

Premises License Review Application

Reference: 223245570

Applicant: **Licensing Department, Brent Council**

Premises: **D DEN EXOTIC AFRICAN CUISINE, 47 Cricklewood Broadway, London, NW2 3JX**

Representation by Nuisance Control Team, Brent Council

Officer: Juhaina Junaid

Title: Enforcement Officer, *in whose area the premises are situated purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.*

I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance. On behalf of the Nuisance Control Team (NCT) I would like to:

Support the Review application

NCT Case Summary:

- Number of unique days complaints relate to are 33+ since March 2013.
- Due to current extended permitted hours of operation, the premise is operated like a Night Club on Fridays, Saturdays and Sundays.
- Although Noise team had made several visits to the site during various times of day or night, never have we been able to find a responsible person authorised under the premises license on site or acting as supervisor at that time. Several times, we have found the site was being run by kitchen staff, waiters, and people who would not even give us their names.
- Noise Abatement Notice Served under Environment Protection Act 1990 in June 2014: The noise level witnessed within a property above the site was unacceptably loud and judged to a nuisance in law.
- The structure of the site is not suitable for loud and amplified music, especially at noise sensitive times.
- NCT attempted to contact the DPS and managers for the site with an intension to take follow-up actions to try resolve future nuisance from occurring. But have failed to receive any response back.
- Despite the noise abatement notice and a further reminder letter, we continue to receive complaints about the site
- Further 24 individual complaints were received after the notice was served on June 2014.
- We have no confidence that Ms Lisa Amoye (who we understand, was also in charge of the site during Mr Gbeminiyi's prolonged absence) is able to Manage the site without causing or preventing Public Nuisance.

Thus, I support that, to prevent further public nuisance from the site the operational hours be reduced to Sunday-Thursday 11.00hrs-00.00hrs and Friday-Saturday 11.00-02.30hrs. I also support that a suitable, appropriate and responsible Premises Supervisor and Licensee be determined to ensure licensing objectives are met and license conditions are complied with.

I reserve the right to include further evidence to support my case if obtained from the date of submission of this application till the hearing and/or during the time allowed for any appeal proceedings.

Summary of Complaints and actions

Date	Complaints received by NCT	NCT actions/ notes
March 2013	Complaints of Loud music: Camden's Licensing Enforcement officer informs us of complaint received by them	
06/03/2013 13:30		NCT officer visited and found that Manager was not available at that time.
06/03/2013 19:20:		NCT officer visit: Met Supervisor Winnie Akpa, spoke to owner Gbeminiyi Daniel over telephone. (not present on site)
01/06/2014 20:03	Received online complaint alleging Loud music: Sunday 1.6.14. 4am - 6am Saturday 31.5.14 4am - 6am Friday 23.5.14 4am - 6am Saturday 24.5.14 4am - 6am Sunday 25.5.14 4am - 6am	Complainant also stated that noise on many previous occasions as well and sometimes starting earlier.
12/06/2014 11:47		Visit by NCT officer: Site was found closed
13/06/2014 10:59	Further complaints of Loud music: 24/514,25/5/14,26/5/14,31/514,1/614,7/6/14,8/6/14	Noise between 1.00 am to 6.00 am in morning
14/06/2014 01:18	14/06/2014 01:15: Noise Complaint received	At 01.50 hrs a visit was made to complainant's property. Noise nuisance witnessed. Noise ongoing with Congo type drums and voice muffled clearly audible inside Complaints bedroom from 1.50 to 2.10 AM. Confirmed statutory nuisance. At 02.11 I visit D'den restaurant. Where I found that the Music was on full blast and audible outside the premises. Lobby doors were open. A male identifying himself as the person in charge, stated to me that he was just a supervisor and has nothing to do with

		<p>the license. He informed to me that owner of site is out of the country and is not available most of the times. Another male identifies himself as the DJ and stated his name was Adams Okay. I asked them to show me the license for the site which they failed to do. They were not cooperative and were reluctant to reduce the music volume upon my request. I found them to be very argumentative. At a later stage after I state what actions may follow one of them go in and reduce the volume slightly.</p> <p>I verified with the complainant if the volume level was satisfactory and as she confirms she is OK to sleep with this level (although audible), I do not demand any further volume reduction.</p>
23/06/2014 22:14		Noise Abatement notice Served under S 80 of EPA On: Mr Kola Onifade and Mr Daniel Gbeminiyi
24/06/2014 18:48		Licensing Team contacted to inform that we have witnessed a statutory nuisance from the premises between 01.50 and 02.10 hrs and that a Noise abatement notice has been served.
28/06/2014 23:42		During a proactive visit by NCT officer: At 23:42, no noise heard from outside, the front door was wide open, but the restaurant was empty.
29/06/2014 22:33	<p>Further complaints of Loud music:</p> <p>Saturday 21st June from 4.30am to 5.45am Sunday 22nd June from 4.30am to 5.45am Saturday 28th June from midnight to 6am Sunday 29th June from midnight to 6am</p>	
05/07/2014 20:08	<p>Further complaints of Loud music:</p> <p>Saturday 5th July from 3.30am to 5.45am.</p>	<p>21:41 hours: NCT officer calls back compt, but noise is off now. Complainant stated noise woke them up and couldn't get back to sleep.</p>
12/07/2014 22:18	<p>Further complaints of Loud music:</p> <p>Saturday, 12th July, between 3.55am and 5.45am.</p>	<p>14/07/2014 18:09: Complainant contacted back stating noise is outside of our service hours and we may try and make a special arrangement to assess the noise. Complainant states: <i>Please, please, please can you make them stop</i></p>

18/07/2014 09:11	Further complaints of Loud music: On Sunday 13th July, from 3.30am to 5.40am	
21/07/2014 10:48.	Further complaints of Loud music: received online	22/07/2014 11:46: visit by NCT officer: site found to be closed
29/07/2014 22:33	Further complaints of Loud music: Saturday 26th July, from 3.30am to 5.30am. This occurred on Sunday 27th July, from 3.45am to 5.45am	
03/08/2014 20:18	Further complaints of Loud music, throbbing base: On Sunday 3rd August, from 3am to 6am	Complainant states: <i>Please let me know when you might be able to do something about this. I would like to be able to sleep during the night at the weekends. At the moment, I find it impossible.</i>
03/08/2014 20:01	Further complaints of Loud music, throbbing base: On Saturday 2nd August, from 2.30am to 5.30am.	
17/08/2014 21:14	Further complaints of Loud music, throbbing base: Sunday 17th August, 2.15am - 6am Saturday 16th August, from 2.30am to 5.30am Monday 11th August, 1.30am to 2.15am Sunday 10th August, 2.30am - 5.45am Saturday 9th August, 2.30am - 5.30am	
29/08/2014 11:17	Further complaints of Loud music, throbbing base: Sunday 24th August, from 3am to 5.30am Monday 25th August, from 3.45am to 5.30am Saturday 23rd August, 2.45am to 5am	Complainant states: <i>When are you going to do something about this?</i>

29/08/2014 14:20		Visit by NCT officer: Arrived at 14:20, no manager was present. Spoke to the kitchen assistant (Female) who passed on the owners wife number. (Lisa the owners wife). Officer advised the assistant that they should monitor the noise created in the property as the Council will be monitoring. I also left my details for Lisa to call.
31/08/2014 15:32	Further complaints of Loud music, throbbing base: Sunday 31st August, 3.30am to 5.30am Saturday 30th August, from 2.30 - 5.45	Complainant states: <i>Please let me know whether you are ever going to do anything about this or not. It very much seems like not at the moment, but I live in hope.</i> Complainant states: <i>Will this ever stop or should I just plan to continue taking sleeping tablets every weekend for the rest of my life?</i>
16/09/2014 16:41		Reminder letter sent for 'Noise Abatement Notice' under EPA S80
25/09/2014 14:30		Officers called both numbers for Mr Gbeminiyi. But there was no answer on either. Messages left requesting call back and advising that we are trying to arrange a meeting with him regarding his license and noise complaints that we have had. Contact number and case ref given.
02/10/2014 20:48	Further complaints of Loud music, throbbing base: Saturday 6th September 3am - 5.30am Sunday 7th September 2.45am - 5.45am	
08/11/2014 01:30		Joint visit to site with Licensing officer Susana. Again DPS on the license and Licensee not present at site. Person stating he is the site manager now is Mr Oluwadamilare Okenla, who during my last visit stated he was the DJ only with no link to the business. I spoke to Ms Lisa Amoye (again over phone) re noise complaints and that we will prosecute if further evidence of nuisance witnessed.
01/12/2014 13:19	Complainant states that D'Den Restaurant is still ongoing in the early hours of every Saturday and Sunday and causing noise disturbance	