

Brent

ENVIRONMENT AND NEIGHBOURHOOD
SERVICES

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

Tel: (020) 8937 5252
Direct Line 020-8937 5561
Fax: (020) 8937 5150
Email: environmentandprotection@brent.gov.uk
Web: www.brent.gov.uk/eh
Date: 06/03/2015

Mr Fatos Alimeri
11A Micklefield Way
BOREHAMWOOD
WD6 4LG

Your Ref:
Our Ref: SR/01120/07
Contact: Martin Wood

Dear Mr Fatos Alimeri,

**Re: Three Fratelli, 249 High Road, London, NW10 2RX
Licensing Act 2003.**

Following evidence of a statutory noise nuisance and the offence of breaching the terms of a Noise Abatement Notice, previously served on The Designated Premises Supervisor at the above premises, it is the policy of the Nuisance Control Team to apply for a Review of your Premises Licence.

Enclosed is a Review application made by the Nuisance Control Team. The administration of this matter will be handled by the Licensing Authority at Brent Council. The contact details for the Licensing Authority are:

business.licence@brent.gov.uk

020 8937 5359

My contact details are displayed in the letterhead.

Yours sincerely,

Martin Wood
Enforcement Officer
Environment and Protection

cc Brent Council, Licensing Authority



FOUR
STRAY DOGS

**Brent - building a better
borough**



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, **Martin Wood (Authorised Officer of Brent Council)** apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description	
Three Fratelli, 249 High Rd	
Post Town	London
Post Code	NW10 2RX
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Fatos Alimeri	
Number of premises licence or club premises certificate (if known)	
207493	

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 London Borough of Brent, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ
Telephone number (if any) 020 8937 5561
E-mail address (optional) martin.wood@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 | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

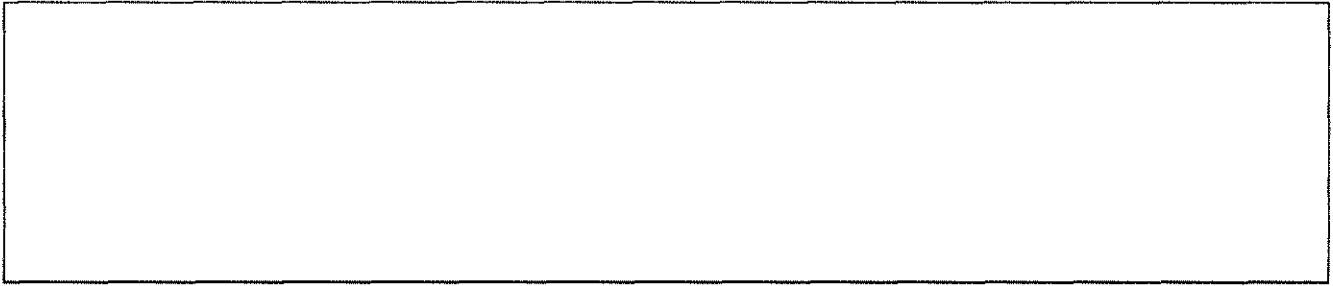
The operators have failed in their duty under the Licensing Act 2003 to promote the prevention of a public nuisance. The Premises Licence extends to the provision of live music. The premises is not adequately soundproofed to contain loud live amplified music without causing a nuisance to the occupiers of neighbouring and nearby residential units.

The Nuisance Control Team (NCT) - as a Responsible Authority - ask Committee to remove Live Music from the Premises Licence. We also ask Committee to endorse the Licence with the following Condition: "Live Music shall not be permitted at the premises until such time as a scheme of acoustic treatment, approved by the Council's Nuisance Control Team, has been installed and tested by persons competent and qualified to undertake and test such work."

On 10th January 2015 NCT obtained evidence of a statutory noise nuisance from live music playing inside the premises. This evidence also represented a breach of a Noise Abatement Notice served on the DPS (Designated Premises Supervisor) - Mr Bujar Marku - in December 2013. It is the policy of the NCT to apply for a licence Review whenever a licensed premises commits the offence of failing to adhere to the terms of a Noise Abatement Notice.

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

In February 2012, the previous operators of 249 High Rd were successfully prosecuted for breaching a Noise Abatement Notice. NCT became aware that new operators were at the premises in April 2013. From April 2013 to December 2013 NCT received three online complaints reporting noise from loud music; three nuisance-on-notifications reporting loud music; and, one e-mail reporting loud music. In April 2013 I telephoned Mr Bujar Marku (the DPS) to advise him about a complaint. I advised him that evidence of a nuisance from loud music would result in a Review of the Premises Licence. An Officer from NCT also visited the premises and advised Mr Marku to monitor the noise levels from live music. An Advisory letter was sent to Mr Marku in November 2013. Following a further complaint a Noise Abatement Notice was served on Mr Bujar Marku prohibiting the occurrence of a statutory noise nuisance from amplified music. A covering letter advised him the Council were of the opinion that a nuisance from loud amplified entertainment was "likely to occur". Since serving that Notice, NCT received two online complaints reporting noise from loud music; eleven nuisance-on-notifications reporting noise from loud music; and, seventeen e-mails complaining of noise from loud music. In July 2014, an Officer from NCT visited the premises and reminded Mr Marku of the Noise Abatement Notice. In that same month I made an assessment of noise emanating from the premises while seated in a stationary works vehicle parked diagonally opposite from the front of the premises, at 01:20hrs. I noted easily audible amplified folk music was heard to significantly increase when the door was opened by patrons accessing and exiting the premises. There did not appear to be any external checks been undertaken. In November 2014 a letter was sent to the premises reminding that the Noise Abatement Notice was still in force. On 03 December 2014, Mr Marku contacted me to apologise for the noise that occurred on Albania (independence) Day, on the 29th November. He stated that he ensures his doormen keep the lobby doors closed and that he undertakes regular external sound checks to ensure there is no excessive loud amplified music coming from the premises. On 10th January 2015, I responded to a complaint of noise and obtained evidence of a statutory noise nuisance from loud music. This was also a breach of the terms of the Noise Abatement Notice. I interviewed Mr Marku under PACE caution on the 12th January at the premises and noted large speakers stored in a hallway. The premises is a traditional brick-built end of terrace property in a mixed retail/commercial and residential area which includes residential units above shop premises. The fabric of the building is in no way designed or suitable for containing loud live amplified music.



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			

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

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 ✓
- I understand that if I do not comply with the above requirements my application will be rejected ☐

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 06. MARCH. 2015

Capacity ENVIRONMENTAL HEALTH OFFICER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
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