



# APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

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.....Juhaina Junaid, Enforcement Officer in Environment and Protection, Brent Council.... **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

<b>Name and postal address of premises or, if none, ordnance survey map reference or description</b> Mama Calabar, Dexion House, Empire Way	
<b>Post Town:</b> Wembley	<b>Post Code (if known)</b> HA9 0EF
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Name: Mama Calabar Restaurant Ltd Address: 23 Clarendon Gardens, Wembley, HA9 7QW	
<b>Number of premises licence or club premises certificate (if known)</b>	

## 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**

**Please tick ✓ Yes**

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**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 Noise Team, Safer Streets, London Borough of Brent 3 <sup>rd</sup> Floor, Brent House, 345 High Road, Wembley, HA9 6BZ
Telephone number (if any) : 02089375252
E-mail address (optional) : environmentandprotection@brent.gov.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 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 type="checkbox"/>            |

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

Over the past 2 years substantial numbers of complaints were received by the noise team in relation to noise nuisance from Mama Calabar. A minimum of 14 complaints have been received by the noise team from 8 different complainants since January 2012. The complaints received are related to Loud Amplified Music, shouting from patrons, drunken behaviour of patrons including urinating, shouting, cars beeping etc. Noise officers from Brent Council have obtained evidence of the on-going public nuisance arising from the premises and had consequently made several attempts to rectify the situation. A noise abatement notice was served on 19/09/2012 for Loud Amplified Music. However, the public nuisance continues, as the noise team continues to receive complaints about noise from the premises, especially regarding the operation of the site on Fridays between 2 am and 4 am.

Since the service of the noise abatement notice in September, officers have witnessed on-going noise from Loud Amplified Music coming from 'Mama Calabar', clearly audible outside the premises, at a nuisance level at early hours of the morning.

Subsequent attempts by the Council to informally resolve the noise nuisance emanating from the site have been ignored by the site DPS and management. It is now deemed necessary to apply for a review of the premises license. I request that the committee takes into consideration the case history below to evaluate the extent of public nuisance caused by the licensed premises and request that the following recommendations are incorporated into the premises license as a minimum measure to prevent public nuisance from recurring.

**Recommendation:**

**The premise closes no later than 01.00 hours on any day of the week.**

**Add Condition:** No amplified noise or vibration from the activities at Mama Calabar shall be detectable at any neighbouring noise sensitive premises.

**Add Condition:** The Licensee shall actively manage the external areas including the car park and ensure that controls are implemented to prevent noise from patrons disturbing local residents.

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

**Case History:**

Date	Case Notes	Issue to Note
22/04/2010	Complainant is a resident living directly opposite the restaurant. Complainant states since Good Friday they have had discos from 11pm to about 3/4am and he could hear the music through his secondary glazing	<ul style="list-style-type: none"> <li>Complaint received</li> </ul>
03/06/2010	SNT officers report local residents complained to them about the noise coming from Mama Calabar. They said, every Friday the disco still continues to be loud and feels that nothing is being done to deal with the matter	<ul style="list-style-type: none"> <li>Complaint received</li> </ul>
10/06/2010	<p>Resident complaint to noise team stating: for the past 2 yrs there has been Loud Amplified Music from the 3rd floor across the road (Mama Clabar).</p> <p>NCT officer visited Mama Calabar: (3rd floor). Saw Poster stating Calabar night on 26/6 from 18.30 til dawn. Spoke to owner Helen Bagiere and advised</p>	<ul style="list-style-type: none"> <li>Complaint received</li> <li>Evidence suggests site is being operated till early hours of the morning: potentially beyond permitted hours?</li> <li>Management Advised</li> </ul>
18/06/2010 23:55:00	<p>Pro-active investigatory visit by Noise officers: Officer stood outside Raglan Court. Some bass audible but traffic noise louder. Walked over to Dexion House. Unable to establish nuisance.</p> <p>19/06 00.45hrs: Noise officer revisited. Music audible in their car park. Unable to establish it as a nuisance.</p>	<ul style="list-style-type: none"> <li>Evidence suggests possibility of noise nuisance, however unable to confirm.</li> </ul>
23/06/2010	Resident complaining: noise from the restaurant on Friday	<ul style="list-style-type: none"> <li>Complaint received</li> </ul>
11/02/2012 21:39:00	Resident complaining: Drunken people shouting and being loud when they leave the restaurant opposite the property at 2am -3am on weekends.	<ul style="list-style-type: none"> <li>Complaint received</li> </ul>
12/02/2012 20:23:07	<p>Resident complaining: drunken patrons leaving Mama Calabar as they go to their parked cars. Shouting and car horns beeping.</p> <p>Visit by Noise officer: Approx 23:25 security at Dexion House front desk says only cleaner in restaurant now as its closes at 10pm on Sundays.</p>	<ul style="list-style-type: none"> <li>Complaint received</li> </ul>
14/02/2012 13:26:00	Visit by Noise officer: spoke to owner Mr Rogers, advice given on the complaint received. He stated they open late Friday night Saturday morning until 3am for which they have a licence. Advice given to ensure that the door supervisors are proactive and manage controlled and quiet egress from the premises which they claim to do. Mr Rogers stated that he thinks it is people from other premises but I advised that his premises had been named. He didn't seem to accept that it could be from there. I gave plain advice on simple measures that could be taken to prevent further complaints. They have 2 supervisors in the car park downstairs to get people in and out quickly.	<ul style="list-style-type: none"> <li>Management Advised</li> </ul>

17/02/2012 15:47:00	Tokynghon safer neighbourhood Team called regarding noise from Dexion House on Fridays & Saturdays from 2 am till 4 am.	<ul style="list-style-type: none"> <li>Complaint received</li> </ul>
20/02/2012 10:57:00	<p>Resident complaining: Stating he has reported the matter to Tokynghon SNT on several occasions and NCT on 10.2.12 who responded re advice. Police have attended twice including last Friday night around 4am.</p> <p>Complainant states he has recorded noise levels and made video recordings of persons leaving premises.</p>	Complaint received
23/02/2012	Licensing officers visited site and advised DPS Mr Rogers regarding complaints received and what they need to do to ensure compliance	<ul style="list-style-type: none"> <li>Management Advised</li> </ul>
06/03/2012 13:50:44	Resident complaining: Noise issue after 4am coming club.	<ul style="list-style-type: none"> <li>Complaint received</li> </ul>
06/03/2012 21:55:47	Visit by Noise officer: Met Helen Duke (owner and manager). She was uncooperative and was adverse to showing me her premises licence. She was dismissive about the noise but later recognised it was "a problem" which she addresses by having 5 x door supervisors. She was adverse to being told that under the Licensing laws she has a responsibility not to serve people who are drunk and for the orderly dispersal of people leaving. She has no dispersal policy. I told her I was unaware that Licensing and the Police had been round. I told her without evidence no action can be taken. She was very unhelpful.	<ul style="list-style-type: none"> <li>Management Advised</li> <li>Management uncooperative and appear unwilling to comply with licensing conditions</li> </ul>
09/03/2012 21:00:27	<p>Resident complaining: says has evidence...cameral recordings etc.</p> <p>Resident advised regarding limits of our noise service in terms of 2am terminal hour.</p>	<ul style="list-style-type: none"> <li>Complaint received</li> <li>Noise possibly occurring outside of our service hours</li> </ul>
14/07/2012 22:16:00	<p>Resident complaining: happens every Friday night up until 4am. Customer unhappy with NCT non-response when service busy</p> <p>Advised resident that NCT will review case and decide next course of action - as most of the noise is on outside service hours.</p>	<ul style="list-style-type: none"> <li>Complaint received</li> <li>Noise possibly occurring outside of our service hours</li> <li>Case review required</li> </ul>
16/07/2012 23:40:00	Pro-active Visit by Noise officer: DPS or owner not on site, security at the door advises Ms Helen has just left	Unable to contact Management
20/07/2012 19:01:00	<p>Resident complaining: Resident states the loud music and Anti-social behaviour all varies according to how many people are there, number of cars etc. Complainant also states there is ASB and LAM from parked vehicles which block driveways.</p> <p>Resident advised that NCT will make proactive evening visit. Also advised to call asap when LAM starts.</p>	<ul style="list-style-type: none"> <li>Complaint received</li> <li>Note other issues include ASB, LAM from Vehicles, Blockage of driveways</li> <li>NCT to do pro-active visits to determine extent of the problem.</li> </ul>

<p>21/07/2012 00:53:00</p>	<p>Drive-by Visit by Noise officer: Music audible outside as observed from parked vehicle in Mama Calabar's car park. However, unlikely to be nuisance to complainant in Imperial Court which is across the road.</p> <p>Noted 9 patrons smoking outside front entrance and 2 x security - no ASB observed.</p> <p>Drove down Empire Way - noted many cars parked along Imperial Court side, however, no ASB or LAM observed at time of visit.</p>	<ul style="list-style-type: none"> <li>• Evidence suggests possibility of noise nuisance at noise sensitive times, however unable to confirm.</li> </ul>
<p>28/07/2012 00:58:00</p>	<p>Resident complaining: about Loud music from premises</p>	<ul style="list-style-type: none"> <li>• Complaint received</li> </ul>
<p>23/08/2012 16:00:37</p>	<p>Resident complaining: disturbed by noise coming from Mama Calabar every Friday night he would like this matter investigated</p>	<ul style="list-style-type: none"> <li>• Complaint received</li> <li>• Most complaints relate to Friday nights when the site has extended opening hours.</li> </ul>
<p>06/09/2012 17:10:00</p>	<p>Resident + local business complaining: Call from Simon Smith &amp; Partners, managing agents for imperial court that is situated across the road from Mama Calabar. Their residents have been complaining to them regarding this on-going noise issue.</p> <p>Managing agents state the residents of Imperial Court has been complaining to them about the noise/drunken behaviour, large number of cars/ flashing lights/urinating by patrons of Mama Calabar. General advice given, and asked to encourage residents to call us when noise is on. Also advised re noise/drunken behaviour in streets is a police matter and residents should contact them instead. Advised that I will contact the licensing team to look into this as he claims the place has become a problem since the license permission had been granted to extend till 4 am.</p> <p>Note: from licensing police the following Intel was received 04/09/2012</p> <p>Crimint: QKRT417423. On Friday and Saturdays when Mama Calabar on Empire Way Wembley closes at around 4am the people leaving the club are causing a large disturbance to local residents by creating a lot of noise They are also urinating in residents gardens The music during the clubs opening hours is also exceptionally loud Advice has been given for the complainant to contact the local council about the noise nuisance Local SNT Aware and licensing officers notified</p>	<ul style="list-style-type: none"> <li>• Complaint received</li> <li>• SNT, Police, Licensing enforcement team aware of the complaints received from local residents and businesses.</li> <li>• Note other issues include ASB, drunken behaviour/urinating patrons, LAM, noise and light nuisance from Vehicles</li> <li>• Extended opening hour not managed properly by site management?</li> </ul>

08/09/2012 01:55:00	Pro-active Visit by Noise officer: intended to do a drive by. By the time we were approaching the site, saw large number of vehicles parked on empire way along the bus lane. Possibly 20-30 cars on street. Drove into the car park of Dexion House. Fully packed with vehicles. We got out of the car, and stood near our vehicle, did not approach anyone on site. Loud music audible at approx. 30 meters away from the premises while we stand in the car park. Likely nuisance for the time. Windows appear open. Loud afro-beats with heavy bass. Some people in front of the site. Approximately 10/15 people. At least 3 groups of people came in during the time we were standing there. All seemed to have gained entry. Music is loud enough to very likely cause disturbance to nearby residents at the time of visit. The level is unacceptable. Site appears single glazed, not suitable for such level of music? 2.05: left the site.	Due to the history and nature of complaints/ evidence, I have serious concerns over the management of the site, especially due to its late opening hours. Also have concerns regarding the suitability of the site with current sound proofing for such events which may include live or recorded entertainment.  The site is failing to ensure its licensing objective for 'prevention of public nuisance'.
19/09/2012 16:25:19	Z-S80 EPA Noise –Music Notice served	Noise Abatement Notice Issued
19/09/2012 18:58:00	Notice handed to Ms Kemi Bageire (employee) as Manager not available. Joint husband & wife management (Mrs Helen Duke Bageire and Mr Roger Bageire)	Noise Abatement Notice Served
02/10/2012	Local business complaining: Manager of Quality Hotel states the offending premises is playing loud music on Friday nights from 11pm until 3am. He has approached the manager for Mama Calabar, who told him that they are licensed for music activities and can do what they like. Complainant states the guests at his hotel are complaining of the music on Friday nights and this is affecting his business.  Advised complainant call NCT when noise is on and that we would attempt to speak with offender to advice re noise nuisance.	<ul style="list-style-type: none"> <li>Complaint received</li> </ul>
04/10/2012 11:40:00	NCT officers request pro-active visits by licensing police and officers, outside of Noise team' service hours to assess compliance with notice served	Pro-active compliance monitoring visit arranged
06/10/2012 03:10:00	Pro-active visit made by licensing police:  We acted on your request this morning 6th Oct Just after 2am we noticed the windows in the kitchen area were open. We could hear muffled disco music coming from the premises. At 3.10am we returned and parked on the main road approx. 20metres from the entrance to the building, unacceptable levels of loud audible 70's 80's disco music was easily heard (so loud I actually started singing along). We did not visit the premises, but judging by the amount of parked vehicles in the vicinity it was very busy.	Breach of notice witnessed



12/10/2012	<p>Local business complaining: Manager of Quality Hotel states reports that music is played loud after 2am from Mama Calabar on Fridays.</p> <p>He informs last Friday (06/10/2012) noise on after 2 am and went on till 4 am. Lots of his customers complained to him next day. He is afraid noise will be back on tonight.</p>	<ul style="list-style-type: none"> <li>• Complaint received</li> </ul>
13/10/2012 01:09	<p>Pro-active Visit by Noise officer: no LAM was audible on the street over traffic noise. We drove into their forecourt and some LAM with bass was audible only when our engine was turned off - unlikely nuisance, doubt very much residents across the street could hear it. Some crowd dispersal during our stakeout, seemed to be quiet and orderly, a few people got into vehicles and drove off. Noted 2x door security and about 5 patrons outside talking, smoking, not loud and no ASB observed. Nothing of concern noted during my visit. Left approximately 01.15hrs.</p>	<p>No breach witnessed (note visit made before 2 am)</p>
16/10/2012	<p>Resident complaining: Resident reported every Friday and Saturday night people who visit the restaurant keeps shouting and screaming at night between mid-night and 3 am. Caller said they are fed-up and Council should do something about this.</p> <p>Resident states he has been suffering serious noise issues from this venue for several months. The LAM goes on until 4-5am Fridays/Saturdays. He has called police more than once, who have advised that NCT are dealing with this matter. He complains further that customers of this venue line up in the main road in cars waiting to get access to the premises beeping horns and shouting. His wife is pregnant and is unable to cope with the noise.</p> <p>Resident advised regarding NCT actions till date. He also states he has video recordings of the extent of the problem which he is happy to provide. He also states he has tried calling NCT after 2am but is always advised that there is no service at that time.</p>	<ul style="list-style-type: none"> <li>• Complaint received</li> <li>• Complainant claims problem still going on, outside of noise team's service hours.</li> </ul>

<p>20/10/2012 01:55:00</p>	<p>Pro-active Visit by Noise officer: Some music audible while approaching site. We parked in front of Imperial Court. Cars fully packed (almost blocking the entry) in front of the building (which is opposite Mama Calabar). While we sit in our car loud music clearly audible in front of empire court, at it appeared to us as if someone must be playing music in the car park. We walk along the road empire way, other side of road of Mama Calabar along the complainants' premises Empire court and Raglan court. Loud music clearly audible and very likely nuisance at this time of night. At the time of visit our service has closed and we have not received any complaints regarding the site that night (till 00.46 hrs when our service was closed due to high demand).</p> <p>We approach Dexion House, and it is clear the music is actually coming from Mama Calabar. We find Licensing officers speaking with Ms Helen in front of the site, outside of the building. I joined them and advised Ms Helen that the sound level observable outside is totally unacceptable and ask her to lower it. Ms Helen obstructive, argumentative and appear unwilling to comply. She argues saying, 'it's not loud! Its only one night of the week! I might as well cancel the license!' Ms Helen reluctantly gets her DJ to lower the volume.</p> <p>I advised Ms Helen, that I have no option but to call for a review now, as 2 officers have now witnessed (including myself) potential breach of the noise abatement notice. And also because I have serious concerns regarding her ability to fulfil her obligation to meet the licensing objective regarding, 'Prevention of public nuisance'.</p> <p>Left site approx.: 02.30: volume of music lowered to a moderate level, although audible in car park. Confirms that sound insulation unsuitable for purpose.</p>	<ul style="list-style-type: none"> <li>• Breach of notice witnessed</li> <li>• Management Advised</li> <li>• Management uncooperative and appear unwilling to comply with requests made by the Council officers</li> <li>• Sound insulation unsuitable for purpose</li> </ul>
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I reserve the right to include further evidence to support my case if obtained from the date of submission of this application till the hearing.

Abbreviations

- LAM: Loud and amplified music
- ASB: Antisocial behaviour
- NCT: Nuisance Control Team
- SNT: Safer Neighbourhoods Team
- DPS: Designated Premises Supervisor

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

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**If you have made representations relating to this premises before, please state what they were and when you made them**

N/A

**Checklist**

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  (Regulatory Service Manager)

Date .....24 October 2012.....

Capacity ...Applicant.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
Noise Team, Safer Streets, London Borough of Brent 3 <sup>rd</sup> Floor, Brent House, 345 High Road	
<b>Post town</b> Wembley	<b>Post code</b> HA9 6BZ
<b>Telephone number</b> 02089375252	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> environmentandprotection@brent.gov.uk	

**Data Protection:** The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

*This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.*

## 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.

**Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-**

Safer Streets  
Brent Council  
Brent House  
3<sup>rd</sup> Floor West, 349-357 High Road  
Wembley,  
Middlesex  
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: [environmentandprotection@brent.gov.uk](mailto:environmentandprotection@brent.gov.uk)

**Please send copies of your application and any supporting documents to the responsible authorities. Contact details shown below:**

Chief Officer of Police  
Brent Licensing Department  
Wembley Police Station  
603 Harrow Road  
Wembley  
Middlesex  
HA0 2HH

Tel: 020 8733 3206

North West Area 1  
London Fire Brigade  
169 Union Street  
London  
SE1 0LL

Tel: 020 7587 2778

Trading Standards  
Brent Council  
Brent House  
349-357 High Road  
Wembley  
Middlesex  
HA9 6BZ

Tel: 020 8937 5555

Environmental Health Department  
Brent Council  
Brent House  
349-357 High Road  
Wembley  
Middlesex  
HA9 6BZ

Tel: 020 8937 5252

Children's Services  
Brent Council  
Chesterfield House  
9 Park Lane  
Wembley  
HA9 7RJ

Tel: 020 8937 4175

Licensing Authority  
Brent Council  
Brent House  
349-357 High Road  
Wembley  
Middlesex  
HA9 6BZ

Tel: 020 8937 5359

Area Planning Service  
Brent Council  
Brent House  
349-357 High Road  
Wembley  
Middlesex  
HA9 6BZ

Tel: 020 8937 5210

Public Safety Team  
Brent Council  
Brent House  
3rd Floor East  
349-357 High Road  
Wembley, Middlesex  
HA9 6BZ

Tel: 020 8937 5359

DAAT  
Public Health Directorate  
Wembley Centre for Health  
and Care  
116 Chaplin Road  
Wembley  
HA0 4UZ

