

Appendix EC/02

From: Maldoom, Edwin
Sent: 06 November 2024 12:16
To: panteleimon Vaiannis
Subject: RE: Complaints - Zombies Games Café, 15 Cricklewood Broadway, NW2 3JX

Good afternoon Padelis,

Thank you for your response. Since returning to this week, I have had an opportunity to catch up with Diane Lewis and she has filled me in with the conversations that she has had with you. I appreciate that you have once again engaged with the Council (both Licensing and Noise) and are at least trying to resolve the alleged issues.

I'll duly await your report on how you have been taking necessary actions, however I would also be most grateful if you could also answer the below five questions (unless they are all answered directly in your report).

Many thanks,

Edwin Maldoom
Licensing Enforcement Officer
Regulatory Services
Brent Council

www.brent.gov.uk
@Brent_Council

From: panteleimon Vaiannis
Sent: Friday, October 25, 2024 3:05 PM
To: Maldoom, Edwin <Edwin.Maldoom@brent.gov.uk>
Subject: Re: Complaints - Zombies Games Café, 15 Cricklewood Broadway, NW2 3JX

Hi there, Thank you for letting me know regarding all the reported issues, and apologies for the late reply! I am putting together a full report on how we have been taking all necessary actions to stay on top of the situation and cause no further disturbance as well as being in constant communication with Mrs, Diane Lewis from Brent council who she is fully updated and aware of the case. I will be reporting to you next week and i will be more than happy to meet you when you are back from leave in November!

Padelis Vaiannis

On Tue, Oct 22, 2024 at 3:41 PM Maldoom, Edwin <Edwin.Maldoom@brent.gov.uk> wrote:

Good afternoon Panteleimon,

I hope you have been keeping well since we spoke earlier on in the year.

Unfortunately, I need to bring to your attention several issues that have recently been raised by nearby residents concerning your premises licence. These principally relate to noise complaints but also refer to the conditions of your premises licence, the use of tables and chairs outside the premises, and the permitted hours of your premises licence. I am mindful of my visit earlier this year, during which you undertook measures following my warning letter

and demonstrated a level of cooperation and willingness to address these matters in good faith

Nonetheless, as I mentioned during my visit in May, it is my duty as the Licensing Enforcement Officer to inform you of any complaints I receive and give you the opportunity to either respond and/or rectify any concerns.

I've broken down the concerns raised to make them easier for you to digest and respond accordingly:

Noise Complaints

Recently, a number of noise complaints have been received regarding disturbances caused by music and patrons outside the premises. I've summarised these complaints below:

"The café frequently operates late into the night with amplified music, yet there seems to be no proper soundproofing in place. The noise levels are excessive and clearly audible in the flats above, making it difficult for residents to rest, especially during weekends and extended hours."

"The problem persists and has become a significant disturbance, particularly on weekends and during events when patrons gather outside to drink, often occupying the tables placed outside the premises. The noise level is particularly disruptive during these times, extending beyond acceptable limits."

"It becomes unbearable, particularly when the owner hosts events with DJs, drawing large crowds outside who drink and make excessive noise."

"The ongoing disturbances significantly impact the residents' quality of life."

"The issue is typically unbearable on Fridays and Saturdays"

While I have no evidence to substantiate these allegations, they do suggest a potential pattern of behaviour that may constitute to the premises undermining the licensing objective of "the prevention of public nuisance". I would ask you to carefully consider these complaints and let me know what measures you will implement to mitigate against them (i.e., noise breakout from the recorded music undertaken inside the premises and conversational noise from patrons outside the front of the premises).

Use of the patio and compliance of conditions

There are also concerns relating to the compliance of conditions and the lawful authorisation to use the front patio area.

In relation to your premises licence, I note that Annex 2 Condition 18 states; *"The designated smoking area (DSA) shall be located at the front of the premises facing Cricklewood Broadway. When the premises licence is in operation the DSA shall be limited to no more than 5 (five) people at any one time. This shall be supervised at all times"*. I have received video and photographic evidence showing that more than five people were using this area and that it was not being supervised. As such, breaching this condition might put you in a position where you are committing a criminal offence under Section 136 of the Licensing Act 2003.

Furthermore, the footage also shows the encroachment of tables and chairs onto Cricklewood Broadway. If you intend to place any street furniture (i.e., tables and chairs) on the public highway, you are required to obtain a pavement licence under the Business and Planning Act 2020.

The sofa positioned directly outside the frontage of the premises is on private land, and therefore does not require any authorisation. On the other hand, the use of chairs and tables on public land on Cricklewood Broadway does. I've included a screengrab below to illustrate this. As you can see, I've marked the boundary between the private land outside your premises and the public highway for clarity.



Additionally, I also observed patrons taking open drinks of alcohol outside. As established earlier this year, the temporary off-sales provision permits a premises licenced for “on sales” to also allow “off sales”, thus allowing patrons to take their drinks outside. This provision also suspends Annex 2 Condition 16, which states “*Customers shall not be permitted to take glassware or any other open drink container save for recognisable soft drink containers, outside the premises as defined on the plan submitted to and approved by the Licensing Authority*”.

Please note however that you are legally required to keep a Section 172F statement at your premises, and this temporary provision is only in effect until 23:00 on each day. After this time, patrons taking drinks outside would breach the condition and would be considered an unauthorised “off sale”. As such, this would constitute an offence pursuant to Section 136 of the Licensing Act 2003. Of course, as you are aware, this temporary provision will expire on 31 March 2025.

Conclusion

I understand that this once again is a lot of information to take in all at once. I would therefore be most grateful if you could respond to the following points:

- 1) What measures will you (or do you) put in place to address the complaints relating to music played at the premises?
- 2) What measures will you (or do you) put in place to negate the complaints relating to noise from patrons using the front patio area on Cricklewood Broadway?
- 3) What measures will you (or do you) implement to ensure that the designated smoking area complies with Annex 2 Condition 18, which limits the smoking area to five persons and ensures that it must be under supervision at all times?
- 4) Can you confirm that all tables and chairs (except the sofa or other furniture placed on private land) have been removed from the part of the pavement that is public highway?
- 5) Can you confirm that after 23:00, patrons are not allowed to take their drinks outside onto Cricklewood Broadway? What measures do you have in place to ensure compliance with this? (i.e., signage on the door stating "Due to licensing restrictions, no drinks can be taken outside after 23:00").

Your response to these points would be much appreciated. Please note that there are no right or wrong answers; I'm simply looking to work with you to resolve these issues. If a site visit would be helpful, I'd be more than happy to arrange one after I return from annual leave in November.

Best regards,

Edwin Maldoom

Licensing Enforcement Officer

Regulatory Services

Brent Council

www.brent.gov.uk

@Brent_Council