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**The Licensing Authority**

*Brent Civic Centre  
Engineers Way  
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**Your ref:** 223733698

**Our ref:** 01QK/524/17/157

**Brent Borough Licensing Department**

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**Date:** 1/11/2017

**Police representation to premises licence VARIATION application for the Ruby Lounge (Mezzanine Floor) 1 Popin Commercial Centre, South Way, Wembley, HA9 0HB.**

I certify that I have considered the application shown above and I wish to make **representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the reasons indicated below.

Officer: **Nicola McDonald**  
**Licensing Constable PC 157QK**

An officer of the Metropolitan Police, 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 for a premises licence under section 34 of the act.

The Police representations are primarily concerned with crime and disorder, Public Safety and prevention of public nuisance.

The applicant, Mr Kuppusamy Kirupakaran is the premises licence holder for four late night venues within the 'Crystals complex' 1 Popin Commercial Centre. Two of those premises licences have been reviewed by the Police this year.

The first was an application to review the premise licence for 'the Sport and Shisha bar' after a lengthy investigation in to breaches and serious crime and disorder. The manager of the premises throughout this time was Mr Paul Kelly. The licensing sub committee heard the review application on 23<sup>rd</sup> February 2017 (superceded by a summary review which was heard on 1 February 2017). Mr Kuppusamy Kirupakaran was represented at the time by Barrister Prof. Roy Light. In the summing up Prof Light stated (as recorded in the determination document from the sub committee)

*Mr Kirupakaran fully accepted that the premises had not been managed properly and that matters should have been taken in hand at an earlier stage.*

*It was submitted that the issues from Autumn 2016 had arisen wholly due to the involvement of Mr Kelly and of third party promoters running club nights. Those individuals had managed and operated the premises very poorly and were able to distance themselves without facing licensing or other financial consequences. Mr Kirupakaran and Mr Tharshan Navaratnarasa were now reassuming responsibility for day-to-day management, and could be trusted to do so responsibly given they had a vested personal and financial interest in the business and premises.*

The committee after listening to the evidence noted *it was of particular concern that a new DPS Mr Sriharan Vamanaganasha (replacing Mr Kelly) had been appointed by 29 January 2017. This did not prevent the incidents that night from taking place and it was notable that the police were not called although three separate incidents took place.*

Therefore the following condition was attached to the premises licence:

The previous DPS, Paul David Kelly and the previous operator of the premises shall not take part in any aspect of the running and operation of the premises.

The second was an application to the review the premise licence for 'The Ruby Lounge' due to drunkenness and serious disorder involving staff attacking customers. The licensing sub committee heard the review application on 4<sup>th</sup> May 2017 (superceded by a summary review which was heard on 11<sup>th</sup> April 2017). The management of the premises throughout this time was Mr Frank Chipan and Mr Paul Kelly. Mr Kuppusamy Kirupakaran was represented at the time by Barrister Prof. Roy Light. In the summing up Prof Light gave the background to the premises. *He explained that the licence holder has had these premises for a number of years and prior to that, one of the previous operators was Mr Chipan. It was accepted that the problem with the premises was that the licence holder wasn't exercising enough control. In the hope of correcting this, a list of draft conditions were provided to the sub-committee. It was further explained that Mr Chipan had dispensed with the services of Mr Kelly. He no longer had anything to do with the premises. Mr Light sought a lifting of the suspension and imposition of the suggested conditions. It was accepted that things had gone wrong at the premises, but with the new conditions and clear leadership the licensing objectives could be upheld (as recorded in the determination document from the sub-committee).*

The sub-committee having heard all the evidence responded by stating

*This was a very serious incident. The sub-committee have grave concerns about the management of the premises. In particular, it appears to us that the Licence Holder plays absolutely no role in the running of this premise at all. We remind him that he has the ultimately responsibility under the Licensing Act.*

*However, we are satisfied that, with a moderate reduction in hours and the imposition of the proposed conditions, albeit with some amendments, the premises can continue to lawfully trade and uphold the licensing objectives.*

The sub committee decided to

reduce the licensable hours to

Monday to Sunday: 10:00 – 03:00 hours

The premises shall close by 03:30 hours

And added conditions to the premises licence including:

- An ID scanner shall be utilised at the premises to check all customers who wish to gain entry to the premises. The persons once checked for concealed weapons or drugs shall be required to present appropriate proof of identification. The information collected shall include photo ID, the person's name, address and date of birth shall be added to the database. Any person refusing to allow their data to be added to the database shall be refused entry.  
Appropriate ID shall be a valid passport or a driving licence (photo card)
- There shall be no entry or re-entry to the premises after 01:00 hours.

This full variation application is asking to remove those conditions imposed only five months ago by the sub committee.

The premise has not been operational, the business operated by Mr Chipan and Mr Kelly has relocated.

On 17<sup>th</sup> October 2017 a meeting was held at Brent Civic Centre with Mr Kuppusamy Kirupakaran to discuss the application.

Present at the meeting was myself, PC Michael Sullivan, the applicant, Mr *Tharshan Navaratnarasa* and the designated premises supervisor Mr Sriharan

Vamanaganasha. All three of these men had told Police on numerous occasions since the reievw hearings that they were now in full responsibility for the day to day running of the four licensed premises in the 'Crystals complex' 1 Popin Commercial Centre.

Police asked the men why the application had been submitted when the premises was currently closed.

It became apparent that Mr Chipan wants to return his business with the Mujra Eastern European dancers to 'The Ruby Lounge'.

His customers prefer the setting of 'The Ruby Lounge' with the VIP area behind the curtain. However his customers are business men and do not like to use the I.D scanner and tend to arrive after 0100 hours. Mr Chipan and Mr Kelly are still working together.

Police asked the men if they thought it was appropriate to vary the licence removing the conditons imposed by the sub-committee. Only one of the men spoke up and said "no not really". The other two smiled and bobbed their heads.

Mr Kuppusamy was not in possession of a copy of the application. It was said that whilst the premises remains unoccupied the full rental money is not being received from Mr Chipan.

Police asked about the Mr Rob Edge, the licensing consultant making the application of his behalf. It became apparent that Mr Kuppusamy had not met Mr Edge. Mr Edge was appointed by Mr Chipan. They were not aware of the development of a new operating schedule and staff training regime as mentioned in Part M. Surely if there role is in the day to day responsibility of the premises they would be helping create this document.

The conversation was very uncomfortable leaving officers under the impression Mr Kuppusamy was nothing but a name on an application he had no input or agreeance with.

The meeting was left with the men going away to discuss the application and get back to Police the following day with a decision on how the application would proceed. I have not received any communication from them about this matter since.

There is nothing within the operating schedule that indicates why the removal of

those conditions and the extension of the authorised hours will promote the licensing objectives. There is mention of 'currently developing a new operating schedule and staff training regime' albeit unknown to those with responsibility at the premises. I emailed Mr Edge on 28<sup>th</sup> October asking to meet with him, however this has not proven possible, and we have not spoken to date.

In my experience as a licensing officer I have never dealt with a premises licence application submitted without the approval of the premise licence holder.

I consider Mr Kuppusamy is under pressure to permit this application.

Mr Kuppusamy in the previous hearing '*fully accepted that the premises had not been managed properly and that matters should have been taken in hand at an earlier stage*'. He still has not taken matters in to hand, it appears applications are been made without his support. There has been no changes to the operation of the premise since the review hearing five months ago. He chooses to put difficult operational decisions involving the upholding of the licensing objectives, in the hands of the responsible authorities instead of making them himself. Whether this be for financial or emotional reasons is irrelevant, the legislation must take precedence.

Mr Kuppusamy's own legal representative at the previous hearings said *that the licence holder wasn't exercising enough control. In the hope of correcting this, a list of draft conditions were provided to the sub-committee.* Conditions that now are requested to be removed. The Barrister said '*Mr Chipan had dispensed with the services of Mr Kelly. He no longer had anything to do with the premises*'. The DPS has told Police Mr Kelly still works with Mr Chipan.

In May 2017 the sub-committee *had grave concerns about the management of the premises. In particular, it appears to us that the Licence Holder Mr Kuppasamy plays absolutely no role in the running of this premise at all. We remind him that he has the ultimately responsibility under the Licensing Act.* Police believe until he realises this the licensing objectives will continue to be disregarded.

Police ask for this application to be refused.

Yours Sincerely

**Nicola McDonald PC 157QK**  
**Licensing Constable Brent Police**