



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 The Cock Tavern 125 Kilburn High Road Kilburn	
Post Town London	Post Code (if known) NW6 6JH
Name of premises licence holder or club holding club premises certificate (if known) Enfield High Street (AG221) Ltd - Director is Mr. Mukesh Aggarwal	
Number of premises licence or club premises certificate (if known) 261584	

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 Unit Wembley Police Station 603 Harrow Road Wembley Middlesex 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 | |
| 4) the protection of children from harm | |

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

The Cock Tavern is failing to promote two of the licensing objectives, namely the prevention of crime and disorder and public safety.

The venue currently holds a premises licence to provide regulated entertainment (live music/recorded music/dancing) 2000 - 0200 Monday - Saturday and 1400-0100 on Sunday, supply of alcohol from 0900-0230 Monday-Saturday and 1000-0100 Sundays. The opening hours are 0700-0300 Monday-Saturday and 0900-0130 Sunday.

In December 2015, police discovered that the venue were using unlicensed door supervisors during a licensing visit. During the visit the DPS, Mr. Rogerio Mendes was very negative towards police officers presence and he refused to accept that he required licensed door supervisors. It is actually a condition of his licence that door supervisors are employed after 8pm on any day the premises are open for the sale of alcohol after midnight. It is also a mandatory condition that any person(s) performing a security function must be licensed by the SIA. Mr. Mendes said that the unlicensed person working the door was his 'friend' and that his 'friend could do a better job' than a licensed door supervisor. The venue received a written warning from police about the matter. This warning letter is attached.

Following this, last month, a door supervisor assaulted a customer by headbutting or biting him on the face causing serious injury. Police were called by the victim and the door supervisor was arrested. He was later charged with assault by beating and bailed to attend court. This door supervisor was not displaying an SIA licence and was unable to produce one upon request to the arresting officer. However, it is believed that he does hold an SIA licence, as this was later produced to me by the venue, in the form a photocopy of his SIA licence. When asked how he found this particular door supervisor, Mr. Mendes explained that he was a recommendation and that he knows him from 'around the area'. Mr. Mendes stated that he pays this individual, 'cash in hand' and was unable to produce any paperwork or contract with this individual, who Mr. Mendes claims, works freelance and not for any security company. Mr. Mendes was unable to produce any documentary evidence which shows sufficient checks and balances were implemented prior to hiring this individual. In my opinion the management have acted recklessly, which has resulted in a member of public of the public receiving a serious injury.

Further, whilst officers from the CID department investigated that assault they requested CCTV footage from the pub. When viewed it played perfectly up until the time of the assault where there is a footage blackout for around eight (8) minutes. Coincidentally, during these eight minutes it is believed that the assault occurred. Mr. Mendes was unable to account for the CCTV blackout and suggested there must have been a 'fault' with the system. He said that he is getting his engineer to check the CCTV. I requested a copy of the engineers report, however, to date, I have received no such report. There is no evidence to suggest this, but I suspect that footage may have been altered.

Police have no confidence in Mr. Mendes remaining as the DPS for this venue. On a previous occasion Mr. Mendes has been extremely un-cooperative towards police assisting him in upholding the licensing objectives. He has employed unlicensed door supervisors and used his 'friends' to act as security staff. When challenged by police, he could not see the issue with such practices. There have also been late night incidents relating to drunkenness. Allowing Mr. Mendes to continue as DPS would be detrimental to the licensing objectives. As such, police suggest that Mr. Mendes is **removed** as the DPS and a new appointment is made.

To assist the new DPS control the venue more successfully and to protect both members of staff and the public who patronise the venue, police consider that the following changes would be necessary and appropriate in order to uphold the licensing objectives:

Police **suggest** the following conditions be **removed** from the current premises licence:

1. CCTV shall be installed and maintained in a working condition.
2. All CCTV recordings shall be kept for 31 days and be made available to police and licensing officers if required. *Reason: New updated CCTV condition to added.*

3. A minimum of 2 door supervisors in a ratio of at least 1 supervisor to every 50 customers shall be employed from 20:00 hours on any day when the premises are open for the sale of alcohol past midnight. *Reason: Door supervisor condition re-worded below.*

4. The licensee or his/her deputy shall be a member of, and actively participate in the local pubwatch scheme. *Reason: Outdated condition and no such pubwatch scheme available in Brent at present. This condition would therefore be unenforceable.*

5. The Portman Group proof of age scheme or similar such scheme shall be adopted. *Reason: Outdated condition. Re-worded below.*

Police **suggest** that the following conditions be **added** to the current premises licence:

Door Supervisors/Staff

Police suggest that the venue continues to employ door supervisors, however given the issues in respect of the previous security staff used at the venue; police recommend that the current door team are no longer use. This is in order to protect the public from harm and that a new door security team are employed. Police recommend that on this occasion that the new door supervisors are selected from the 'SIA's register of approved contractors'. This list can be found at; <http://www.sia.homeoffice.gov.uk/Pages/acs-roac.aspx> To reflect this, current condition number five (5) to be re-worded to:

1. A minimum of 2 door supervisors in a ratio of at least 1 supervisor to every 50 customers shall be employed from a company shown on the SIA's register of approved contractors, from 20:00 hours on any day when the premises are open for the sale of alcohol past midnight.

2. A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be recorded. The name of the door supervisor's SIA approved contractor must also be recorded. The book must be kept and made available to the Police and Licensing Authority upon request.

3. All door supervisors shall be clearly visible and wear yellow or orange high visibility vests, jackets or armbands so as they are clearly identifiable and visible to guests, staff and on CCTV.

4. All door supervisors shall be provided with a radio which allows communication between all members of the door supervisor team and the duty manager or DPS.

CCTV

5. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

7. CCTV cameras shall be installed to cover the main entrance of the premises from both inside and outside.

8. The license holder, DPS or a nominated duty manager must inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated recorded of the CCTV examination and any findings shall be kept on the premises and made available to the police and licensing authority upon request.

Drugs/Weapons

The following is necessary after a female was found by the current DPS coming out of the toilet with a syringe, disorder in the toilets and a haul of knives found hidden in the cistern by a plumber. Informative: Police would suggest that the management considers that all toilet cisterns are secured and fully enclosed so as to prevent members of the public using the cisterns to conceal drugs, weapons or other prohibited items inside them.

9. Notices clearly explaining the licensee's drugs policy shall be displayed at the entrance, in all toilets

and at suitable places throughout the premises.

10. Toilets shall be checked every two (2) hours for the use of drugs and other illegal activities.

11. 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.

General

15. 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 refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

Reduction of permitted hours

Police feel that the committee should consider a reduction of permitted hours in order to prevent any further late night incident. In particular drunkenness (as outlined below in the evidence). The venue is a pub not a nightclub, and police feel that this particular venue could be better controlled with reduced hours where already drunk persons would then not be able to walk in off the street and demand service as has done in the past which have then led on to incidents as outlined below.

Police **suggest** the following hours are applied:

All permitted regulated Entertainment:

Monday - Saturday 20:00 - 00:30

Sunday 14:00 - 00:30

Supply of Alcohol:

Monday - Saturday 09:00 - 00:30

Sunday 10:00 - 00:30

The Opening Hours of the Premises:

Monday - Saturday 07:00 - 01:00

Sunday 09:00 - 01:00

The above hours allow customers half an hour of drinking up time.

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

Wednesday 18th March 2015 at 0042 - Crime report number 1906346/15 refers. Group of drunken males smashed the pub up. Police were called and one male was arrested for criminal damage.

Saturday 3rd October 2015 at 0120 - Crime report number 1913029/15 refers. A drunk male walks into the pub and asks to be served. He is told that last orders had already gone. The male then smashed glasses behind the bar and at customers. Police were called but the male had left prior to them arriving. When officers investigated the matter, Mr. Rafal informed police that the CCTV only records for 24 hours only - The current condition states that it must record for 31 days.

12/12/2015 at 12.30am: Licensing visit by Brent police licensing unit - The premises was very busy, Karaoke was taking place. There were no door supervisors on, one male with ponytail acting as a door supervisor. This male is NOT a holder of an SIA badge holder breaching licensing condition. The DPS Rogerio Mendes spoken to, he was very negative towards police presence during the visit and refused to accept that he required door supervisors. He said that his 'friend could do a better job'. Police explained that he has a mandatory condition on the premises licence which states that all security officers must be licensed with the SIA and the reasoning for it. Further, he was informed that as there was no door supervisors his authority was not valid and he must stop selling alcohol. He was not happy at all. There were approximately four males sitting on the decking when we arrived, who appeared to know the 'friend' and DPS. When they discovered we were police they disappeared very quickly. Mr. Mendes was a much different person to what police experienced during a day visit back in October 2015, almost hostile attitude towards licensing police officers presence and dismissive of advice given. Mr. Mendes will be attending Brent civic centre to discuss the matter further and receive a warning letter.

19/12/2015 - Following the meeting with licensing officers a warning letter was sent by PC 365QK Sullivan from Brent police licensing unit pointing out breaches of door supervisor condition amongst other conditions.

Saturday 19th March 2016 at 1.00am - Crime report 1906706/16 refers to a grievous bodily harm (GBH). The pub's door supervisor ejected a male from the premises. Once ejected the male asked the door supervisor for his belongings back, however, his request was refused. The victim alleges that the door supervisor then bit his nose causing it to bleed out. Police were called the door supervisor was arrested for assault. He was not displaying an SIA licence and was unable to produce his licence to the police officer when it was requested. The door supervisor denied biting the victim, but admitted that he had headbutted him in the face. The following day the door supervisor was charged at Wembley police station with assault by beating and bailed to court. Worryingly, when DS Smith from Wembley CID went to view CCTV, the cameras appear to work perfectly up until around the time when the assault occurs, then the cameras black out for around eight minutes and do not show the assault. There is no evidence to suggest this, but in my opinion and in the opinion of the police officer investigating the case, we believe that the cameras may have been tampered with so the assault is not shown. I attach a copy of email from DC Enright in response to me asking for his opinion on the CCTV outage.

31/03/2016 - Meeting held at Brent civic centre. Present was PC 782QK Whitcomb, PC 368QK Sullivan, Mr. Rogerio Mendes (DPS), Mr. Raphael (Bar manager) and Mr. Mukesh Aggarwal (Licence holder - Via Conference call). The meeting was opened with Mr. Mendes being asked for his account of the events which occurred at his pub on the 19th March 2016. Mr. Mendes explained that he was working during the evening of the incident but he left early during the evening handing responsibility to his bar manager, Mr. Rafal took over from him, so he was not present when the incident occurred. However, his door supervisors came on duty at 8.00pm, one of which was the suspect, Mr. J***** Y****. The victim of the assault was refused service after he dropped a glass on the floor. He became angry and Mr. Y**** ejected him from the pub. A while later the victim returned and Mr. Y**** has got into an altercation with him about not allowing him back in to collect his belongings, where he has then allegedly headbutted or bitten the victim on his nose causing bleeding. The officers' report states that they went to view CCTV which was working correctly up until the incident occurs. The footage goes blank at the crucial point of the assault. Mr. Mendes was unable to account for why this happened and suggested a fault with the CCTV. He was unable to provide us with a copy because apparently 'all CCTV up until 19th March no

longer exists' because of this 'fault'. During the meeting Mr. Mendes disclosed that recently during a repair of one of his customer toilets, a plumber discovered a stash of flick knives hidden inside a cistern. Asked whether he contacted the police, he said, 'No, I just threw them all in the bin'. He also stated that recently a female came out of the toilets with a used syringe and handed it to staff claiming she had just found it, however, Mr. Mendes believes she was using drugs in his toilets.

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

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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. Whitmore PC7822QK

Date 15TH APRIL 2016

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