38 Sapcote Trading Centre, High Road, London NW10 2DJ
Application to vary premises licence – Licensing Act 2003
To the involved parties: Brent Council, Metropolitan Police and Unit 25 Sapcote Trading Centre, NW10 2DH

I write on behalf of Zebu Butchers Ltd in relation to the above application.

I should first clarify that I was not involved in the previous correspondence or representations submitted on behalf of Zebu Butchers. I have now been instructed to take conduct of this matter and will be dealing with the application and all related correspondence going forward.

Accordingly, please direct all future correspondence concerning this application to me.

I have now reviewed the application, the representations received, the correspondence to date and the material presently available to my client. Having done so, I wish to clarify Zebu Butchers' position at the outset.

1. **The application remains pursued in full, including the proposed external/car-park area.**

For the avoidance of doubt, Zebu Butchers does not intend to withdraw or remove the proposed extension of the licensed area to include the private car park serving Unit 38.

That element remains part of the application that Zebu Butchers wishes the Licensing Authority to determine. I respectfully ask the Licensing Authority to accept the amend and accept that the Carpark will be another matter to be discussed.

The application expressly seeks to extend the licensed area to include the private car parking area belonging to Unit 38 for customer seating and the consumption of food and alcohol. The external (Car Park) area will not be used during all times of opening hours. This area will remain as a car park for not busy times and most probably during morning times. The area has been planned to be installed with protective measures as closed wood fence of 1m height to avoid people either going out or in very quickly. This measure has been set to provide:

- Protection for children whenever they are on the area to avoid getting into the public road of the trading centre.
- Proper control of business as to whether customers leave the premises with alcohol or glass bottles.
- Protection to our customers in case of any undesired criminality occurs in the area unconnected to Zebu Butcher’s business.

The management of the external area will be run by the Business having trained staff controlling the entry/exit and if necessary, security staff will be added.

I note that the Licensing Authority has expressed concerns regarding the proposed external area, particularly in relation to public safety and public nuisance. Those concerns are understood and will be addressed substantively at the appropriate stage. In terms of nuisance, my client does not intend to install or to put live music outside. The current situation is that my client has a small speaker that is put outside to have some background music. The extension of the car park has no intention to increase the volume that is still ongoing on the “deck” area.

However, Zebu Butchers does not accept that the proposed car-park area should simply be removed from consideration. My client wishes the Licensing Sub-Committee, if necessary, to determine that aspect of the application on the evidence available to it.

2. **Zebu Butchers' position concerning the representation made by Unit 25**

I have also reviewed the representation made by the neighbouring premises at Unit 25, associated with Bar Simprao Ltd trading as Recanto Kings.

That representation raises matters under all four licensing objectives, including:

1. prevention of crime and disorder;
2. public safety;
3. prevention of public nuisance; and
4. protection of children from harm.

The representation places particular reliance upon the physical proximity of the two premises, the proposed external area, vehicle movements, noise, alcohol consumption and the perceived cumulative effect of the proposed variation. The representation itself expressly raises concerns about the interaction between customers, vehicles and children in the external area.

Zebu Butchers does not object to legitimate representations being made by neighbouring businesses. However, representations must be considered by reference to reliable and relevant evidence, and my client is increasingly concerned that a number of assertions made by the Unit 25 representative are materially inconsistent with information and evidence presently held by Zebu Butchers.

3. **Evidence concerning the four licensing objectives**

My client is presently in possession of material which is relevant to the credibility, factual accuracy and evidential weight of a number of matters advanced by Unit 25.

Without prejudging the Licensing Sub-Committee, that material includes evidence relevant to:

Crime and disorder:
Material concerning incidents, allegations, complaints and other matters associated with Unit 25 and/or its operation which, if relied upon by Zebu Butchers, are capable of materially affecting the weight that should properly be attached to assertions made by Unit 25 concerning crime and disorder.

Public safety:
Material concerning the management and operation of Unit 25 and matters relevant to the safety arrangements relied upon by that premises.

Public nuisance:
Material concerning noise, disturbance, customer activity and other matters which Zebu Butchers considers relevant to the allegations made by Unit 25 concerning nuisance arising from the proposed variation.

Protection of children from harm:
Material concerning the operation and management of Unit 25 which Zebu Butchers considers relevant to the assertions made concerning the protection of children.

I emphasise that I do not presently ask the Council to accept these matters merely because they are asserted by my client. Rather, Zebu Butchers is prepared to place the underlying evidence before the Licensing Authority so that the matters can be assessed objectively.

4. Request to Bar Simprao Ltd / Recanto Kings to reconsider its representations

In light of the material now available to my client, I invite Bar Simprao Ltd trading as Recanto Kings, and/or its representative, to reconsider the representations presently maintained against Zebu Butchers and to withdraw them before the hearing, particularly where the factual basis for an allegation cannot be maintained in light of the evidence.

This is not intended to prevent Unit 25 from raising legitimate concerns. Rather, it is an opportunity to ensure that the hearing is not unnecessarily occupied by allegations which may be materially undermined by documentary, photographic, CCTV, correspondence, regulatory or other evidence available to the parties.

I would therefore invite Unit 25 to review its representations in light of the evidence and confirm, before the hearing, whether it intends to maintain each substantive allegation made against Zebu Butchers.

5. If the representations are maintained

If Unit 25 elects to maintain its representations, my client wishes to make clear now that it will respond substantively to those allegations and place relevant evidence before the Licensing Sub-Committee.

That evidence may include material concerning the operation and management of Unit 25 where such material is directly relevant to matters raised by Unit 25 itself.

In particular, where Unit 25 relies upon its own arrangements, conduct, experience or alleged impact upon the four licensing objectives in support of its objection to Zebu Butchers, Zebu Butchers reserves its position to place before the Licensing Authority evidence which materially contradicts, qualifies or contextualises those assertions.

This is particularly important where the evidence may demonstrate that the factual circumstances relied upon by Unit 25 are evidence to their own behaviour instead of facts that they might be concerned from a different business.

I also draw attention to the fact that the material already contained within the bundle identifies previous regulatory and licensing involvement concerning the premises opposite, including reference to a premises licence review brought by Home Office Immigration Enforcement.

I do not suggest that historical regulatory matters should automatically be treated as evidence of present wrongdoing by the current management of Unit 25. Equally, however, Unit 25 cannot reasonably rely upon allegations concerning Zebu Butchers while simultaneously seeking to prevent relevant and properly evidenced matters concerning its own operation from being considered.

To the extent that any matters are subject to ongoing enquiries or investigations by Brent Council, the Metropolitan Police or the Home Office, Zebu Butchers reserves the right to provide relevant information and supporting evidence to the appropriate authority, subject of course to any applicable restrictions on disclosure.

6. **Zebu Butchers' position remains that the application should be determined on its own evidence**

For completeness, Zebu Butchers accepts that the Licensing Authority must determine this application by reference to the Licensing Act 2003 and the four licensing objectives. The application should be considered based on their own determinations and based also on reliable representations. Representations from Unit 25 continue to be considered been made on bad faith to avoid the opening a business with some similar operations.

The existing material already submitted on behalf of Zebu distinguishes the operation of Zebu Butchers from the independently operated premises at Unit 25 and asks that the application be determined on the basis of Zebu's own management, operating arrangements and evidence. We do not accept any connection with business from Unit 25. We maintain that morality and ethic of our business is completely different to the business at Unit 25 and therefore we do not held any responsibility of their acts. As the same, we do not intend to accept any of their allegations or concerns about our operational business based on all material we hold from the beginning of their business until these days.

That remains our position.

At the same time, where the neighbouring premises has itself placed its operation, management and surrounding environment in issue through its representations, Zebu Butchers is entitled to respond to those matters with relevant evidence.

We are currently in a position in which we can remind the Licensing that from more than 40 business around, the unique representation came live from a business who has been (and is currently) more than 1 year under investigation for several breaches. The other business have not made any objection to the application to vary licence of my client. This should be taken into consideration at the time of weighting the representations received.

The continued pattern of misconduct from the Unit 25 should be enough to confirm that they are unreliable witness. According to the history of dishonesty or systemic non-compliance, a judge or tribunal panel may find their accusations against my client inherently untrustworthy.

7. **Next steps**

I would therefore be grateful if the Licensing Authority could:

1. record that I am now acting as the principal point of contact for Zebu Butchers in this matter;
2. record that Zebu Butchers does not withdraw the proposed extension of the licensed area to include the Unit 38 private car park;
3. circulate this correspondence to the relevant parties and place it on the licensing file;

4. provide confirmation of the current procedural timetable and hearing arrangements; and

5. confirm any deadline by which Zebu Butchers' further evidence and hearing bundle must be submitted.

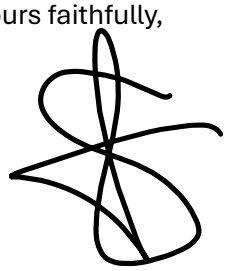
I also want to remind Bar Simprao Ltd t/a Recanto Kings that I invite them to review its representations in light of the above and confirm whether it intends to withdraw any or all of its representations before the hearing.

If the representations are maintained, Zebu Butchers will proceed on the basis that the factual matters raised are contested and will place the relevant evidence before the Licensing Sub-Committee in response. For the avoidance of doubt, the purpose of placing this evidence before the Licensing Authority is not to support any investigation against Unit 25, but to demonstrate that its representations are made in bad faith and appear intended to prevent or restrict my client's legitimate business growth. Zebu Butchers respectfully asks the Chair, the Licensing Sub-Committee and the Council to consider what evidential weight should properly be given to representations made by a party whose own conduct may materially contradict the standards it seeks to impose on others.

Nothing in this correspondence should be taken as a waiver of any of my client's rights, remedies or evidential position, all of which are expressly reserved.

I look forward to dealing constructively with the Licensing Authority and the other parties going forward.

Yours faithfully,



Patricia de Farias Jimeno
07498589915
patricia@pfjconsultancy.co.uk
NALP 12588
ciol.org.uk/92599