

## **London Borough of Brent**

### **Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing on 15 August 2018 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ**

#### **NOTICE OF DECISION**

##### **PREMISES**

The Field  
249 Neasden Lane  
NW19 1QG

##### **1. Members of the Sub-Committee**

Councillors Ahmed (C) Long and Kennelly

##### **2. The Application**

Application for the Review of the Premises Licence by the Metropolitan Police.

##### **3. Representation**

PC Sullivan, Metropolitan Police  
Aleta Dollin (Joint Licence Holder and DPS) attended, represented by Callum  
Haddow (Solicitor)

##### **4. The Hearing**

PC Sullivan explained that the Review had been brought on two grounds (1) Public Safety and (2) Crime and Disorder. He explained that after the last Review on the 6 September 2018 [REDACTED] was excluded from having any involvement in the running of the licenced premises and from attending the premises, without giving prior notice to the police. The police position was that these conditions were being breached.

PC Sullivan submitted that since the last Review, [REDACTED] continued to attend the premises and has an active role in the business. PC Sullivan highlighted his email correspondence with Miss Dollin, in which she repeatedly requested [REDACTED] to attend the premises. In one of the correspondence Miss Dollin asked for [REDACTED] to work as "door staff".

On the 6 February 2018, Officers attended the premises and found [REDACTED] in the premises, heavily intoxicated. No prior notice had been given to the police.

Furthermore, it took place in the early hours of the morning after the appeal against the suspension of the licence had been dismissed by the court. Accordingly, the police suspicion was that the premises may have been trading whilst the licence was suspended.

On the 30 April 2018 [REDACTED] attended the premises, without giving prior notice to the police. Police received a call stating that a fight had broken out. Upon attending the premises Police saw [REDACTED] attack a customer.

On the 9 June 2018 a fight broke out outside the premises at 01:15, where a patron was sprayed with CS Gas. The SIA Officers did not call 999, nor was the incident reported to the police until days later. The police had requested the printout from the ID Scanner for the evening, however this had not been provided.

On the 7 July 2018 an intoxicated male had been allowed into the premises, again without use of the ID scanner.

PC Sullivan set out that, since the last Review, in his opinion, there had been no improvement in the running of the premises.

Lastly, PC Sullivan set out that as recently as the 2 August 2018 he attended the premises and saw [REDACTED] at the venue, again without prior notice.

PC Sullivan submitted that due to poor management, the licensing objectives were not being upheld. The police position was that the licence should be revoked.

Under questioning from the Licence Holder PC Sullivan confirmed that CCTV had been provided by the premises for the 30 April 2018 incident and no further action taken by the police in relation to [REDACTED] PC Sullivan however emphasised that if [REDACTED] had not been at the premises, as per the conditions, the incident would not have taken place. Likewise, on the 7 July 2018, had the door staff telephoned the police.

It was confirmed that there was no allegation of drug dealing inside the premises.

PC Sullivan was asked about the wider impact on the community of revoking the licence. He answered that if the licence was revoked it might, possibly, reduce crime and disorder in the area. However, he noted that the premises were adding to police problems, by taking up valuable police time.

The sub-committee were addressed on behalf of the premises licence holder by Mr Haddow. It was accepted that this premises had its problems but submitted that since the last review significant improvements had been made. It was further accepted that the premises was not perfect.

The sub-committee were asked to be cautious about attributing responsibility to issues outside of the premises to the management of the pub.

In relation to [REDACTED], it was explained that there had been occasions where he had been required to attend the premises to deal with leaseholder matters, for examples the leaks from upstairs. Furthermore, [REDACTED] had been required to act as "back-up" to the door staff. It was explained that [REDACTED] had a number of "personal issues" which he had been dealing with, and that this would lead to improvement in his behaviour.

It was submitted that the issues as outlined in the review could not be all attributed to the fault of the premises.

Under questioning Ms Dollin accepted that on occasions the ID scanner had not been used. She stated that she had not considered closing the premises if the scanner had not been working.

Ms Dollin was asked what more could she do to improve the situation at the premises. She could not give a time-frame but stated that she could make the changes necessary.

It was confirmed that an outside organisation changed the passcode to the scanner, and this was every few months. It was accepted that more training was needed.

Ms Dollin stated that she was "not good" with technological issues and this was why she had not brought the CCTV with her.

In relation to [REDACTED] attendance, Ms Dollin stated that there was "grey areas" in relation to his attendance, but she was learning how to deal with these issues.

It was confirmed that the Licence Holder's agent was putting together an induction process for the training of staff.

Ms Dollin accepted that she should have undertaken her training in relation to the CCTV much earlier.

In summing up PC Sullivan submitted that the steps taken at the last Review had not had the desired effect. [REDACTED] was still attending the premises, without notice. In short, the premises were not taking the licence conditions seriously. He suggested that at present the premises were struggling to comply with the current conditions, as such new conditions would not solve the issues. Likewise, a suspension would not serve any purpose.

The Licence Holder submitted that the sub-committee should take care to properly analyse the incidents. He suggested that with proper training the licensing objectives could be upheld. It was submitted that the current conditions were adequate.

## **5. Determination of the Application**

The sub-committee determined the application in accordance 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 both parties.*

*This is the second time, in under a year that this premises has come before the sub-committee for Review.*

*At the Review on the 6 September 2017 the police sought revocation of the licence. Miss Dollin gave assurances that she would be robust in the management of the premises and that with new conditions, the licensing objectives would be upheld. The sub-committee, whilst being satisfied that grounds existed for the revocation of the licence, were content to give Ms Dollin an opportunity to turn the premises around.*

*Despite that, the situation has not improved. [REDACTED] has continued to frequently attend the premises, without giving prior notice to the police. The licence conditions imposed on the last occasion are not being adhered to. There is evidence to suggest that the premises were trading during their period of suspension.*

*It is suggested by the Licence Holder that the problems at this premises are related to a lack of training. We do not accept this. Clear conditions were imposed on the last occasion. Furthermore, the Licence Holder has had ample time to ensure her and her staff are properly trained.*

*We have considered whether a period of suspension would give Ms Dollin further opportunity to make improvement at the premises. However, a period of suspension was imposed on the last occasion. We have also considered whether further conditions along with a reduction in hours would be appropriate. However, we do not have confidence in the Licence Holder to properly implement them.*

*The Licence Holder has not presented us with a clear and detailed plan to improve this premises. Previous changes in the Licence Holder and DPS have not worked.*

*Accordingly, the sub-committee are satisfied that the only appropriate and proportionate step is to revoke the licence.*

## **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: 16 August 2018**

