
Written Submissions on behalf of the Licence holder

Introduction

1. This review was rightly instigated because of a fatal stabbing which occurred in the street/pavement outside the licensed premises (“Carlton Lounge”) on 18 May 2025. Both the victim and the suspect are believed to have been in the premises before the incident.
2. Application for the review was made by Sergeant Sullivan of the Metropolitan Police and was advertised in the usual way, stating that “Representations must be received before 5 June 2025”. Eight of the adverse representations in the ‘Public Document Pack’ are shown as *sent* on 5 June, and three of them are undated. Counsel for the licensee does not take a procedural point on the ‘local’ representations, because there is so much duplication between those received out of time and those received in time. But counsel is concerned about the ‘holding’ representation of PC McInness (shown as sent on 5 June at 14:41). This blank representation was supplemented by a witness statement dated 9 June and received by the licensee at 17:12 that evening. The video footage it refers to has yet to be provided in a form that enables it to be viewed.
3. Three representations were made by responsible authorities: Edwin Maldoon (Licensing Enforcement Officer); Brendon McInness (Metropolitan Police); and Martin Wood (Principal Nuisance Control Officer, London Borough of Brent). PC McInness’ and Mr. Wood’s representations are shown as having been sent on 5 June.
4. Some sixteen representations against the continued operation of Carlton Lounge were made by others who have asked for anonymity¹. Eight of these are in identical (cut and paste) terms. These representations go substantially beyond the incident on 18 May. They complain of customers regularly fighting in the street (“every Friday and Saturday night”), “persistent” noise (escaping music disturbing their sleep), anti-social behaviour (screaming, revving of car engines, pavements and roads covered with broken glass), drug use and even a shooting. On 9 June at 17:22 Sergeant Sullivan produced five additional witness statements from local people in similar terms. The lateness of so much material is deeply concerning.
5. Some sixty five (65) representations have been received in support of Carlton Lounge. (Two (2) of these were sent on 5 June.)

¹ It is not clear whether page 27 of the Public Reports Pack is the entirety of that representation or should be read together with one of the other pages.

The Issues on this Review

6. The representations have considerably expanded the scope of this Review, which now falls to be considered under two headings. (i) The incident on 18 May: what happened and what steps should be taken to ensure it does not happen again? (ii) The management of the premises and the behaviour of its customers: whether there are serious management failings and widespread crime and disorder and public nuisance as alleged.
7. The issues under (i) are whether the response of the premises management and staff to the incident on 18 May fell short of what is required of them; and if it did, how badly, and what steps the Sub-Committee should take in consequence.
8. The issues under (ii) are whether the evidence supports Sergeant Sullivan's allegation of "*systemic failings in the venue's management and operational culture*"; and whether complaints made by the local residents' representations are credible or exaggerated and/or inherently unreliable.
9. It is convenient to take (ii) first, because it provides the context for (i).

(i) Management and operational culture of the premises

10. Thava Theveraja took possession of the premises at 232-234 Kingsbury Road in 2012/2013. The premises had up until then operated as a public house. He believes the licence was first transferred into his name, and subsequently (2016) into the name of Carlton Lounge (UK) Limited.
11. Early operational teething problems resulted in a review of the licence being brought in 2014, which was resolved by the licensee implementing an effective action to improve management, including staff training. (Current staff training is described in Section 3 of Richard Bunch's Report and comprises mandatory induction and six-monthly refresher courses for all staff.)
12. I respectfully disagree with Mr. Maldoon's comment that this review of over ten years ago is of "limited relevance". Its importance is in the smooth and efficient resolution of it, evidencing a proper partnership approach of the licensee, and in the fact that there has been no other review in the eleven years since.
13. The only other regulatory issue concerning Carlton Lounge relates to a noise complaint by a nearby resident in 2022, which resulted in a Noise Abatement Notice. This was resolved by the installation of a noise limiter, which was set to an agreed limit on 16 October 2022, and by noise level monitoring checks commencing after 11 pm. (See the email chain attached to these submissions, in which the Borough's Principal Nuisance Control Officer wrote: "*I am really pleased we were able to set a music noise level earlier this evening that was agreeable to both you and a nearby residential neighbour.*") There has been no further enforcement taken.
14. Application for a variation of the premises licence was made in August last year, seeking to extend the terminal hour of licensing activities by one hour and amend the 'last entry' condition by extending it to 01:30 am Sunday to Thursday and 02:30 am Friday and Saturday. Again, the responsible 'partnership working' of the licensee and the solicitors instructed by him can be seen in the attached email correspondence in which Mr. Maldoon wrote: "*Once again, thank you for your cooperation. I am grateful that we were able to find a solution that worked for all parties.*"

15. Not only does the *only* evidence of the past behaviour and operational culture of the management of the Carlton Lounge fly in the face of the accusations made against them by some (by no means all) local people, but it is difficult – if not impossible – to accept that the various allegations summarised in paragraph 4 above are believable and yet were not raised as issues in the variation application of August /October 2024, or at all.
16. Set against those allegations are 65 representations made by customers of Carlton Lounge, many of them local, as well as nearby businesses. The Sub-Committee is respectfully invited to read these testimonials carefully and find them inherently credible.
17. A further minor variation extending the above times by one hour was granted without objection in December 2024.

Incidents at the premises

18. The evidence of incidents at the premises in more than 10 years of running Carlton Lounge is limited to 6 in number, one of which is the incident on 18 May 2025 that triggered this review, and another on 24 May. The 4 incidents evidenced as occurring in the year leading up to 18 May are:
 - i. **26 May 2024:** assault occasioning actual bodily harm. The victim went to hospital complaining of a “*pain in the head*”, having been punched. She described her assailant as drunk.
 - ii. **6 July 2024:** victim went to hospital with suspected injury to face and nose, having been punched. Staff heard noise (but did not see the assault) and separated the group.
 - iii. **15 March 2025:** victim called police saying he had been attacked by 3 asian males “*on Kingsbury Road*” and stabbed. He later retracted the allegation and apologised for wasting police time. It is not clear why this has been recorded by Sergeant Sullivan as an incident related to the venue, or otherwise evidence of bad management by the staff of Carlton Lounge.
 - iv. **6 May 2025:** victim left Tiger Bay and was punched in the face by someone outside (on the pavement).
19. It is respectfully suggested that whilst these incidents need to be objectively investigated (who is telling the truth and who is not), even at their worst they do not come close to the level of concern that would usually give rise to a revocation of the premises licence.
20. The incident on **24 May 2025** is more serious, however. Though it occurred *outside* the premises, it suggests that staff did not regard what was happening on the street as their responsibility. That possibility needs to be investigated further and action taken as appropriate. If, after the facts are satisfactorily established, it appears that door staff should have done more, there needs to be a clear policy and training put in place for dealing with incidents outside but in the vicinity of Carlton Lounge.

21. There is also some evidence of a customer or customers becoming drunk. Again, the truth needs to be established. In any event, the staff should be re-trained on the service of alcohol to persons who *may not yet be*, but are *becoming* drunk. The licensing consultants instructed by the licensee will make recommendations in this regard at the hearing.

(ii) The incident on 18 May

22. The criticisms of the staff fail to have sufficient regard to the urgency of the situation as it unfolded. See the witness statement of Prasanth Thavatheva. Whilst there are undoubtedly lessons to be learned, it is respectfully submitted that the actions of the staff in dealing with a situation they had never encountered in over 10 years' trading fall far short of being fairly described as irresponsible or otherwise reprehensible.
23. The commendation given by DI Griffith is particularly telling.

Conclusions

24. Axiomatically, as section 182 Guidance makes clear, decisions on reviews under the Licensing Act must be made on evidence. The evidence in this review suggests a responsible operator who clearly wants to, and does, work in partnership with the responsible authorities, and who has done so for over ten years with just one review in the early years of the operation in 2014, which was satisfactory resolved with the licensee's evident cooperation; and one noise abatement complaint which, again, was resolved – it seems to the satisfaction of all parties.
25. There are 65 representations in support of Carlton Lounge. Whilst the decision of the Sub-Committee is, of course, not a mathematical exercise pitting the numbers on one side against the numbers on the other, the Sub-Committee is invited to give substantial weight to those 65 representations, as being inherently credible and consistent with the history of these premises as evidenced by the lack of regulatory enforcement and the palpable cooperation given to the responsible authorities: see the email chains attached to these submission.
26. Unless the fault of the licensee is palpable and severe, it is usual for an application to revoke a licence to come as a result of a number of ignored warnings. There has been no such stepped approach in this case. The application to revoke the premises licence has come as a bolt from the blue. The company licensee, and the extended family that comprise the company, do not claim to be perfect – there would be real concern if they did; but they have a history of responding to the relatively few problems evidenced before the incident of 18 May as and when they have arisen, responsibly and promptly. There has never been any complaint as to their response, and it can confidently be concluded that its response to the incident on 18 May – and to the very fact of this review – will be thorough and effective.

Gerald Gouriet KC

Francis Taylor Building

Inner Temple

12 June 2025

Brent Licensing Sub-Committee
Review under section 53C of the Licensing Act 2003
Carlton Lounge (Tiger Bay), 232-234 Kingsbury Road, NW9 0BH

Exhibits

Email correspondence with the Borough's Principal Nuisance

Control Officer referred to in paragraph 13

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----- Forwarded message -----

From: **Martin, Wood** [REDACTED]
Date: Sun, 16 Oct 2022 at 00:34
Subject: RE: FAO Prash Theva
To: prash theva <prashtheva@gmail.com>,
office@complianceirectltd.com <office@complianceirectltd.com>

Dear Prash and Mr Sivashankar

I am really pleased we were able to set a music noise level earlier this evening that was agreeable to both you and a nearby residential neighbour.

Kind regards

Martin Wood

Principal Nuisance Control Officer

Community Protection

Resident Services

From: Martin, Wood

Sent: 14 October 2022 22:49

To: 'office@complianceirectltd.com' <office@complianceirectltd.com>

Cc: 'prash theva' <prashtheva@gmail.com>

Subject: RE: FAO Prash Theva

Dear Compliance Direct Ltd

Thank you for your email.

Yes – the visit for tomorrow evening is confirmed.

The Brent Noise App is available to all Brent residents. It enables our nuisance control team to filter our actionable from non-actionable noise reports. The attached recording was made 03 Sept 2022 at 01:06am. We would consider this to be a nuisance-level of noise and a failing to prevent public nuisance. Please note: the noise app developer recommends noise cancelling headphones for reviewing audio files.

To your question whether we can provide Sound Licensing Ltd access to the complainants accommodation. We cannot. Though we will ask.

Look forward to seeing you tomorrow evening.

Kind regards

Martin Wood

Principal Nuisance Control Officer

Community Protection

Resident Services

[REDACTED]

From: office@compliance-direct-ltd.com <office@compliance-direct-ltd.com>
Sent: 12 October 2022 11:07
To: Martin, Wood <[REDACTED]>
Cc: 'prash theva' <prashtheva@gmail.com>
Subject: RE: FAO Prash Theva

Dear Mr Wood,

We act for Carlton Lounge (UK) Ltd in this matter.

We are writing to confirm the visit on 15th Oct and looking forward to meeting you in person.

It appears that residents of Brent are able to record noise nuisances via a mobile app and submit this to the authority as proof of alleged nuisance. Are you able to release any such recordings, if any received, by the authority to us?

We are currently instructing Sound Licensing Ltd to provide a complete survey and to this effect would the authority provide access to the complainants accommodation?

Kind Regards,

Compliance Direct Ltd

www.compliancedirectltd.com

From: prash theva <prashtheva@gmail.com>

Sent: 22 September 2022 12:27

To: Martin, Wood [REDACTED]

Cc: Butt, Councillor Saqib <Cllr.Saqib.Butt@brent.gov.uk>; Compliance Direct <office@compliancedirectltd.com>

Subject: Re: FAO Prash Theva

Hi Martin,

Thank you for the prompt response and look forward to seeing you then.

Kind regards,

Prash

On Thu, 22 Sept 2022 at 11:41, Martin, Wood <Martin.Wood@brent.gov.uk> wrote:

Hi Prash

Thanks for your email. Hope you are well too.

As per earlier email and invite: the earliest available date for the volume-setting exercise with nearby noise-sensitive receptor is Saturday 15th Oct. I will be attending on that date between 11pm and midnight.

Look forward to seeing you then.

Kind regards

Martin Wood

Principal Nuisance Control Officer

Community Protection

Resident Services

[REDACTED]

From: prash theva <prashtheva@gmail.com>

Sent: 22 September 2022 11:19

To: Butt, Councillor Saqib <Cllr.Saqib.Butt@brent.gov.uk>; Compliance Direct <office@compliancedirectltd.com>; Martin, Wood [REDACTED] >

Subject: Re: FAO Prash Theva

Hi Martin,

Hope you are well, just like to confirm you are coming tomorrow evening at 11pm so I am able to confirm with our sound engineer, so we are able to measure sound from the neighbour property.

Kind regards

Prash

On Fri, 16 Sep 2022 at 10:00, Martin, Wood [REDACTED] wrote:

Dear Prash

Have set aside an hour just in case cannot make 11pm prompt due to prior service demands. However, this volume-setting exercise should only take a few minutes.

Kind regards

Martin Wood

Principal Nuisance Control Officer

Community Protection

Resident Services

[REDACTED]

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REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ

Tel: (020) 8937 5252
Direct Line 5561

Email: [REDACTED]

Web: www.brent.gov.uk

Date: 19/10/2022

Mr Prash Theva (Manager)
Carlton Lounge / Tiger Bay
232-234 Kingsbury Road
London
NW9 0BH

Your Ref:
Our Ref: NC/08126/19
Contact: Martin Wood

By post and email

Dear Prash,

Carlton Lounge / Tiger Bay, 232-234 Kingsbury Road, London, NW9 0BH
Formal withdrawal of noise nuisance abatement notices.

Thank you once again for your co-operation in setting a suitable music noise volume on Saturday 15th October.

I have since received summons to attend Willesden Magistrates Court on 17 November following appeal lodged against the enclosed noise abatement notices, dated and served 14 September 2022.

Having thought carefully about this matter and being mindful of your evident willingness to cooperate and meet your legal duty to prevent public nuisance, and adhere to conditions upon your premises licence, we have taken the decision to formally withdraw both noise abatement notices.

For the avoidance of doubt, there are no active noise abatement notices against Carlton Lounge / Tiger Bay.

Yours sincerely,

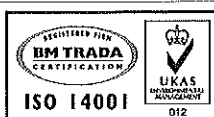
Martin Wood
Principal Nuisance Control Officer
Community Protection
cc Borough Solicitor



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2008
STRAY DOGS

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borough

PROOF-OF-SERVICES

LONDON BOROUGH OF BRENT

Environmental Protection Act 1990
Section 80

Abatement notice in respect of statutory nuisance

Mr Prash Theva (Manager)
Carlton Lounge/Tiger Bay
232-234 Kingsbury Road
London
NW9 0BH

WITHDRAWN

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Brent being satisfied of the **likely occurrence** of noise amounting to a statutory nuisance under section 79(1)(g) of that Act from the premises known as Carlton Lounge/Tiger Bay, 232-234 Kingsbury Road, London, NW9 0BH within the district of the said Council arising from the playing of amplified music and amplified speech.

HEREBY REQUIRE YOU as the **person responsible** of the premises from which the noise is or would be emitted **forthwith** from the service of this notice, to abate the same and also

HEREBY PROHIBIT the **occurrence** of the said nuisance and for that purpose require you to: **Cease or cause to cease the playing of amplified music and amplified speech at such a level as to constitute a nuisance**

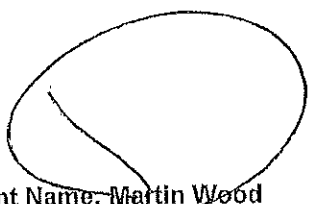
IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of any offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5,000), together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 14/09/2022

Signed:


Print Name: Martin Wood
Regulatory Services
Authorised Officer

Regulatory Services, Brent Civic Centre, Engineers Way, Wembley, HA9 0JF

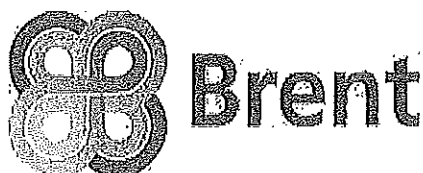
Email: ens.noiseteam@brent.gov.uk

Ref: EH/19/08126/MW

NB The person served with this notice may appeal against the notice to Brent Magistrates' Court, 448 High Road, London NW10 2DZ within twenty-one days beginning with the date of service of the notice (see notes attached).

If you require further information or have a query in respect of this notice, please call Martin Wood on [REDACTED]

The Notice Of Which This Is A True Copy Was Served By	
Me On The Within Named On The... 14 ... Day Of	
SEP 7, 2022	
By Personal Delivery To MR PRASH TILVA	
At	
By Affixing To: 13.00 HRS	
Of The Premises	
By Sending To: By Recorded Delivery, Addressed	
To The Within Named Address On The Notice For	
Recorded Delivery No. See Registration Book No.	
Signed	EH0
Designation	



REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ
Tel: (020) 8937 5252
Direct Line 020-8937 5561

Email: ens.noiseteam@brent.gov.uk

Web: www.brent.gov.uk

Date: 14/09/2022

Mr Prash Theva (Manager)
Carlton Lounge/Tiger Bay
232-234 Kingsbury Road
London
NW9 0BH

Your Ref:
Our Ref: NC/08126/19
Contact: Martin Wood

Dear Mr Theva,

Environmental Protection Act 1990

Carlton Lounge/Tiger Bay, 232-234 Kingsbury Road, London, NW9 0BH

It was good to meet with you, your father, and Mark (Head of Security) on Saturday 27 Aug. You will recall my visit was made at approx. 22:40hrs, in response to a noise complaint. My prior assessment indicated a statutory nuisance-level of noise from loud amplified music. During our discussion, you informed me of due diligence measures you are taking by measuring noise levels at the boundary, and unsuccessful attempts you have made to engage with one resident in particular. I acknowledge that Carlton Lounge was celebrating its 10th anniversary.

Following a later review of the noise abatement notice served on you in July 2019 (copy attached), I observed its scope is limited to noise nuisance affecting residential occupiers at Mead Court. As explained during our meeting, the complaint received on Saturday evening was in response to a complaint from a different location.

I am therefore writing to formally withdraw the 2019 notice and serve the enclosed revised notice under Section 80 of the Environmental Protection Act 1990. This is intended to deal with the matter by enabling the Council to take formal legal action should there be any occurrence of noise nuisance from loud amplified music.

Contravention of the notice could lead to the instigation of criminal proceedings against you. The maximum fine for each offence, upon conviction, is unlimited. The previous maximum fine was £20,000 (business).

Please note that there is a right of appeal to the notice. Application has to be made to the Magistrates Court within 21 days. The details are provided on the notes to the notice.

We remind you of Condition 15 (Annex 2) of your Premises Licence: No noise or vibration shall be detectable at any neighbouring noise sensitive premises. We also remind you of your duty under the Licensing Act 2003 to prevent public nuisance

Accordingly, I would strongly advise that you ensure the playing of amplified music does not constitute statutory noise nuisance or breach of premises licence.

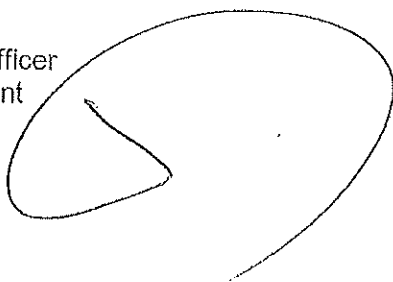
Should you require any further information, please do not hesitate to contact me.

Yours sincerely,



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borough**

Martin Wood
Principal Nuisance Control Officer
Regeneration and Environment



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ISO 14001



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2008
STRAY BIRDS

Brent - building a better
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LONDON BOROUGH OF BRENT

Environmental Protection Act 1990

Section 80

Abatement notice in respect of statutory nuisance

Carlton Lounge (UK) Ltd
Carlton Lounge/Tiger Bay
232-234 Kingsbury Road
London
NW9 0BH

WITHDRAWN

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Brent being satisfied of the **likely occurrence** of noise amounting to a statutory nuisance under section 79(1)(g) of that Act from the premises known as Carlton Lounge/Tiger Bay, 232-234 Kingsbury Road, London, NW9 0BH within the district of the said Council arising from the playing of amplified music and amplified speech.

HEREBY REQUIRE YOU as the **person responsible** of the premises from which the noise is or would be emitted **forthwith** from the service of this notice, to abate the same and also

HEREBY PROHIBIT the **occurrence** of the said nuisance and for that purpose require you to: **Cease or cause to cease the playing of amplified music and amplified speech at such a level as to constitute a nuisance**

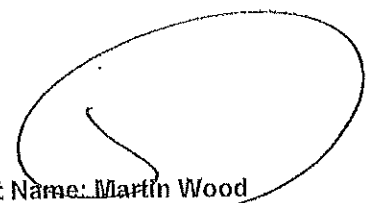
IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of any offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5,000), together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 14/09/2022

Signed:



Print Name: Martin Wood
Regulatory Services
Authorised Officer

Regulatory Services, Brent Civic Centre, Engineers Way, Wembley, HA9 0JF

Tel: [REDACTED]

Email: ens.noiseteam@brent.gov.uk

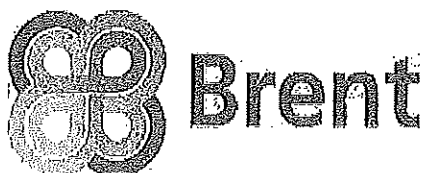
Ref: EH/19/08126/MW

NB The person served with this notice may appeal against the notice to Brent Magistrates' Court, 448 High Road, London NW10 2DZ within twenty-one days beginning with the date of service of the notice (see notes attached).

If you require further information or have a query in respect of this notice, please call Martin Wood on [REDACTED]

13.00 HRS

The Notice Of Which This Is A True Copy Was Served By	
Me On The Within Named On The <u>14</u> Day Of	
<u>SEPT. 2022</u>	
By Personal Delivery To <u>MR PRASH THEVA</u>	
At	
By Affixing To The <u>13-00 HRS</u>	
Of The Premises	
By Sending The Same By Recorded Delivery Addressed	
To The Within Named At The Address On The Notice For	
Recorded Delivery No. See Registration Book No.	
Signed <u>[Signature]</u>	
Designation <u>EHO</u>	



REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ

Tel: (020) 8937 5252
Direct Line 020-8937 5561

Email: ens.noiseteam@brent.gov.uk

Web: www.brent.gov.uk

Date: 14/09/2022

Carlton Lounge (UK) Ltd
Carlton Lounge/Tiger Bay
232-234 Kingsbury Road
London
NW9 0BH

Your Ref:
Our Ref: NC/08126/19
Contact: Martin Wood

Dear Sirs

Environmental Protection Act 1990

Carlton Lounge/Tiger Bay, 232-234 Kingsbury Road, London, NW9 0BH

I met with Mr Prash Theva (Manager) on Saturday 27 Aug 2022, as outlined in the attached correspondence.

We are concerned that statutory noise nuisance from loud amplified music - particularly after 11pm - is likely to occur. We are therefore obliged to serve the enclosed notice under Section 80 of the Environmental Protection Act 1990. This is intended to deal with the matter by enabling the Council to take formal legal action should there be any occurrence of noise nuisance from loud amplified music.

Contravention of the notice could lead to the instigation of criminal proceedings against you. The maximum fine for each offence, upon conviction, is unlimited. The previous maximum fine was £20,000 (business).

Please note that there is a right of appeal to the notice. Application has to be made to the Magistrates Court within 21 days. The details are provided on the notes to the notice.

We remind you of Condition 15 (Annex 2) of your Premises Licence: No noise or vibration shall be detectable at any neighbouring noise sensitive premises. We also remind you of your duty under the Licensing Act 2003 to prevent public nuisance.

Accordingly, I would strongly advise that you ensure the playing of amplified music does not constitute statutory noise nuisance or breach of premises licence.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,

Martin Wood
Principal Nuisance Control Officer
Regeneration and Environment



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Brent Licensing Sub-Committee
Review under section 53C of the Licensing Act 2003
Carlton Lounge (Tiger Bay), 232-234 Kingsbury Road, NW9 0BH

Exhibits

Email correspondence with Mr. Maldoon referred to in paragraph 14

From: [REDACTED]
To: [Kaneetha Vetivel](#)
Cc: [Business Licence](#); [REDACTED]
Subject: RE: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited
Date: 30 September 2024 10:28:48
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.jpg](#)
[Carlton Lounge - Annex Two Conditions Final Draft 27.09.2024.pdf](#)

Good morning Kaneetha,

Thank you for confirming that the attached annex two conditions have been agreed by the applicant. Consequently, I can confirm on behalf of the Licensing Authority that my representation can now be considered withdrawn.

As I am the designated consultee on behalf of the Licensing Authority, I am unable to confirm that the application is granted. I would however advise you to email [@Business Licence](#) to get clarification that this is the case.

Once again, thank you for your cooperation. I am grateful that we were able to find a solution that worked for all parties.

Best regards,

Edwin Maldoom
Licensing Enforcement Officer
Regulatory Services
Brent Council

www.brent.gov.uk
[@Brent_Council](#)

From: Kaneetha Vetivel k.vetivel@glsolicitors.com
Sent: Monday, September 30, 2024 10:10 AM
To: Maldoom, Edwin [REDACTED]
Subject: RE: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited

Morning Edwin

The amended conditions you sent across on Friday are agreed.

Please can you confirm the premises can begin trading for the extended hours from today and that the hearing is formally withdrawn.

Many thanks

Kaneetha Vetivel
Partner

Greater London Solicitors Limited
343 London Road
Croydon
CR0 3PA

[REDACTED]
[REDACTED]

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From: Maldoom, Edwin <[REDACTED]>
Sent: 27 September 2024 15:51
To: Kaneetha Vetivel <k.vetivel@glsolicitors.com>
Subject: RE: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited

Good afternoon Kaneetha,

Apologies, I have amended this and reattached the document. Thank you for bringing that to my attention.

Best regards,

Edwin Maldoom
Licensing Enforcement Officer
Regulatory Services
Brent Council

www.brent.gov.uk
@Brent_Council

From: Kaneetha Vetivel <k.vetivel@glsolicitors.com>
Sent: Friday, September 27, 2024 3:49 PM
To: Maldoom, Edwin [REDACTED]
Subject: FW: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited

Hi Edwin

Thank you for this and I will review these again with the client.

Upon a brief perusal I note 12 – refers to bar staff and not staff.

Regards

Kaneetha Vetivel
Partner

Greater London Solicitors Limited
343 London Road
Croydon
CR0 3PA



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From: Maldoom, Edwin [REDACTED]
Sent: 27 September 2024 14:44
To: Kaneetha Vetivel <k.vetivel@glsolicitors.com>
Subject: RE: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited

Good afternoon Kaneetha,

As mentioned previously, I have redrafted the revised conditions based on our recent correspondence. I would kindly ask that you review them carefully to ensure that we are all in agreement on the final document.

If you could confirm in writing that your client agrees to the attached, that would be much appreciated. I can thereafter confirm that my representation is withdrawn.

Many thanks,

Edwin Maldoom
Licensing Enforcement Officer
Regulatory Services
Brent Council

www.brent.gov.uk
@Brent_Council

From: Maldoom, Edwin

Sent: Friday, September 27, 2024 12:00 PM

To: Kaneetha Vetivel <k.vetivel@glsolicitors.com>

Subject: RE: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited

Good morning Kaneetha,

Thank you for sending this across – I really appreciate it.

I agree with all the below, and I shall draft a revised version of all the conditions following our correspondence. I will send this over to you as soon as possible, and once I have written agreement on behalf of your client that they are satisfied with everything, I shall withdraw my representation thereafter.

Best regards,

Edwin Maldoom
Licensing Enforcement Officer
Regulatory Services
Brent Council

www.brent.gov.uk

@Brent_Council

From: Kaneetha Vetivel <k.vetivel@glsolicitors.com>

Sent: Friday, September 27, 2024 11:48 AM

To: Maldoom, Edwin [REDACTED]

Subject: RE: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited

Dear Edwin

Thank you for taking the time to speak with me this morning.

Your email below is very helpful. I am in agreement that A – C are accepted.

As regards D:

2. amended condition 2 proposed below is accepted save as to kindly request 72 hours. [2. CCTV footage shall be made available to the Police and any authorised Officers from Brent Council upon ~~48-72~~ hours of request] You kindly indicated this morning that the 72 hours was accepted.

4. as I explained, this is not accepted. The premises upgraded its CCTV systems last year at a great expense to the business. The current systems are already clear and recognisable footage of patrons. Our client is confident that you will be able to see

from the CCTV recordings provided over the years that the quality of the footage has improved significantly. Our client will try to keep on board your comments when the CCTV systems are next upgraded.

10 and 11. The current condition is agreed to be retained [The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority on demand].

15. amended condition 15 proposed below is accepted [The last entry on Sundays to Thursdays will be 0130 and on Fridays and Saturdays to 0230.] Thank you for indicating that you would accept a minor variation application seeking to extend the entry / re entry to 2.30 Sunday through Thursday and 3.30 Fridays and Saturday. I will speak to my client to make the necessary arrangements for the minor variation application in this regard.

25. upon considering this matter afresh and in the spirit of cooperation the premises licence holder is willing to accept condition 25 as proposed in the Proposed Annex 2 without amendment [25. A telephone number shall be made available to be used by residents in relation to any complaint of noise resulting from the premises. The premises licence holder shall ensure that all complaints made by residents, and any action taken, are recorded within the incident log.]

27. agreed to keep the current condition 35 [No rubbish or empty bottles shall be placed in the outside bins after 23:00.]

31. agreed to keep the current condition 24 [No children shall be admitted unless accompanied by a responsible adult]

33, 34 and 35. Thank you for taking on board the comments and simplifying the condition. The amended condition proposed below is accepted [All staff training shall be undertaken by all members of staff involved with licensable activities. Training records shall include the time/date of the training, staff members name, training topic and must be signed off by the relevant staff member and the respective premises licence holder/designated premises supervisor/duty manager. A copy of staff training shall be available upon request by Police and authorised officers from Brent Council]

23 and 24. Currently, noise monitoring does take place and is recorded digitally rather than in a hard copy form. We therefore propose the following condition – “Noise monitoring shall be undertaken at least once every two hours when Regulated entertainment is provided from 23.00 until the closure of the premises.” Please can you confirm if this is acceptable to you.

I believe that the above will be acceptable to you. Please can you also confirm whether we can get the amended conditions ready to be effective from this evening?

I look forward to hearing from you.

Regards

Kaneetha Vetivel
Partner

Greater London Solicitors Limited
343 London Road
Croydon
CR0 3PA



www.glsolicitors.com

From: Maldoom, Edwin [REDACTED]
Sent: 25 September 2024 11:41
To: Kaneetha Vetivel <k.vetivel@glsolicitors.com>
Subject: RE: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited
Importance: High

Good morning Kaneetha,

Thank you for your feedback – it's really helpful, especially with the context/reasoning provided for each of the conditions set out in my proposal. I remain optimistic that we can reach an agreement, and thus putting me in a position so that I can withdraw my representation.

However, I think it's important to be mindful that the initial application to vary the premises licence did not reference any significant amendments to the current conditions. The only proposed changes within the application are listed below:

- *"The proposal is to extend the last entry time."* – This was stated on the second page. This was further elaborated upon on page 14 (although in the incorrect box),

specifying that *"The last entry on Sundays to Thursdays will be 01:30 and on Fridays and Saturdays to 02:30"*.

- *"Security will be continue until the premises are closed and all customers have left the area"* – listed under the prevention of crime and disorder.
- *"Noise monitoring will continue until all regulated activities have come to an end."*
- under the prevention of public nuisance.
- *"Existing conditions on Challenge 25 will continued."* – under the protection of children from harm, despite the current premise licence having no conditions referencing an age verification policy.

As part of my representation, I revised all the conditions (while only being able to insist upon those relevant to "the prevention of public nuisance", the objective under which my representation was made). This was necessary due to many outdated and unenforceable conditions, while others needed rewording for clarity. I also used the application's details to form part of my revised conditions.

To simply matters, I've grouped the revised conditions into the four categories following on from your feedback:

A) Conditions accepted by all parties: 1, 3, 5, 6, 7, 9, 13, 17, 26, 28, 29, 30.

B) Conditions accepted by all parties that are to be amended following feedback: 14, 16, 18, 19, 20, 21, 22, 36, 37, 38.

C) Conditions to be removed as accepted by all parties: 8, 12, 23, 23, 24, 32.

D) Outstanding conditions yet to be resolved: 2, 4, 10, 11, 15, 25, 27, 31, 33, 34, 35.

I think we are on the same page for A-C, the only outstanding matters that are yet to be resolved are within the D column. Nonetheless, following on from your feedback, I have a few comments – which I hope are beneficial:

"2. A member of staff who is conversant with the operation of the CCTV system shall always be available at the premises whilst open to the public. CCTV footage shall be provided on removable media (I.e., USB, hard drive, CD etc..).

4. The CCTV system shall be capable of obtaining clear facial recognition images of every person entering or leaving the premises with further CCTV cameras covering the internal areas stipulated on the premises plan and any additional external area that members of the public can access."

I understand your client's position on CCTV storage and the rationale for not accepting condition 2, and perhaps condition 4 as well. However, would your client accept the blow conditions following modification?

"2. CCTV footage shall be made available to the Police and any authorised Officers from Brent Council upon 48 hours of request.

4. The CCTV system shall be capable of obtaining clear facial recognition images of every person entering or leaving the premises."

If these are not accepted, I will reluctantly drop this matter, as my representation wasn't made under "the prevention of crime and disorder", and as you have said, no complaints have been raised regarding CCTV usage. However, adopting these conditions would reflect good management and co-operation.

"10. An incident log shall be kept at the premises and made available for inspection upon request by an authorised officer of Brent Council or the Police, which will record the following: (a) any incidents of crime and disorder. (b) any customers barred from the premises. (c) any ejections from the premises. (d) seizures of drugs or offensive weapon. (e) any complaints received. (f) any faults in the CCTV system. (g) any visit by a relevant authority or emergency service.

11. Any entries into the log shall be made within 24 hours of any incident and shall contain the time/date of the incident, the nature of the incident, a description of the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident."

I understand that your client has also decided against the above conditions. However, condition 4 on the current premises licence states: *"The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority on demand."* As the initial application stipulated that most conditions are to remain as they are, would your client therefore consider keeping this condition as it is?

"15. There shall be no entry or re-entry to the premises permitted after 00:30 on Sunday to Thursday and 02.00 on Friday and Saturday."

I recognise that the applicant's position in not wishing to accept the above amendments that would curtail the hours of last entry. However, on page 14 of the application form, it states: *"The last entry on Sundays to Thursdays will be 0130 and on Fridays and Saturdays to 0230."* I am happy for this condition to be amended as per the application form, though I would be opposed to its total removal, especially since it was included in the initial application.

"25. A telephone number shall be made available to be used by residents in relation to any complaint of noise resulting from the premises. The premises licence holder shall ensure that all complaints made by residents, and any action taken, are recorded within the incident log."

If your client is not willing to provide a contact number, I would be open to revising the condition to read: *"The premises licence holder shall ensure that all complaints made by residents, and any action taken, are recorded within the complaints log."* – would your client consider a condition similar to that?

"27. The placing of bottles into receptacles outside the building shall not be permitted between 22:00 hours & 09:00 hours the following morning."

This condition was proposed to replace the current annex two condition 35, I'm not sure why the applicant would want to remove this entirely. I am happy to leave it as per the current condition which states: *"No rubbish or empty bottles shall be placed in the outside bins after 23:00."*

"31. No person under the age of 18 shall be admitted unless accompanied by a responsible adult."

This condition was intended to replace annex two condition 24, which states: *"No children shall be admitted unless accompanied by a responsible adult."* The initial application made no mention of removing this condition, and I am also unsure why the applicant now wishes to do so. It is straightforward and supports the licensing objective of "the protection of children from harm".

"33. Staff training shall be undertaken by all members of staff involved with licensable activities. Additionally, all staff shall undergo refresher training every 12 months which shall also be recorded. Staff training shall include the following topics:

- (a) Age verification policy.*
- (b) CCTV operation.*
- (c) Conflict management.*
- (d) Operating procedures.*
- (e) Proxy Sales.*
- (f) Permitted hours and relevant conditions.*
- (g) Noise monitoring.*

34. Training records shall include the time/date of the training, staff members name, training topic and must be signed off by the relevant staff member and the respective premises licence holder/designated premises supervisor/duty manager.

35. A copy of staff training shall be available upon request by Police and authorised officers from Brent Council."

The aim of this condition was to replace the existing one in annex three, following a review hearing. I understand that the applicant might find the above to be overly onerous. I therefore propose that perhaps the condition can be simplified to read *"All staff training shall be undertaken by all members of staff involved with licensable activities. Training records shall include the time/date of the training, staff members name, training topic and must be signed off by the relevant staff member and the respective premises licence holder/designated premises supervisor/duty manager. A copy of staff training shall be available upon request by Police and authorised officers from Brent Council"*.

Finally, and perhaps most importantly, the application states that *"Noise monitoring will continue until all regulated activities have come to an end"* as an additional step intended to promote "the prevention of public nuisance". I had translated this into my revised conditions (23, 24). I acknowledge that your client wishes to remove these conditions, believing them to be disproportionate the application itself. However, I would appreciate if the applicant could propose an adequate condition outlining how they plan to continue monitoring noise, as stated in the application form. Thereafter, I would like to see this added as a condition. I

am of course open to suggestions, however, ultimately, I think it's important that this is added as a condition in some way.

Hopefully the above is useful, if you could let me know your thoughts, I would be most grateful. I can thereafter put together a draft of conditions that work for all parties.

Many thanks,

Edwin Maldoom
Licensing Enforcement Officer
Regulatory Services
Brent Council

www.brent.gov.uk
@Brent_Council

From: Maldoom, Edwin

Sent: Monday, September 23, 2024 5:14 PM

To: Kaneetha Vetivel <k.vetivel@glsolicitors.com>

Subject: RE: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited

Good afternoon Kaneetha,

Thank you for sending this across.

I shall be out conducting site visits tomorrow; however, I shall provide you with a full and comprehensive response in due course as soon as I can.

Many thanks,

Edwin Maldoom
Licensing Enforcement Officer
Regulatory Services
Brent Council

www.brent.gov.uk
@Brent_Council

From: Kaneetha Vetivel <k.vetivel@glsolicitors.com>

Sent: Monday, September 23, 2024 3:36 PM

To: Maldoom, Edwin [REDACTED]

Subject: FW: Carlton Lounge, 232-234 Kingsbury Road, NW90BH Application to vary the Premises Licence (REF: 32523) Our Ref: KV/LIT/7159/Tigerbay Palace Limited

Dear Edwin

Further to our conversation last Friday, please find attached.

Regards

Kaneetha Vetivel
Partner

Greater London Solicitors Limited
343 London Road
Croydon
CR0 3PA



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Proposed Annex Two Conditions (Redrafted 27.09.2024)

**Carlton Lounge, 232 – 234 Kingsbury Road, London, NW9 0BH (Premises
licence number: 362998)**

1. The premises shall operate, and maintain a digital colour CCTV system. The CCTV system shall continually record whilst the premises are open for licensable activities and all recordings shall be kept for 31 days.
2. CCTV footage shall be made available to the Police and any authorised Officers from Brent Council upon 72 hours of request.
3. The CCTV system shall display on any recordings, the correct date and time of the recording.
4. Signage stating that CCTV is in operation shall be clearly and prominently displayed at the premises.
5. A minimum of 2 SIA licensed door supervisors shall be on duty after 22:00 if the premises will be open past 01:00.
6. All SIA licenced door supervisors shall wear clothing that can be clearly and easily identified.
7. The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority on demand.
8. There shall be no open glass vessels permitted outside the area defined on the premises plan.
9. Notices shall be conspicuously displayed at the entrance notifying patrons that the premises reserves the right to undertake searches upon entry to the premises and that the premises has a "no drugs policy".
10. Food and alcohol-free drinks shall be always available for patrons whilst the premises are selling alcohol.
11. The last entry on Sundays to Thursdays will be 01:30 and on Fridays and Saturdays to 02:30.
12. There shall be at least 4 members of staff on site after 00:00.
13. The maximum number of persons permitted on the Ground Floor shall not exceed 300 persons including staff. The maximum number of persons permitted on the First Floor shall not exceed 150 persons including staff.
14. The smoking of shisha through "alcoholic drinks" shall not be advertised.

15. The outside drinking areas shall close after 23:00, excluding the shisha areas and karoga areas.
16. Ingress and egress notwithstanding, all doors and windows shall remain closed during any regulated entertainment and/or after 22:00 in all circumstances. Staff shall undertake regular checks to ensure that all doors and windows are closed.
17. The playing of live or recorded music shall not be permitted in any external area after 22:00 hours apart from within the designated shisha areas and karoga areas as defined on the premises plan.
18. The internal areas from which any recorded music or live music is undertaken, the premises shall ensure that it is adequately sound proofed to prevent noise breakout.
19. A telephone number shall be made available to be used by residents in relation to any complaint of noise resulting from the premises. The premises licence holder shall ensure that all complaints made by residents, and any action taken, are recorded within the incident log.
20. Noise monitoring shall be undertaken at least once every two hours when regulated entertainment is provided from 23.00 until the closure of the premises.
21. Clear and legible notices shall be prominently displayed at the exit requesting patrons to respect the needs of residents when leaving the premises.
22. No rubbish or empty bottles shall be placed in the outside bins after 23:00.
23. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, or proof of age card with the PASS Hologram.
24. A Challenge 25 notice shall be conspicuously displayed at the point of sale.
25. A logbook shall be kept recording all refused sales of alcohol. The log shall contain the time/date of the refusal, a description of the customer, the name of the staff member who refused the sale, the reason the sale was refused and any other relevant observation. The refusals register shall be made available for inspection upon request of an authorised officer of a Brent Council and the Police.
26. No children shall be admitted unless accompanied by a responsible adult.
27. All staff training shall be undertaken by all members of staff involved with licensable activities. Training records shall include the time/date of the training, staff members name, training topic and must be signed off by the relevant staff member and the respective premises licence holder/designated premises

supervisor/duty manager. A copy of staff training shall be available upon request by Police and authorised officers from Brent Council.

28. During major Wembley Stadium event days, patrons shall not be permitted to congregate outside the premises, save for ingress.
29. During major Wembley Stadium event days, all drinks glass bottles shall be decanted into either toughened glass, polycarbonate material or any other type of plastic vessel.
30. During major Wembley Stadium event days, the DPS or relevant duty manager shall work in partnership with the Police and if necessary, comply with any direction given by a senior Police Officer.