



Alcohol and Entertainment Licensing Sub-Committee (C)

Wednesday, 20 July 2011 at 7.00 pm
Committee Room 3, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

Membership:

Members

Councillors:

Harrison (Chair)
Mistry
Sneddon

first alternates

Councillors:

Oladapo
Mrs Bacchus
HM Patel

Second alternates

Councillors:

Beckman
Jones
Matthews

For further information contact: Toby Howes, Senior Democratic Services Officer
020 8937 1307, 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:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item		Page
1	Declarations of personal and prejudicial interests (if any)	
	Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
2	Application by a local resident to review the premises licence for 'The Paradise' (19 Kilburn Lane, London, W10 4AE) pursuant to the provisions of the Licensing Act 2003	1-20
3	Application by the Metropolitan Police to review the premises licence for 'Lush Bar & Restaurant' (9-10B Heather Park Drive, Wembley, HA0 1SL) pursuant to provisions of the Licensing Act 2003	21-46
4	Application by Parag Patel for the transfer of the premises licence for 'The Lush Bar & Restaurant' (9-10B Heather Park Drive, Wembley, HA0 1SL) pursuant to the provisions of the Licensing Act 2003	47-56
5	Application by Parag Patel to vary the designated premises supervisor for 'The Lush Bar & Restaurant' (9-10B Heather Park Parade, Wembley, HA0 1SL) pursuant to the provisions of the Licensing Act 2003	57-64



- 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.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

LICENSING ACT 2003

Application to Review a Premises Licence

Name of Applicant:	Metropolitan Police
Name & Address of Premises:	Lush Bar & Restaurant, 9-10B Heather Park Drive, Wembley, HA0 1SL
Applicants Agent:	N/A

1. Application

The application is for the review of a premises licence currently held by Mr Aizaz Ahmed. The premises are known as The Lush Bar & Restaurant, 9-10B Heather Park Drive, Wembley, HA9 1SL.

2. Grounds for Review

The grounds for review are crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

3. Relevant Representations

Representation has been received from PC Nicola McDonald of the Metropolitan Police at Wembley Police Station.

4. Background

These premises are currently licensed for the sale of alcohol, regulated entertainments and refreshments from 10:00hrs to 02:00hrs Sunday – Thursday and from 10:00hrs to 03:00hrs Friday & Saturday.

The Designated Premises Supervisor is Mr Aizaz Ahmed.

There is a currently an application to transfer the licence and vary the DPS to which the Police have made a representation to both.

When hearing a review the Committee if satisfied that additional measures are required to satisfy the four licensing objectives they may:

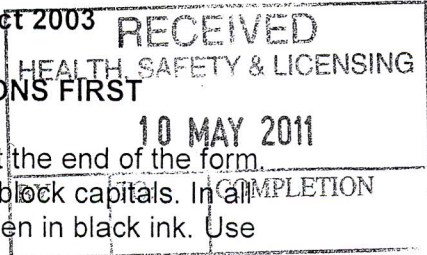
- Modify, remove or add conditions
- Exclude one or more of the licensable activities
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding 3 months
- Revoke the licence

If the Committee find no steps are necessary to meet the licensing objectives they may decide not to take any action or to issue a warning.

7. Associated Papers

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

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Nicola McDonald on behalf of the Chief Officer of Police for Brent

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Lush Bar & Restaurant 9-10 Heather Park Parade	
Post town Wembley	Post code (if known) HA9 1SL

Name of premises licence holder or club holding club premises certificate (if known) Mr Aizaz AHMED

Number of premises licence or club premises certificate (if known) 161963

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nicola McDonald Police Constable 157QK Brent Police Wembley Police Station 603 Harrow Road Wembley Middlesex HA02HH
Telephone number (if any) 020 8733 3206
E-mail address (optional) nicola.mcdonald@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

The venue is located within a small parade of shops in a residential area. In March 2006 the then premises licence holder and freeholder of the address Mr Ashok Patel applied to vary the premises licence, extending the closing times to 0330 hours. Mr Patel's son Parag Patel became the designated premises supervisor. Mr Aizaz AHMED transferred to the premises licence holder and the designated premises supervisor of the Lush Bar in August 2008. Since the extension of hours was granted the mismanagement of the venue has put public safety and protection of children at risk. Police have witnessed noisy customers causing nuisance outside the venue in the early hours, and music emanating in to the street. There have been assaults drunkenness and allegations of prostitution. Several of the premise licence conditions have been breached. Throughout this period Police have advised Mr Ahmed both at the venue and subsequent meetings at the Police Station of his obligations and requirement of both the Licensing Act and Heath and Safety legislation. Improvements have not been forthcoming and therefore this review application has been made.

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

I have examined the police files to establish our interaction with The Lush Bar and Restaurant from various databases to supply evidence. These databases cover the Crime allegations made to police (CRIS), the intelligence (Crimint) the calls for police assistance (CAD) and licensing visits made to the venue since March 2006 when the application was made by the previous premises licence holder Mr Ashok Patel to extend the opening hours until 0330 hours.

Also attached to this application are statements from both myself and Police Licensing sergeant Adrian Adolphus that provide more details of visits to the venue.

25th March 2006 at 2050 hours licensing officers attended LUSH BAR 9 HEATHER PARK PARADE WEMBLEY. The owner Mr ASHOK PATEL is currently applying for a premises licence to trade until 0330 hours on a weekend and officers wanted to see the new layout. The owner's son PARAG PATEL is applying to be the designated premises supervisor. Their intentions are to have Asian music and food with a family atmosphere. ASHOK's main employment is hiring Asian music bands and traditional dancers from India, he denied that he will be organising Mujra dancers at the venue.

The venue was closed during this visit there was metal shutters and still under renovation. There was no prescribed notice displayed informing local residents of their intentions.

Crimint L00343184/2006 refers

On 6th Oct 2006 at 2200hrs licensing officers attended
LUSH BAR 9 HEATHER PARK PARADE WEMBLEY
Officers spoke to the dps MR PARAG PATEL there was a dj playing dance music for customers attending a birthday party. A good digital cctv system in place.
One door supervisor on duty He is the director for SECURITY MANAGEMENT SERVICES

On SUNDAY 04th NOVEMBER 2007 at about 0130 hours POLICE were called to LUSH CLUB, HEATHER PARK PARADE to a public order incident. On arrival POLICE spoke to V1 and V2 who had been injured as a result of an altercation outside the club. VIW2 stated that he had been outside the club with viw1 smoking when they were approached by three suspects, one of which asked viw 2 for a cigarette. VIW2 said he then heard some shouting from the suspects. The suspects then produced a weapons which were 2 SILVER POLES and a WHEEL BRACE. VIW2 then got hit to the side of the head which resulted in a cut above his eyebrow. VIW1 then got hit on top of the head by the weapon which resulted in a deep cut on top off his head. The fighting continued and spilled in to MOUNT PLEASANT which resulted in 216 MOUNT PLEASANTS fence being damaged. The 3 suspects then made off down HEATHER PARK DRIVE towards the NORTH CIRCULAR where they were apprehended by POLICE and arrested for violent disorder by PC KING 133QK and PC OCONNELL PC 511QK

14th March 2008 Received an enquiry from the DPS of the Lush Bar, Mr Parag Patel and from his Solicitor Debra Sylvester regarding the possibility of opening to 4am and running as a Lap Dancing Club. I have informed them both that I would strongly object to such an application even with conditions due to the residential location of the club. They did not protest too much at my viewpoint. Mr Patel states that he is not making any money at the moment and is reviewing his options, I repeated that a Lap Top Club is not going to make money in that location. A.ADOLPHUS 10QK

March 2008 Mr Aizaz AHMED transferred as premises licence holder and DPS.

14th Oct 2009 CAD 9569 - Lush Bar - Eastern European girls working as prostitutes inside, now performing in the toilets.

28th Nov 2009 0145hrs Cris 1930142/09 S008/01 GBH wounding Lush Bar, HEATHER PARK DRIVE, WEMBLEY, MIDDLESEX, HA0 1SN Following an argument over the suspects hitting another male, the suspects hit the victims over the head with a glass bottle causing a cuts to a forehead and lip.

5th dec 2009 at 0020hrs PS10QK & PC157QK visited LUSH.
No door supervisor. Four IC4 males entering upon our arrival. Handful of customers all male and intoxicated and one ic4 female who was dress and acting in a provocative manner until she realised we were Police officers, she appeared to disappear during our visit. DPS present (Aizaz Ahmed 8/6/63 107 Kingsley Road Harrow). Ahmed was cautioned and asked about the lack of door supervisor. He claimed to have one working but he had just popped out to drop someone off. Ahmed said the door supervisor was called Kunam (no surname) and no record of his SIA badge number, no log of shift and that he would be back in 10 - 15 mins. He then volunteered to show officers the CCTV proving the door supervisor had been working prior to Police attendance. When asked how long this Kunan had worked at the bar and how he paid him if he didn't know his details he said three days and he hadn't paid him yet, he was on a trial. Ahmed was asked if he had given the door supervisor permission to leave the bar, he said yes to drop someone off. Officers explained to Ahmed that to sell alcohol without a DPS present at 0030hrs was an offence in breach of a condition of his premises licence. He replied yes I know it was my mistake I let him go. Ahmed struggled to operate the CCTV system so asked one of his customers to assist. I watched the recording and saw a dark skinned male wearing a light coloured coat standing outside the front of the bar before Police arrived with two other dark skinned males. Ahmed indicated that his door supervisor was the male with the light coloured coat, there was nothing about this male to suggest he was working as a door supervisors, he did not appear to be dressed in anything to identify himself as a door supervisor or have a badge displayed. In the kitchen where I viewed the CCTV I saw a fire extinguisher that was not labelled and was covered by a coat. At 0045hrs a male approached Officers claiming to be the door supervisor that had been on the CCTV, he was dressed nothing like and had shorter hair. He gave his name as Mr Kunal GUNVANT 18/10/1981 25 Woodlands Ave Wembley SIA badge number 0130012156105299 expires 10 Aug 2012. He was cautioned and asked if he had been working in the lush bar that night. He told Police that he had arrived at the Bar at 8pm, he had eaten and played pool before starting work and that he asked Ahmed permission to leave briefly. He told officers he works for himself and not a security company. Ahmed does not hold the correct SIA licence to employ individuals. Bar closed and Ahmed said he would get a correct security the following day.

17th Dec 2009 Crimint QKRT 377310 Male stated that police had visited the LUSH BAR He stated since the bar was visited by plain clothes officers He also stated that Mr AZIZ lied to police when he stated he did not have CCTV. He refused to say what he was referring stating its lodged on the police system check on there. He stated since he was working there he had seen the premises being used for drug dealing and strippers offering sex for money. He stated the money is received by Mr AZIZ who then allows customers to take the girls to the toilets. Informant stated he had seen this. He stated drugs are smoked inside the premises and outside. The strippers are from Hungary. The days this is happening on mostly is Wednesday, Friday, Saturday, Sunday after 1900hrs. Informant stated he still visits LUSH BAR and was there on few days ago from 1800hrs to 0200hrs. - This has been heavily edited

29th Dec 2009 Cris 1932593/09 GBH Wounding LUSH,9, HEATHER PARK

PARADE, HEATHER PARK DRIVE,
WEMBLEY, MIDDLESEX, HA0 1SL Victim is a bouncer at a club, there was a minor scuffle on the dance floor which the bouncer got involved with and then they turned on him. It was a group of between 10-15 people. He received a minor small cut to the head 27/12/2009 0120 VIW1 is a bouncer at the VEN it was his first night. A small scuffle broke out on the dance floor and the VIW1 went to get involved. As he did so the group of between 10-15 people turned on him causing a small cut to his head. All made off prior to Polcie arrival. A group was stopped nearby as being involved, as they were pointed out by the bouncer. However he could not say what had happened and which ones had assaulted it for him. The CCTV was not viewable and after discussion with PS 12QK it was decided that details would be taken and arrests could be made later if the CCTV proved positive. This is because the bouncer was unable to identify exactly which person had hit him, he just kept saying they were there. - CCTV has never been provided for this.

8th June 2010 Crimint : QKRT385743. Police received information from a Neighbour Hood member that LUSH BAR on HEATHER PARK PARADE ALPERTON HA0 is operating has a brothel in that females working within the bar are taking males to the toilet for sex and charging forty pounds. The male clients are regular visitors to the bar so the female workers do not offer sex for cash to any visitor.

18th July 2010 CAD 758 - Lush Bar - fight

9th Aug 2010 Crimint : QKRT388573. Information has been received by Alpertontown that THE LUSH BAR 9 - 10 HEATHER PARK PARADE WEMBLEY HA01SL T020 87952192 has had its electrical wiring adapted to reduce the amount of electricity being recorded as used. The same information also states THE LUSH BAR has an illegal Sky Top Box which is being used by customers to watch the Sky Sports Channels.

15th Jan 2011 02:30 hrs visit Complaint Owner Mr Ahmed not present. Witnessed a few customers that were very drunk, one male sleeping at a table had to be roused by his friend pouring a drink over him. Eventually approx 7 males left premises claiming their cab had arrived. We left the premises 5 minutes later, the customers were still outside premises talking loud/smoking. PS 10QK Adolphus

Police reserve the right to give evidence on any further incidents 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.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

0	6	0	5	2	0	1	1
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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

W. Williams PC 070K

Date

6-5-11

Capacity Licensing Constable on behalf of the Chief Officer

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

HEALTH, SAFETY & LICENSING

WITNESS STATEMENT

10 MAY 2011

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules-2005, Rule 27.1

BY:	TO:	COMPLETION

Statement of **Nicola McDonald** URN:

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Constable**

This statement (consisting of: **3**..... pages 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 in it which I know to be false, or do not believe to be true.

Signature: W. Williams 1570K Date: 6-5-11

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable of 21 years experience, the last 16 years I have worked on the London Borough of Brent, since 2005 I have been attached to the licensing unit for the borough. I have been authorised via a delegated authority to represent the Borough Commander for the London Borough of Brent and for the Commissioner of the Metropolitan Police Service to act on licensing matters.

One of the premises I supervise is Lush Bar and restaurant 9-10 Heather Park Parade, Wembley, HA9 1SL which benefits from a premises licence to supply alcohol to be consumed on the premises, music, dancing, entertainment and late night refreshment. Further to my review application dated 6th May 2011 I would like to submit this statement for evidence.

On 26th March 2011 at 0215 hours I was on duty in plain clothes although wearing my overt body armour, in company with licensing enforcement officer Esther Chan from Brent Council. We were walking along Heather Park Parade towards the Lush Bar and Restaurant, I could clearly hear bollywood style music emanating from the venue in to the residential street as a party of four Asian males entered the venue having just arrived in a dark blue Mercedes. When the entrance door was closed I could still hear muffled music but a deep drum beat. As we approached the entrance two males left the venue dressed in post office uniforms. Standing on the front entrance door was a white male, large build dressed all in black who gave his details as Krzytof KRAWCZYK 3/9/1985 from 2 Balfor Ave, Hanwell. He was not displaying a security industry authority (SIA) badge and when I asked if he was working said he was not but just hanging around waiting to speak to a friend. There was nobody else at the door. We entered the premises there was approximately twenty males inside the venue mainly Asian and they were all sitting around the edge of the room facing inward whilst four Asian females dressed in traditional dress were dancing. I witnessed cash in note form being handed to the dancers by the males. There was a DJ in the corner and alcohol was being sold at the bar. I saw an Asian male bend down to pick something from the floor and as he was bent over one of the dancers began to spank him on his bottom and was gesturing in a provocative way. Customers then began to notice our presence and the dancers began to conduct themselves in a more sedate manner. I was then approached by the DPS Mr Aizaz Ahmed who asked me what was wrong and why I was at the premises. I identified myself as did Ms Chan although Mr Ahmed already recognised me from previous encounters. I explained we were conducting a licensing visit and I asked if there were any door supervisors working in. Mr Ahmed then began to flap as I explained the male standing on the entrance was not displaying a SIA badge and told me he was not working. Mr Ahmed disappeared for a short time and then reappeared with a large build black male who gave the details of Nicholas SOWAH 44 Monarch Parade Mitcham Surrey. He was displaying a SIA badge no: 0101100323042107. He informed me for the first ten minutes of my visit he had been in the

Signature: W. Williams 1570K Signature witnessed by:

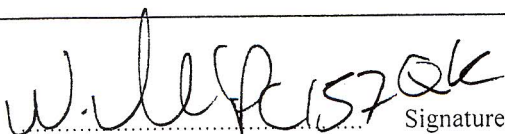
Continuation of Statement of **Nicola McDonald**.....

toilet. The music was so loud in the venue I was having difficulty holding a conversation so we went through the venue and out of the rear fire door in to a basic smoking area, with Mr Sowah and Mr Ahmed. Mr Sowah claimed to be working for London Security Company and he said he was working the door with Krzytof KRAWCZYK who has his SIA badge in his pocket. I asked why Krzytof KRAWCZYK would lie about working on the door but Mr Sowah could not explain. In the smoking area there was two customers both male one Asian and one white. Upon noticing I was a Police Officer the white male became very defensive towards the venue and why I was asking Mr Sowah questions. This white male smelt very strongly of intoxicating liquor, he was very unsteady on his feet, his dress was dishevelled and his face red, his speech was slurred and eyes red. The white male was drunk. As the white male became more aggressive towards me Mr Sowah was forced to usher the white male back inside the premises via the fire exit door. Mr Ahmed could not provide a signing in register for the door supervisors. I asked him to escort me around the premises as I conducted my visit. I examined the fire extinguishers. There were two in the kitchen, one was covered by a towel, neither had been tested or examined since January 2009. There was a fire extinguisher in the alleyway behind the bar which was obstructed by crates of drinks. When we eventually removed the pile and examined the extinguisher that too had not been examined since January 2009.

Returning to the bar area with Mr Ahmed I saw the white drunk male who reluctantly gave his name as John Butler was standing at the bar being supplied a pint of beer. I saw Butler hand over money to an Asian male member of staff who I now know to be Jaymin Ashvin PATEL 29/5/1986 23 Belmont Ave Wembley. This offence of supplying alcohol to a drunk was completed in full view of both a Police officer and the DPS. Until I pointed out the offence both the DPS and member of staff appeared not to notice, as if it was the norm to supply alcohol to anyone in any state. At 0225 hours I cautioned Mr Patel in the presence of Mr Ahmed. Mr Patel said he had sold Mr Butler a pint of Kronenberg and charged him £3 for it. Mr Patel made no comment when I asked him 'do you think Mr Butler is drunk'. Mr Ahmed made a futile attempt of explanation saying Mr Butler was a very old customer going back to when Mr Ahmed owned the 'Alpine Horn' in Ealing Road, and that he does not cause trouble when he drinks. When Mr Butler realised I was asking questions about the sale of alcohol to himself he became verbally aggressive towards me and he was escorted from the premises by Mr Ahmed and Mr Sowah. I then briefly spoke to Mr Ahmed and Mr Rahman the promoter of the Asian female dancers and an appointment was made for them both to attend Wembley Police Station at 1630 hours the same day. I told Mr Ahmed that it was dangerous to the public to continue to operate his business with out of date fire extinguishers.

During the meeting at Wembley Police Station Mr Ahmed informed me that the Mujra dancers have been performing at the bar since early March, and he had turned to mujra entertainment because the bar was not making any money. I told Mr Ahmed that the feel of the venue during my visit was of a very 'seedy' bar, I did not feel welcome, and felt as though I had intruded on a private function. I pointed out that customers were entering the venue after the no entry/re entry premises licence condition time. Mr Ahmed explained that was his fault, although I explained he a door supervisor had been operating the door correctly that would not have happened. Mr Ahmed could not provide a register of door supervisors that have worked or that were working at the premises during the time of my visit. When I spoke about the sale of alcohol to the drunk male Mr Ahmed said he trained his staff, but he had known Mr Butler for a long time. I explained that regardless of friendships selling alcohol to a drunk is an offence and allowing a drunk to continue drinking on the premises exasperates the situation. Mr Ahmed did not provide any staff training manuals or register. I spoke about the fire extinguishers and that on a previous visit I had discovered an extinguisher in the kitchen being used as a coat hook. Mr Ahmed informed me that he did not have a fire risk assessment but did have public liability insurance. Mr Ahmed was informed that Police would be applying for a premises licence review. Mr Ahmed told me that he intended handing in his six weeks notice to the freeholder.

On 27th March I received a termination of contract letter signed by Mr Ashok Patel and Mr Aizaz Ahmed.

Signature:  Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Adrian Adolphus** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 185681**

This statement (consisting of: **2**..... pages 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 in it which I know to be false, or do not believe to be true.

Signature: *A. Adolphus BW* Date: *4th July 09*

Tick if witness evidence is visually recorded (supply witness details on rear)

On Saturday 20th June 2009 at about 3.05am I made a visit to the Lush bar, Heather Park Drive, Alperton in response to complaints of loud music, illegal gambling and after hours licensable activities. On my arrival I could hear music coming from the premises it was not excessively loud but clearly audible at that time of day in this mainly residential area. I noticed that the shutters were down on the front of the premises and it had the appearance of being closed, there was no way in from the front. I looked through the shutters and I could clearly see two women "dirty dancing" on the pool table. An asian male was taking pictures o them. I could hear laughter and talking with some singing, I could not see the whole premises and could not estimate how many people were inside. I went round the back of the premises and tried to get in but all of the doors were closed and could not be opened from the outside. I used my mobile and phoned the Licence holder Mr Aziz Ahmed, he answered straight away. I could hear that he was inside the premises and asked him to open up as I was outside. Shortly after I heard what sounded like bolts being drawn on the rear door and it was opened and he came out to meet me. I asked him what was going on. He replied nothing he was just having a small private party. I went inside the premises and saw three women, two of whom were staff and six males. I asked Mr Ahmed why the people were still there and the shutters were down at the front, He replied that is was a birthday party for one of his regulars and it was just a small private party. I asked for the Birthday boys name and age, he replied Mr Kumar and it was his 40th. I asked where he was to be told he had left some time earlier! I noticed that most of the men were drinking fresh drinks still full and with condensation on the glass. I asked what time his licence was till, he replied 3am but that he was now giving the alcohol away but they were closing now anyway. They had been in full swing when I first arrived. I asked where the door supervisor was and apparently he had gone home earlier at 3am. I examined the till and found that there was no till roll in it, Mr Ahmed then showed me a number of paper receipts (Bar Tabs) attached to the bar. He stated that regulars would pay £250 and then score

Signature: *A. Adolphus BW* Signature witnessed by:

Continuation of Statement of **Adrian Adolphus**.....

off the drinks they had till the money was used up and then start again. I asked if the CCTV was working to prove this but apparently it was out of order and had been for the past two weeks but was getting repaired. I explained that I had received complaints of after parties and gambling, he denied this. I noted that there were three gaming machines in the premises, one class C machine and two others not labelled, one was a "Game 2 Park" multigame by MAYGAY and the other a "CGI" Poker machine, apparently these paid out tokens which were substituted for food and drink at the bar! I arranged for Mr Ahmed to come to the station later that day at 6pm.

On Saturday 20th at 6pm Mr Ahmed attended Wembley Police station, Mr Ahmed gave his personal licence number of 01SX/LN/199904155 and HA of 107 Kingsley Road, South Harrow, HA1 8LF. He states that he used to work at The Sparrow PH, Glengall Road, Edgware. He used to run the "Alpine Horn" in Alperton in 1983. I explained that I had received complaints about his premises in that there were late nights going on till 4 or 5am well past his 3am licence, he replied that he was unaware of this, but was there every night and closed up every night. Complaints of noise, again he was not aware of any problems with noise and that the council had only come in once to check on him and that was three weeks ago. Complaints of Gambling and playing poker for large amounts of money. He stated that they used to have poker games but had stopped them over a month ago. He did admit that he had not notified anyone about the purchase of the gaming machines. Regarding the previous morning he replied that there were no alcohol sales when I came in but he was giving the alcohol away. I pointed out that there was no till roll in the tills and he stated that he knew it was not right and had been that way for five months but he was getting it fixed. He stated he rents the kitchen to another man for £250 per week. I explained that because of the complaints and the visit that I gave a lot of weight to the complaints and would be making further visits to his premises in the future. I also explained that a condition on the licence was that he have working CCTV. I advised him that as it was not working that he should not conduct any licensable activity in particular the sale of alcohol until it was fixed. He thought this rather harsh but agreed and said that he would arrange for the engineer to fix it straight away and contact me when it was done. At the time of writing he has failed to contact me.



Signature:



Signature witnessed by:

Murray, Gillian

From: Hsl Mailbox
Sent: 02 June 2011 14:40
To: Murray, Gillian; Viechweg, Dennis
Subject: FW: in regard to petition in relation to the lush bar

Linda Legister
Licensing Team Leader
Health, Safety & Licensing
020 8937 5360

From: tracey phipps [<mailto:t>]
Sent: 02 June 2011 12:32
To: Hsl Mailbox
Subject: in regard to petition in relation to the lush bar

Dear sir/madam

With reference to the email i sent to you dated 1st June i would just like to clarify that the petition submitted from heather park neighbourhood watch/community group is in relation to the review of the existing premises licence for the Lush Bar,

regards tracey phipps
heather park neighbourhood watch manager

Murray, Gillian

From: Hsl Mailbox
Sent: 02 June 2011 14:34
To: Murray, Gillian; Viechweg, Dennis
Subject: FW: representation from alperton neighbourhood watch/community scheme regarding lush bar

From: tracey phipps [<mailto:>]
Sent: 01 June 2011 20:47
To: Hsl Mailbox
Subject: representation from alperton neighbourhood watch/community scheme regarding lush bar

Dear Sir/Madam

I manage the Heather Park Neighbourhood Watch/Community Scheme which i started two years ago. The scheme is very pro-active and covers eighteen roads in Alperton around the Heather Park area . We have a meeting every two months and i write a newsletter every other month which is circulated on various notice boards within the community. A neighbourhood watch meeting invite letter is distributed to 1,000 households in our immediate area before each meeting takes place. Our scheme is supported by local busineses, our MP Barry Gardiner, our Councillors , Alperton SNT, Neighbourhood Working and Area Neighbourhood Watch.

Residents are very concerned by the fact the the Lush Bar is applying for a late night license and proposing to have dancing and music at the venue.

Heather Park Parade where the Lush Bar is situated is in the heart of a residential area with homes above, opposite and along side. The reasons residents are strongly opposed to this license is due to the following:-

it will increase anti social behaviour in the area, with people being drunk and disorderly in the area. There will be an increase in crime

it will also create a public nuisance, residents will be unable to sleep due to the noise. This is an area with a high population of children and this will have a detrimental effect on there well being.

There have been alot of problems linked with this establishment and residents are keen for this to come to an end.

I was only notified about the license application a week ago , but in this very short space of time we have managed to submit a sizeable petition of names objecting to this license application.

regards tracey phipps

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 BY: TO: COMPLETE:



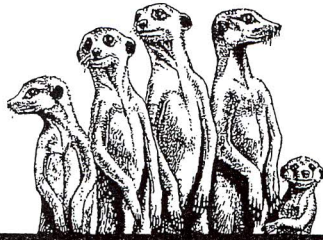
NEIGHBOURHOOD WATCH

The Following Residents Object To The Lush Bar Having A Late Entertainment License

Name:

- JAPNA PATEL HEATHER PARK PARADE, HAO 15L *Japna Patel*
- SONIA PATEL Heather Park Parade HAO 18L *Sonia P.*
- Naima AHMED Heather PARK parade HAO 15L *Naima*
- ~~Law W...~~ ~~HAO 15L~~ *Law W...*
- M. Fernando Parkway close HAO 15L *M. Fernando*
- T SHAH LYON PARK AVE *T SHAH*
- P. Brownbill Lyon Park ave *P. Brownbill*
- MANISHA PATEL VICTOR GROVE, HAO 45T *Manisha Patel*
- A Ryan Highcroft Avenue *A Ryan*
- R. BRIDGEWATER Lyon Park Avenue *R. Bridgewater*
- E DANIELS A HEATHER PARK DRIVE HAO 15W *E. Daniels*
- Thomas Koo Heather Park Parade HAO 15L *Thomas Koo*
- Josephine Koo Heathers Park Parade HAO 15L *Josephine Koo*
- M.T. Koo Heather Park Parade HAO 15L *M.T. Koo*
- Joseph Koo Heather Park Parade HAO 15L *Joseph Koo*

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 - 1 JUN 2011
 BY: TO: CALIBRE



NEIGHBOURHOOD WATCH

The Following Residents Object To The Lush Bar Having A Late Entertainment License

Name: ~~MR. CATES~~ - MR. CATES } - The Grange
 E. Loto. - MRS. CATES }
 V.M. Smith T.M. SIMPKINS HIGHROFT AVE
 Z. Blackweir
 Monica DROSSO Woodstock Rd.
 George DROSSO " " "
 Jonathan Rainford Lyon Park Av.
 Valentine Rozario " " " Av.
 Vinod Muty " " "
 Mala Muty " " "

Environment & Culture Dept
Health, Safety & Licensing Unit
P.O. Box 411, Brent House
349-357 High Road, Wembley
Middlesex HA9 6EP
Telephone: 020 8937 5359
Fax: 020 8937 5357
Email: hsl@brent.gov.uk

London Borough of Brent

Premises Licence

PART A

*This Premises Licence was granted by Brent Council, Licensing Authority for the area of the Borough of Brent under the **Licensing Act 2003**.*

Signed.....
Director of Environment and Culture

Date: 11 February 2009

Licence number 161963

Licence start date: 24/11/2005

Part 1 - Premises Details

THE LUSH BAR, 9-10B Heather Park Parade, Heather Park Drive, Wembley, HA0 1SL
Telephone: 0208 795 2192

Licensable activities and the times authorised by this licence

Live Music:

Day	Start Time	End Time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	03:00
Saturday	10:00	03:00
Sunday	10:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00

Recorded Music:

Day	Start Time	End Time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	03:00
Saturday	10:00	03:00
Sunday	10:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00

Performances of Dance:

Day	Start Time	End Time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	03:00
Saturday	10:00	03:00
Sunday	10:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00

Anything Similar to Performance of Live/Recorded Music or Dance:

Day	Start Time	End Time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	03:00
Saturday	10:00	03:00
Sunday	10:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00

Provision of Entertainment Facilities for Making Music:

Day	Start Time	End Time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	03:00
Saturday	10:00	03:00
Sunday	10:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00

Provision of Entertainment Facilities for Dancing:

Day	Start Time	End Time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	03:00
Saturday	10:00	03:00
Sunday	10:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00

Provision of Facilities for Entertainment of a Similar Description to Making Music or Dancing:

Day	Start Time	End Time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	03:00
Saturday	10:00	03:00
Sunday	10:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00



Provision of Late Night Refreshment:

Day	Start Time	End Time
Monday	23:00	02:00
Tuesday	23:00	02:00
Wednesday	23:00	02:00
Thursday	23:00	02:00
Friday	23:00	03:00
Saturday	23:00	03:00
Sunday	23:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00

Supply of Alcohol:

Day	Start Time	End Time
Monday	10:00	02:00
Tuesday	10:00	02:00
Wednesday	10:00	02:00
Thursday	10:00	02:00
Friday	10:00	03:00
Saturday	10:00	03:00
Sunday	10:00	02:00

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:00

Whether alcohol is authorised to be supplied on or off the premises: **Both**

The Opening Hours of the Premises:

Day	Start Time	End Time
Monday	10:00	02:30
Tuesday	10:00	02:30
Wednesday	10:00	02:30
Thursday	10:00	02:30
Friday	10:00	03:30
Saturday	10:00	03:30
Sunday	10:00	02:30

Seasonal variations: On commencement of British Summer Time one hour should be added to the finish time.

From close of permitted hours on New Year's Eve until commencement of permitted hours on New Year's Day

Non standard timings: On 24th December from 10:00 to 05:30

Part 2

Details of Holder of Premises Licence:

Name: Mr. Aizaz Ahmed
Address: 107 Kingsley Road, South Harrow, MIDDLESEX, HA2 8LF
Email: aizaz.ahmed@hotmail.co.uk

Details of Designated Premises Supervisor:

Name: Aizaz Ahmed
Address: 107 Kingsley Road, South Harrow, MIDDLESEX , HA2 8LF
Personal Licence Number: 01SX/WK/200506826
Issuing authority: Harrow Council

Annexe 1 - Mandatory Conditions

(a) No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

All persons present on the premises who are required to carry out a security activity must be licensed by the Security Industry Authority.

Embedded Conditions

Annexe 2 - Conditions Consistent With the Operating Schedule

- 1 CCTV shall be installed and maintained in a working condition.
- 2 All CCTV recordings shall be kept for 14 days and shall be made available to police and licensing officers if requested.
- 3 The licensee or his/her deputy shall be a member of, and actively participate in the local pubwatch scheme.
- 4 Promotions that promote irresponsible drinking shall not be permitted.
- 5 The Portman Group proof of age scheme or similar such scheme shall be adopted.
- 6 Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
- 7 Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
- 8 Notices explaining the licensee's policy on admission and searching shall be placed at each entrance.

- 9 No children shall be admitted unless accompanied by a responsible adult.
- 10 A suitable burglar alarm shall be fitted and maintained.
- 11 Toilets shall be checked every 2 hour(s) for the use of drugs and other illegal activities.
- 12 All furniture and soft furnishings shall comply with relevant fire safety standards.
- 13 A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.
- 14 A free supply of drinking water shall be made available to customers.
- 15 Notices advertising the number of a local licensed taxi service shall be displayed in a prominent position.
- 16 Public transport information including night time travel options shall be made available.
- 17 All deliveries shall take place during the normal working day (i.e. 09:0 to 18:00 daily).
- 18 The rear exit door shall have a clear opening gap of at least 900mm and be fitted with a push bar mechanism and a suitable sign stating 'Push Bar to Open'.
- 19 The main entrance shall have a clear opening gap of at least 900mm and open in the outward direction. An outer door shall be secured in the open position whilst the premises are in use.
- 20 The disabled toilet door shall be hung so that it closes in the direction of escape.
- 21 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.
- 22 No entry or re-entry shall be permitted after 23:30 hours Sunday to Thursday and after 01:00 hours the following morning Friday and Saturday.
- 23 The total number of people permitted on the premises including staff and performers shall not exceed 100.

Annexe 3 - Conditions Attached After a Hearing by the Licensing Authority

Not applicable

Annexe 4 - Plans

See attached sheet.



Location Map

Site address: **The Lush Bar & Restaurant, 9-10B Heather Park Parade, Wembley, HA0 1SL**

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