

Arista Bar
232 Church Lane
London
NW9 8SN

19th July 2017

Our Ref 223725810

Licensing Representation to the Review Application for the Premises License for Arista Bar, 232 Church Lane, London, NW9 8SN

I certify that I have considered the application shown above and I wish to make a representation.

Officer: Susana Figueiredo – Licensing Inspector

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made to review the premises licence under section 51 of the Act.

Basis of Review

The above review application was received and includes a number of complaints regarding the stipulated premises. The complaints include the following which if verified would contravene the related conditions below each complaint;

- Customers not being searched on entry to the premises

There is currently no condition on the Premises Licence for customers to be searched on entry to the premises

- Customers entering after the permitted time

The premises licence condition stipulates the following; 'No entry or re-entry shall be permitted after 00:30hours'.

- Premises opening after permitted hours

All licensable activities for the premises must cease on Sunday to Thursday at 02.00hrs and Friday and Saturday at 03.00hrs. The premises must close to members of the public at 03.30hrs. If members of the public are entering the premises at 02.40hrs, then it would be a contravention if those customers have not left by 03.30hrs

Premises History

The original application for this premises licence was made on 12th August 2005, after which an application to vary the licence was submitted on 28th October 2005.

Complaints History

Having looked at the Licensing system, a number of complaints have been found. Dates and details of the complaints are as follows. For clarification, the number of complaints total 12 but for ease of understanding, they have been distinguished by date.

Date	Details	Outcome
13th June 2011	Complaint ref:786588 Noise issues from premises until 5am with doors and windows open	Licensing Inspector Natasha O'Donoghue attended premise on 14th June 2011 and spoke to DPS Kathiravelu Sayanthan. Premise was fairly busy - both on ground floor and basement area where bollywood dancing was taking place....The back fire door was open as someone was smoking - advised of the complaint of noise issues and that doors/windows should be kept closed. All smokers should go out the front door and ensure they have a smoke and come back in as quickly as possible. The music was also fairly loud so advised to turn it down and to check the surrounding area outside to make sure the music cannot be heard outside of the premise. The premise is set within a residential area and no disturbance/nuisance should be caused. Premises licence must be displayed. SIA staff were working, on the front door, on the floor and down in the room with the bollywood dancers. COMPLAINT ACCEPTED
8th June 2012	Complaint - Ref. 1044218	Anonymous call received from a gentleman who attended the above premises last week Saturday 2nd June 2012. There are some unlicensed activities taking place in the basement of this premises, lap dancing and striptease. During the evening he felt very uneasy and stated it was all done undercover, the dancing stopped around 4:30am. The girls performing

		<p>were Asia and European, all looked very young between 17-18yrs, he left the premises at between 5:00-5:15am through the back door. Have been invited back again tomorrow 9th June 2012, but now he knows the premises is not licensed he will not be attending again</p> <p>COMPLAINT ACCEPTED</p>
<p>4th March 2013</p>	<p>Complaint - Ref. 1475117 regarding friday/saturday People come out from Tamingo Club and they shout, throw bottles, urinate next door, and fight as well.</p> <p>people come out from the club at about 12.30 onwards they shout out side, throw bottles, fight and urinate next door.</p>	<p>Natasha O'Donoghue visited on 7th March 2013.</p> <p>As we approach premises, we could hear LAM audible from street. We noticed owner/dps Kathiravelu Sayantha and door staff standing at the front door alongside 4 male customers standing on the pavement smoking. NOD raised concerns with LAM emanating from premises. DJ playing music on ground floor, approx. 10 customers present. We went to basement floor, approx. 7 dancers in total, 3 dancing on the dance floor surrounded by approx. 16 male predominately Asian customers. Mr Sayantha is looking at installing a noise limiter to control music volume.</p> <p>NOD raised complaint concerning recent fight o/s premises. Mr Sayantha stated that he is experiencing abuse from the owners of The George Pub. He has experienced many verbal threats and will talk to Sgt Adolphus about his concerns.</p> <p>Esther Chan checked SIA staff register and noted that details of door staff not recorded in detail such as full name and badge number. Two door staff present, one of which was not wearing his badge</p> <p>When we left premises we noticed that there many</p>



		<p>cigarette butts on the pavement o/s premises. Mr Sayantha was advised to keep the area o/s premises clean and tidy at all times Will monitor premise COMPLAINT ACCEPTED</p>
<p>8th August 2013</p>	<p>Complaint - Ref. 1757951 ASB Not getting to bed until 04.15 am Friday and Saturday Screaming and shouting Security man hushes people but they are still noisy. Urinating, vomiting. Complainant has tried speaking to next door but they told her, she was talking rubbish.</p>	<p>Verbal Advice given by Sgt Adrian Adolphus. Dear All, This is the Arista Bar (X Club Tamingo). They are licensed till 3am on a Friday and Saturday and they do Mujra dancing in the basement and have done for at least 8 years. I am unaware of any recent incidents having been reported to police. I visited last night (Sat 10th August @ 0330 Hrs with Esther CHAN), the shutters were down over the windows, the front door locked and the premises quiet and in darkness but there were at least three people inside that looked like they were getting ready to leave for the night. There was no reply to knocking/banging on the door. I spoke to the premises licence holder and manager SAY about these complaints on Saturday 10th August at 1700Hrs on the phone. He said that he was inside at the time of our visit in the basement just clearing the remaining 15 people out. He states that he has not had any problems or fights recently but did admit to one of his customers throwing an empty bottle of coke into the George PH garden last week He has instructed his door staff to watch for this in the future. I told him that the front door could not be locked with people inside the premises and he explained that the door supervisor was one of the people I saw but that they did not answer the door after closing but would</p>



		<p>be ready to let people out or act in an emergency. I advised him to supervise his customers more closely on dispersal in the future.</p> <p>Adrian Adolphus COMPLAINT ACCEPTED</p>
<p>28th May 2016</p>	<p>Complaint - Ref. 223612432</p> <p>Good Morning, I am writing to complain about the noise from music at the above premises. This nuisance happens every friday and saturday noise from the music played within the club can be clearly heard in my home and we are unable to sleep with it my life is plagued by the continuous disturbance from this club the bass is thumping all the time and also when the club closes there are the customers noise as well as cars tooting horns. I have spoken to the door staff who refused to get the manger to turn the music down and they said that they are not concerned about the council as they have friends there. I have telephoned brent council out of hours and they said they were too busy and to email and phone during the day as you can deal with complaints retrospectively, I have suffered ill health and stress due to the weekly noise nuisance and have tried to deal with it at a local level but the club are just not interested they seem to be a law unto themselves.</p>	<p>Warning Letter dated 31st May 2016 from Esther Chan</p> <p>Email Response from PLH From: Chan, Esther Sent: 08 June 2016 11:41 To: 'Say Kathir' Cc: Licensing Police; Patel, Yogini; Miller-Johnson, Lavine Subject: RE: 223612432 Arista Bar, 232 Church lane, Kingsbury, NW9 8SN</p> <p>Dear Mr Sayanthan,</p> <p>Thank you for confirming receipt of my letter and your response below. Please ensure that you and management take strict measures to control any form of nuisance that may affect your neighbours, thus undermining the licensing objectives.</p> <p>Kind Regards</p> <p>Esther Chan Licensing Inspector Planning, Transportation & Licensing Brent Council</p> <p>0208 937 5303</p> <p>www.brent.gov.uk From: Say Kathir Sent: 08 June 2016 11:36 To: Chan, Esther Cc: Say Kathir Subject: Ref: 223612432 Arista Bar, 232 Church lane, Kingsbury, NW9 8SN</p> <p>Dear Esther Chan I am writing you to inform</p>



		<p>you that I have taken the following measure to control noise disturbance</p> <p>* On 28 of May 2016 we had an incident where the DJ brought his own equipment and bypass our sound limiter and we had the call from the neighbor at 12.45am. We straight away shout the music down and put our own system back with the sound limiter. In further if DJ bring their own system we will make sure it will go throw our sound limiter.</p> <p>*We have resisted to 5 people maximum smoking late night at a time and we have advised our door superiors to watch out for any loud conversation taken place.</p> <p>* We never experience that our customers sound their horn late night but since it is a busy road it could be anyone using the road could have done it. But we always tell the customer leave the premises quietly and do not disturb the local residents.</p> <p>Yours Sincerely Kathiravelu Sayanthan Arista Bar</p> <p>COMPLAINT ACCEPTED</p> <p><i>Warning Letter dated 31st May 2016 sent (attached)</i></p>
6th August 2016	Complaint - Ref. 223655477	<p>Further to my email from earlier this morning the noise from customers at The Arista bar continued until 0430 this noise was from them smoking and drinking outside the club as well as leaving the premises to go to their cars which are parked on the slip road on Church Lane and Wood Lane the club make no attempt to ask the patrons to be quiet when they leave the attitude is when they are out of the club its not our problem I approached the door staff</p>

		again complaining about the noise but he said what can I do I am on my own! COMPLAINT ACCEPTED
19th May 2017	Complaint - Ref. 223723171	<p>Complaint that premises is continuously violating their closing time licensing hours within Brent borough. The allegation states they are running their nights Thursdays to Sundays, music and dance in the basement until 4-4.30am and 5am. On Thursdays and sometimes Sundays this is up until 3am.</p> <p>Complaint that 4 males were allowed entry into the premises at 2.35am and at 3.50am the same 4 males were again seen outside of the premises whilst music was still being played</p> <p>Esther Chan visited premises to view CCTV on 26th May 2017</p> <p>PLH on site.</p> <p>Contraventions identified.</p> <p><i>Warning Letter dated 26th June 2017 sent (attached)</i> COMPLAINT ACCEPTED AND VERIFIED</p>
1 ST June 2017	Via email	<p>Complaint that a customer was seen re-entering the bar at 02.20hrs (on a Thursday night) and the premises did not close until approx 02.45hrs COMPLAINT ACCEPTED</p>
2 nd June 2017	Via email	<p>Complaint that 6 customers entered at 01.00hrs and 2 customers entered at 02.45hrs COMPLAINT ACCEPTED</p>
9 th June 2017	Via email	Complaint as per the review application
10 th June 2017	Via email	Complaint as per the review application
23 rd June 2017	Via email	-01.20 am, two male customers let in Arista Bar, no security search and weren't searched



		<p>-01.58 am, two customers, let in Arista Bar and weren't searched</p> <p>-02.08, four customers arrived, three refused entry but one allowed in and weren't searched</p> <p>COMPLAINT PARTLY ACCEPTED – SEARCHES ARE NOT A REQUIREMENT</p>
24 TH June 2017	Via email	<p>03.22am, two customers let-back into Arista Bar despite 01.00am last admission and 03.00 am licensing business closing time and weren't searched</p> <p>COMPLAINT PARTLY ACCEPTED – SEARCHES ARE NOT A REQUIREMENT</p>
25 th June 2017	Via email	<p>-00.14 am, one customer let in Arista Bar and weren't searched</p> <p>-00.24 am, three customers (one in short) let in Arista Bar and weren't searched</p> <p>-00.31 am, two customers let in Arista Bar and weren't searched</p> <p>-00.41 am, one customer let in Arista Bar and weren't searched</p> <p>-00.43 am, three customers let in Arista Bar and weren't searched</p> <p>-00.49 am, Arista Bar General Manager/Owner on entrance door, two customers let in Arista Bar and weren't searched</p> <p>-00.59 am, Arista Bar shutter down on window by security and front door entrance light turned-off.</p> <p>-01.05 am, one customer let in Arista Bar and weren't searched</p> <p>-01.37 am, one customer let in Arista Bar and weren't searched</p> <p>-02.09 am, six customers let in Arista Bar and weren't searched</p> <p>-02.10 am, three customers let in Arista Bar and weren't searched</p>



		<p>-02.14 am, one security resume work.</p> <p>-02.19 am, two female dancers resume work.</p> <p>-02.23 am, four other female dancers resume work.</p> <p>COMPLAINT PARTLY ACCEPTED – SEARCHES ARE NOT A REQUIREMENT</p>
30 th June 2017	Via email	<p>-01.20 am, three Arista Bar male customers are let-back in Arista Bar in front of Arista Bar Owner at the entrance door and weren't searched</p> <p>-01.43 am, Arista Bar front door security let some Arista Bar customers go to their car for two to three minutes, then allow the same customers back in Arista Bar without being searched</p> <p>-01.50 am, Another Arista Bar who also went out to his car is re-allowed in Arista Bar without being searched</p> <p>-02.52 am, two customers allowed in Arista Bar without being searched</p> <p>COMPLAINT PARTLY ACCEPTED – SEARCHES ARE NOT A REQUIREMENT</p>
1 st July 2017	Via email	<p>-00.18 am, one customer let in Arista Bar and weren't searched</p> <p>-00.20 am, two customers let in Arista Bar and weren't searched</p> <p>-00.23 am, an Arista Bar dancer resuming from work seen cuddling a customer outside.</p> <p>-00.30 am, one customer let in Arista Bar and weren't searched</p> <p>-00.30 am, four customers let in Arista Bar and weren't searched</p> <p>UNFOUNDED COMPLAINT</p>
2 nd July 2017	Via email	<p>-11.50 pm, one customer let in Arista Bar and weren't searched</p> <p>-11.53 pm, three customers let in Arista Bar and weren't searched</p> <p>-11.59 pm, two customers let</p>

		<p>in Arista Bar and weren't searched</p> <p>-00.15 am, one customers let in Arista Bar and weren't searched</p> <p>-00.17 am, eight customers let in Arista Bar and weren't searched</p> <p>-00.25 am, one customer let in Arista Bar and weren't searched</p> <p>-02.17 am. one customer allowed back-in Arista Bar after leaving for a couple of minutes and weren't searched</p> <p>-02.40 am, Customer leaves bar with a female dancer</p> <p>-02.42 am, Manager/owner leaves bar with a female dancer.</p> <p>COMPLAINT PARTLY ACCEPTED -SEARCHES ARE NOT A REQUIREMENT</p>
7 th July 2017	Via email	<p>Allegation that a female is seen being thrown out pretty violently from Bar Arista head of security personnel and in then further subjected to further physical assaults by the same security even though she was in the street on pavement.</p> <p>COMPLAINT ACCEPTED</p>
15 th July 2017	Via Email	<p>Complaint that customers are being allowed entry after permitted entry times</p> <p>Customers are not being searched by door security</p> <p>COMPLAINT ACCEPTED</p>

Review Application Consultation

During the review consultation period, I made contact with the Licence Holder via telephone as a result of further complaints being received. It is normal practice to visit the premises during a review to meet with the Licence Holder and go through the existing Premises Licence. I was at this point aware that Licensing inspector Esther Chan had sent a warning to the premises in June 2017 for contraventions of the Premises Licence. I telephoned Mr Kathiravelu Sayanthan on his mobile number ending 394 and asked to speak to Mr Kathiravelu Sayanthan to which the response was confirmation that I was speaking to the correct person. I stated my name, the department from which I was calling and the reason for which I was calling, namely that there had been a number of complaints and that I needed to verify on his CCTV footage. Mr Sayanthan became suddenly confused in his speech and asked me to hold on, he came back on the phone, at which point it appeared to be someone else I was speaking to. I asked if I could continue to speak to Mr Sayanthan but it was not made clear whether I was still speaking to him. The phone call appeared to have a lot of interference whilst we spoke, at which point I realised it was because I had been put on loud speaker. After some time of increased movement on the telephone the person who I believe to be Mr Sayanthan stated that Esther Chan had already been to the premises to



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see the CCTV footage and therefore there was no requirement for me to attend the premises again. I again explained that a review of the premises licence had been instigated, that I was carrying out the consultation for the said review and after receiving a number of further complaints which appeared on our system, wished to verify them as part of the review. Mr Sayanthan confirmed that he knew a review application had been submitted to Brent Council. I explained to Mr Sayanthan that I could visit the premises on Tuesday 20th July 2017 or Thursday 22nd July 2017 to view the dates and times of the complaints to which Mr Sayanthan replied something concerning the downloading of the CCTV footage. As it was unclear what Mr Sayanthan was saying, I asked if he could take me off loud speaker so I could understand what he was saying regarding the downloading of the footage. I explained that if it was easier for him to download the footage, this would be acceptable but that I was happy to visit the premises and verify the allegations on site (this process in my experience is much quicker for both parties) and would also satisfy further conditions related to CCTV whilst at the premises if necessary. Mr Sayanthan suddenly stated that he had an agent Shankar Sivashankar who was dealing with the review application and he was told that he could not provide us with CCTV as his agent had informed him, he **only needed to provide it if a crime had taken place**. I explained to Mr Sayanthan that it is a condition of his licence that he provide CCTV upon request. Mr Sayanthan stated he would call his agent, providing him with my name (which was spelt out for him) and telephone number and that his agent would then call me.

To date I have not received any phone call from the said agent regarding this matter and as such have not been able to verify the complaints as being unfounded. I have however been informed that a complaint has been made against me by the agent for making a reasonable request for CCTV as stipulated in the conditions of the Premises licence. The avoidance of providing CCTV footage does therefore cast a shadow of doubt as to what the premises may be failing to disclose, especially after only recently being found to contravene conditions of their Premises licence that do not uphold the Licensing objectives.

Summary

As a result of the review application and the information above, I believe it would be fair and proportionate to add the following conditions which would further uphold the Licensing objectives:-

- A CCTV camera shall be installed to cover the entrance of the premises in order to show every person entering or leaving the premises.
- A written search policy shall be in place and operated at the premises when open to members of the public.
- Notices summarising the licensee's policy on admission and searching shall be placed at the entrance of the premises.
- 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 or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

I reserve the right to introduce further evidence at the committee hearing should the need arise. All parties will of course be notified of such further evidence prior to the hearing.

Yours faithfully,



Susana Figueiredo
Licensing Inspector
Planning, Transportation & Licensing