



## Alcohol and Entertainment Licensing Sub-Committee (C)

**Wednesday 8 January 2014 at 7.00 pm**

Board Room 7&8 - Brent Civic Centre, Engineers Way,  
Wembley HA9 0FJ

### Membership:

**Members**

Councillors:

Harrison (Chair)  
Hunter  
Jones

**first alternates**

Councillors:

Allie  
HM Patel  
Beswick

**second alternates**

Councillors:

Arnold  
Sneddon  
Mrs Bacchus

**For further information contact:** Toby Howes, Senior Democratic Services Officer  
020 8937 1307, [toby.howes@brent.gov.uk](mailto:toby.howes@brent.gov.uk)

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
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<b>1</b>	<b>Declarations of personal and prejudicial interests</b>	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

<b>2</b>	<b>Application by the Metropolitan Police to review the premises licence for 'Peaches Bar and Restaurant' (177-179 Kenton Road, Kenton, Harrow, HA3 0EY) pursuant to the provisions of the Licensing Act 2003</b>	1 - 30
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The review follows the premises being subject to an expedited review at a hearing of the Alcohol and Entertainment Licensing Sub-Committee (C) on 9 December 2013.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

## LICENSING ACT 2003

### Application for the Review a Premises Licence

Name of Applicant:	Metropolitan Police
Name & Address of Premises:	Peaches Bar and Restaurant 177-179 Kenton Road HA3 0EY
Applicants Agent:	

#### 1. Application

The application is for the review of a premises licence held by Mr Rajesh Rai following an expedited review held on 9<sup>th</sup> December 2013. The premises are known as Peaches Bar and Restaurant at 177-179 Kenton Road Harrow.

#### 2. Grounds for Review

The grounds for review are Crime and Disorder, public nuisance and public safety.

#### 3. Relevant Representations

Representation has been received from Metropolitan Police, Brent Licensing Team and Environmental Health.

#### 4. Background

The interim steps taken prior to the full hearing are attached.

The premise licence prior to the expedited review were currently licensed for the sale of alcohol and regulated entertainment from 09:00 hours until 02:00 hours Sunday to Thursday and from 09:00 to 04:00 on Friday and Saturday.

The Designated Premises Supervisor is Mr Rajesh Rai.

Members should note that the full hearing following an expedited review has to be heard within 28 days of the expedited hearing.

The steps a Committee may take are:

- To modify, remove or add conditions
- To exclude the sale of alcohol or other licensable activity
- Remove the Designated Premises Supervisor
- Suspend the licence.
- Revoke the licence

#### 7. Associated Papers

- A. Copy of Review Application
- B. Copies of supporting evidence
- C. Copy of Current Licence
- D. Representations

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**Certificate under Section 53A(1)(b)  
of the Licensing Act 2003**

Working together for a safer London

**Metropolitan Police Service  
New Scotland Yard  
8-10 Broadway  
London  
SW1H 0BG**

I hereby certify that in my opinion the premises described below are associated with:

both serious crime and serious disorder

Premises (include business name and address and any other relevant identifying details):

Peaches Bar and Restaurant  
177-179 Kenton Road  
Harrow

Premises licence number (if known): 176158(London Borough of Brent)

Name of premises supervisor (if known): Mr Rajesh Rai

I am a Superintendent<sup>1</sup> in the Metropolitan Police Service.

<sup>1</sup>Insert rank of officer giving the certificate, which **must be** superintendent or above.

I am giving this certificate because I am on the opinion that other procedures under the Licensing Act are inappropriate in this case because<sup>2</sup>:

Since the premises has opened it has been the source of crime and disorder and complaints to the Metropolitan Police Service and the London Borough of Brent. There have been repeated instances of violent criminal behaviour resulting in serious harm including two assaults in the last two weekends. It is my opinion that the licensing objectives being breached are Crime and Disorder, Public Safety and Public Nuisance and that the Premises Licence should be removed.

In addition there have been complaints from the public about this premises. A full resume of the crimes and Criminal Intelligence reports have been added on additional sheets, they describe in chronological order the events and subsequent reports about the venue, this includes meeting notes with the venue.

Both Police and Local Authority Officers from Safer Streets have offered advice and support on numerous occasions (information contained in supporting document). Although the premise appears to take on board advice in the first instance, this is clearly not implemented and the management of the premises is not sufficient.

I reserve the right to produce evidence which amplifies the grounds for review which may take place at, or in the vicinity of the premises, between the service of this application and the hearing and / or during the time allowed for any appeal proceedings.

<sup>2</sup>Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

Signed: *[Signature]*  
C. Saw [unclear] Substantiated [unclear] [unclear]

Date: 4/12/13

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Mr.Rajesh Rai  
PEACHES  
177-179 Kenton Road  
Harrow  
HA3 0EY

**Your ref: 176158**

13<sup>th</sup> December 2013

**Licensing Representation to the Application to review the Premises Licence for PEACHES  
177-179 Kenton Road Harrow, HA3 0EY**

**I certify that I have considered the application shown above and I wish to make representations that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.**

Officer: Lavine Miller-Johnson – Licensing Inspector

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made to review the premises licence under section 51 of the Act.

The Licensing Authority representations are primarily concerned with the following licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm

Dear Sir/Madam,

Below is a list of Licensing visits that have taken place at the premises taken directly from the Licensing system. Several visits are following complaints of disturbance from the local community.

30/07/2011	Service Request	Esther Chan	On Saturday 30th July 2011 at 1:41hrs, officer SF and I parked our vehicle on Nash Way by Sainsbury's monitoring the noise level at Peaches. Music was audible from the street, could hear the song Louder by DJ Fresh. At the same time, we could hear people talking and laughing from the beer/shisha garden. At 1:50hrs, we could hear song Last Friday Night TGIF by Katy Perry. No crowd at front entrance.
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10/09/2011	Check Visit	Esther Chan	Night visit conducted with Natasha O'Donoghue. Issues related to disorder (see witness statement, which has been forwarded to Licensing Police Dept. on 14/09/11). <a href="#">Witness Statement</a> see <b>appendix 3*</b>
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21/12/2011 11:02	Email	From: Chan, Esther Sent: 20 December 2011 12:13 Subject: Peaches and Master Complaint - Kenton Road
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Hi all,

I have received a call from complainant \*\*\*\*\* of No \* Draycott Avenue regarding Peaches. He stated that he is still having problems regarding noise nuisance from car engines, people talking/shouting and fighting. He claimed that his neighbour of No \* contacted Ado in October to complain and there was slight improvement for 2 weeks. He also claimed that he did contact the police on a few occasions but he couldn't get through. The occurrence happens in the weekend from 1am till late.

He was adamant that the problems are caused by customers of Peaches because the patrons were coming from the street nearer to Peaches. However, he did later admit that he has seen people approaching Draycott Ave from side nearer to Masters.

Ado, could you please contact the complainant 020 \*\*\*\*\*.

Many Thanks

Kind Regards

Esther

07/01/2012	Check Visit	Esther Chan	7/1/12 @ 1:29hrs Joint Visit with NOD Master/Peaches, Kenton Road. Surveillance visit following complaints from residents of Draycott Ave instigating that customers from the venues are causing anti social behaviour nuisance on the street. Parked o/s No * Draycott Ave to monitor activity. At approx 1:30hrs, I saw four females (talking loud) heading from top of Draycott Ave walking towards end of the road and took a right turn on to Kenton Road. At approx 1:45hrs, a male walked up Draycott Ave to urinate by the wooden fence next a premise called Ashton Shah & Co (2b Draycott Ave). No other issues found. Left area at 2:15hrs to continue with duties.
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21/04/2012	Check Visit	Esther Chan	<p>Joint visit with NOD 21/04/12 @ 2:00 hrs Peaches, Kenton Road</p> <p>Issues, residents complaint regarding fighting and nuisance</p> <p>Findings -Checked Sainsbury car park and Draycott Ave for nuisance, no issues found. Saw a SIA wearing high vis vest walking up the road to patrol area. We then drove past Peaches and saw two Asian males leaving the premise and appeared to be fighting as they were walking down the street toward Masters.</p> <p>Action ∩ Ongoing monitoring</p>
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29/12/2012	Check Visit	Esther Chan	<p>29/12/12 01:03hrs PEACHES, Kenton Road</p> <p>Check visit made with Alpesh, Property Database. Drove past premises, observed 4 Asian males outside the premises next to the railing opposite main entrance talking, while 1 male was seen vomiting over the railing. Another 6 males seen entering the premises at 01:03hrs, staff member in red jumper assisting the customers into the premises. No SIA visible outside the premises. 01:10hrs heard people talking / laughing in shisha lounge. Drove passed premises again and saw the 4 males we saw earlier + 1 female standing outside the premises.</p>
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26/01/2013	Check Visit	Esther Chan	<p>Joint visit with NOD and AK.</p> <p>26/01/13 01:45hrs PEACHES 177-179 Kenton Road Harrow HA3 0EY</p> <p>Drove past premises ∩ a couple of people outside the premises and could hear people still in smoking area. EC to following up with Michael Wood in planning regarding planning enforcement notice.</p>
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17/04/2013	Other	Esther Chan	<p>From: Chan, Esther Sent: 17 April 2013 20:51 Subject: FW: peaches.</p> <p>Dear All,</p> <p>I spoke to Bobby this afternoon. He informed me that a resident of Draycott Avenue recently contacted him to complain of nuisance in the area at 3am. Bobby told the complainant that Peaches is closed by 2/2:30am and asked the complainant to check his premises at 3am, which the complainant allegedly did. Bobby raised concerns with Masters and stated they have started admitting customers in the premises after their permitted hour, although they did stop for a while.</p> <p>I have asked Bobby to log complaint in his incident book and put his concerns in writing and inform both the licensing authority and licensing police. He sounded reluctant!</p> <p>Kind Regards Esther</p>
20/04/2013	Check Visit	Esther Chan	<p>Joint visit with Sgt Adolphus and PC McDonald: See below notes from Police for Peaches and Masters:</p>

			<p>Observed Peaches Kenton Road 20/4/13 2.25 - 2.50hrs  At 2.25 the premises were closing and customers leaving on mass. Looked like it had been a busy night. 27 customer's o/s the front. There was between 2 and 3 door supervisors who remained standing in the doorway. The majority of the customers appeared drunk. There was one IC4 male slight build with bright white trainers I noticed in particular, he was a couple of shop lengths down from the entrance he was been restrained/prevented by his friend from returning to the entrance of peaches. His body language was forceful and aggressive shouting 'F.....g Pu..y'. His friend who was a much larger build had a light t shirt and body warmer with hood over the top, he was telling him to calm down/leave it and ushering him down Kenton Road towards the direction of masters. There was two Asian females that were shouting at another group. The verbal noise level was high and for approx 5 mins a commotion. The door supervisors did not make any effort to clear people on or quieten them down, they were no wearing High Vis jackets. Numerous taxi's arrived and people began distributing in to them. Approx 12 walked towards Masters. At 2.42hours the door supervisors went inside the venue and locked the entrance door from the inside, Door supervisors did not make any patrol of the vicinity. This left 6 customers still o/s the venue laughing and chatting. One of them went to the side of the venue and urinated in the street.</p> <p>Observed Masters 0235 - 3am 20/4/13  Many Peaches customers who were already heavily intoxicated had walked down and joined the que to enter. At 2.25hrs there was 22 customers in the roped off smoking area, no drinks visible. Verbally loud, chatting laughing. One customer sitting on the bench in the pavement, One door supervisor on the door. Music loud and audible bass although majority of the time drown out by a DJ shouting in to the microphone. I saw a vehicle park in Upton Gdns and a group of 5 females walked from the car to Masters and gained access. I could see an Asian male in t shirt and body warmer with hood who had been a Peaches customer standing in the smoking area and after finishing his cigarette entered the venue. This male had been with one IC4 male slight build with bright white trainers he was been restrained/prevented by his friend from returning to the entrance of peaches. A steady stream of customers continued to arrive in 2's and 3's and gained entry to the premises. Everytime the front door opened the noise level was unacceptable. At 2.50hrs I saw Piper come to the entrance door and speak to the door supervisor. At 2.55 hours two more males arrived. This venue is admitting drunken customers and breaching the entry re-entry of 0030hrs 157QK</p>
28/04/2013	Special Initiative Inspection	Esther Chan	<p>OPERATION CONDOR 5- 27th-28th APIL 2013  OFFICERS: EC, AK, QK16, QK 965, QK601, QK 156, QK306, QK601, QK476, QK436  177-179 KENTON ROAD @00:40HRS</p> <ul style="list-style-type: none"> <li>- Spoke with DPS Rajesh Rai</li> <li>- Premise Licence not displayed at entrance facing outside</li> <li>- 5 SIA present employed by Fortress</li> <li>- Rajesh Rai stated CCTV recordings are kept for 30-31 days. Manager was only able to show recordings for 22 days only. There are 4 CCTV machines, 2 were disconnected lying on the floor and the other two machines were recording of which one was showing only 9 cameras and the other was showing 16 camera. The CCTV hardrive is located in Flat 1</li> </ul>

			<p>above premises.</p> <ul style="list-style-type: none"> <li>- 19 in Shisha Garden. Shisha Garden close at 2am. Garden should be close by 11pm in accordance representation raised BY Noise Team, however not stipulated on licence.</li> <li>- Rear fire exit not signage and locked</li> <li>- Clientele 23-35 years old, young professionals.</li> <li>- Last incident on 8/2/13 at 2am, drunk male</li> <li>- Refusals not logged.</li> <li>- Drug Test Results: NEGATIVE</li> </ul> <p>Licensing Police to review premises.</p>
30/04/2013	Other	Esther Chan	<p>Email:</p> <p>Subject: Peaches - Kenton Road</p> <p>Dear Bobby,</p> <p>As per our telephone conversation on 29th April 2013, the following concerns require your immediate attention:</p> <ul style="list-style-type: none"> <li>¿ Fire exits were locked at the time of visit</li> <li>¿ Inadequate fire exit signs and directional signs</li> <li>¿ Premise licence not displayed at the entrance facing outside</li> <li>¿ CCTV recordings not kept for 31 days</li> <li>¿ Recent observations indicate that patrons were leaving your premises intoxicated. Groups of patrons were loitering in the vicinity. Door supervisors were not actively controlling the patrons and were not patrolling the area after the premises had closed.</li> </ul> <p>If you wish to discuss this matter further, please do not hesitate to contact me or the licensing police.</p> <p>Kind Regards</p> <p>Esther Chan Enforcement Officer Safer Streets Brent Council</p> <p>Tel: 0208 937 5359</p>
15/06/2013	Check Visit	Esther Chan	<p>Joint visit with officer NOD and Alpesh from Property Database team.</p> <p>15/06/13 01:15hrs Peaches, Kenton Road</p> <p>Routine External Visual Check</p> <p>6 Asian males standing premises (2 on phones and 4 socialising)</p>
25/10/2013	Other	Esther Chan	<p>25/10/13</p> <p>Sainsbury Nash Way</p> <p>Joint visit conducted with AK for fireworks &amp; annual inspection for premise licence.</p> <p>Spoke with Duty Manager, and Customer Service Manager, I made enquiries in respect to Peaches using the car park. Ms ***** stated that customers and staff from</p>

Peaches are not permitted to use the car as such because there are no CCTV cameras in the car park and Sainsbury's are not liable for any issues. There is a fixed gate which closes at 10:30pm and gate reopens at 7am.

26/11/2013	Other	Esther Chan	WARNING LETTER sent to Rajesh Rai of Peaches via recorded delivery on 26.11.13 (delivery ref BR770136698GB). <a href="#">Warning Letter</a> see <b>appendix 5*</b>

10/12/2013	Other	Esther Chan	<p>As a result of the hearing outcome on 9.12.13, Peaches cannot operate beyond 2am. They are not permitted to play levy/jungle music. Nick Mortimer has contacted Leo (Peaches Legal Representative) to inform him of the below advertisement. Leo will inform his client.</p> <p>Subject: PEACHES BAR - XMAS EVE Importance: High</p> <p>THE EVENT IS ADVERTISED TO RUNNING UNTIL 5AM AND LOOKS LIKE A FULL ON JUNGLE RAVE SEE BELOW **CHRISTMAS EVE** 24th DECEMBER 2013 from 8pm-5am.</p> <p>General Levy, real veteran of the UK urban music scene, performing live @ Peaches Bar with resident Dj Stripes, Mc S.Campbell &amp; Dj Apprentice.</p> <p>A night of festive delights and surprises, mixed with the hottest DJs, sexiest crowds and the coolest venue makes this the only night you need to celebrate and party the night away this Christmas Eve.....</p> <p><b>**TICKET INFO**</b> £10 a ticket in advance...more at the door We have a limited number of tickets so Call 020 8907 7518 to book now!</p> <p><b>**OUR VENUE**</b> We have played host to many DJ acts including Tim Westwood, Trevor Nelson and Luck &amp; MC Neat, always picking the very best of musical legends to grace the decks of our stylish venue.</p> <p><b>*THE SURPRISES*</b> -- Find a Christmas Cracker, rip it open to discover if you've won a free drink, shot or glass of champagne! Just bring the purple ticket to the bar to receive your free drink. Don't forget to wear the party hat!</p> <p><b>** Peaches will also be awarding free glasses of champagne to the following:</b> ~ Most glamorous female --Most glamorous male --Best dressed couple --Hottest dancers</p> <p><b>**PEACHES   ENTRY POLICY**</b> Guys over 23 and girls over 21. (VALID ID REQUIRED) No ALL Male Groups - Please note - The Promotion team are determined to sustain a professional standard on the night and encourage mixed groups to attend.</p> <p><b>**DRESS CODE**</b> It's Christmas!!! So deck yourself out in your finest dresses and smartest looks! No</p>
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sportswear, hoodies, caps and sports tops, obvs! Free drinks for best dressed!

**\*\*BE TREATED LIKE A VIP\*\***

Our exclusive VIP area is available with a minimum spend condition. Here you can enjoy table service so you don't even need to get up to go to the bar! Be treated like a VIP!

**\*\*CONTACT INFO\*\***

Peaches Bar  
0208 907 7518

*Please see appendix below for supporting emails and letters*  
**Appendix 1- complaint email 23.08.2011**

23/08/2011  
16:12

Email From: Chan, Esther  
Sent: 23 August 2011 16:10

Cc: \*\*\*\*\*

Subject: Complaint -Kenton Road

Dear all,

Just received a call from resident/complainant \*\*\*\*\* of No \* Draycott Avenue to report the following incidents:

On the 5/8/11 at approximately 22:30hrs-22:45hrs, approximately 7 youths were in Draycott Avenue causing a nuisance whereby they were having some sort competition fighting and doing press-ups against each other. At approx 4:00hrs, again a group of youths were loitering in the neighbourhood, fighting again for an hour.

On 13/08/11 between 2:00hrs-4:00 hours, a group of people which \*\*\*\*\* describes as aggressive were shouting, causing disturbance.

On 22/08/11 at 23:55hrs, 2 vehicles were parked outside No \*\_\* and No \*. \*\*\*\*\* saw people opening the boot of the vehicles and picked up some sort of tool and began ¿fighting¿ which went on for 45mins until more vehicles heading from the direction of Peaches/Sainsbury¿s turned up and approximately 10-15 people loitered with the crowd.

Kind Regards

Esther



**Appendix 2- complaint email 05.09.2011**

Sent:05 September 2011 11:46

Subject: Kenton Road

Hello

Call received this morning regarding Peaches & Masters Kenton Road HA3

Caller reports Anti Social Behaviour 04/09/2011 at 04:00

Patrons leaving the premises, fighting, swearing and shouting along Upton Gardens HA3. Crates and objects from shops hurled at each other, residents are frightened and fed up.

Police called REF CAD2125

Regards

Dennis Viechweg

Business Support Officer



# Witness Statement

CJ Act 1967, s9;

MC Act 1980, ss5A(a) and 5B;

MC Rules 1981, r70;

UPRN: 

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Statement of: .....ESTHER  
CHAN.....

Age of if under 18.....over 18

Occupation: .....LICENSING ENFORCEMENT OFFICER.....

This statement (consisting of ..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated the:.....12/09/11.....

Signature: .....

I am employed by the London Borough of Brent as a Licensing Enforcement Officer. My duties include enforcing the Licensing Act 2003. I was on duty with my colleague Licensing Enforcement Officer Natasha O'Donaghue on 10<sup>th</sup> September 2011 driving an unmarked vehicle carrying out licensing visits. At 02:04 hours, we parked our vehicle on Willowcourt Avenue, Kenton to observe the crowd outside Masters, 217 Kenton Road, Harrow. At the time of my observation, I could see approximately 14 people of mixed races (predominately Black and Asian origin) and genders standing outside Masters and neighbouring shops (Kai and L'u Hairdresser, 219 Kenton Road) socialising/smoking and there were also people sitting on the bench and loitering by the phone box directly outside the venue. The front entrance door of Master's was opened and I could hear a slight music bass emanating from the venue. At approximately 2:13 hours, the music emanating from the venue grew louder. At approximately 2:13 hours I saw three males leaving the venue walking towards Upton Gardens talking out loud to each other. At approximately 2:20 hours, two Asian females were seen walking from Willowcourt Avenue heading towards Masters. There appeared to be two SIA staff (one female & one male) dressed in black clothing standing outside the entrance of the venue, however the SIA staff did not seem to be controlling the crowd that were standing outside the venue, some of which had not departed since the time of my observation. At approximately 2:25 hours, I saw two males leaving a mini cab together and one of them crossed the road and approached a group of people who were already standing outside the venue to talk whilst the other male dressed in red and white jacket, dark trousers wearing glasses walked into the Chicken shop opposite the venue. At the same time, we heard four females screaming along the pavement near the venue. Two males dressed in dark clothing and a female dressed in grey top and light brown boots were seen walking from Upton Gardens heading towards a group of approximately two people sitting on the bench outside Kasturi, 231 Kenton Road,

Signature:

Signature Witnessed by:





# Witness Statement

CJ Act 1967, s9;

MC Act 1980, ss5A(a) and 5B;

MC Rules 1981, r70;

Continuation of Statement of .....

Page No: of

Harrow to socialise and smoke. At 2:42 hours we departed the area and drove toward Peaches, 177-179 Kenton Road, Harrow to observe the patrons leaving the venue. A large group of patrons were dispensing from Peaches walking along pavement talking and shouting. I could see the SIA staff from the venue directing the patrons to leave the area. At approximately 2:46 hours, a group of people were standing on the road by parked vehicles outside Northwick House, 191-193 Kenton Road for over 5 minutes talking and laughing. At the same time, a group of four Asian males including a male dressed in the red and white jacket, dark trousers and glasses (previously identified at 2:25 hours) were arguing and swearing next to the venue. The SIA staff shortly attended the situation and separated the crowd. Shortly after the four males came head to head again and would not leave the area and again the SIA staff from Peaches came out to deal with problem. The SIA staff were trying to break up the fight but the four males were not having responding to SIA staff members and continued shouting at each other. Then at approximately 2:50 two of the four males were seen walking away from the venue toward Kenton Road (Masters direction). The male dressed in the red and white jacket, dark trousers and glasses (previously identified at 2:25 hours) was then seen calling somebody as backup (to start a big fight with the two males seen walking away). At approximately 2:52 hours, we drove past Draycott Avenue and observed a crowd of seven males/females from Peaches fighting physically. At approximately 2:54 hours, the male dressed in the red and white jacket, dark trousers and glasses (as identified at 2:25 hours) was seen loitering by the rear of a premises next to Draycott Avenue along with three other males shouting and one male smashed his fist into a premises window. At approximately 3:00 hours two Asian females were seen leaving Peaches walking along the pavement to get into a silver vehicle. One of the female appeared to be quite drunk and upset and walked away from the vehicle and started shouting and crying. Soon after the other female shouted for friend's attention and escorted her to the vehicle. We left the scene at 3:05 hours to continue with our duties.

Signature.....

Signature Witnessed by:.....

## Appendix -4 complaints received

13.08.2013

### Complaint Details

Please give details of your complaint

Complaint Details

I am" writing to writing to complain in the strongest possible way about the antisocial behaviour that has been taking place in Carlton Avenue over the last couple of years. Every weekend people leaving this venue at between 3.30 and 4.00 am are causing trouble by being extremely loud and noisy, shouting, swearing and slamming car doors shut. Last Sunday morning 4 August at approximately 3.35 I was woken by people shouting outside my flat, I looked out and 3 people were actually on my property sitting on the wall, I told them in no uncertain terms to get off my property or I would call the Police. They swore at me but did cross the road to the house opposite which caused that property's security lights to come on and also the security lights of the house next to mine. This is not the first time I have had to shout at people outside in the road, who are often drunk and abusive. I have talked to neighbours about this particular incident and they agree that something has to be done about Peaches. Obviously I would like to see it closed down, but I doubt if that is going to happen but I think the Licence issued to the owners should be reduced so that the place closes at 12 midnight This is a residential area and I am extremely annoyed about getting woken up in the early hours every weekend. This venue should be situated somewhere away from a residential area

### Complaint Details

Please give details of your complaint

Complaint Details

The use of the side garden causes alot of noise nuisance. The garden is used till 3/4 in the morning. Regulated entertainment, the watching TV/sports takes place in the garden along with the smoke from the shisha travelling into the complainant flat.

Mr \*\*\*\*\* would like a call from the licensing inspector on \*\*\*\*\*



INVESTORS IN PEOPLE



## Complaint Details

Please give details of your complaint

Complaint Details

Loud music being played at Peaches bar till the early hours of the morning

4.10.2013

## Complaint Details

Please give details of your complaint

Complaint Details

Further to the visit by Juhaina and Martin of the environment team on 3rd October and their request to notify them of any noise nuisance, we visited the premises on Friday 4th October 2013.

I witnessed loud music, patrons shouting, singing and generally talking very loud. We were situated in Flat 3 and clearly heard the nuisance coming from the side Shisha lounge located at Peaches of 177-179 Kenton Road, Harrow, HA3 0EY.

The conversation between the patrons was clearly audible not to mention the singing, shouting and giggling going on. The noise was not tolerable and was coming into the bedroom and reception of the flat. It was not possible for a person to get sleep and after some time became very annoying.

I phoned the Brent noise nuisance line at 1.10am to contact the noise team to witness the nuisance for themselves, but was told by the operator that she had been informed not to log any more calls.

I stressed the importance of the matter to the phone operator that I had been notified by the visiting environment officers that the site was under supervision and that she should contact the noise team. The operator asked for the name and address of the site and replied that as she was not aware of the site and was not known of to her, and she could do nothing.

I felt very disappointed and let down, that the operator even refused to note the complaint down, let alone contact the noise team. The phone operator gave a reference for my communication to you as Jean- log in operator 7348.

This is the same information we have also been advised by some frustrated tenants that on many occasions the complaints are not being logged in by the operator for the reason they have had too many other complaints to follow up on and have been instructed not to log in any more complaints for the day.

Kindly look into this nuisance as it is persisting, even after the environmental officer's visits.

Thank you

21.11.2013

## Complaint Details

*Please give details of your complaint*

*Complaint Details*

Att. Brent Environment Dept.

Dear Sir/Madam

I am currently a tenant in No. Evergreen Court, Kenton, HA3 0AW.

I have been constantly complaining to the landlord and their managing agent regarding the noise pollution from the Peaches Bar & Restaurant, which is based in front of our building (177-179 Kenton Road, Harrow). I have been asked by the managing agent to file a complaint to your department. We are facing constant nuisance from the goers of the Peaches Bar & Restaurant, in terms of noise and disturbance to us, and the immediate area.

There are constant fights, and on some occasions even police appearances, on Friday and Saturday nights, which cause a great deal of hassle to us. We have trouble sleeping due to drunkards who enter into our car park and cause noise. The customers of the Bar leave at roughly 3-4 am every Friday and Saturday which adds to our troubles, due to their cars constantly starting and revving. They show no care or respect for us residents. Following their activities from the Bar, the screaming and shouting adds to the commotion as they proceed to the scores of cabs which wait directly in front of the building. It takes us a very long time on the weekend to fall asleep due to this.

The constant noise is ear-ache to us, and we feel that immediate action must be taken to put a definite end to these troubles.

Thank you.



INVESTORS IN PEOPLE



## **Appendix 5–Warning letter**

Rajesh Rai  
Peaches Bar and Restaurant  
177-179 Kenton Road  
Harrow  
HA3 0EY

26<sup>th</sup> November 2013  
Our Ref: 176158  
Your Ref

Dear Mr Rai,

### **Licensing Act 2003 – Complaints**

#### **Re: Peaches Bar & Restaurant, 177-179 Kenton Road, Harrow, HA3 0EY**

I am writing to inform that we have continued to receive complaints from local residents about noise and anti social behaviour during both the opening hours and dispersal of customers from your premise.

In addition, there have been seven incidents this year where violence has been used and in several cases, both the suspect and the victim were said to be intoxicated.

We have also noticed that the external area is being used for the consumption of shisha and alcohol after 00:00 hours, which is a breach of conditions 24 and 25 of the existing licence.

With Christmas coming and the party season about to begin, it is extremely important that there is no repetition of either the behaviour or the breaches shown above. Both London Borough of Brent and Metropolitan Police Licensing Departments will be monitoring your premise over the holiday period in the hope that there are no further issues.

Please take this opportunity to remind your staff regarding the Licensing Act 2003 and in particular the sale of alcohol to underage persons, proxy purchases and sale to drunken people.

I must stress that any breaches to the licensing legislation by you or your staff may result in a review of your premises licence.

Please do not hesitate to contact me quoting the above reference should you require any further advice or information.

Yours faithfully,  
Esther Chan  
Licensing Inspector  
Safer Streets

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**Following the Expedited review on 9.12.13 the following condition was set : Peaches must not operate beyond 2am. They are not permitted to play General levy/jungle music.**

*I have analysed the above visits carried out since the year 2011. Each condition that has been breached from the Premise Licence are discussed below;*

1. **Condition 24** - No shisha to be served after 00:00 hrs. Mon -Sun

**Not satisfied** – external area being used for the consumption of shisha and alcohol after 00:00 hours ( **appendix 5 warning letter 26.11.2013**)

**Objectives not satisfied** - Prevention of Public Nuisance

2. **Condition 25**- A maximum of 20 people will be allowed to smoke cigarettes without a drink in the beer garden up to 00:00 hrs Mon-sun

**Objectives not satisfied** - Prevention of Public Nuisance

**The Licensing Authority require the following points to be included in the operating schedule or added as conditions on the premises licence**

3. Due to the catalogue of complaints from residents regarding noise and violent disturbance from patron of your premise, I propose the following to be amended:

- **Opening hours to be reduced from 07:00-04:30 Friday – Saturday to 07:00-01:00 Friday –Saturday**

**Objective satisfied** - Prevention of Public Nuisance

Public Safety

- **No shisha to be served after- from 00:00 hr Mon-Sun to 22:00 Mon-Sun**

**Objective satisfied** – Prevention of Public Nuisance

- **Customers in the beer garden are to be supervised by an SIA approved door supervisor at all times**

**Objective satisfied** – Prevention of Public Nuisance

- **SIA staff should be clearly identified wearing high visibility jackets**

**Objective satisfied** – Prevention of Crime and Disorder

Prevention of Public Nuisance

Public Safety

- **A maximum of 15 people at any one time shall be permitted to smoke in the beer garden without drinks after the permitted time of 22:00**

**Objective satisfied** – Prevention of Public Nuisance

- **No entry re-entry- from 02:00 to 22:00**

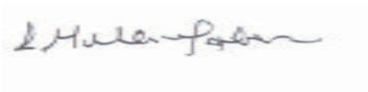
**Objective satisfied** – Prevention of Public Nuisance

Public Safety

***The Licensing Authority has no further representations to make.***

In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm in writing that you are willing to accept the above conditions and carry out any necessary works.

Yours sincerely



**Lavine Miller-Johnson**  
Licensing Inspector  
Safer Streets  
Environment and Neighbourhood Services

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## **Nuisance Control Team Submission for Licensing Hearing: 8/1/13**

**Peaches Nightclub: 177-179 Kenton Road.**

### **Recommendation:**

Reduce opening hours to 12 midnight any night. No Live or recorded music beyond 11 pm.

### **Case Summary:**

- Number of unique complainants: 14+: almost everyone in the same building, Residents in Nash Way and Draycott avenue
- 1<sup>st</sup> complaint received was 3 days after opening in October 2009
- Premises is operated as a Night Club where as planning permission granted for operation as Restaurant and Bar
- On paper Peaches appears to be a tightly run business. However, a significantly large number of complaints have been received by the Nuisance Control Team since it opened.
- The noise level witnessed by the officers, who served a noise abatement notice in August, within a flat 2 levels above the site was unacceptably loud and judged to a nuisance in law.
- Nuisance Control Team engaged in discussions and follow-up actions with the management to try resolve future nuisance from occurring. Despite this we continue to receive complaints about the site (a further 15 individual complaints were received after the notice was served on 31 August 2013).
- We have no confidence in Management and remain concerned that despite intervention they do not deliver on the measures they promise.
- The premises is poorly insulated against sound and is not suitable for the level of noise emitted from the current activities on site (use of amplified sound in external areas and the loud amplified music on club nights internally).
- It is highly unlikely that the sound insulation for the site will be improved due to the current legal dispute between the freeholder and site management team. The site management team has not submitted a 'sound insulation improvement post completion' report which Mr Rai claims he possesses and for which the Council has made numerous requests but not received. This would verify that the suggested 85 dBA is an appropriate level for the purpose of playing amplified music/speech within the premises at a level unlikely to cause public nuisance.

Thus, the only way to resolve the ongoing public nuisance from the site is to reduce its operational hours (opening and licensable activities) to midnight at the latest and prohibit music (live or recorded) being played beyond 11 pm.

### Chronology Complaints and actions

Year	Number of complaints related to noise	Number of complaints related to Friday and Saturday night	Number of complaints related to noise occurring after midnight	Notes
2009	2	2	2	Management advises that noise limiter was not working
2010	13	12	11	<p>Management claimed noise limiter was set at 75 dBA following complaints received They also claimed they have done 100K worth of works to improve SI</p> <p>Management verbally confirmed in March that the restaurant will close by 11.00pm (11.30pm at the latest)</p> <p>Mr Rai Stated he had spoken to most occupants of the 1<sup>st</sup> floor and believes complaints are malicious.</p> <p>Warnings issued and meeting with licensing police, SNT, local councillors and NCT</p> <p>Complaints from the freeholder as all other tenants affected.</p> <p>Allegations of use of drugs on site.</p>
2011	7	6	7	
2012				No complaints! Peaches applies for license variation to extend opening hours.
2013	5+15	4+12	5+10	<p>Note: + number are the complaints received after the notice was served.</p> <p>Complaints about noise from shisha area and beer gardens and external tv.</p> <p>Nuisance witnessed on 25/08/2013 at 00.45 hrs.</p> <p>DJ announcements and music heard clearly inside complainant's home. Vibration from music felt on the floor (2 level above the site). Visit to site confirms site is operated as night club for DJ/dance/Shisha.</p> <p>Peaches management tries to blame the freeholder for the</p>

				<p>noise! Claims poor SI due to their lack of insulation within their property.</p> <p>Sound Insulation weak points confirmed: includes areas near stairways to upper floors</p> <p>Freeholder and leaseholder dispute</p>
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## Copy of Noise Abatement Notice

### LONDON BOROUGH OF BRENT

#### Environmental Protection Act 1990

#### Section 80

#### Abatement notice in respect of statutory nuisance

Mr Bobby Rai  
177-179 Kenton Road  
Harrow  
HA3 0EY

**TAKE NOTICE** that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Brent being satisfied of the existence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at the premises known as **177-179 Kenton Road, Harrow, HA3 0EY** within the district of the said Council arising from the playing of amplified music and amplified speech.

**HEREBY REQUIRE YOU** as the person responsible of the premises from which the noise is or would be emitted **forthwith** from the service of this notice, to abate the same and also

**HEREBY PROHIBIT** the recurrence of the said nuisance and for that purpose require you to: **Cease or cause to cease the playing of amplified music and amplified speech at such a level as to constitute a nuisance**

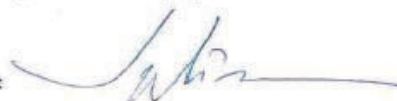
**IN** the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

**IF** without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of any offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5,000), together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 31/08/2013

Signed:



Print Name: Juhaina Junaid  
Safer Streets  
Authorised Officer

Safer Streets, Brent Civic Centre, Engineers Way, Wembley HA9 0JF  
Tel: 0208 937 5252, Fax: 0208 937 5150, Email: env.health@brent.gov.uk

Ref: EH/09/15028/JJ

**NB** The person served with this notice may appeal against the notice to Brent Magistrates' Court, 448 High Road, London NW10 2DZ within twenty-one days beginning with the date of service of the notice (see notes attached).

A Similar notice has been served on: Mr Rahul, 177-179 Kenton Road Harrow, HA3 0EY.

ENVIRONMENT & NEIGHBOURHOOD  
SAFER STREETS  
BRENT CIVIC CENTRE  
ENGINEERS WAY  
WEMBLEY  
HA9 0FJ

TEL: 020 8937 5359

EMAIL:

environmentandprotection@brent.gov.uk

Contact: Yogini Patel

Tel: (020) 8937 5252

Our Ref: 221932751

Your Ref:

Date: 13 December 2013

Mr. Rajesh Rai  
177-179 Kenton Road  
Harrow  
HA3 0EY

Dear Mr. Rai

**LICENSING ACT 2003  
NOTICE OF DETERMINATION OF APPLICATION FOR EXPEDITED REVIEW OF  
PREMISES LICENCE**

Modifying Conditions of Licence:

Brent Council as the licensing authority received an application for an expedited review of the premises licence in respect of the PEACHES BAR & RESTAURANT, 177-179 Kenton Road, Harrow, HA3 0EY.

A hearing was held on 9<sup>th</sup> December 2013 to consider the representations and the Council have determined to modify the conditions of the licence.

Having considered whether it was necessary to take interim steps under section 53B of the Licensing Act 2003 pending the hearing of the application by the Metropolitan Police for an expedited review of the premises licence for 'Peaches' (177-179 Kenton Road, Harrow, HA3 0EY)) pursuant to the provisions of the Licensing Act 2003, the Sub-Committee resolved that **the premises licence remain in force, but the hours of licensable activities and opening hours be reduced, along with additional conditions and amendments to some existing conditions as an interim step on the grounds of crime and disorder under section 53B of the Licensing Act 2003 (as inserted by section 21 of the Violent Crime Reduction Act 2006):**

- (i) that the hours during which licensable activities cease on the premises be amended to:-

Sunday to Thursday – 02:00 (the following day)

Friday and Saturday – 02:30 (the following day), except late night refreshments which will continue until closing time (03:00 the following day).

- (ii) that the hours during which the premises be permitted to remain open be amended to:

Sunday to Thursday – 07:00 to 02:30 (the following day)  
Friday and Saturday – 07:00 to 03:00 (the following day)

**That the following conditions be added to the premises licence:-**

1. No entry or re-entry to the premises shall be permitted after 01.00 hours.
2. No direct sales of bottled spirits are to be permitted whatsoever on the premises.
3. There shall be no sale of drinks contained in bottles other than wine and champagne.
4. No drinks shall be served other than in plastic or toughened glasses.
5. The shisha bar is to remain fully closed up to, and including, the date of the review hearing.
6. A maximum of 15 people at any one time shall be permitted to smoke in the beer garden only and for the avoidance of doubt, no drinks shall be permitted in the beer garden.
7. Customers in the beer garden are to be supervised by an SIA approved door supervisor and a steward at all times.
8. There shall be a minimum of seven SIA approved door supervisors and two stewards to control entrance to the premises and to control order within the premises on Fridays and Saturdays until 03:45 the following day.
9. A “Challenge 23” policy shall be adopted and adhered to at all times.
10. A substantial food offering and non-alcoholic drinks shall be available at all hours the premises is open to the public and free water to be made readily available until closing time.
11. An incident log shall be kept at the premises, and made available for inspection on demand to an authorised officer of the Council or the Police, which will record and shall not be limited to 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.
12. Any incident requiring blue light services shall be reviewed by management and staff at the earliest opportunity with any follow up action dealt with in a timely manner.

**That the following conditions on the existing premises licence be amended:-**

- Condition 9 to be deleted and replaced with condition 12 as above.

- Condition 25 to be deleted and replaced with condition 6 as above.

The Alcohol and Entertainment Licensing Sub-Committee (A) accepted the evidence submitted by the Police concerning a number of serious crime and disorder incidents associated with the premises, including the two most recent incidents on 23 November 2013 and 1 December 2013 respectively. It felt that that this provided sufficient grounds on which the hours of the premises licence be reduced accordingly and conditions added and amended as an interim step on the grounds of crime and disorder.

The Alcohol and Entertainment Licensing Sub-Committee (C) also added informatives advising that the premises licence holder is to make arrangements for staff re-training. Prior to the review hearing, steps shall be taken to ensure all staff are able to recognise the signs when customers are intoxicated and not to be served any alcoholic drinks. It also requested that the applicant play only popular and rhythm and blues music.

The reasons for the decision are to prevent crime & disorder, improve public safety and public nuisance.

The determination will take have effect from 9<sup>th</sup> December 2013 until the full hearing on 8<sup>th</sup> January 2013.

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