

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 Westcoast Restaurant & Bar 236 High Street Harlesden	
Post town London	Post code (if known) NW10 4TD

Name of premises licence holder or club holding club premises certificate (if known) Westcoast Ltd
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Number of premises licence or club premises certificate (if known) 166905

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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<p>Please state the ground(s) for review (please read guidance note 1)</p> <p>The premises license for Westcoast Restaurant and Bar has been reviewed previously and at the hearing on 26th November 2009 the licensing Sub Committee removed regulated entertainment-recorded music from the licence. Therefore the venue is licensed to supply alcohol to be consumed ON the premises from 9am to 11pm and close to the public at 11.30pm daily. The designated premises supervisor is Leticia Kusah.</p> <p>Since May 2010 the venue has come to Police notice for the following breaches of licensing legislation and criminal offences that have been committed at the premises:</p> <p>9th May 2010 unauthorised licensable activities at 0045 hours supply of alcohol and entertainment.</p> <p>9th May 2010 Engaging in licensable conduct without a non front line Security Industry Authority licence Section 3(1)] Private Security Industry Act 2001</p> <p>2nd Nov 2010 Cris 1929273/10 Theft of a mobile phone from a handbag</p> <p>21st Dec 2010 Cris 1933323/10 Theft of mobile phone</p> <p>1st Jan 2011 Cris 1901274/11 Theft of mobile phone</p> <p>25th Sept 2011 Cris 1925451/11 Assault Actual bodily harm</p> <p>31st Dec 2011 Cris 1900017/12 Stabbing Grievous bodily harm</p> <p>27th July 2012 Cris 1920801/12 Burglary</p> <p>Failure to provide CCTV footage breaching premises licence condition 2 during October 2011, January 2012, March 2012.</p> <p>Failure to maintain fire fighting equipment breaching condition 3 of the premises licence in February 2012</p> <p>Exceeding the capacity limit of the premises licence breaching condition number 4 in February 2012</p>

The following offences were committed on the venue by the designated premises supervisor's son, Ben Kusah, whilst in the role of bar manager

1st Aug 2012 Cris 1919997/12 Assault Actual bodily harm
30th Aug 2012 Cris 1922740/12 Possession of controlled drug with intent to supply
11th Oct 2012 Cris 1926329/12 Assault with intent to resist arrest
11th Oct 2012 Cris 1926335/12 Possession of a controlled drug
11th Oct 2012 Cris 1926335/12 Possession of a dog that is dangerously out of control.
7th Dec 2012 A pitbull style dog behind the bar in the venue seized under the Dangerous Dogs Act
7th Dec 2012 Cris 1931585/12 Possession of controlled drug with intent to supply

This venue has a history of operating in a manner detrimental to the licensing objectives. The risks associated with this venue are immense if the premises are allowed to continue operating in such an irresponsible way.

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

See my attached statement

The peak activity fire inspection report can be provided as can statements from London Borough of Brent Licensing enforcement officer and crime reports referred to.

Police reserve the right to give evidence on any further incidents of crime and disorder 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

1	5	0	1	2	0	1	3
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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 Will Kistok

Date 15-1-2013

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.

WITNESS STATEMENT

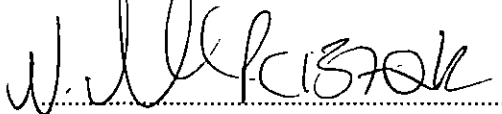
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Nicola McDonald** URN:

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

This statement (consisting of: **4**..... 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:  Date: **11th January 2013**

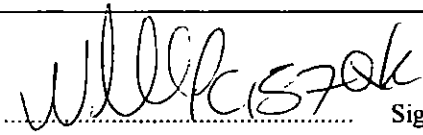
Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable of 22 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 Westcoast, 236 High Street, Harlesden, NW10.4TD. This restaurant is situated over three floors, ground floor, mezzanine and basement. There are two bars on the premises one on the ground floor and the second in the basement. The premises licence was reviewed in November 2009 and entertainment was removed from the authorisation. The premises licence permits supply of alcohol daily from 0900 hours to 2300 hours. The premises are open to the public daily from 0900 hours to 2330 hours.

On 9th May 2010 I was on duty in plain clothes in company with PS Adrian Adolphus, we were conducting late night licensing visits around Brent. We were listening to the pirate radio station 'Unique' in our vehicle and heard an advertisement for the 'Westcoast Launch Party' featuring DJ Miss Money Penny with free entry before 1AM, £5 afterwards. I was not aware of a temporary event notice to cover this party for entertainment and alcohol sales after 2300 hours.

At 0045 hours we pulled up in High Street Harlesden near Westcoast. I watched a steady stream of customers, mainly female arriving in private vehicles and taxis and entering the venue. As I approached Westcoast on foot I could see approximately 20 customers through the window on the ground floor. Such parties with music and dancing usually take place in the basement area. I introduced myself to two door supervisors I identified outside the front of the venue. They were

Signature:  Signature witnessed by:

Continuation of Statement of **Nicola McDonald**

displaying their security industry badges and gave their names as Nadine Watson and Paul Kidd. They informed me they were working at the club until 5AM and were employed by the owner of the venue Leticia Kusah. She is not authorised to do this as she does not hold a non-front line security badge. Both Leticia and her mother came to speak with me. They said they were financially struggling and needed to pay the bills and to give her a chance. I explained a temporary event notice had not been received for this party and that to continue licensable activities without an authority was committing an offence under the Licensing Act 2003. I then left the premises and contacted Brent CCTV and requested they monitor activities at the venue. On 11th May 2010 I attended Brent CCTV Control room and viewed footage from outside Westcoast on 9th May 2010 and saw the customers were still leaving at 0300 hours.

On Saturday 25th February 2012 I was on duty in full uniform in company with Council Licensing enforcement officer Susana Figueiredo and Clive Vincent, Fire Safety Officer for the London Fire Brigade. At 2230 hours we attended Westcoast, to conduct a joint partnership licensed premises visit. As we walked towards the main entrance on the ground floor I noticed the footpath outside was quite busy with people chatting. As we entered the premise we were immediately surrounded by black adult females sucking their teeth and asking what we wanted and what power we had to be on the premises. Their manner was very intimidating. There was loud dance music playing through speakers. I squeezed towards the bar and noticed Ms Fatima Cotay standing there. She is the mother of the designated premises supervisor. The DPS was not present but had left her son, Ben Kusah, to manage the venue. She recognised me and I introduced her to my colleagues and explained that we would be conducting a licensing inspection. As word spread that a Police Officer was at the venue the ground floor filled with persons coming up the stairs from the mezzanine and basement levels. I noticed that the majority of 'party-goers' were juveniles. Ms Cotay explained that the premises had been privately booked for a teenage birthday party. I asked how many persons were on the premises, but she had no idea. Alcohol was being sold. Ms Cotay was providing food on the mezzanine level and soft drinks for the children. There were no door supervisors.

During the inspection of the three floors it became very obvious that the premises were well over the capacity of 90. I counted 60 children in the basement alone, the basement capacity is 40 only. There were approximately 40 persons on the ground floor and 20 in the mezzanine.

In the basement there were no lights illuminated, just a small selection of coloured lights near the DJ's equipment. In the basement I examined the rear fire exit with the fire officer and discovered it had no signage, there was no emergency lighting and the door was locked. If an emergency had occurred in the premises the only means of escape was back up two narrow flights of stairs to the main ground

Signature:



Signature witnessed by:

Continuation of Statement of **Nicola McDonald**

floor entrance door. Ben Kusah went to find the key to unlock the door and we discovered upon opening the door the external escape means were blocked by rubbish and a steel drum BBQ. The basement smoke detector head had been removed but the fault was not showing on the alarm panel which indicates the fire detection system was not functioning. I noticed the basement toilets smelt of cigarette smoke and cannabis, there was cigarette butts in the toilet. The cannabis smell was stronger in the kitchen area where I found two older youths extinguishing a cigarette. As I went through the kitchen I noticed a moped parked, leaning towards the food preparation surface. There were several beer bottles on the floor. The fire officer asked Ben Kusah for the fire risk assessment, he was unable to provide one and from his response was unaware what it was. He also asked to see the emergency evacuation plan and staff training records, but none were produced. The young persons in the basement were unsupervised in a totally unsafe environment. The premises were packed so tight with teenagers it would have been impossible to supervise the premises efficiently and prevent any children under 18 years of age consuming alcohol. During our basement inspection the DJ had turned the music off and put the lights on, this was making the adults on the mezzanine and ground floor levels more angry, shouting at us, that we were spoiling the party. At no point did Ms Cotay or Ben Kusah try to calm the patrons down. Their lacklustre response gave the impression we were ruining the night. They did not appear to appreciate the severity of situation. Making a dynamic risk assessment for my colleague's safety, I quickly advised Ms Cotay and Ben Kusah that the party must finish, that the premises were not licensed for music and dancing, that the premises license conditions had been breached and it was unsafe.

On 14th March 2012 I had a conversation with the DPS in regard to the visit on 25th February. She was advised to make necessary fire safety improvements and operate the premises in accordance with the premises licence. I requested a copy of the CCTV footage from 2230 - midnight on 25th February. Leticia agreed to get that to me. I have never received the footage contravening condition 2 of the premises licence.

On 13th August 2012 the DPS submitted a temporary event notice for Notting Hill Carnival weekend. Brent Police Licensing made representations to the notice and at a Licensing Hearing the sub-committee issued a counter notice. After the hearing the DPS told me should could not continue opening the premises at a loss and whilst out completing late night licensing patrols I have not seen the premises open to the public.

Since the Notting Hill Carnival weekend Brent Police, in response to allegations of drug dealing at Westcoast executed a search warrant. On 30th August 2012 Ben Kusah was arrested for possession of controlled drugs with intent to supply. A large amount of cannabis resin was found at Westcoast. (Cris 1922740 refers and can be provided)

Signature: Willie C157 Qk Signature witnessed by:

Continuation of Statement of **Nicola McDonald**

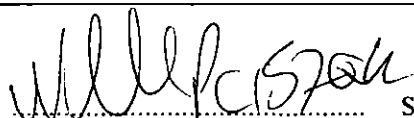
In October 2012 Ben Kusah was arrested at Westcoast again, on this occasion he attempted to resist arrest and assaulted a Police officer.

On 7th December 2012 at 1520 hours Police executed another search warrant obtained from the Magistrates under the misuse of drugs act for Westcoast and the residential premises above. On this occasion both the DPS's Son Ben Kusah, (his girl friend Naomi West) and her mother Lynda Kusah were all in Westcoast. No drugs were found in the venue. Police Officers had to force entry to the residential premises above Westcoast as the Kusah's could not find the chubb key. A bag containing herbal cannabis was found in the flat. West was arrested for possession with intent to supply cannabis. When Ben Kusah was searched a Chubb key was found upon his person. This key was for the door to the residential flats above. (Cris 1931585 refers and can be provided)

Since October 2012 I have not seen the premises open and I have not had any contact from the DPS. The evidence above, highlights that this premise is being run unprofessionally and as such is detrimental to the licensing objectives. Intelligence indicates the premises had become a known venue for the sale of illegal drugs resulting in the Magistrates issuing the search warrants. The premises Licence holder and DPS Leticia Kusah still has ownership of the venue and during a recent licensing operation (7th December 12) members of the family were still residing above the venue and socialising in it. It is possible that they will attempt to open the premises, with such disregard for the law and enforcement, police have no option but to seek the revocation of the premises licence.



Signature:



Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male/ Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 157QK Nicola McDonald** Station:

Time and place statement taken: