

London Borough of Brent

**Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing
on 18th January 2019 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ**

NOTICE OF DECISION

PREMISES

Triangle
248-252 High Street
London
NW10 4TD

1. Members of the Sub-Committee

Councillors Ahmed (Chair), Long and Maurice.

2. The Application

The application is for a new premises licence for regulated entertainment and the sale and supply of alcohol from 22:00hrs to 02:00hrs Sunday to Thursday and until 03:30hrs Friday & Saturday, late night refreshment from 23:00hrs 02:00hrs Sunday to Thursday and until 03:30hrs Friday & Saturday, and to remain open from 22:00hrs to 02:30hrs Sunday to Thursday and until 04:00hrs Friday & Saturday, by This Way Entertainment Ltd under section 17 of the Licensing Act 2003.

Representations have been received from the police, licensing officers, Public Safety, Nuisance Control Team, planning officers and over 50 residents.

PC Nicola McDonald, on behalf of the police, wrote that she visited the premises on the 23rd October 2018. The venue is currently abandoned and requires a vast renovation project. It is located at the end of a parade of shops and small business premises with substantial residential properties above and behind. The building is very old with no sound proofing. There are no other late-night licensed premises in the area. The nearby roads are either double yellow lines or resident parking only. There is a small plot of land approximately 1m x 4m outside the entrance door marked out by metal barriers. The entrance door opens on to a tiny landing with a small triangular reception area to the right. The stairs that descend into the club are steep and unlit with a hand rail only on one side. They are not suitable for two-way pedestrian traffic, especially for customers under the influence of alcohol, in a disorientating environment with flashing lights and

music. There are two fire escapes that lead to the rear of the premises onto Clifton Road. There are residential premises directly outside the fire escape.

PC McDonald met with one of the directors of This Way Entertainment, Mr Amer Alkachach. She was told there is a second director, Mr Samir Askoul, who is the proposed designated premises supervisor. Neither director have any experience of operating a night club, however Mr Askoul has worked in hotels and on 'city cruises'. They will use promoters to organise events. They wish to provide alcohol, music and snacks, attracting customers both locally and from far afield. There will be a dance floor with DJs and a raised VIP area where customers can have bottles of champagne and spirits served at the tables.

Mr Alkachach said he considered the premises to have a capacity of 240 persons. He indicated smokers would be allowed outside the front of the venue, but only 4 or 5 smokers at one time. In PC McDonald's view, this is not feasible for a venue with such a large capacity. The suggestion was also inconsistent with the operating schedule which suggests the fire exists that lead to the rear of the premises would be used as a smoking area. PC McDonald comments that using the rear of the premises for smokers will cause unacceptable pollution of noise and smoke to residents.

Mr Alkachach said that security would maintain a free flow use of the stairs for the safe egress and access for his customers. The intention is to hold customers at the entrance at the top of the stairs to permit people coming upstairs. This, in PC McDonald's view, will cause congestion in the very small entrance landing, pushing customers out on to the street. There would have to be security in permanent positions at the top and bottom of the stairs. Mr Alkachach also indicated that security would escort customers away from the venue in a quiet orderly manner as to not disturb the residents. In PC McDonald's view, this is not realistic. Mr Alkachach said that security will hold customers back at the bottom the stairs in order to allow customers to leave in more manageable numbers. If that is the plan, the police suggest a 45-minute time between the conclusion of licensable activities and the time the premises close to the public. There is no segregated area in which customers can queue and be searched which may cause obstruction and public nuisance.

The plan is for the VIP area to have waiter/waitress service and customers would be able to purchase and have bottles of Champagne and spirits on the table. The police object to full bottles of spirits being purchased by customers. It can lead to drunkenness and makes it difficult for staff to manage consumption volumes.

The venue was previously known as Jet Sete and before that Palm Beach. During its operation the venue had numerous incidents of serious crime and disorder including

shootings. A Trident specialist crime prevention officer assisted the differing managements. The premises licence was reviewed firstly in June 2010, then in May 2015, then again in June 2017 and finally January 2018 when the licensing committee decided to revoke the premises licence. Even with 44 conditions attached to the premise licence the venue was unable to uphold the licensing objectives.

The police consider this application and business model to be similar to the previous ones and believe it will inherit the same issues. PC McDonald believes that the venue in its current state is not suitable to be a night club and the police object in principle to the provision of live or recorded music and dancing.

If approved building works are carried out which result in the venue becoming suitable, the police consider that the licensable activities should cease at 23.15hrs and the premises should close to the public at 00.00hrs. This would minimise any disturbance to residents from customers leaving. Trains and regular bus services are still operating at that time which will enable the dispersal of customers more efficiently. PC McDonald also asks that conditions be added.

Esther Chan, on behalf of the licensing authority, visited the premises on the 17th October 2018 and spoke to Mr Alkachach. Mr Alkachach told her that the nature of the business will be a club targeted at over 21s playing 'cosmopolitan' music. The venue will follow a 'No Trainers' dress code. Mr Alkachach said he was aware of the issues connected to the previous club known as Jet Sete but felt his business will be 'classier' and will not attract the same issues.

According to the application a dispersal policy will be in place, however Mr Alkachach was unable to explain to Ms Chan in detail how his patrons would disperse from the venue effectively without causing noise disturbance.

There are residential dwellings above and surrounding the venue, therefore Ms Chan felt it would not be appropriate for smokers to use the area at the rear by the fire exit doors.

The antisocial behaviour ('ASB') Localities Officer told Ms Chan that Harlesden is a hub of culture. However, ASB in the area is currently rife especially in places like Rucklidge Avenue, Leghorn Road and surrounding areas. Young people seem to be victims and perpetrators of a lot of the crime in the vicinity.

The Licensing Authority is concerned that the following issues may arise if strict management and conditions are not complied with:

Parking – Nuisance caused in residential areas, honking car horns etc;

Loitering – Patrons causing anti-social behaviour on street;

Noise Nuisance - Music emanating from the venue;
Poor queuing system causing obstruction on the public highway; and
Crime and disorder.

If the application is granted, Ms Chan proposes the following hours be allowed:

All Permitted Regulated Entertainment:

Monday – Sunday 22:00hrs – 23:30hrs, Friday – Saturday 22:00hrs – 23:30hrs

Provision of Late Night Refreshment:

Monday – Sunday 23:00hrs – 23:30hrs, Friday – Saturday 23:00hrs – 23:30hrs

Sale and supply of Alcohol:

Monday – Sunday 22:00hrs – 23:30hrs, Friday – Saturday 22:00hrs – 23:30hrs

The Opening Hours of the Premises:

Monday – Sunday 22:00hrs – 00:00hrs, Friday – Saturday 22:00hrs – 00:00hrs

She also asks that conditions are attached.

Maria Silva Rosa, on behalf of the Noise Control Team, inspected the premises and believes that granting the application will likely result in public nuisance being experienced by the occupiers of neighbouring and nearby residential premises. There are residential units above the ground floor shops on the High Street on either side of the premises and to the rear of the premises (on Clifton Road). In her view the venue is not designed to contain disco level of entertainment. Potential areas of noise breakout included the areas around the existing fire doors and rear windows which had gaps and were not soundproofed. The ceiling throughout does not appear to benefit from a professional acoustic treatment. It has been perforated with apertures for lights, ventilation and fire safety.

The operating schedule does not address the prevention of public nuisance from airborne and structure borne noise and vibration arising from entertainment noise, noise generated by patrons in external areas of the premises, or noise generated from patrons entering and exiting the premises during noise sensitive hours. The proposed hours are likely to impact adversely upon immediate and nearby residents and are inappropriate due to the close proximity of residential dwellings.

If the application is granted, Ms Silva Rosa proposes that the operating hours should terminate at midnight and the licensable activities should cease 30 mins before the terminal hour. She also asks for conditions to be imposed.

Chris Pearce, on behalf of Public Safety, asked for conditions to be imposed.

The Planning Team objected to the application on the basis that there is no permission for an extended basement night club across 3 plots.

Over 50 local residents have made written representations on the grounds of crime and disorder, public safety and public nuisance (including noise and littering). Many make reference to the significant problems they experienced when the venue was open previously.

As written representations had been received, a hearing was held pursuant to section 18 of the Licensing Act 2003.

3. Representation

The applicant was represented by its agent, Stewart Gibson. The directors, Samir Askoul and Amer Alkachack attended.

The Metropolitan Police were represented by PC Nicola McDonald.

The licensing authority was represented by Esther Chan.

The Noise Control Team was represented by Martin Wood.

Public Safety was represented by Chris Pearce.

Residents SGV, FO, MW, and MM attended. Councillor Hector also attended to speak on behalf of residents.

4. The Hearing

PC McDonald presented the case for the police. She set out that there was a history to the building itself. At present the building has not been changed at all as shown by the photos in the bundle. It was previously Jet Sete and Palm Beach. At those venues there were numerous incidents of crime and disorder including shootings. The premises licence was reviewed in 2010, 2015, 2017. Finally, in January 2018 it was revoked. By then there were 44 conditions attached and the venue was still unable to uphold the licencing objectives. Whilst it is a new application, she didn't see any differences between it and the previous ones.

She visited in October 2018 with Martin Wood and met with the applicant. He informed her there was another business partner who's here today. Neither has any experience in operating a night club. The applicant did mention he had working on city cruises and in the hotel industry. He said they will use promoters to arrange events and they wished to provide a good old-fashioned service with music, alcohol and snacks. There will be a raised VIP area where customers will be served bottles of champagne and spirits.

PC McDonald said she did not want this to be fluffed up in any way; it's an application for a night club in a residential area. It's at the end of parade of shops. There are substantial residential premises above and behind. The photos on page 165 show the residential flats directly above. There are 5 off that corridor. Page 166 shows further flats 2 storeys above. Page 162 is a photo of the fire door showing residential windows directly above and on either side of the door. Page 163 shows further residential windows. Page 164 shows a kitchen window directly next to the fire door.

It's an old building with no sound proofing. There are no other venues with late-night licences nearby. The road is either covered by double yellow lines or residential parking. The entrance door opens onto a tiny landing. Steep narrow stairs then go down into the club. The reception is where searches and payment would take place. Also, ID scanning if that's to take place. It's a very small area that's not suitable for searching. Searching and queuing would have to take place outside and the designated smoking area would have to be there as well. That means the queuing would be on the highway and there is a bus stop directly outside. There is no lighting on the stairs and a handrail only on one side. It is not suitable for 2 way traffic particularly for those under the influence of alcohol in a disorientating environment with flashing lights.

There is a small kitchen only supplied by electricity, not gas. There is no reference to food safety in the operating schedule.

The fire escape goes out onto Clifton Road where there are residential properties.

The application proposes a capacity of 240 but only 4 or 5 smokers at any one time. That is not feasible. The applicant told me the DSA would be at the front which is inconsistent with the operating schedule which says the DSA would be at the back. There's no scope for that area to be used due to nuisance to residents.

PC McDonald said she'd asked the applicant about how the stairs would be managed. The response was that they would be managed by security. They intend to hold customers at the top to enable people to come up. That will cause congestion in the very small entrance area by pushing people onto the street. They would need security at the top and bottom meaning a minimum of 4 security officers which will increase costs. The applicant also

said security would escort people away at closing time. That is not realistic. PC McDonald said that, if they are going to hold people at the bottom to allow them to leave safely, there should be a 45 minute drinking up time rather than the usual 30 minutes.

In relation to the VIP area, the police object to full bottles of spirits being purchased as that leads to drunkenness.

PC McDonald said she had recently been given the dispersal policy and would have questions for the applicant in relation to that later.

PC McDonald said the business model is reflection of previous ones and will inherit the same issues. The venue in its current state is not suitable to be a night club. She objects to music and dancing being licensed. If suitable works are carried out, licensable activities should end at 23.15hrs and the venue should close at midnight. That will enable everyone to get out safely and limit nuisance to residents. Public transport will still be running at that time.

PC McDonald said she had carried out a search on local crime reports. In the last 12 months it no longer shows as a hotspot for ASB and crime and disorder. Previously it did.

Questions were asked by Mr Gibson. He said the last information should be ignored as it had not been provided in advance.

Mr Gibson suggested there was one floor of shops between the club and residential properties. PC McDonald said that's not correct; the residential properties are directly above the entrance.

Mr Gibson asked PC McDonald about an apparent inconsistency in her evidence. She said it was not feasible to limit the number of smokers to 5 and yet the 7th condition proposed by her is that the number of smokers should be limited to 5. PC McDonald said that condition was based on the venue ceasing trading at 23.15hrs.

The Councillors then asked questions.

It was confirmed that the entrance to the flats is shown in the photo on page 157; it's a doorway between the shops. There is then a stairway going up to the flats.

PC McDonald said the significance of there being no gas was that it indicated they were not going to do industrial catering, but would only provide snacks.

She was asked if there was any reason why the stairs could not be properly lit and said she was not sure.

PC McDonald confirmed that she wished trading to ceasing at 11.15 on Fridays and Saturdays as well.

Ms Chan then presented the Licensing Authority's case. She visited on the 17th October with Chris Pearce and Mr Alkachack. They discussed the business model and were told that it would be a club targeted at over 21s playing cosmopolitan music. There would be a no trainers rule. Mr Alkachach was aware of the issues with the previous club. He felt their club would be classier and wouldn't attract the same issues.

Ms Chan said it was not appropriate for smokers to smoke at the rear due to the residential properties nearby.

The ASB Localities Officer had told Ms Chan that ASB is problematic in the area. Young people are the victims and perpetrators of crime.

The activities proposed are the same as for the previous businesses. Ms Chan remained concerned about issues of parking, nuisance, ASB, noise nuisance, poor queuing causing obstruction of the highway, and crime and disorder.

She has proposed 20 conditions and proposes the hours be curtailed – 23.30hrs for licensable activities and closing at midnight.

There were no questions from the applicant.

The Councillors asked what 'cosmopolitan music' meant. Mr Alkachach said it was commercial music that's suitable for all.

Mr Pearce set out the case for public safety. He had discussed their likely representations with the applicant on the 17th October and had emailed the proposed conditions on the 18th October. He had not received any response and did not know why they objected.

Mr Gibson asked how the capacity figure of 166 had been arrived at. Mr Pearce explained that technical standards give guidance on the capacity based on the size of a venue in square metres depending on the use. He said he had measured the venue and separated it into areas of different usage e.g. dancing, seating, and then used the guidance to reach that figure.

The Councillors asked Mr Pearce whether it was unusual for his conditions to not be agreed. He confirmed it was. He said there would normally be a dialogue. In his view, the conditions were not too onerous.

Martin Wood presented the case for the Nuisance Control Team. He argued the venue has had its day as a night club. It is likely to result in public nuisance to local residents. There are residential premises above the shops, above the club and behind. There are areas of noise breakout at the rear. The ceiling is not professionally insulated and it has apertures for lights etc. He recommends refusal. If the application is granted, he asks for conditions. Regulated entertainment should not be permitted until approved acoustic works had been carried out. They would be prohibitively expensive and wouldn't be signed off unless they were completely to the NCT's satisfaction.

Mr Wood referred to the photos from p.141. There are 18 flats nearby. There are flats directly above the smoking area. The photos show significant equipment that will put out a lot of sound energy. You can see the holes in the ceiling and the fact there is no insulation at all. You're not supposed to breach the ceiling; any acoustic treatment will fail if you do. The fire exit is not acoustically treated.

Page 149 shows previous complaints received. They were 11 separate complainants from 11 separate households. The NCT witnessed noise nuisance on 3 separate occasions. They had to issue noise abatement notices which were breached. The bundle also includes emails (from p.151) of complaints re noise nuisance to Brent. They refer to noise from people leaving and also noise and vibrations in residential premises from the music. The one person suggested the noise in their flat was 100 decibels. He guessed they had downloaded an app. Page 155 is a statement from the previous team leader who was patrolling at 3.15am and could hear music from Clifton Road 28m meters away even in a car with the windows shut and the radio on loud.

Mr Gibson asked questions. He noted that Mr Wood had said that the application in its present form shouldn't be granted but asked whether, if the proposed conditions were imposed, he would still have a problem with it being granted with reduced hours. Mr Wood said that his starting position was still to ask the sub-committee not to grant it.

Mr Gibson asked whether, if the previous owners had had the conditions in place, they would have had the problems referred to. Mr Wood said he believed noise from dispersal would still have been an issue. Signed off acoustic works would probably have resolved the other issues but that would have involved considerable expense.

The Councillors then asked questions. They asked how much the acoustic works would cost. Mr Wood said they would require a professional acoustician to go in and inspect the

venue and then produce a report saying what level of treatment is requirement. He had been involved in a smaller venue in Manchester and that cost £20,000 15-17 years ago. He would estimate £60-70,000 for this venue now.

Councillor Maurice queried whether there are apps to measure decibels. Mr Wood said there are now apps you can download that will give fairly accurate level although any readings are not professional or calibrated. He clarified that he did not know that the resident did measure the decibels or it's just a guess.

Mr Wood confirmed the acoustic report would have to cover the whole premises including the stairs, exit, toilets etc and consider flanking transmission. He said £60-70k may be on the low side.

He was asked where the lobby door could go and said he was not sure as the space is very tight.

He confirmed there were a lot of private residential properties near the venue and it was not the most salubrious area. He said many residents may not know how to report noise nuisance.

He was asked how the noise was escaping previously despite the doors being shut and said that was due to the level of the noise.

He was asked whether there can be a limit on the decibels inside. He said yes but that was a bad idea because noise comes at different frequencies. He confirmed that anything over 100 decibels would be injurious to health but said noise limiters were falling out of favour. They are usually bypassed by promoters.

Mr Wood said currently the NCT's out of hours team worked 7 days week until 2am but that was likely to change soon due to lack of resources and would no longer be 7 days a week but just at weekends.

Councillor Hector spoke first on behalf of local residents. She said that a lot of people have run the premises and have had good intentions but haven't managed to control the nuisance. On average, residents experience noise for an hour after it closes. If it shuts at 3am, they will have no peace until after 4am. Previously the venue had only been open at weekends. Now they will also suffer disturbance during the week. It will involve the threat to the well-being of children due to sleep deprivation. Residents have suffered problems with laughing gas from the venue; there would be silver cannisters all over the street afterwards causing a nuisance.

MW then spoke. He lives on [REDACTED] and has collated reports from other residents. He regularly passes the premises. When the club was open he was directly aware of litter, crowds late at night, parking all the way down to Odesa Road, vomit on the stairs to station, and people urinating in the streets. He had been told by other people that they were bothered by slamming car doors, people sitting on garden walls chatting, and people vomiting and urinating in front gardens. All of those issues have got a lot better since the club closed. He would like it to close at 10pm if it re-opened.

SGV then spoke. She lived on [REDACTED] and for 6 years had been regularly disturbed at the weekend by people leaving and shouting outside. There were no efforts to move people on. People would be slamming doors and playing music. There is no public transport at that time and no cab firm nearby. She was therefore concerned about drink driving. People have used her garden as a toilet. There was a correlation between that happening and the club being open. There is a school nearby and she has seen drug paraphernalia left lying about. When she has suffered the most the Noise Team were not open. If she called 101 she was told to call the council. It was incredibly frustrating. In the last year she has not been disturbed once.

MM then spoke. She has lived in the area since the 1970s and has seen it all including the shooting. Children live both sides of her. Her house is [REDACTED] and her doors used to bang with the music. She saw people taking nitrous oxide. The children go to school at 8am. If the club shuts at 3am that gives very little time to sleep. She has seen needles on the floor. She is totally against the grant of the licence and think the Council should change the usage of the venue.

FO then spoken. She said it was difficult to park already. If the spaces were invaded by people from the club, they will definitely not be able to park. She said the club was on the agenda for every single residents' meeting they had when it was open. Over 50 residents have complained. There is no reason to think this club will be any different to the previous ones. She said a lot of people don't know how to complain. Many don't speak English and there are a lot of multi-occupancy dwellings. 101 don't help if you ring. Previously the club was only open at the weekends. If it's open 7 days a week it will be a complete nightmare. As a woman she said she found it a threatening area to walk past at night when the club was open. There was a rape 4 years ago that started in the club.

The Councillors then asked the residents questions.

SGV confirmed that the problems must have been caused by the venue as there were no other late-night venues nearby and the tube was not open at that time.

The residents said it was not just the dispersal noise they were concerned about; some had also heard music from the club.

The attendees confirmed they were all from the other side of the Harrow Road. They were surprised that none of the residents nearer to the venue had attended.

Mr Gibson then set out the case for the applicant. He said the one common denominator for all the complaints is the Jete Set Club. The 2 gentlemen present had nothing to do with that club. They don't know the previous owners. They are brand new owners. The objections made are akin to starting a new job and then being told you're to be sacked due to the actions of the previous person doing your job. The objectors are all assuming what happened in past will happen in future. That cannot be right.

Mr Gibson explained he had had to ask for the first hearing to be adjourned due to personal problems and he had not been in touch with the responsible authorities on behalf of the applicant for the same reason. He said the applicant should not be held responsible for that. That was accepted by the sub-committee.

Mr Gibson said the suggested terminal hour of midnight is not compatible with what the applicant is hoping to achieve. The business model is a club.

He fully accepted that the application shouldn't be granted in its present form. The applicant intends to spend a considerable amount of money on the venue. Why would they spend all that money before the licence was granted?

The main stumbling block is the hours. The applicant agree all of conditions except the one regarding the hours and level of capacity. They also ask for door staff from 22.00 rather than 21.00 as the club won't open until 22.00.

The directors are well aware that would have to show their commitment in order to satisfy the conditions before they could start trading. They know they will have to adhere to the conditions or risk the licence being revoked.

Mr Gibson said he didn't ask many questions because he had no knowledge of what's gone on in the past. It appears the premises were badly managed but he can't comment on that.

The photos show a shell. No work has started. Full soundproofing will be installed. He clarified that the club is underground. Then there's a level of shops and then the flats.

In terms of noise from patrons, this is a new venture. They have secured the services of Smart Security. They are SIA-authorized and are used at another premises Mr Gibson has had dealings with. There have been few problems there. They clear the area within 15-20 minutes. If people don't disperse, they won't be allowed back. Someone from that company has already visited and said how many people will be required.

The applicant had initially suggested the DSA being at the back. He now agrees that's not acceptable. Mr Gibson suggested that, until 11pm people can use the back, and from then onwards they would use the front. The maximum would be 5 and the area would be controlled by door staff.

Mr Gibson said noise limiters are still fairly common. He agreed them yesterday in a case in Shropshire. Readings would be taken hourly and kept for inspection.

Mr Gibson pointed out that the previous businesses didn't have planning permission to use the venue as a club. The applicant applied to planning for retrospective change of use which was granted last week.

Mr Gibson agreed that the reception area was tight for searches etc but said it will be opened up through alterations. The stairs will be brightly lit and there will be a traffic light system with door staff at the top and bottom who will communicate via radios. He is happy to agree 45 minutes' drinking up time and accepts that would curtail the licensable activities by another 15 minutes.

They will offer steak sandwiches, burgers etc as well as snacks that can be cooked with electric. Food hygiene is separate to licensing and is well-controlled by statute. The proposed DPS has food hygiene experience.

An ID scanner will be used. That was not referred to in the application because it hadn't been finalised at that stage. The applicant is being proactive rather than reactive. If someone is refused entry, they will be refused entry for life. The number of door staff required will be subject to risk-assessment. There will be at least 3.

This is a different business model to previous ones and there will be a different type of clientele. The dress code will be smart. There will be a minimum age limit of 21. There will be ID checks. A lot of previous clients will either be refused entry or won't like it because it will be very different to how it was previously. They will have found a new club in the last year anyway.

The VIP area will have a dedicated waiter who will pour glasses and take the bottle away and keep it behind bar. People will be paying for the privilege to be there. It won't be for everyone.

Previously the capacity was 234 and there were no problems in that respect. Mr Gibson asked for that to be kept the same.

Mr Alkachach then spoke. From 1999 he has worked for hotels and city cruises and has a lot of experience of organising parties with 100+ people. He knew nothing about Jet Sete. They have a menu, an age limit, and a smart dress rule. They don't want trouble-makers.

Mr Askoul then spoke. It will only be a night club at the weekend. They will have live music during the week. All staff will be professionally trained. They are not going to have really loud music. They want people to be able to have a chat. An engineer will fit all the equipment. There has been a lot of water damage so the place needs a huge amount of work anyway.

He clarified that at the back of the venue, the windows shown in the photographs are for the kitchens or storage areas for other businesses; there are no residential properties there.

Mr Askoul said there was no way they'll be 160 cars outside as suggested by a resident. They will have signs up saying no drinking and driving.

He said they would not be concentrating on people drinking alcohol but on giving people a quality night. There will be an entry fee that will put off trouble-makers and they will also use promoters.

He understands that Jet Sete played rave music which is very different to what they're planning. During the week it will be people sitting and eating with a musician playing.

They had chosen a good security company to ensure the policy is applied to everyone who comes in. There will be zero tolerance in relation to drugs. Security will also control behaviour inside and the officers spoken to have assured them they can do the job and can clear people away.

They have no desire to harm the residents. They will ensure they are comfortable. Previous experiences are nothing to do with them. Mr Askoul also believed some issues have occurred when the club has been closed so they can't all be linked to the club.

It's crucial they can open late. They cannot operate for one hour and 15 minutes as it makes no business sense.

Mr Gibson added that there were future plans to apply to bring the hours earlier to enable them to provide food.

He said there was no sense in the two directors investing their money if they say they're going to do one thing and then do another. They've heard what was said about the likely cost of works and have confirmed they will do it.

He said the proposal was very different to what's been running previously and it doesn't present a threat to the area.

Mr Gibson accepted the panel may be nervous. If so, he asked them to consider hours between what the applicant has proposed and what police have proposed. He asked the sub-committee to give them a chance; they can only prove themselves if they are given an opportunity.

PC McDonald asked questions. She asked the directors what attracted them to the venue. Mr Alkachach said he was looking around the area and thought the area was likely to go up. He saw online there had been a club there before. He also has a business of a different nature nearby.

Mr Alkachach said he had signed a 10-year lease at a cost of £50k per year. There is no break clause.

The directors said they had no contract with a promoter yet as they won't get involved until they're ready to open. They can't market until there is a product to sell. They had spoken to a few people though. They confirmed the promoter won't decide the music. They will just find good quality people. They'll have a network of people and will ask if they want to go out in a particular area. There will be a guest list.

It will cost £10 to enter. The promoter will take a % so their fee will depend on how many people come.

They have a contract with an ID scanner company - Scan Net. They have a database of problem people and it will flag up if anyone on that list tries to enter. PC McDonald pointed out that the database will only contain names of people who have been banned from somewhere using the same scanning company.

The directors anticipate that most people will be refused entry on the basis of the dress code. They will have a notice at the front re the dress code.

PC McDonald queried how there was going to be space for all the signs referred to and for people to read everything in the small reception area. She was told that the desk will be removed so there will be more space. In any event, people will already know the rules when they come in.

There was no copy of the search policy available but that will be circulated before opening if the application is granted.

Mr Gibson said the security company operates in Masti in Wembley.

There were no conditions attached to the planning permission. They had been given a Certificate of Lawful Development which simply legalises what's been going on before.

In relation to disabled customers, they will have to use fire escape for wheel-chair bound people.

Mr Askoul confirmed he had a personal licence issued by Lambeth.

Mr Askoul was asked about the Dispersal Policy and the role of the warden. He said that was the door supervisor.

The security company has done a risk assessment. An email from them was given to PC McDonald. During the week days they propose there should be 4 door supervisors including one female and at weekends there should be 6 including one female. Mr Askoul said that at the weekend there would be 2 at the entrance, one at the bottom of the stairs and 3 inside the club. They will rotate. Every hour they will check the toilets. They will also have toilet attendants. It was pointed out that would be costly. Mr Askoul agreed and said that was why they wanted a capacity of 234 people and later hours.

PC McDonald pointed out that a provisional statement could have been applied for. Mr Gibson agreed but said it was not common to do so under the new Act. He agreed it was a personal choice to make the application for a licence rather than go down the provisional statement route.

The Councillors then asked questions.

It was asked why the applicant was prepared to spend money on security etc but not on any works. Mr Askoul said they have not actually paid anyone yet. He agreed they have signed a 10-year lease.

Mr Askoul thinks it will take 6-8 weeks to do the works.

There is no cloakroom yet but there will be one.

At the moment the ladies' toilets have 2 cubicles and the gents have one urinal and one cubicle. That will probably stay the same. There won't be a separate disabled toilet but they will ensure the toilets are disabled-friendly. There won't be any separate staff toilets.

The fire doors are not currently alarmed but they will be. There will be security people standing there to let people out to smoke.

Mr Askoul said he did think a smart dress code will make a difference to behaviour. If not, anyone who causes problems will be out and not allowed back.

People will be able to pay in advance and also pay deposits for tables. They will be refunded if refused entry.

Mr Askoul expects customers will come from the local area – North West London mostly. There is a bus stop just outside, a train station nearby, and there is a taxi firm 5 minutes away. They will have an arrangement with them. They will pick up able to pick people up from across the road.

Mr Askoul expects the peak arrival time to be between 22.00hrs and 22.30hrs at the weekends.

There is a ramp to the VIP area for wheel-chair users.

There are no tables outside the VIP area. The tables there are built in and don't take up much room. There will be a smaller capacity when they have live performers as there will be tables then around the edge of the dance floor. Mr Askoul thought the capacity would be about 30 people fewer.

Week day events would be promoted via social media and a customer data base.

The 234 capacity is taken from previous usage. No risk assessment has been undertaken to establish what the safe capacity is.

There will be no adult entertainment.

In relation to rubbish disposal they will have a trade waste licence. It will be taken each morning. They will store the bottles on the premises until they put them out.

In terms of dispersal the area will be cleared from the station down to end of road. That will not include Rucklidge Avenue, Palermo Road or Furness Road. Security will keep people quiet and move them on. If they're driving, they'll tell them to get into the cars and move off.

Mr Askoul thought it was unlikely that people would drive if they were going to drink. He accepted that there may be a designated driver.

Mr Gibson reminded the panel that the applicant would only be responsible for the area within the immediate vicinity of the venue, not the whole neighbourhood.

Mr Askoul said he travelled by public transport. Mr Alkachach said he used Uber.

Ms Chan then asked questions. She asked about the bar staff. Mr Askoul said there would be 3 people working at the bar. One will be the supervisor who'll train the others. There will be an additional 2 people in the toilets and 2 people on the floor collecting glasses etc. The supervisor will have a personal licence. They will all have staff contacts. Mr Askoul will always be there unless he's on holiday or ill in which case his partner will take over.

Mr Askoul was asked to list the 4 licensing objectives and was unable to do so.

Ms Chan asked what the point of a no entry after 2am condition was. Mr Askoul said it was due to the risk of intoxication.

Mr Pearce said the application had previously said they would have a 50/50 split in terms of the gender of security staff but the security company had only proposed having one. Mr Pearce queried how that would work in terms of having a female to carry out searches and toilet checks. Mr Askoul said they were happy to have a 50/50 split.

Mr Wood said he was surprised that the Council had not heard from a sound engineer or had report from them with proposals. He asked Mr Askoul to confirm that all of the areas within the building area part of the same air space, which Mr Askoul agreed with.

There was a discussion about the windows shown in the photos. In relation to p.141, Mr Askoul was not sure if those windows are of residential flats. He said that p.147 shows

the kitchen window of the kebab shop. He didn't know which property the window on p.151 related to.

The residents then asked questions. SGV queried how the directors could know things will be different if they don't know anything about Jet Sete. Mr Askoul said because they had spoken to people and read the papers re the revocation of the previous licence. He said he can guarantee it will be different because they will have a different type of clientele, a different type of music etc.

She asked how the security staff will be able to stop people shouting in the streets and was told they will escort them away and tell them to be quiet.

She also asked whether there was any hard evidence that dressing smartly affects your behaviour? Mr Askoul said he did feel it made a difference but could not point to hard evidence.

MW asked if the applicant had carried out report re parking. Mr Askoul said no.

PC McDonald summed up for the police. She said it was very rare for an application to generate such a level of resident opposition. She has nothing against this applicant; the location is just not suitable. Even if it is sound-proofed there will still be issues of public nuisance. The previous owners couldn't manage it. Nothing has been said to persuade her that the licensing objectives will be upheld. All the problems highlighted previously are from the club operating until the hours requested. The directors say it will be different business model but she is a little cynical. She sees people saying they'll have a different clientele, but when they have to pay the bills standards start to slip and the victims will be the residents. She suggested the panel cannot go somewhere mid-way in terms of hours. That risk cannot be taken. She hoped the panel would heed the evidence and refuse the application. The Noise Team and police won't be there in the early hours to assist the residents; there are no resources. She also said there has recently been a spate of thefts of watches in VIP areas. She said she had never seen suited and booted people on the number 18 bus. Taxis would have to park on double yellow lines. She also expressed doubts about the promise by the DPS that he will be there at all times.

Mr Pearce summed up for public safety. He simply said the 166 capacity limit has been properly calculated.

Ms Chan summed up for the licensing authority. She said the proposed conditions and curtailing of hours are proportionate. They will reduce the risk of nuisance, ASB and crime and disorder in order to uphold the objectives and protect residents. She thought the no entry after 2am proposal was not sensible.

Mr Wood summed up for the Nuisance Control Team. He summarised the previous issues and said there will be drunkenness and rowdiness, and the potential for crime and disorder, noise, litter, and public urination if the application was granted. There has been no sleep disturbance since the club closed. He appealed to the committee not to grant it.

The residents summed up. SGV said she did not believe the promises that there won't be noise nuisance and ASB. They've experienced it before and she doesn't believe it can be prevented. MW said children need to be able to sleep on school nights. MM said the whole atmosphere changes when the club is open and they don't feel safe. FO said they had heard the same promises at previous hearings. She was sure the directors meant well but she didn't believe it will be any different this time.

Mr Gibson summed up on behalf of the applicant. He said that all that had been said amounted to a character assassination and the suggestion that the two directors cannot be believed. He also said the responsible authorities appeared not to believe in their own proposed conditions. The venue won't trade in its current form. It will be completely different. The suggestion that standards will drop is an insult. The DPS has said he'll be there and there is no basis for suggesting that's not true. There will be a condition that a personal licence holder will be there at all times.

The directors come before the panel in good faith. If the licence is revoked, they'll lose their money. When it's your money you pay attention. They are not stupid and won't wave goodbye to a significant sum of money.

Mr Gibson said he was happy for the last entry time to be changed. In relation to the capacity figure, he said he simply wanted to understand how that figure has been reached. He now understood and did not take issue with it per se.

Mr Gibson asked the panel to treat what had been said by the directors as fact, not nonsense.

5. Determination of the Application

Pursuant to section 18(3) of Licensing Act 2003, the sub-committee had regard to the representations and considered which of the steps listed in section 18(4) (if any) it considered appropriate for the promotion of the licencing 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 Home Office Summary Review Guidance 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.

6. Decision

The sub-committee listened carefully to the representations made by the parties at the hearing and took into account the written representations.

The sub-committee had some real concerns about public nuisance, in particular noise nuisance, due to previous issues experienced by residents but were persuaded that noise from within the venue could be met by the conditions proposed by Mr Wood and the installation of proper sound insulation. In terms of dispersal noise, the sub-committee remained concerned despite assurances that a company would be used to peacefully disperse patrons. They were persuaded that the application should be granted but that the hours for licensable activities and opening hours should be reduced to keep that noise nuisance to a minimum.

The sub-committee decided that it was appropriate to grant the application for the following hours:

Regulated Entertainment:

Sunday-Thursday 22:00hrs – 23:00hrs, Friday – Saturday 22:00hrs – 2.30hrs

Provision of Late Night Refreshment:

Friday – Saturday 23:00hrs – 2.30hrs

Sale and supply of Alcohol:

Sunday-Thursday 22:00hrs – 23:00hrs, Friday – Saturday 22:00hrs – 2:30hrs

Opening Hours:

Sunday – Thursday 22:00hrs – 23:45hrs, Friday – Saturday 22:00hrs – 3.15hrs

In order to promote the licensing objectives, the following conditions will also be imposed:

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. This must comply with the Data Protection Act including signage.

The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.

A CCTV camera shall be installed to cover the entrance of the premises and the rear yard.

Door supervisors shall wear clothing that can be clearly and easily identified on CCTV.

Door supervisors of a sufficient number and gender mix, shall be employed from 22.00 hours on any day when the premises are open for alcohol sales and regulated entertainment licensable activities past 23.00 hours.

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.

A 'Challenge 25' policy shall be adopted and adhered to all times.

Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

Customers shall not be permitted to take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.

The consumption of alcohol will be restricted to those parts of the premises identified on the plan submitted with the operating schedule and approved by the licensing authority.

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

- all ejections of patrons
- all crimes reported to the venue
- any complaints received
- any incidents of disorder
- all seizures of drugs or offensive weapons
- any faults in the CCTV system or searching equipment or scanning equipment
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service.

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.

Notices asking customers to leave quietly shall be conspicuously displayed at the exit.

Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include photo-card driving licence and passport.

The designated smoking area (DSA) shall be located at the front of the premises facing the High Street.

When the premises licence is in operation the DSA shall be limited to no more than 5 people at any one time.

No alcohol shall be available for any customer when the premises are open primarily for use by persons under the age of 18.

Nudity, striptease and other entertainment of an adult nature shall not be permitted on the premises.

The applicant shall submit a dispersal policy to the satisfaction of all Responsible Authorities detailing how dispersal and how noise from dispersal will be managed so as to prevent public nuisance being experienced by neighbouring and nearby residents. The dispersal policy must include proactive patrols of the surrounding and opposite roads by stewards in high visibility clothing for up to one hour after the premises close to the public.

There shall be no entry re-entry after midnight.

The DPS shall ensure that a risk assessment is undertaken of any promotion or event* and provide a copy to the Metropolitan Police Service (MPS) and the licensing authority not less than 14 days before the event is due to take place. Submission of electronic documents by E-Mail is preferred. *An event will be deemed to be any occasion in a licensed premises, or other venue under a Temporary Event Notice, where there will be a performance (meaning musicians, DJs, MCs, or other artists) that is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, payment either on the door or by ticket.

A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

Notices explaining the licensee's policy on admissions and searching shall be placed at the entrance.

Notices clearly explaining the licensee's drugs policy shall be displayed at the entrance and at suitable places throughout the premises.

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.

A personal licence holder fluent in conversant English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

Toilets shall be checked every 1 hour for the use of drugs and other illegal activities.

A toilet checklist shall be displayed on the wall in all toilets. Staff shall use these checklists to record their name and certify the time of the check. Checklists are to be replaced daily and all old checklists must be retained and made available for inspection by the police and authorised officers from Brent Council.

All emergency exit routes shall remain unobstructed at all times including external pathways/routes within the boundary of the premises to a place of safety from the building. These shall be maintained to ensure they can be used when required.

Regulated entertainment shall not be permitted at the premises until such time as a scheme of acoustic treatment works approved and confirmed by the Council's nuisance control team has been installed, completed and tested by a registered member of the Institute of Acoustics.

No noise or vibration shall be detectable at the nearest noise sensitive premises.

All doors and windows will remain closed during the licensed activities save for where a door is being used to enter or leave the premises. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open. A member of staff shall be positioned at the door to ensure it is opened for as brief a period as possible

Entry to the premises will be restricted to the front entrance via the High Street whilst the premises is being used for the licensed activity, save for escorted disabled access which may be via the rear fire door.

All speakers must be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.

All entertainment will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.

The locks and flush latches on the exit doors and gates shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.

The socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD) having a rated residual operating current not exceeding 30 milliamps.

Exits shall not be obstructed (including by curtains, hangings or temporary decorations), and must be accessible via non-slippery and even surfaces, free of trip hazards and clearly identified.

Where chairs and tables are provided, internal gangways must be kept unobstructed.

Subject to risk assessment, the maximum number of persons permitted on the Premises (not including staff) shall be: 166 persons.

7. Right of Appeal

The applicant and any person who made relevant representations has the right to appeal against this decision pursuant to section 181 and schedule 5 of the Licensing Act 2003.

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

Dated 23rd January 2019