RESTAURANT BAR SIMPRAO LTD
Trading as Recanto Kings

FORMAL OBJECTION TO THE APPLICATION TO VARY THE PREMISES LICENCE – ZEBU BUTCHERS LTD

Dear Ms de Farias Jimeno,

Re: Application to Vary the Premises Licence of Zebu Butchers Ltd – Licensing Act 2003

I write on behalf of Bar Restaurant Simprao Ltd, trading as Recanto Kings, in response to your correspondence concerning our representations against the proposed variation of Zebu Butchers Ltd's premises licence.

Having carefully considered the contents of your letter, we wish to make our position unequivocally clear: we will maintain our representations in full and will not withdraw any of the concerns previously submitted to Brent Council.

Your letter does not adequately resolve the substantive concerns raised regarding the proposed variation, particularly the extension of the licensed area into the private car park, the consumption of alcohol outdoors, noise, music, public safety and the potential impact on neighbouring businesses and members of the public.

1. Our right to make representations under the Licensing Act 2003
Your letter devotes considerable attention to alleged historical incidents, regulatory matters and aspects of the operation of our establishment. We consider that this approach diverts attention from the actual subject of the licensing application.

Any historical matters concerning our business that have already been dealt with through the appropriate legal or regulatory procedures must be considered in their proper context. The existence of previous investigations, proceedings or regulatory involvement does not automatically invalidate our right to make representations against a separate premises licence application.

The Licensing Act 2003 does not impose a general prohibition preventing a business from making representations because of its past history. The relevant question is whether the representations are relevant to the application and the promotion of the licensing objectives.

Our representations concern the proposed licensed activities at Zebu Butchers and their potential consequences. They are not an attempt to make Zebu Butchers responsible for matters relating to our own business.

We therefore reject any suggestion that our representations should be withdrawn or given less weight merely because you allege that matters concerning our establishment undermine our credibility.

2. Allegations concerning our business and our representative

Your letter makes a number of serious assertions concerning the credibility, conduct and alleged history of our establishment. It also suggests that these matters may undermine the weight to be given to our representations.

We do not accept that such assertions, without proper consideration of their relevance and supporting evidence, provide a legitimate basis for dismissing our concerns.

If you intend to rely on particular documents, incidents or findings, we expect those matters to be identified specifically and their relevance to the present licensing application to be explained.

We also consider it inappropriate to introduce allegations concerning the personal history of our representative as a means of discrediting the representations made on behalf of our company. Any alleged personal matters must be relevant to the issues under consideration and supported by appropriate evidence before they can fairly be relied upon.

We have not sought to prevent Zebu Butchers from pursuing its business because of allegations concerning its representatives or their personal circumstances. We expect the same principle of fairness to apply to us.

Our objection is based on the potential consequences of the proposed licence variation, not on personal hostility towards you, your client or its business.

3. The proposed extension into the car park remains a substantive concern
Your letter expressly confirms that Zebu Butchers intends to pursue the extension of its licensed area into the private car park serving Unit 38.

This confirmation does not resolve our concerns. On the contrary, it confirms that the proposed external area remains a central issue requiring proper determination by the Licensing Authority.

The proposed area is intended to accommodate customer seating and the consumption of food and alcohol. Your letter also acknowledges that the area may be used only during busier periods and that a fence, trained staff and potentially security personnel are proposed.

However, we require clarity regarding how these arrangements will operate in practice.

In particular, the Licensing Authority should consider:

The precise hours during which the external area may be used.

Whether alcohol may be consumed in the external area and during which authorised hours.

How the area will be supervised and how access will be controlled.

How the safety of children and pedestrians will be protected in relation to vehicle movements and the surrounding road.

How customers will be prevented from carrying alcohol or glass containers beyond

the authorised area.

How noise and disturbance will be controlled, particularly during busy periods and when customers leave.

Whether the proposed fencing and staffing arrangements are sufficient to address the identified risks.

A proposed fence approximately one metre high does not, by itself, establish that all relevant safety risks have been adequately addressed. Similarly, the possibility of employing security staff if considered necessary does not provide the same assurance as a clear and enforceable management plan.

We therefore maintain our objection to the proposed external licensed area unless and until the Licensing Authority has properly assessed the evidence and the adequacy of the proposed arrangements.

4. Alcohol licensing, recorded music and public nuisance
Your letter states that Zebu Butchers does not intend to install live music outside and has no intention of increasing the volume of its existing background music.

However, our concerns are not limited to live music or an intention to increase the volume of a speaker.

The proposed external area may involve customers consuming alcohol, talking, gathering, playing recorded music and moving between the premises and the surrounding area. These activities may have implications for public nuisance and public safety depending on how, when and where they occur.

Under Section 4 of the Licensing Act 2003, the Licensing Authority must promote the prevention of public nuisance, alongside the other three licensing objectives.

The Environmental Protection Act 1990 also provides a framework for addressing noise that constitutes a statutory nuisance. The relevant assessment must take account of the circumstances and actual or potential effects of the noise concerned.

We therefore ask that the Council consider the proposed hours of use of the external area, the management of recorded music and other sound, customer behaviour, the potential for disturbance to neighbouring premises, and the measures available to prevent excessive noise.

We also request clarification of the precise licensable activities and hours sought under the variation, including the extent to which the application authorises alcohol consumption and regulated entertainment in the proposed external area.

The fact that live music is not proposed does not, by itself, answer these questions.

5. The four licensing objectives must be considered on their merits
Section 4 of the Licensing Act 2003 identifies four licensing objectives:

The prevention of crime and disorder.

Public safety.

The prevention of public nuisance.

The protection of children from harm.

Our representations must be assessed against these objectives and the evidence relevant to the proposed variation.

Your letter refers to material allegedly held by your client concerning our establishment. If you intend to submit such material to the Licensing Sub-Committee, it should be identified and assessed according to its relevance, reliability and evidential value.

However, historical allegations concerning our establishment do not automatically establish that our current representations are inaccurate, nor do they resolve the concerns raised by the proposed external drinking area.

Equally, we do not suggest that Zebu Butchers should be held responsible for unrelated conduct by our business or our customers. We expect the same approach to be applied consistently to both premises.

The proper course is to examine the proposed activities, the evidence, the likely effects and any conditions necessary to promote the licensing objectives.

6. The absence of objections from other businesses
Your letter refers to the fact that our establishment is, according to your client, the only business among more than 40 nearby businesses to have made representations.

We do not accept that the number of representations determines whether an individual representation is legitimate or deserves consideration.

The absence of objections from other businesses does not establish that the proposed variation presents no risks, nor does it negate the specific circumstances and concerns raised by a neighbouring premises.

The Licensing Authority must assess relevant representations on their individual merits and determine the application in accordance with the legislation, the applicable statutory guidance and the Council's licensing policy.

Our representations should therefore be considered on the basis of their content, relevance and supporting evidence, rather than the number of other businesses that have chosen to participate.

7. Fair and consistent treatment of any future incidents
We also wish to clarify an important concern regarding the assessment of any future incidents involving customers associated with either establishment.

For the avoidance of doubt, we are not suggesting that a particular incident has occurred where it has not. Our concern is prospective.

If an incident were to occur in the surrounding street involving customers associated with both premises, responsibility should be established through an objective assessment of the facts and the available evidence.

An incident should not automatically be attributed to one establishment merely because a person involved happens to be its customer. Where relevant, CCTV footage, witness statements, incident reports and police records should be considered.

We ask that any future incidents relied upon in connection with the licensing objectives be assessed fairly and consistently, without assumptions about which business is responsible.

This is relevant to our concerns about crime and disorder and public safety in the area surrounding the proposed external licensed space.

8. Our representations are not made in bad faith
We strongly reject the suggestion in your letter that our representations are made in bad faith or are intended to prevent or restrict Zebu Butchers' legitimate business growth.

We have exercised our right to make representations concerning a proposed licence variation that may affect our business and the surrounding environment.

Our concerns relate to the nature and extent of the proposed licensed activities, the external car park, the consumption of alcohol, noise, music, public safety and the potential impact on the licensing objectives.

The fact that our business may have its own commercial interests does not, by itself, demonstrate that our representations are made in bad faith. Nor does disagreement with our concerns establish that they are unfounded.

We expect our representations to be assessed objectively and on their merits, rather than characterised as an attempt to obstruct a competitor.

We remain prepared to substantiate our concerns through relevant evidence and to address any legitimate questions raised through the appropriate licensing procedure.

9. Our position and next steps
For the reasons set out above, we formally confirm that:

Bar Simprao Ltd, trading as Recanto Kings, will maintain all representations previously submitted against the proposed variation of Zebu Butchers Ltd's premises licence.

We will not withdraw any of our existing concerns.
We request that the proposed extension into the Unit 38 private car park be examined fully by the Licensing Sub-Committee, including the implications for alcohol consumption, noise, music, public safety and the protection of children.
We request that any evidence submitted concerning our establishment be identified and assessed fairly, with due regard to its relevance to the application.

We reserve the right to provide further relevant evidence and submissions in accordance with the Council's procedural requirements.
Please do not interpret our decision to maintain our representations as an unwillingness to engage constructively. We remain willing to participate in the process and to assist the Licensing Authority in determining the application fairly.

However, we do not consider that your letter has adequately addressed the substantive issues raised, and we see no proper basis for withdrawing our representations at this stage.

We therefore ask you to confirm that our representations will remain on the licensing file and that we will be notified of the Licensing Sub-Committee hearing date and any applicable deadlines for submitting further evidence.

Yours sincerely,

For and on behalf of Bar Simprao Ltd
Trading as Recanto Kings
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