

**From:** Robert Sutherland [mailto:Robert.Sutherland

**Sent:** 03 April 2019 17:08

**To:** Chan, Esther <Esther.Chan@brent.gov.uk>; Nicola.McDonald@met.police.uk

**Cc:** Business Licence <business.licence@brent.gov.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>; Robert Sutherland <Robert.Sutherland

**Subject:** RE: Sallys revisions to application and conditions

Dear Esther,

I am taking instructions but my initial comments are:

4. If a time interval is preferred may I suggest the following –

‘Toilets shall be checked at least every three (3) hours for the use of drugs and other illegal activities’

5 There are 2 parts to the rear area. One deals with smoking and the other deals with drinking. The smoking restriction is following the consultation period and is to address concerns by limiting smokers to this area during the day and requiring the smokers in the evening after 9pm to smoke at the front of the premises. The application seeks on and off sales, the purpose of the plan is to reduce the off sales so that the only off sales will be to persons consuming in this identified area. The greater off sales must include this small defined area to the rear and so the plan is a restriction on the sales already applied for to address concerns raised during consultation. On that basis isn't this ok as part of this application?

6. In respect of the numbers of smokers at the front would it be possible to impose any restriction after a particular time. I am anticipating the concern is about public nuisance. Are such concerns there during the day. Noise at 12 noon is less likely to be a nuisance than at night. Therefore would it be possible to look at a number restricting smokers after 21:00 or 22:00 hours? The second point is on numbers, 4 is very few given that the premises are a local pub. May I suggest a compromise – splitting the difference and suggest 7 smokers?

Best Regards

Robert Sutherland  
Consultant Solicitor  
Keystone Law

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**From:** Chan, Esther

**Sent:** 03 April 2019 16:21

**To:** Robert Sutherland ; [Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk)

**Cc:** Business Licence ; Patel, Yogini ; Legister, Linda

**Subject:** RE: Sallys revisions to application and conditions

Dear Robert,

Please see my response highlighted in red below each of your points. If you are happy with my comments, I will amend my representation to reflect the agreed changes, namely Condition 11.

Kind Regards

Esther Chan  
Licensing Inspector

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**From:** Robert Sutherland [<mailto:Robert.Sutherland>]

**Sent:** 03 April 2019 15:50

**To:** [Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk); Chan, Esther <[Esther.Chan@brent.gov.uk](mailto:Esther.Chan@brent.gov.uk)>

**Cc:** Robert Sutherland <[Robert.Sutherlandk](mailto:Robert.Sutherlandk)>

**Subject:** RE: Sallys revisions to application and conditions

**Importance:** High

Dear Nicola and Esther,  
Thank you for your time.

I have joined all the conditions together so that we can all see what is requested and agreed and what is still outstanding. As I only received Esther's conditions today I have added them to the end. Many of them are already agreed and in those circumstances I have made a note crossing through the condition and stating why deleted. I have highlighted my comments for ease. Other conditions are agreed. Some are not.

The outstanding issues appear to me to be:

1. The special occasions hours limited as discussed with police but licencing do not want any special occasions – **If the application does not include licensable activities such as 'regulated entertainment', the occasional use cannot apply unless a TEN is applied for. The Licensing Authority are not willing to remove this condition.**
2. Licensing condition 11 delete 'detectable' and replace with causing a nuisance - **The Licensing Authority are happy to amend condition to 'No noise or vibration shall cause a nuisance at any neighbouring noise sensitive premises.'**
3. Last admission time agreed with police as 23:30 – licensing seek 23:00 - **In light that the supply of alcohol shall cease at 00:00hrs, the Licensing Authority believe this would be reasonable request. The Licensing Authority are not willing to remove this condition.**
4. Toilet checks regular – agreed with police and a set time of every 2 hours required by licensing – **Regular checks is subjective, therefore I have specified the frequency.**
5. Smoking we have agreed with police, subject to a plan smoking to rear up to 9pm. Drinks would be allowed in that area up to 9pm but no drinkware or drinks taken off the premises. – **This plan has not been included as part of this particular consultation. If you wish to include this, you may wish to apply for a minor variation after the new application is granted.**
6. Smoking area to front from 21:00. I have suggested a restriction on number of smokers to front after 22:00 of 10 smokers - **Due to the size of the venue, the Licensing Authority believe 10 smokers would be excessive and therefore proposed to 4 people. The Licensing Authority are not willing to remove this condition.**

I think that is an accurate summary of the current position but please check and let me know if that summary is agreed.

What are your thoughts on the revisions?

Best Regards

Robert Sutherland  
Consultant Solicitor  
Keystone Law

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**From:** Robert Sutherland <[Robert.Sutherland](mailto:Robert.Sutherland)>  
**Sent:** 02 April 2019 16:37  
**To:** [Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk)  
**Cc:** Robert Sutherland <[Robert.Sutherland](mailto:Robert.Sutherland)>  
**Subject:** RE: Sallys revisions to application and conditions

Thanks  
Yes I can add that as a condition.  
Are you ok with everything else?

Best Regards

Robert Sutherland  
Consultant Solicitor  
Keystone Law

**From:** [Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk) <[Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk)>

**Sent:** 02 April 2019 15:52

**To:** Robert Sutherland <[Robert.Sutherland](mailto:Robert.Sutherland)>

**Subject:** RE: Sallys revisions to application and conditions

Robert

No difficulty however doors and windows to be closed during entertainment.

Nicola

**From:** Robert Sutherland [<mailto:Robert.Sutherland>]

**Sent:** 02 April 2019 10:59

**To:** McDonald Nicola - NW-CU <[Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk)>

**Cc:** [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk); [Linda.Legister@brent.gov.uk](mailto:Linda.Legister@brent.gov.uk); [Yogini.Patel@brent.gov.uk](mailto:Yogini.Patel@brent.gov.uk); Robert Sutherland <[Robert.Sutherland](mailto:Robert.Sutherland)>

**Subject:** RE: Sallys revisions to application and conditions

Hi Nicola,

On the regulated entertainment, the application would be amended to remove the regulated entertainment save for on St Patricks day 23:00 to 01:00 day following and between 31<sup>st</sup> December 23:00 and 1<sup>st</sup> January 04:00. Does that cause any difficulty?

Best Regards

Robert Sutherland

Consultant Solicitor

Keystone Law

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**From:** Robert Sutherland <[Robert.Sutherland](mailto:Robert.Sutherland)>

**Sent:** 01 April 2019 18:33

**To:** [Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk)

**Cc:** [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk); [Linda.Legister@brent.gov.uk](mailto:Linda.Legister@brent.gov.uk); [Yogini.Patel@brent.gov.uk](mailto:Yogini.Patel@brent.gov.uk); Robert Sutherland <[Robert.Sutherland](mailto:Robert.Sutherland)>

**Subject:** RE: Sallys revisions to application and conditions

**Importance:** High

Dear Nicola

Thank you. I have amended the document changing all your comments which are agreed to blue. There are also a few additional comments also in blue.

I agree we need a plan of the rear area and I am getting it drawn up. This revision would mean that the application can be amended to remove any off sales.

Does the additional condition on smoking address your issue?

I have amended the cctv requirement to make the description of this external area consistent through the conditions.

All other revisions proposed by the police are accepted with one change. The last admission time of 23:30 is agreed but in relation to the non-seasonal additional times would it be possible to move the last admission time too so that the last admission would be 30 minutes before the end time for the sale of alcohol. I.e. 00:30 or 03:30 as appropriate?

In relation to regulated entertainment it is not required generally and I propose to amend the application to reflect that. However, I am checking the position on the non-seasonal additional times – New year's eve/ New year's day I think it would be desirable and possibly St Patrick's day. Will that cause any difficulty?

Best Regards

Robert Sutherland  
Consultant Solicitor  
Keystone Law

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**From:** [Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk) <[Nicola.McDonald@met.police.uk](mailto:Nicola.McDonald@met.police.uk)>  
**Sent:** 01 April 2019 11:18  
**To:** Robert Sutherland <[Robert.Sutherland](mailto:Robert.Sutherland)>  
**Cc:** [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk); [Linda.Legister@brent.gov.uk](mailto:Linda.Legister@brent.gov.uk); [Yogini.Patel@brent.gov.uk](mailto:Yogini.Patel@brent.gov.uk)  
**Subject:** Sallys revisions to application and conditions  
**Importance:** High

Dear Robert  
Thank you for the attached information.  
Can you please confirm the application for entertainment has now been withdrawn?

Police regard the Non-standard timings for New Year's Eve and new Year's day to be excessive. Police suggest licensable activities cease 0400hrs and premises close the public at 00430hrs on New year's Day to be more responsible.  
Police are happy with the other Non-Seasonal variations.

With regard to the suggested conditions I have added any alterations or additions in red.

I look forward to hearing from you  
Nicola