

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 Parag Patel

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 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. The lease on the premises is held by Mr Ashok Patel.

In May 2011 Brent Police Licensing dept made an application to review the premises licence at Lush 9-11 Heather Park Parade, Wembley. At this time the premises licence holder and designated premises supervisor was Mr Aziz Ahmed. Mr Ashok Patel's son Parag Patel applied to become the designated premises supervisor (DPS) and premises licence holder on 14th May 2012. At the review hearing on 20th July 2012 the licensing sub committee granted the premises licence with Parag Patel as the premises licence holder and DPS. Several modifying conditions were also added to the premises licence they were:

i) a reduction in hours of licensable activities to cease at 00:00 and close to the public at 00:30 hours daily.

ii) Change of DPS from Mr Aziz Ahmed

iii) Nudity, striptease and other adult entertainment shall not be permitted

iv) A minimum of two door supervisors to be employed from 00:00hrs on days when licensable activities extend beyond 00:00hours.

Condition 1 to be amended to read:

CCTV shall be installed to the front and rear areas of the premises and maintained in a working condition.

Condition 22 amended to read:

No entry or re entry shall be permitted after 23:30 hours Mon-Sun.

Since the hearing determination on 20th July 2011 mismanagement of the venue has continued, leading to failure to uphold the licensing objectives of prevention of public nuisance, protection of children and crime and disorder.

This application is bought by police to bring this state of affairs back to the Licensing Committee for their information and action as they see fit.

Police and local authority officers have witnessed noisy customers causing nuisance

outside the venue in the early hours, and music emanating in to the street. Traces of cocaine were found in the female toilets.

Some of the premise licence conditions have been breached.

Throughout the last year Mr Parag Patel has received advice from Licensing Police both over the phone and at the Police Station regarding his obligations and requirements of both the Licensing Act and Health and Safety legislation. Mr Patel has informed Police of his intentions to sell the premises on two occasions but this has never materialised, instead Mr Patel has sublet the premise to different managers but remained as the DPS.

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 July 2012 when the review application was haerd.

On 19th August 2011 23:45 hours licensing officers visited Lush. Mr Ashhok Patel was at the venue. Loud audible music (live music) could be heard from street. Mr Patel was warned and advice given to control the noise level. He stated that the noise is escaping from the front entrance. He was advised to supervise the door and install a noise limiter.

On Friday 2nd December 2011 at 2215hrs Police Licensing officers Pc Nicola McDonald and PS Adrian Adolphus visited Lush. DPS, Parag Patel was not at the venue initially. This visit was in response to complaints from local residents into noise nusiance. There were approximately 25 customers, some eating, some playing pool, some just drinking. Music was not at an acceptable level, it could not be heard from outside. Police spoke to Mr Shyam KIRPALANI who claimed to be the bar manager he said the only night they have music other than background is on Saturdays when they have karaoke, he also indicated that the premises close at 0200hrs on Saturdays. Mr KIRPALANI phoned Parag Patel who arrived at the premises. Police spoke to him further about the closing hours and reminded him of the committee's decision at the review hearing that licensable activities to stop at 0000hrs and close to the public at 0030hrs every night. Parag complained he had still not received the new premises licence.

13th January 12 DPS Mr Parag Patel phoned and spoke to PS Adrian adolphus. He wanted to know how to go about transfering the licence and extend his licence. His Dad Mr Ashok Patel is returning from India on Monday 16th and they will then decide whether to sell Lush Bar or not. PS Adolphus advised him that it would be too early for police to agree to an extension of the premises licence especially if he was going to sell it on. PS Adolphus advised him about recent complaints of noise and licensable activities after midnight. Parag Patel stated that he has leased out the Lush Bar to new owners but he is present every weekend so remains as the DPS for now.

28th January 2012 at 2100Hrs PS Adolphus had a phone converstaion with Mr Ashok Patel, DPS's Dad, to say that everything is sorted now and the premise will be handed over to the new management. He was unsure whether to transfer the licence because he says that the new people are not making enough money to exist and he can see them handing back the keys at some point in the near future.

On 1st Feb 2012 at 1825 hours Police licensing received a phone call from Mr Rohit Shah the manager for the new owners enquiring whether he could extend the hours for the Lush bar in order for them to be more profitable. PS Adolphus explained that we had reports the bar had been trading passed the licensed hours and that there had been recent complaints of noise and that police would want a period of trading without complaint before a variation would be justified. I also reminded him that he would not be acceptable as a DPS of the premises.

On Monday 19th March 2012 at 23:50 hours Council Licensing enforcement officer Esther Chan visited Lush Bar in response to local residents complaints of noise and trading past licensed hours. There were 14 adults and 1 child in the premises some drinking alcohol. There was a DJ in the rear of the premise playing music. The only

staff behind the bar was Mr Pravin Patel 19/06/1972 111 Herbert Garden, NW10 3BH. He claimed to have been employed at the bar for 4 weeks by a gentleman called Sharn (tel no : 077423017804) He stated that Mr Parag Patel is the DPS, but the premise have been sub-leased to a person known as Sharn.

Various conditions were breached:

The Portman group proof of age scheme (Not Adopted)

Notices asking customer to leave quietly (Not Displayed)

Notice explaining the licensee policy on admission and searching (Not Displayed)

Burglar alarm (no proof it has been installed)

Toilet Check every 2 hours for drug (No Evidence to prove checks were being made)

Fire detection & Equipment (not maintained since 2009)

Notices advertising the number of a local Licensed Taxi service (not displayed in a prominent position – was displayed on fridge were customer cannot see it)

Public transport information (not available)

A copy of premises license summary (not displayed at the entrance)

No entry – re entry shall be permitted after 23:30 (Mr Pravin Patel – the bar staff stated that the last entry was at 12am)

The rear fire exit didn't have sufficient lighting and there were cigarette butts on the floor. Miss Chan was informed that the child in the premises was 9 years old who was with a customer.

On Friday 23rd March 2012 at 23:50 hours licensing Police, PC McDonald was conducting licensing visits at neighbouring premise and saw customers arriving at and entering Lush Bar. After conducting other visits at 0115 hours on 24th March 2012 Police saw Lush Bar was closed. There was a group of asian males including Mr Pravin Patel 111 Herbert Gardens NW10 3BH standing in the street. Some were using mobile phones, laughing and talking. At this time of morning this verbal noise was loud and disturbing to residents.

On Saturday 21st April 2012 at 00:45 hours council enforcement officer Esther Chan visited Lush Bar. The following Issues were discovered:–

Breach of licensing hours and conditions.

Findings – At the time of visit, there were approx 8 people in the premise, that were sitting at the tables socialising and a couple at the bar drinking beer (there was a fresh glass of beer and another that was 2/3 filled). Staff, Mr Prakesh Patel was seen moping the floor. Mr Parag Patel, DPS, was not present at time of the visit. Mr Ashok Patel (licensee's father) was on the premises. Officers told Mr Ashok Patel that the should be closed to the public at 0030 hours. It was noted that the following conditions had been breached:

Licence not displayed at entrance. Mr A Patel stated he was waiting for the frames to put the licence and question why he had to display the licence at the entrance. I stated that it was a requirement as per licensing condition for the purpose of police and licensing authority to see at all times. Mr A Patel was advised to take a copy of licence and use alternative methods i.e. lamination, plastic pockets to display license in the meantime.

Challenge 21 not adopted.

Notices explaining the licensee policy on search and admissions not displayed.

Taxi service not displayed.

On 29th June 2012 at 23:04 hours uniformed PC 609QK Irvine visited Lush Bar. The DPS, Parag Patel was not present. Four members of staff one of them the bar manager Mr Rimma Ponomarjora. The premises licence was displayed and CCTV working sufficiently. PC Irvine used a "Sirchie cocaine ID Swipe" wipe (this wipe when used on surfaces will change colour when traces of cocaine powder or crack cocaine are identified) in both male and female toilets. There was traces of cocaine on the cistern in the female toilet. There was no toilet check log/register as required on the premises licence conditions.

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 8 2 0 1 2

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

.....

Date

.....

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.