote the licensing objectives, the sub-committee imposed the conditions listed in the attached schedule.

7. Right of Appeal

The premises user may appeal against this decision in writing to Brent Magistrates' Court within **21 days** beginning with the day on which they were notified by the licensing authority of this decision. However, no appeal may be brought later than 5 working days before the day on which the event period specified in the temporary event notice begins.

Dated 18 August 2021