



APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I.....Licensing Department, Brent Council..... *[insert name of applicant]* **apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).**

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description D DEN EXOTIC AFRICAN CUISINE 47 Cricklewood Broadway	
Post Town London	Post Code (if known) NW2 3JX
Name of premises licence holder or club holding club premises certificate (if known) Ms Lisa Amoye	
Number of premises licence or club premises certificate (if known) Premises Licence 201701	

Part 2 - Applicant details

I am

Please tick ✓ Yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓ Yes

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Team Brent Council Brent Civic Centre Engineers Way HA9 0FJ
Telephone number (if any) 07985615616
E-mail address (optional) Susana.figueiredo@brent.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|---|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 1)

D'Den is a restaurant which is open to the public on;

Monday-Thursday – 11.00hrs-03.00hrs
Friday – 11.00hrs-06.00hrs
Saturday – 11.00hrs-05.00hrs
Sunday – 11.00hrs-04.00hrs

Late Night refreshment and recorded music can be carried out throughout the same timings. Alcohol ceases 30 minutes before the timings given above. Performance of Dance is carried out on Friday-Saturday from 22.00hrs-05.00hrs and Sunday 22.00hrs-03.00hrs. Live Music is currently Friday-Saturday 21.00hrs-04.00hrs and Sunday 21.00hrs-02.00hrs (SF001). Miss Amoye has previously been the Licence Holder and DPS at the premise. (SF001A, SF001B, SF001C, SF001D).

My concerns with the premise are threefold;

Firstly, as a restaurant it is apparent that this is more than just a restaurant; there is a DJ that plays music at the venue on weekends for which a licence was granted in 2005, this authorisation I do not dispute. However, the premise is clearly not being managed properly for this type of activity. There have been numerous complaints made to the noise team which recently resulted in a noise abatement notice being served. As far as the Licensing team is aware these started in 2008 but have worsened in the last year. As a result of this they are not able to meet the following Licensing Objective;

- Prevention of Public Nuisance

Secondly and most importantly as a result of receiving these noise complaints it has become apparent that the management are not managing the business in a responsible enough manner to hold a Premise Licence. As a result of this it is believed they are not able to meet any of the four licensing objectives;

- Protection of children from harm
- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance

The fact that a Licensing visit was undertaken by the Licensing team at night on Friday 13th June 2014 to drop off unpaid annual fee invoices and the licence holder and DPS Mr Daniel was not present and neither was any manager demonstrates that there is no one available to manage the premise. The member of staff spoken to stated that Mr Daniel was not in but did not state that he was no longer a part of the business. Furthermore there are concerns regarding the conflicting information that has been given by the 'management' of the premise, namely Mr Okenla and Ms Lisa Amoye who appeared on the telephone during my last visit on 8th November 2014 has led me to question the management of the premise. The fact that Miss Amoye has since transferred the Premise Licence into her name has meant that Licensing wish to bring the matter before the sub-committee for consideration.

Thirdly, on looking at the conditions of the Premises Licence there are a number of concerns that these are outdated or not appropriate.

Further conditions are required in order to minimise issues at the premise, therefore Licensing would like to ask for the following;

1. That the current Licence Holder and DPS be removed from the Premises Licence to;
 - a. Somebody that has not already shown a contradiction in their ability to manage the premise and
 - b. Someone that would be available for the majority of the day to day running of the business.
2. That the following conditions be removed from the Premises Licence;
 - a. From 00:00, up to and including closing time Monday to Sunday, an employee of the applicant must supervise the exit of every person from the premises, and ensure and instruct each person to leave quietly and not congregate outside the front of the premises.
 - b. No entry or re-entry shall be permitted after 02:30 hours.
 - c. CCTV shall be installed and maintained in a working condition.
 - d. All CCTV recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.

And that the following conditions be added to the Premise Licence;

- a. 2 door supervisors of a suitable gender mix shall be employed from 20.00 hours on any day when the premises are open for the sale of alcohol past 00.00 hours.
- a. A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority
- b. No entry or re-entry shall be permitted after 23.00 hours. Patrons permitted to temporarily leave and then re-enter the premises to smoke, shall be limited to 4 persons at any one time and must leave the premise straight into a cordoned off area (not fixed) at the front of the premise and then straight back into the premise. If they exit this cordoned area they must not be allowed back into the premise after 23.00hrs.
- c. No 'Off' sale deliveries of alcohol will be permitted
- d. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
- e. A noise limiter set at a level agreed by Brent Council's Licensing Unit shall be used at all times.
- f. The level of music shall be arranged so as not to cause a nuisance to local residents.
- g. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.
- h. A CCTV camera shall be installed to cover the outside entrance of the premises and further cameras installed to cover the entrance area from the inside of the premise, the overall restaurant and the bar area.
- i. A "Challenge 21" policy shall be adopted and adhered to at all times.
- j. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- k. Notices explaining the licensee's policy on admission and searching shall be placed at each entrance.
- l. Substantial food and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided.
- m. Children shall not be allowed onto the premise after 20.00hrs unless accompanied by an adult and no

children shall be allowed onto the premise after 23.00hrs.

And that the following conditions remain on the Premise Licence;

- a. Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
 - b. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.
 - c. The total number of people permitted on the premises including staff and performers shall not exceed 50.
 - d. At all times when amplified live or recorded music or voice are being played at the premises all doors and windows must remain closed.
3. That the Licensable activities be reduced to the following;
- a. Hours Premise are open to the public;
Sunday-Thursday 11.00hrs-00.00hrs
Friday-Saturday 11.00-02.30hrs
 - b. Recorded Music
Friday-Saturday 11.00-02.00hrs
 - c. Supply of Alcohol
Sunday-Thursday 11.00hrs-23.30hrs
Friday-Saturday 11.00hrs-02.00hrs
 - d. Late Night Refreshment
Sunday-Thursday 11.00hrs-23.30hrs
Friday-Saturday 11.00hrs-02.00hrs
 - e. Provision of Facilities for Dancing
Friday-Saturday 11.00hrs-02.00hrs
 - f. Live Music
Sunday-Thursday 23.00hrs-00.00hrs
Friday-Saturday 23.00-02.00hrs
4. That a generic action plan be put together to demonstrate how the licence holder/DPS will manage the use of the Premise when either of the following licensable activities are to take place, showing particularly how they will adhere to the four licensing objectives;
- a. Recorded Music
 - b. Provision of facilities for Dancing

Please provide as much information as possible to support the application (please read guidance note 2)

Issue 1

On the 2nd June 2014 Brent Licensing Team received a request via email from the noise team (Juhaina Junaid) regarding this premise. The email stated that there had been a number of noise issues at the premise on the dates below;

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

and a request was made for a copy of the licence.

On 2nd June 2014 a copy of the licence was sent to Ms Junaid and contact details for the previous licence holder Mr. Gbeminiyi Daniel were given.

A further email was then received by Licensing from Juhaina on 31st August 2014 surrounding concerns that the above premises were still causing noise issues particularly between 02.00hrs-06.00hrs. A meeting was held between myself and Juhaina on 25th September 2014 and it was decided that we should call the licence holder and DPS Mr Daniel into Brent Council offices to discuss the issues. A letter was sent to;

- The premise address on 26th September 2014 inviting Mr Daniel in for interview on 14th October 2014, this letter was not returned and was ignored (SF002)
- The premise address on 29th October 2014 inviting Mr Daniel in for interview on 11th November 2014, this letter was sent recorded delivery, was not returned and was ignored (SF003)
- Mr Daniel's home address on 29th October 2014 inviting Mr Daniel in for interview on 11th November 2014, this letter was sent recorded delivery, signed for and was ignored. It is believed that Mr Daniel did not sign for this letter but it was signed for in his name (SF004).

An email was then sent to Mr Daniel's email address on 29th October 2014 provided on the Premise Licence attaching all three letters above, to which a reply was received from Mr Daniel on 3rd November 2014. The reply from Mr Daniel stated that he had not had a part to play in Mr Balogun's business for years and could not come into the meeting because he wasn't in the UK (SF005). At this point Licensing had no idea of who Mr Balogun was. Further enquiries were made to the Licensing Police who disclosed that Mr Jason Balogun had attempted to apply to be on the Premises Licence but had been refused.

A reply email was then sent to Mr Daniel on 4th November 2014 stating that he would need to either transfer or surrender the licence. (SF006) As of 25th November 2014 the Licensing Team has not received a response from Mr Daniel.

On 8th November 2014 at 01.25hrs I visited the premise with my colleague Lavine Miller-Johnson from Licensing and another colleague Juhaina Junaid from the noise team. On entering the premise a male approximately 5ft 7" approached me. I introduced myself and the male became instantly defensive and aggressive. I asked the male his name; he begun by telling me his first name and then stopped and asked what would happen if he didn't give me his name. I explained that this would be an obstruction under the Licensing Act 2003 and he could face being prosecuted. The male then responded by continuing to be aggressive, when asked to refrain from behaving in this way, he stated that he didn't take well to being threatened. I explained that I was simply responding to his question. The male then continued to give me his name Mr Oluwadamilare Okenla and was recognised by Juhaina as being the DJ during the last visit she had made. I asked him under which capacity he was working and he responded by saying that he was the 'manager'. Juhaina then asked him whether he no longer was the DJ as per her previous visit and he responded by saying 'I wasn't a DJ on that day', which Juhaina then refuted as being different to what he had stated during the last visit.

I asked Mr O who the licence holder for the premise was, he replied by saying he didn't know. I asked him when he had last seen Mr Gbeminiyi Daniel and Mr O responded by saying that Mr D visited the premise every day. Mr O then stated that he himself was in the premise every weekend. I asked how he knew Mr D was in the premise every day if he was only in on the weekends. He said he didn't know. I then asked Mr O when was the last time he saw Mr D, he replied by asking to retract what he had previously stated about Mr D being in the premise every day. I replied by saying that he wouldn't be able to retract his statement but would be able to add to what he had already stated. Juhaina then had a conversation regarding the noise issues with Mr O.

A member of staff at the other end of the premise then stated that the manager was on the phone. They stated her name was Lisa. I introduced myself on the telephone and asked whether her surname was Amoye, Lisa confirmed this was correct. I asked Miss A who the owner of the business was, Miss A stated that she was the owner of the business, that her name was on the lease but that the business rates were in Mr D's name (SF007). I asked how often Mr D was present in the premise and Miss A responded by saying that he was in the premise 5-6 days of the week and was present both week days and weekends. I asked when Mr D was last in the premise and Miss A replied by saying that he had been in earlier today. I asked how she knew for sure that he had been in the premise earlier today, whether she had been in the premise with him at the same time. Miss A responded by saying that she wasn't in the premise but was sure he was there because she had heard the kitchen staff in the background working in the kitchen.

I then asked Miss A when she normally comes into the premise, Miss A responded Friday, Saturday and Sunday and then added 'most of the week'. I then told Miss A that I had written proof that Mr D was no longer a part of the business and that he had stated this fact. Miss A Laughed into the phone but said nothing. Miss A then said Mr D is still part of the business and pops in. Miss A then mentioned a Mr Balogun as being the current business owner but that he was selling the business over to herself; she was waiting for the lease to be changed over to her name. Miss A stated that Mr B has been running the business for the last 8-9 years. I asked Miss A if she still stood by her statement that Mr D was a part of the business and she replied that she stood by it.

Miss A stated that she was sent a transfer notice application form but it hadn't been filled in yet. I told miss A that she could put the transfer in to change the premises licence into her name, however the licence would be reviewed under two grounds -

1. The fact that all visits have resulted in employees saying that the licence holder and Designated Premise Supervisor Mr D still works for the business when he clearly doesn't - therefore those currently running the business are not responsible enough to have a licence.

2. Numerous noise complaints resulting in a notice being served on the premise by Juhaina Junaid.

I then asked miss A if the CCTV is in working ordered and she responded by saying yes. I then asked how long the CCTV records for. Miss A initially stated 7 days and then when I mentioned that the requirement may be for 31 days, Miss A stated that was what she meant, it was 7 days at a time but recorded for 31 days.

During my visit the following condition; a copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises was not met.

I told miss A that she did not have a valid DPS on the Premise Licence and would therefore have to stop selling alcohol. She would have a choice of removing it from display or covering it up. I told Miss A that she would need to tell Mr O, to ensure him and any of the staff did not sell alcohol. Mr O and the other members of staff were standing around the telephone conversation I was having with Miss A and specifically Mr O heard all of the conversation. I told Miss A and Mr O that I would be returning to the premise to ensure that the alcohol had been covered up.

I returned to the premise at 02.33hrs. The staff had put black bags over the alcohol; I took photographs of the two fridges and behind the counter. (SF008) Whilst in the premise a male that had been present during the previous visit approached me and told me he was Miss A's legal representative. His name is Shola Oyediran - 07446162087 from Chris Solicitors, 72 Stoke Newington High Street, N16 7PA. I explained that I could not discuss any of the case with him unless Miss A wrote a letter giving me permission to deal with her part in the presenting issues. I also explained to Shola that I would not be able to discuss any of the licence with Miss A either because she is not currently the licence holder or DPS. I then left the premise

Since my visit to the premise, the Premises Licence and DPS consent have been transferred into Ms Lisa Amoye's name (SF009, SF010 & SF011) but as a result of the complaints received and the contradictions in Ms Amoye's conversation with me Licensing have no faith in Ms Amoye's ability to responsibly manage the running of the premise.

A letter was sent to Miss Amoye on Tuesday 11th November 2014 to both her home address (SF012) and premises address (SF013) asking for a copy of the CCTV for specific days over the last 31 days. I had requested that Ms Amoye present the CCTV by Monday 17th November 2014 but have received no response regarding this. On 18th November 2014 an email was sent to Ms Amoye to the email address provided when the licence was transferred on 10th November 2014 to ask for CCTV footage as it had not been provided based on previous letters, no response had been received to this email (SF014). I then visited the premise on 22nd November 2014 at 01.35hrs with my colleague Esther Chan and spoke to Freda Johnson, an employee. The last time Ms Johnson had seen Ms Amoye was on Wednesday 19th November 2014. Whilst in the premise there was a male that was

very intimidating towards myself and my colleague Esther Chan. He kept suggesting to Ms Johnson that she should not answer any of my questions. He talked over me and kept interfering whilst I was trying to carry out my duties. The staff present in the premise did not ask the male to stop behaving in this manner.

I then received an email from Ms Amoye on Saturday 22nd November 2014 at approx.. 13.00hrs stating that she had not been aware I was trying to get hold of her and would contact me on Monday with regarding the information I had requested. I replied to Ms Amoye on Saturday 22nd November at approx.. 23.30hrs explaining that she needed to bring the CCTV to the Civic Centre and put my telephone number in the email. On Monday 24th November 2014 at approximately 13.00hrs I received an email from the Business Support Team asking me to contact Ms Amoye. I called Ms Amoye who explained that the CCTV wasn't recording and therefore the dates I requested couldn't be provided. Ms Amoye had explained that the CCTV technician had been into see the CCTV on Sunday 23rd November 2014 and had stated that there were issues with the hard drive and would return on Tuesday 25th November 2014 to have another look. Ms Amoye explained that she thought it was working because the lights were still on at the front of the recorder. I explained to Ms Amoye that the Premise Licence was still being reviewed, when MS Amoye asked why I explained that I wouldn't be able to discuss it with her in that moment because I was busy but would be happy to discuss it when she called me back on Tuesday 25th November 2014. Ms Lisa Amoye said she couldn't understand why the Premise Licence was being reviewed when she had had nothing to do with the licence prior to transfer. On Tuesday 25th November 2014 Ms Amoye called me and gave the phone to the CCTV technician who explained that there were issues with the hard drive and it had not been recording. I asked the technician if he could supply me with a letter headed reply which stated this. The CCTV technician stated that he would oblige. At the time of submitting this application I have not yet received this letter.

I reserve the right to add any additional information to this application up until and on the hearing date.

Please tick ✓ **Yes**

Have you made an application for review relating to this premises before?

If yes, please state the date of that application

Day

Month

Year

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If you have made representations relating to this premises before, please state what they were and when you made them

N/a

Checklist

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date.....25.11.2014.....

CapacityLicensing Officer.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
N/a	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Data Protection: *The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.*

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets (Licensing)
Brent Council
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: environmentandprotection@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist on page 14 to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 8555 1200 x38778

Trading Standards
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5555

Environmental Health
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5252

Children's Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Licensing Authority
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
Tel: 020 8937 5359

Area Planning Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5210

Public Safety Team
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ

