

## London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee (C) following a hearing on 29 June 2016 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

### NOTICE OF DECISION

#### PREMISES

The Cock Tavern  
125 Kilburn High road  
London  
NW6 6JH

#### 1. Members of the Sub-Committee

Councillors Long (Chair), Hylton, Mahmood

#### 2. Details of Existing Licensable Activities

##### Regulated Entertainment

Monday – Saturday	20:00hrs to 02:00hrs
Sunday	14:00hrs to 01:00hrs

##### Sale of Alcohol

Monday – Saturday	09:00hrs to 02:30hrs
Sunday	10:00hrs to 01:00hrs

##### The current opening hours are:

Monday – Saturday	07:00hrs to 03:00hrs
Sunday	09:00hrs to 01:30hrs

#### 3. The Application

The application for an expedited premises licence review was served under section 53A of the Licensing Act 2003 under two grounds:

- The prevention of crime and disorder
- Public safety

The application stated that the police were primarily concerned with the severity of the crime and disorder occurring from the venue as a result of the complete disregard of the existing licence conditions. The application detailed that a serious incident of violence, constituting an affray, took place on the 26 June 2016. The incident involved both members of staff and patrons at the premises. It was alleged that the incident resulted in a customer suffering a stab wound. It was further alleged that the DPS, who for the time being is Mr Rogerio Mendes, was involved in this incident. The police sought the suspension of the licence as an interim step, pending full revocation at the review hearing.

#### **4. Representation**

The Police were represented by Mr Nick Mortimer, Licensing Manager for the London Borough of Brent.

The license holder is Enfield High Street (AG221) Limited, of which Mr Mukesh Aggarwal is a director. Mr Aggarwal was present and represented by Mr Julian Skeen, solicitor. Mr Rogerio Mendes, the DPS, was also in attendance.

#### **5. The Hearing**

Mr Mortimer outlined the Police case, in line with the application and with reference to the witness statement of PC Quinn. Mr Mortimer noted that this was the second instance of violence in the last three months. The violence on this occasion involved the current DPS who had acted aggressively towards an intoxicated patron. He submitted that the police had no faith in the current management and were seeking suspension of the license.

The CCTV footage of the incident was shown.

Mr Mortimer was then questioned briefly by Mr Skeen and accepted that the police had no issue with the initial conduct of the staff when ejecting the patron out of the premises. He reiterated however that thereafter the behaviour of the staff, and in particular Mr Mendes, became unacceptable. There was clear evidence that Mr Mendes had kicked and then thrown an A-broad at a patron.

Mr Mortimer confirmed that the stab wound grazed the liver of victim, who was no longer in hospital. No knife was recovered at the scene. The CCTV was provided to the police by the premises when requested.

Mr Skeen on behalf of the licence holder opposed any suspension and suggested that imposing a condition of a door supervisor from 6pm would be a more proportionate response. He noted however that this would be financially difficult for the premises. It was accepted that Mr Mendes should not have thrown the A-board at the customer, however it was suggested that he had been provoked due to an attack upon his partner. Mr Skeen submitted that it had been a member of the bar staff who called the police using a customer's mobile phone before the second assault occurred. The sub-committee heard brief evidence from the member of staff who made the telephone call.

There was discussion of the cause of the stab wound, but it was accepted by all parties that there was no medical evidence before the sub-committee.

In closing the police reiterated that this was an incident of serious disorder, that spilled out onto a public highway, on a summer's evening. Whilst the initial conduct of the staff had been fine, the second incident was wholly unacceptable. The license should be suspended.

The license holder submitted that this was an unusual case. The incident only became out of hand once Mr Mendes had been provoked. Mr Skeen submitted that until further evidence is gathered, the exact position was not clear. He queried whether this conduct would fall under the statutory definition of "serious crime", although, he latterly accepted that it did fall under the definition of "serious disorder." Mr Skeen described the incident as a "one off". He suggested that suspending the license would be a disproportionate response. He noted that steps were in hand to apply to change the DPS, and employing more door staff would be a more proportionate response.

## **6. Determination of the Application**

The sub-committee determined the application in accordance with sections 53A and 53B of the Licensing Act 2003. Further the sub-committee considered the matter with a view to promoting the licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Brent's licensing policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee were mindful of the need to reach a decision that was necessary, proportionate, and justified on the evidence before them.

## **7. Decision**

The sub-committee have taken into consideration the submissions made by both parties.

We have further looked carefully at the CCTV footage.

The sub-committee continue to have grave concerns about the conduct of Mr Mendes. We note that he was removed as DPS at the review hearing of the 9 June 2016. That decision is yet to take effect, pending the period for appeal expiring. However, if that decision had not been made, we today would have removed Mr Mendes as the DPS.

The sub-committee have taken into account, as we are entitled to do so, the previous incidents of violence at this venue.

The sub-committee has decided not to suspend the licence on this occasion.

However, the following conditions are to be imposed, to take effect at midnight on the 29 June 2016.

1. *SIA accredited door supervisors shall be on duty at the premises in the following number and at the following times:*
  - a. *at least 1 door supervisor Monday to Friday from 18:00 hours and at least 2 door supervisors from 20:00 hours until close of business.*
  - b. *at least 1 door supervisor Saturday and Sunday from 16:00 hours and at least 2 door supervisors from 20:00 hours until close of business.*
2. *No patron suspected of being intoxicated shall be allowed entry to the premises at any time.*
3. *The Police shall, at a time to be arranged, but no later the end of the week commencing 18 July 2016, conduct security and door management training with any employee of the premises who is concerned with the management and/or retail sale of alcohol and/or food.*

