



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...Police Constable Paul Whitcomb on behalf of the Commissioner of the Metropolitan Police Service.....

[insert name of applicant] **apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).**

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description Moonbay Bar & Restaurant 1-2 Court Parade East Lane	
Post Town Wembley	Post Code (if known) HA0 3HY
Name of premises licence holder or club holding club premises certificate (if known) Mr. Jagdish Karsan Devshi	
Number of premises licence or club premises certificate (if known) 156532	

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 Paul Whitcomb PC 782QK Brent Police Licensing Wembley Police Station 603 High Road Wembley HA0 2HH
Telephone number (if any) 02087333206
E-mail address (optional) paul.whitcomb@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 | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | |

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

This venue is located at the end of a parade of shops, on a busy road, which meets with the junction of Pasture Road, Wembley. It is situated wholly within a residential area. The premises licence holder (PLH) and designated premises supervisor (DPS) is, Mr. Jagdish Devshi. He has been in these roles since 25th November 2005. During the past five years there has been a series of incidents which have occurred within the premises, resulting in police attendance. Mr. Devshi has continued to fail to uphold the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance, as outlined in this application.

The venue has a long history, dating back to 2010, of crime and disorder. On 26/12/2010 a large scale fight, involving 20-30 customers, took place inside the premise. Police were called and it took some fifteen police officers to deal with and restore order. One male received common assault injuries. Four customers were arrested, three for affray and one for common assault. On 30/03/2011 a female motorist was stopped by male customers seen exiting the venue. The victim had her car damaged and was then subjected to racial verbal abuse. Another large scale disturbance took place on 30/01/2014, around fifty (50) customers were said to be 'smashing the pub up'. Police were called and it took a large number of officers to clear the bar after the management had lost control. Once outside a bottle was thrown towards a police vehicle and one arrest was made. This incident was reviewed by Brent police licensing team and staff were found to have served customers who were already drunk. This is an offence under s.141 Licensing Act 2003. Police issued a formal warning letter to Mr. Devshi. On another occasion, police were called to the venue as a group of males attended the venue drinking their own alcohol and refusing to leave, when asked to do so. Once again, Mr Devshi was unable to control the situation and police had to attend in large numbers to assist with ejection. These types of incidents draw police officers away from other calls, putting the public at risk of harm and the ongoing nuisance that the arrival of several police vehicles, police sirens, radios and then the subsequent dispersal of large groups cause to local residents.

Numerous other allegations of crime (as listed below in this application) have been made to police, which include criminal damage, theft of a mobile phone and harassment. The latest crime was a robbery, on Mr. Devshi himself, which occurred inside the premises. The subsequent investigation was hampered due to the current CCTV system, which was not working correctly. Despite appeals from police to have this looked at by an engineer, these were ignored and eventually the crime had to be closed.

Class A drug use has been an issue at this premise also. Brent council and Brent police have tested the toilet area for drugs use, on two separate occasions. Both of these tests were positive for cocaine. On the 02/04/2011, police were called the premises' beer garden, after residents heard noises. The premises were closed and no member of staff was present. When police arrived they found a male in the garden taking cocaine. This male was arrested and when officers spoke with Mr. Devshi, he told them that he knew the man and that he had *no problem at all* with the male being in his beer garden.

The venue has a history of noise complaints resulting in nuisance to local residents. On 30/11/2015 Brent council's noise team have previously attended and seized audio equipment from the venue in response to numerous noise complaints. On 08/12/2012, the council issued the venue with a noise abatement notice. I believe the premises were subject to a review following application from Brent noise team. Despite this, police attended recently on 02/05/2015 at 12.10am and found Mr. Devshi playing recorded amplified music in contravention of his authority. He is only allowed regulated entertainment until 11.00pm. This is an offence under s.134 Licensing Act 2003.

There have also been numerous breaches of the current premises licence, including door staff not being employed when they should be and suspected 'lock in's'.

Mr Devshi has exhibited a consistent lack of management and supervision. The evidence shows that he lacks control over patrons and through constant noise nuisance, Mr Devshi has failed to show any regard towards local residents. It is in my opinion that it would be detrimental to the licensing objectives if Mr. Devshi is allowed to continue running this operation in such a way.

Police request the **removal of the current DPS**, Mr. Jagdish Devshi and the appointment of a new DPS in his place.

To further reduce the risk to the licensing objectives and to assist the new DPS in upholding these objectives, in particular crime, disorder and to prevent public nuisance within such a densely populated residential area, police request the following **reduction of hours** be as follows:

***The opening hours of the premises:** 1000-2300 Monday - Sunday *These hours allow for 30 mins of drinking up time.*

***Supply of alcohol:** 1000-2230 Monday-Sunday

***The removal of 'The provision of late night refreshment'** - *This will no longer be required if the above hours are adopted.*

* All timings for regulated entertainment hours to **remain the same.**

To assist the new DPS control the venue more successfully, police consider some of the conditions of the current premises licence need to be re-worded appropriately to support current legislation and best practice.

Police request the following conditions to be removed from the premises licence;

1. (Condition number 8) Closed circuit television (CCTV) shall be installed and maintained in accordance with the Association of Chief police Officers (ACPO) guidance, and all recorded images kept and made available to the police and licensing authority for 31 days. *This is an outdated condition. The updated CCTV condition is more appropriately suited.*
2. (Condition number 7) Door supervisors of a sufficient number and gender mix, shall be employed from 21:00 hours on any day when the premises are open for the sale of alcohol past midnight. *Police are requesting a reduction of hours. If granted, this condition would no longer necessary.*

Police request the following conditions be added to the premises licence;

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days, display the correct time/date and shall be made available to police and authorised Officers from Brent Council.
2. A CCTV camera shall be installed to cover the entrance of the premises and a further camera installed to cover the beer garden.
3. Customers will not take open drink containers outside of the premises or beer garden.
4. A "Challenge 25" policy shall be adopted and adhered to.
5. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
6. A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
7. Notices clearly explaining the licensee's drugs policy shall be displayed at the entrance, in all toilets and at suitable places throughout the premises.
8. Toilets shall be checked every two hours for the use of drugs and other illegal activities.

9. A toilet checklist shall be displayed on the wall in all toilets. Staff shall use these checklists to record their name and certify the time of the check. Checklists are to be replaced daily and all old checklists must be retained and made available for inspection by the police and authorised officers from Brent council.

10. A clear and unobstructed view into the premises shall be maintained at all times.

11. The outside drinking areas shall cease at 2200 hours.

12. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.

13. The licensee shall make available and publish a telephone number for residents to make contact.

This list is not exhaustive.

Police feel these requests are in keeping with the Licence holders human rights and promote the running of his business and livelihood. These conditions are wholly reasonable, proportionate and appropriate measures to be put in place to promote the licensing objectives.

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

12/11/2010 - Crime report 1929696/10 refers to a theft pickpocket which occurred inside the premise. The victim had his mobile phone stolen from the inside of his jacket pocket.

14/12/2010 - Complaint to police that customers using the shisah area at moonbay are standing around on the street outside arguing with passer by's and intimidating local residents.

26/12/2010 - Crime report 1933478/10 refers to a large fight. At 12.30am police were called to the venue by Mr. Devshi as a large group were refusing to leave his premise. As officers arrived a fight was about to start in the pub, but those involved were stopped by police. The group of around 20-30 were ushered outside by police and then a large fight broke out, with punches being thrown and a bottle smashed over the head of another. Three arrests followed. Those involved were later disposed of by way of fixed penalty notice's for disorder. This fight took eleven police units (that's around 22 police officers) to bring under control. This was Brent's total amount of officers on duty for the entire borough.

14/01/2011 - A complaint was received regarding noise at 9.00pm and smoking at the premise. Mr. Mortimer (Brent police licensing manager) visited the venue and spoke with the licensee. The licensee was advised that the rear shisha area would need to be more than 50% open and that it would require a variation application.

30/03/2011 Crime report 1908232/11. Allegation made to police of racially aggravated criminal damage to a motor vehicle. At 6.20pm the victim called police and reported that she was driving along East Lane, Wembley outside Moonbay bar with her son. She went on to say that a large group of 30-50 males came out of Moonbay bar and surrounded her car. The victim believes that the males had all been drinking inside the bar and had been watching the cricket match between India and Pakistan. One of the males in the group shouted; "You pakis! We won, we won!", whilst taking photographs of her and her son. The victims son wound down his window to tell the male to move out of the way, at which point the suspect shouted it again and threw a glass of what is believed to be alcohol into the vehicle. The victim was extremely shaken by the incident. This matter had to be closed due to insufficient evidence. Of note, staff informed police that the CCTV system encountered 'technical issues' and could not be retrieved.

02/04/2011 Police were called to the venue after a local resident heard voices coming from the rear beer garden, despite the venue being closed. Police arrived and found two males who had gained access to the garden, and in the process of taking cocaine. Both males were arrested for possession of class A drugs and being found on enclosed premises for an unlawful purpose. No members of staff were present and it is believed the males had accessed the beer garden via a hole in the gate. When officers contacted the DPS, Mr Jagdish Devshi, he told officers that he knew the males and that he did NOT have a problem with them being there. He refused to give police a statement and case against the men resulted in no further action. One of the males was charged with drug offences. Crime reports 1908495/11 and 1908494/11 refers.

13/05/2011 - Crime report 1912427/11 refers to an allegation s.4a public order. An incident took place where a heated argument took place in the venue between the DPS Mr Devshi and a known male who he allowed to carry out a shisha area in his beer garden. The suspect has shouted, 'I'm going to f*cking smack him!' Customers called police fearing it was going to get out of hand. The suspect was issued with a fixed penalty notice for disorder.

01/08/2011 Crime report 1920667/11 refers to a report of harrassment which has stemmed from a civil dispute and threats made to the DPS, Mr. Devshi. Suspect is a known male to him, whom he allowed the use of his beer garden for a shisha area. The suspect was later arrested and given a first instance harrassment warning.

25/09/2011 Crime report 1925570/11 refers to an allegation of criminal damage. A house brick was thrown through the window of the venue. Motive behind this, remains unknown.

24/04/2012 - PC 781QK Sweeney PC 977QK Hitching attend the premises to carry out a licensing inspection under the Op Condor. As part of this operation, police use drug testing swab kits in the toilet areas. This test proved positive for Class A drug use, namely cocaine.

30/06/2012 - Information received that owner is undertaking lock-ins and drug activities (mainly cocaine). Visit carried out by Esther Chan, Brent council. Premises visited at 2.25am, where it appeared closed and in darkness. The front entrance and rear exit doors were locked, no access gained. However, Ms. Chan reports that she peered through a gap in the window and witnessed DPS, Jagdish Devshi behind the bar and approximately five people in front bar socialising. She also heard Bollywood music emanating from the premises. Suspected lock-in taking place.

01/07/2012 - Email received from Brent Council's licensing officer, Ms. Esther Chan who visited the premise at 3.10am. The email read as follows; 'We approached the premises and saw approximately four people leaving the premises via the rear emergency exit. We went through the back and saw owner Jagdish Devshi escorting his guests out. He appeared to be shocked when he saw our presence. As we made our way to the premise, I could smell Cannabis in the garden. There were approximately eight people around the bar socialising, drinking and listening to recorded Bollywood music. Mr Devshi was intoxicated, his speech was slurred and he made various hand gestures that did not coordinate with his words. When he was asked to repeat and confirm details, he did not make sense. Mr Devshi said it was his friend's (Jason Devshi) birthday and this was a private function that started at 00:30hrs. All the drinks are free, which had accumulated to £150. Mr Devshi then said his brother will pay for this event and in turn when it comes to his brother's birthday in August, his friend Jason Devshi will pay for everything at his venue in Camden. A few minutes later, Mr Devshi said Jason Devshi do not own the venue in Camden, when he was asked to repeat his statement. I then asked Mr Devshi what time he left the premises on Friday 29th June 2012. He stated he left the premises at 00:00hours and did not return. When I told him that I had witnessed people in the venue in the early hours, Mr Devshi then admitted that he had returned from home with five friends at approx 1:30am to drink at the venue. The drinks were free of charge. Toilet drug test swab taken – This proved Positive (high concentration) for cocaine. Once again, suspected lock-in taking place.

30/11/2012 Police assist Martin Wood, Brent council environmental health officer, seize audio equipment from the venue, following complaints from local residents regarding noise emanating from the venue.

08/12/2012 A noise abatement notice is issued by Brent council noise team.

22/08/13 Premises licence reviewed by London borough of Brent. The committee added an additional condition, namely that regulated entertainment shall cease at 23:00 hours Monday-Sunday until an acoustics survey is carried out.

30/01/2014 - At 11.40pm Police were called to the venue after fifty (50) persons, said to be from the travelling community, were 'smashing up the pub'. When officers arrived, they found blood, smashed glass and beer all over the floor. Many customers appeared to be drunk. It was clear that a large disturbance had taken place. Clearly the management had lost control. It took fourteen (14) police units to clear the bar of customers. One arrest was made outside the venue (for behaviour likely to cause a person harassment, alarm or distress - s.5 Public Order Act) after one of the female customers threw a bottle of alcohol towards a parked police vehicle, which smashed close to it. The suspect was later issued a fixed penalty notice for disorder. Crime report 1902574/14 refers.

Following this particular incident, Brent police duty officer, Inspector James Rawlinson emailed Brent police licensing unit. He said that he had asked staff why their customers were all so drunk and why they were unable to control the level of drunkenness within their premises. One member of staff commented that they were all, 'too scared to stop serving them'. No SIA door supervisors were on duty either.

06/02/2014 - Following the incident on 30/01/2014, Brent police licensing manager, Mr. Mortimer requests CCTV. After examining this and police headcam footage, he witnessed staff selling alcohol to customers who were drunk. Mr. Mortimer issued Mr. Devshi with a warning letter, as this is an offence contrary to s. 141(1)(a) Licensing Act 2003.

02/06/2014 - Police were called to the venue by the DPS after a group of around forty (40) persons, described as being from the travelling community, walked into his bar with their own cans of beers. They refused to leave and then offered the DPS £10 per person if he allowed them to carry on drinking in his bar into the evening. He refused and yet again a large number of police officers had to attend to assist in ejecting them.

20/03/2015 - At 4.30pm the DPS, Mr. Devshi was attacked inside his premises by an unknown group of males who walked in and one hit him around the head. During the melee, his chain was pulled from his neck and broken. The suspects then ran away from the venue. Police were called and this incident was recorded as a robbery. Crime report 1906617/15 refers. When police officers requested CCTV footage, the system was not working and it was unable to download. This breaches condition eight (8) of the current premises licence. However, Mr. Devshi promised officers that he would hire a CCTV engineer to retrieve the footage for police.

27/04/2015 - Now, over a month later since the robbery at Moonbay, DC Baillie from Brent police CID contacted the licensing police team and informs us that Mr. Devshi has not kept his promise in rectifying his CCTV system. He has not downloaded footage as requested.

02/05/2015 - I attended the premises to chase CCTV requested by CID over one month ago. I attended at 12.10am and spoke with DPS Jagdish Devshi. The curtains were drawn upon arrival but the main door was unlocked and a handful of customers remained inside still drinking. Mr. Devshi stated that he was now closed, however, it appeared very much open to me. Recorded amplified music was still being played inside, louder than 'background music'. The premises is only allowed to conduct regulated entertainment until 11.00pm. As such, this amounts to offence of carrying out unauthorised licensable activity, contrary to s.134 licensing Act 2003. There were also no SIA door supervisors on duty, which breaches condition number seven (7) of the premises licence. Part B of his licence was on display and he could not produce his Part A saying, "It must be somewhere in the office". I enquired about the CCTV footage for CID regarding the robbery at his venue. He informed me that his brother was downloading it tomorrow. I asked why he had not employed a CCTV engineer, as promised. He replied, "Well, that would have cost me £700". He told me that, currently, the CCTV system does not work at all. I told him that he is not to carry out any further licensable activity, if his CCTV does not work - As this breaches his authority. He said it would be rectified by tomorrow.

13/05/2015 - PC 157QK McDonald and I visited the venue to see if Mr. Devshi had rectified his CCTV.

DPS Jagdish Devshi was present. Shutter was half down but the premises was open. He has now changed his CCTV system over but did not know how to use it. There was no mouse to operate the system at all. As such, it was not in a working condition and breaches the CCTV licence condition. Although not a condition, Mr. Devshi produced his SIA door supervisors log, which only showed a few entries. He explained that he always closes at midnight unless he has an event on. However, he could not explain to me why on my last visit why there were no door supervisors on at 12.10am. He was advised that as he could not operate the CCTV that no licensable activities should be carried out until it is rectified.

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			

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

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 X
- 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 *P. Whittaker PC 7820K*

Date *13TH JUNE 2015*

Capacity Licensing Constable on behalf of the Chief Officer of Police

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 you would prefer us to correspond with you by e-mail your e-mail address (optional)	

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
3rd Floor West, 349-357 High Road
Wembley,
Middlesex
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: 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