



## Alcohol and Entertainment Licensing Sub-Committee - Supplementary

**Tuesday 18 October 2022 at 2.30 pm**  
Conference Hall, 3rd Floor, Brent Civic Centre

Please note this will be held as an in person meeting.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow the proceedings via the live webcast is available [HERE](#)

### Membership:

#### Members

Councillors:

Ahmed (Chair)  
Ethapemi  
Georgiou

#### Substitute Members

Councillors:

Bajwa, Chappell, Chohan, Ethapemi, Long,  
Mahmood, Rubin

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**[www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)**

**The press and public are welcome to attend this meeting**

### **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
  - To which you are appointed by the council;
  - which exercises functions of a public nature;
  - which is directed is to charitable purposes;
  - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

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3 <b>Application for the Review a Premises Licence by Martin Wood - Principal Nuisance Control Officer for the premises known as The Aura, 763-765 Harrow Road, Wembley, HA0 2LW, pursuant to the provisions of the Licensing Act 2003</b>	1 - 58

**Date of the next meeting:            Thursday 20 October 2022**



- Please remember to ***SWITCH OFF*** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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**Joshua Simons & Associates**

## **The Aura**

**Application for a Review of the premises licence**

**Application to for a Variation of a premises licence**

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## **LICENCE HOLDER EVIDENCE**

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# 1. Witness Statement of Atul Khosla

**Witness Statement of Atul Khosla Director at**

**KN Bros Ltd trading as The Aura**

**(Premises Licence Holder)**

**Introduction**

1. I Atul Khosla am the Managing Director of KN Bros Limited, the premises licence holder and operator of premises trading as “Aura” at 763-765 Harrow Road, HA0 2LW. Aura is a Restaurant Lounge and Bar located on the Sudbury Road. This is a busy arterial road with considerable noisy activity at all times of the day and night. I make this statement in relation to the review of the premises licence by Brent Council’s Nuisance Control Team and the additional representations that have been made by Brent Police and a local ward councillor.
2. Our premises licence (164845) was originally issued in November 2005. KN Bros Ltd became the licence holder in February 2019 when the licence was transferred from the previous licensee. The external area at the rear was used by the previous licence holder to provide regulated entertainment, late night refreshment and the supply of alcohol with Shisha smoking from 11:00 – 02:00hrs Sunday to Thursdays inclusive and 11:00 – 03:00 on Friday and Saturday nights. Our closing times are 30 minutes later than these times.
3. The majority of our customers who attend our venue do so between the hours of 10pm and 3am. This is because our customer base is mainly people between ages 20 and 35 who are looking for a late opening venue that provides good food and beverages in a relaxed atmosphere and exciting environment. These trading times are critical to the success of our business and without them the business would simply not be viable.



4. Some 36 employees rely on our late opening business. A significant number of our staff are residents in the London Borough of Brent. They will, to my deep regret, all lose their jobs should our hours be cut in line with the review applicant's proposals.
5. Customer attendance is typically organised by booking a slot via online reservations for groups of up to 6 guests. For larger groups guests can get in touch by telephone to make a booking.
6. We have listened carefully to the concerns expressed in this Review process and have been working hard to find immediate practical solutions to the matters of noise nuisance and crime and disorder.
7. We have trialled an action plan which includes (i) the provision of additional external SIA supervisors to patrol the boundary of Aura to monitor levels of noise from regulated entertainment, (ii) implementing a dispersal policy where SIA are deployed to disperse patrons when the premise closes, (iii) Re-positioning loud speakers so it reduces the risk of noise escape, (iv) employing a new Designated Premises Supervisor ("DPS") Mr Jaimin Kumar Patel (from the end of June 2022) who has considerable experience as a DPS and works with the manager Omar Suleiman to ensure the conditions on the licence are being complied with, oversees the sound levels so that regulated entertainment is kept to a level that is acceptable and ensuring the premises promotes the 4 licensing objectives.
8. An independent licensing expert, David Gair of Shield Security Consultants, who is a former Metropolitan Police Chief Inspector, conducted a crime analysis survey which involved carrying out observations at the premises during the busiest times and reviewing the crime data (i.e. CRIS/CAD reports) referenced in the representation of PC Phil Graves of the Metropolitan Police. Mr Gair has concluded that in the incidents recorded by police it is clear the venue and its staff fully engage with the crime and disorder prevention objective where the venue reports crime and disorder, cooperates with the

police and watches and observes what goes on outside its front entrance. Having analysed the underlying crime reports Mr Gair concludes that the vast majority of the incidents referred to by police were not “*directly or fairly attributable in any way to the venue*”. Based on his experience he also concludes that the level of crime properly attributable to Aura is “*extremely low*”.

9. Mr Gair also suggests, I would say fairly, that we should not be punished because we report all incidents to the police in contrast to some other, less responsible, operators who seek to hide such incidents from the authorities for fear they will be used against the venue, for example at a review hearing.
10. A copy of Shield Associates’ report is within our Supporting Bundle.

### **Nuisance Control Officer’s Representation**

11. I do not accept the use of our premises gives rise to a serious public nuisance. Whilst any licensed premises may give rise to the occasional disturbance, and I wish to reduce this and make proposals at the end of my statement to achieve this so, the vast majority of residents who are my immediate neighbours do not believe my premises is the cause of an unreasonable amount of disturbance.
12. I attach a letter sent to me on 26 June 2022 from Mr Barnabe Nemi, the General Manager and Chair of the Sudbury Metropolitan Police Ward who confirms, having made a night-time observational visit on 21 May 2022 from 11.45pm-1:30am that noise could not be heard from music or patrons at the back of the venue. I am hopeful that some of my immediate neighbours will attend the review hearing in support of my premises. I also attach a Petition from residents in support.

## **Brent police representation and issues of Crime and Disorder**

13. As indicated above, I instructed Shield Security to attend the premises during its operating timings and analyse the crime figures, complaints and numerous calls listed as CRIS/CAD reports. The report is attached. I now address certain specific incidents raised in the police representation.
14. In relation to the police representation and the e-mail from PC Dan Bailey – Exhibit PSG/1 regarding one of drink spiking and another of robbery I now explain our recollection of events.
15. With reference to the report on 25 Jan 2022 of drink spiking for Administering GHB substance – 2000018/22 I personally dealt with PC Bailey's request for CCTV. I engaged with PC Graves and his colleague PC Bailey. The police requested a copy to be made available for collection from Aura. CCTV was downloaded onto a memory stick and this was taken to Brent police station.
16. In relation to the comment that PC Bailey threatened to get a warrant from court in order to obtain the CCTV in relation to the drink spiking allegation I can confirm that we provided the CCTV when it was requested without undue delay as detailed above. In relation to this matter the crime consultants we commissioned have stated in their analysis report that, in their view, we responded professionally by providing police with CCTV and assisting with their investigation at the time.
17. In relation to the robbery that happened on 16th January 2022 this occurred outside the premises and we have not denied that this incident took place. Shield Associates have stated in their report that we did all that we could to provide police with CCTV and assist with their investigation at the time.
18. In relation to Pc Bailey's visit to the premises on 18 January 2022 the ID

machine was broken however customers were still required to show their ID to the SIA doorman on duty. In relation to search procedures only males are body searched with women only having their bags searched.

19. In relation to PC Bailey's comment on CCTV being edited we are not aware of this and provided all CCTV images on a USB stick.

20. In relation to the incident on 20th January 2022 it is acknowledged that an unknown male picked up an item from the floor outside of the premises and put it in his pocket however we don't know what it is or who it was. What I can state is that the victim of this incident was with 2 males who came into Aura. After all 3 males left the premises they started arguing outside and that is when the SIA door personnel intervened and took the victim inside the premises to protect him. The victim then went back to the 2 other males and started fighting that is when SIA personnel forcibly ejected all 3 males. A few hours later the victim came back claiming that he lost his chain whereupon SIA security and the management team looked around for it but could not find anything. It is believed the victim lost his chain when he had the fight outside earlier. In a difficult and fast-moving situation I believe we acted properly.

### **Parking, Waste Collection, Planning and any other related issues.**

#### **Parking matters**

21. The premises are located in an area where there is off street parking available on either side of Harrow Road in close proximity. Parking restrictions end at 7pm Monday to Saturdays.

22. It is acknowledged that there were issues with on street parking by Aura customers in Sudbury Crescent but we have sought to resolve these by deploying a street marshal in Sudbury Crescent, Elton Avenue, Rugby Avenue to patrol the road between 9pm – 3am on Fridays and Saturdays. The street marshal is supported by an SIA member of staff and both are connected to a

two way radio so that they can communicate effectively about any issues. If a patrol staff see a customer parking across drive ways or parking in any other way that is likely to cause an obstruction they are asked to park considerably otherwise they will be refused access to Aura.

23. We also pre warn customers not to park in Sudbury Crescent by advertising this on the front facade of the premises with signage. This is also advertised on the Aura website and on any booking confirmations and on our social media channels such as Facebook, Twitter. It is acknowledged that these measures are not completely full-proof and that on occasions a customer may park in Sudbury Crescent however these solutions have considerably reduced the issues of parking in the area.

24. I have also been advised that parking issues are not generally a matter for licensing.

#### **Trade Waste Storage and Collection matters**

25. We have always had our business waste collected by a registered waste carrier authorised by the environment agency.

26. We became aware of the issue relating to waste storage when we were contacted by Richard Rope Senior Environmental Enforcement Officer Community Protection at Brent Council. The officer had concerns about trade waste from the business being left for collection on the public pavement.

27. I am aware that the business was served with a Formal Notice on 28th January 2022 in pursuant to section 47 (2) Environment Protection Act 1990, setting out the requirements for the proper containment of trade waste at Aura.

28. Following this notice we met with waste officer Richard Rope and discussed how we could address the issue of trade waste being properly stored. I also discussed this matter with the Veolia representative and about improved

collection of our business waste. This was to ensure waste does not pile up at the premises. I instructed my manager to ensure that all waste from the business is properly bagged, stowed inside the boundary of the premises for collection.

29. With exception of the three wheelie refuse receptacles all trade waste from Aura is kept under the canopy in bags ready for collection by our new waste contractor First Mile.

30. As a result of these improvements it was understood that the waste officer agreed in his correspondence dated 06/04/22 that the enforcement Notice that had been previously served had been complied with and could be withdrawn. A copy of this email is within my evidence bundle.

31. Unfortunately in July 2022 there was a further incident of multiple bags of rubbish being dumped outside Aura on the public highway. This rubbish was not from our business but had been fly-tipped from other restaurant businesses in the high road. Our management team and staff have been briefed that all rubbish from the business must be disposed of in the relevant waste receptacles which are located in the front terrace area of Aura.

### Planning matters

32. There was a planning application for the retention of the ground-floor canopy structure to the premises and change of use of the existing drinking establishment (with expanded food provision) (use class Sui Generis) to incorporate a Shisha Café (amended description) that was submitted to Brent in July 2021 by our planning consultants Consillo Planning.

33. As of May 2022 an application for Certificate of lawfulness for existing outdoor canopy and seating area to restaurant has been submitted to the planning authority and this is awaiting a formal decision to be made.

34. I have been advised that planning and licensing are separate regimes and are to be treated as such.

### **The variation application**

35. In so far as the variation application seeks to remove restrictive conditions in relation to the garden/canopy area, this is withdrawn.

36. In so far as the application makes minor update amendments to the plans attached to the premises licence I still invite the sub-committee to grant this. It will have no impact on the licensing objectives to do so.

37. I have attached a letter from my licensing consultants to Mr Wood and Mr McGann of the Council dated 12 October 2022 that sets out my detailed proposals in relation to the variation application and the legal reasoning behind them.

### **Conclusion and Proposals**

38. I would suggest the following steps are a reasonable resolution of this review:

- a) The terminal hour for licensable activities on Sunday to Thursday is 01:00hrs (with closing 30 minutes later, a reduction of 1hr);
- b) The terminal hours for licensable activities on Friday - Saturday is 02:00hrs (with closing 30 minutes later, a reduction of 1hr);
- c) Existing conditions 11 and 13 on Annex 2 of the Premises licence are replaced with this condition: "Regulated entertainment in the form of live or recorded music shall not be permitted within the partially enclosed Garden Area or other external area".

- d) SIA door staff shall supervise the partially enclosed garden area at all times it is being used by customers after 7pm.
- e) Noise levels in the partially enclosed garden area shall be monitored so as to ensure that no public nuisance results.
- f) A noise limiter shall be installed and set at a level agreed with the Council's environmental health team.

**Statement of Truth**

This statement consisting of 8 pages is true to the best of my knowledge and belief.

**Print Name:** Atul Khosla

**Signature:** *Atul Khosla*

**Dated:** 12/10/22



## **2. Crime Survey & Report of Shield Associates**



## **Crime Data Analysis**

### **The Aura - 763 to 765 Harrow Road, Wembley, HA0 2LW**

**Author:** Ian Smith – Director Shield Associates

**For:** The Aura management team & Joshua Simons and Associates Ltd

#### **1. Introduction**

1.1. I retired from the Metropolitan Police Service as a Detective Superintendent in October 2013 after having completed 30 years exemplary service. I have extensive experience in policing across many challenging London boroughs including Lambeth, Southwark, Croydon and latterly Kingston-Upon-Thames. I am now employed as a Director of a security consultancy company called Shield Associates.

1.2. Shield Associates are a company formed by former senior Metropolitan police officers in 2013. The three Directors all served a minimum of 30 years and were at different times responsible for policing, liaison, partnership working and compliance in relation to licensed premises in the Boroughs of Westminster, Southwark, Sutton, and Kingston-upon-Thames as well as being involved in the planning and coordination of licensing initiatives and compliance strategies across the Metropolitan Police area.

1.3. Shield Associates Directors all served in senior positions within the Metropolitan Police, Ian Smith – Detective Superintendent and Borough Commander, Gary Taylor – Superintendent; Pan-London Licensing and TfL policing lead, and David Gair – Chief Inspector; Public Order and Licensing specialist. All three Directors were responsible for crime and disorder reduction, community confidence, public

satisfaction and licensing related issues and enforcement with specific dedicated licensing teams under their command.

1.4. As part of our licensing response, we undertook problem solving, partnership working and compliance regimes to ensure the safety and security of patrons, staff and the local community in relation to NTE licensed premises, in particular large night-clubs and venues that remained open beyond 0200hrs. This included late-night refreshment houses, liaison with public transport providers and licensed mini-cab activities as part of the larger problem-solving initiatives.

1.5. During my police service I was responsible for overseeing policing operations including crime prevention strategies and enforcement. I was the Deputy Borough Commander at Southwark where I was responsible for implementing crime and disorder strategies across the borough, which saw unprecedented reductions in serious violence and anti-social behaviour. In 2011 I was commended for leading the investigation response into the crimes committed following the London wide disorders.

1.6. My last post in the Metropolitan Police Service was as the Borough Commander for Kingston–Upon–Thames. I was responsible and accountable for all police activity including all licensing operations within the night-time economy. I developed numerous strategies tackling crime, anti -social behaviour and public safety. In my role I had to manage and develop working solutions in addressing crime and disorder at a night-time economy venue known as Oceana (now Pryzm), which was a cause for concern as it was ranked 1<sup>st</sup> across all London boroughs for crime and anti – social behaviour being committed at night-time economy venues.

1.7. The working solutions and activities I put in place saw a 25% reduction in crime at ‘Oceana’, which had a knock-on effect against all crime within Kingston–Upon–Thames town centre and the night-time economy.

1.8. Shield Associates also deliver nationally accredited training for owners, DPS, licensees, security companies, bar staff and workers involved with NTE venues around crime reduction, anti-social behaviour and awareness of their responsibilities

under the Licensing Act, forensic awareness, drugs awareness, personal safety and vulnerable persons. Shield Associates Directors are all members of the Institute of Licensing.

1.9. As a company our aim is to provide independent regulatory support to the Licensing trade, offer problem solving and compliance guidance and support the key objectives of the Licensing Act in reviewing working practices, policies, and procedures to ensure:

- The security and safety of those visiting a venue
- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of young and vulnerable people from harm

1.10. As such we have undertaken comprehensive reviews and audits of licensed premises to ensure compliance and responsible management in support of the licensing objectives. We have delivered training to staff at licensed venues, local Pub-Watch schemes, personal licence holders and SIA door security companies.

As a company, we undertake independent reviews of premises when instructed to do so. In doing so we recognise that our duty is to provide an independent, objective report to the licensing committee, bearing in mind the potential impact of the premises and its hours on the licensing objectives.

1.11. All issues identified in our reports are true to the best of our knowledge and experience. They were either witnessed or experienced by us or told to us in good faith. The opinions expressed in this report are honestly held and correct to the best of our judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

We have not previously been instructed on behalf of the premises licence holder and have never previously been to any of its premises.

1.12. I am aware of the potential impact of the operation of NTE venues on local communities and have provided reports to licensing committees and courts in

relation to a variety of licensing issues on various occasions both as a police officer and as a Director of Shield Associates.

## **2. Instructions to Shield Associates**

2.1. Examine and conduct analysis of submissions of police documents that have been provided by Joshua Simons and Associates Ltd in respect of crime and anti – social behaviour that is believed by police to be connected to the Aura venue 763-765 Harrow Road, Wembley, HA0 2LW.

## **3. Disclosed Police information and reports**

3.1. The Police have disclosed a letter dated 02/06/2022 prepared by PC 3122 NW Phil Graves, which forms part of the licensing review hearing bundle (reference 3.5 of the police disclosure). Within this document a schedule of references is made in relation to crime reports, CAD reports, Intelligence reports and a stop and search document. Also, contained in the letter is a narrative reference to a ‘spiking’ and a robbery allegation, which is now recorded as an actual bodily harm. These two reports are referenced within the schedule. All the documentation provided highlight crimes and calls attributable to the Aura venue over a 11-month period from 01/06/2021 – 08/05/2022. These documents will be referred to within this report.

3.2. In reference to the police reports some are comprehensive, others contain one line of information due to the non-disclosure by police, and others are heavily redacted. The crime reports have all their crime reference numbers edited, so dates and times are relied upon. These will be highlighted and referred to in the report.

3.3. The crime reports from 2021 – 2022 total 11 in number, with some crimes linked together that have arisen from the same incident. Some crimes highlighted involve staff from the venue lawfully ejecting patrons and others in which the venue and staff are victims of crime.

3.4. The CAD reports from 2021 – 2022 total 10 in number with some CAD reports linked together that have arisen from the same incident.

3.5. The intelligence reports total 2 in number and have not been disclosed in full by police. A stop and search record is mentioned but again as not been disclosed in full by police.

#### 4. Crime analysis

4.1. Crime report: reference number edited – Monday 12<sup>th</sup> July 2021 00.01 hours – Kidnapping reported by to police by phone at 04.30 hours. The victim had attended the Aura venue, then left and walked towards his car which was parked outside. He was then forcibly taken by three suspects and placed inside a car where he was assaulted with a broken bottle (stab wounds to shoulder) and threatened with a machete. He was driven about for some time before he managed to escape and call police. The investigation report has been heavily redacted, and the case has since been closed as the victim was unwilling to pursue this allegation. ***This crime cannot be attributable to the venue as the victim was kidnapped outside and assaulted during his journey with the abductors. The offence isn't connected with the venue, albeit the victim had attended before the offence took place and is a victim of crime.***

4.2. Crime reports x 2: reference numbers edited – two linked offences arising out of the same incident. Saturday 09<sup>th</sup> October 2021 23.40 hours – Assault on a police officer and an assault on the door security team. The suspect had been inside the Aura venue and became intoxicated. The door security team requested the suspect to leave and sought the assistance of the suspect's friend to assist. Once outside the venue the suspect and their friend began to argue, and a fight ensued. The door security team intervened to separate both parties and the door team member was bitten on the hand. Police who were in the vicinity witnessed the altercation and assisted the door team member. During this process the police officer was slapped on the wrist (no visible injury) and the suspect was arrested and later charged with an assault on an emergency worker and actual bodily harm on the door team member. ***The venue and its staff were being proactive in supporting the licensing objectives by ejecting an individual that was intoxicated and preventing crime and disorder by trying to stop two individuals from harming***

**each other.** The venue was positive in preventing disorder outside their venue and professional by supporting the police in the prosecution of an offender by providing statements.

4.3. Crime report: reference number edited – Saturday 13<sup>th</sup> November 2021 00.09 hours – Attempted theft person reported by to police by phone at 00.09 hours. The victim attempted to gain entry to the venue but was refused as his identification had expired, he was refused entry. The victim walked away and was approached by the suspect who attempted to steal his chain from around his neck, but was unsuccessful and the victim called police. Police attended and confirmed his identity and persuaded the Aura venue to take him inside as a place of safety, which they agreed to do. ***This crime is not connected with the venue as the offence took place outside and the victim was initially refused entry as their identification had expired.*** The venue was professional by refusing admission but later supported police by allowing the victim into their premises as a place of safety.

4.4. Crime report: reference number edited – Saturday 04<sup>th</sup> December 2021 02.46 hours – Criminal damage reported to police by the Aura venue. The door security team called police as they tried to eject an individual who was drunk and proceeded to smash the ID scanner equipment located at the venue. Police attended, no one was arrested, and the suspect agreed to pay for the damage. The Police highlighted this as incident as a low-level offence and suitable for a community resolution. The suspect was issued with a community resolution order. ***This crime cannot be fairly attributable to the venue as they are a victim of a crime, and they were professional in reporting the crime to police. In addition, they were also supporting the licensing objectives by attempting to eject an individual who had become intoxicated.***

4.5. Crime report: reference number edited – Friday 31<sup>st</sup> December 2021 22.00 hours but later reported to police on Saturday 01<sup>st</sup> January 2022 05.22 hours – ‘Spiking’ allegation reported to police by the victim. Victim describes attending the Aura venue and having a couple of drinks but remembers nothing else. The victims mother finds her in her bedroom naked with scratch marks on her face. Police are called and an investigation begins. Samples are taken and the toxicology results

reveal no stupefying drugs present, and only cannabis in the victim's system. The victim fails to maintain contact with police and the case is confirmed as a no crime allegation.

***This allegation is not a crime and cannot be connected with the venue as no offence has taken place. In addition, the venue has been professional by providing police with CCTV and assisting with the investigation.***

4.6. Crime report: reference number edited – Saturday 01<sup>st</sup> January 2022. Victim alleges a theft where her handbag and contents were stolen whilst she was visiting the Aura venue. The victim stated she had left her handbag unattended within the venue. The allegation is reported to police and no investigation takes place which is recorded as low level. There are no suspects, and it is difficult to make any comment on this allegation.

4.7. Crime report: reference number edited – Sunday 16<sup>th</sup> January 2022 01.22 hours and reported via the internet to police on Friday 21<sup>st</sup> January 2022 at 14.39 hours. The victim alleges he was assaulted causing actual bodily harm after he was refused entry to the venue Aura. In the process of refusing entry, he was punched in the face causing bruising and a chipped tooth. The victim was unwilling to pursue a criminal allegation as he wanted compensation in the civil courts. It is difficult to make comment about this allegation as no formal investigation has taken place and the venue and its staff have not been spoken to by police. From the information provided this is the robbery allegation that was referred to in the police evidential bundle (3.5 police licensing hearing).

4.8. Crime reports x 3: reference numbers edited – three linked offences arising out of the same incident. Monday 21<sup>st</sup> March 2022 02.00 – 02.19 hours. These allegations relate to two actual bodily harm (cross allegations against two persons) and a drunk and disorderly offence. Two groups of people about 15 -20 were attending an event inside the Aura venue where there had been no trouble or indication of such. Both groups left the venue and as they walked off there was an altercation which resulted in a fight between the groups. Police were called and two persons made allegations against each other highlighting one was punched causing a reddening of the eye (minor injury) and a cut lip (minor injury), one person who was



seen by police to push another person was issued with a fixed penalty notice for being drunk and disorderly. No one was arrested and there was no formal investigation. It is unclear if all of those involved in the fight had been inside the venue. From all the records there was no criticism by police or a visit by the police licensing team in respect of these linked incidents. The offence occurred outside the venue but there is very little information on how this happened. This was an isolated incident outside the venue, and it is difficult to see how staff could have known or prevented this from happening, especially as there was no trouble caused by some or all the group who had been inside the venue previously.

4.9. CAD report: 492 - 8<sup>th</sup> May 2021 01.03 hours. The head doorman at the Aura venue called police to a female who was smoking cannabis outside the venue. They refused her entry to the venue due to her cannabis smoking. She caused a disturbance, as she wanted her jacket that was left inside. To prevent further disturbances the staff at the venue return the jacket and woman leaves before the arrival of police who drive past at 01.09 hours. The result shown by police is 'no crime' and no anti-social behaviour report required. ***The venue and its staff were being proactive in supporting the licensing objectives by refusing entry to a person that was smoking cannabis and causing anti-social behaviour.***

4.10. CAD report: 977 – 01<sup>st</sup> June 2021 03.57 hours. A call is made to police that a large group of people are meeting inside the Aura venue in breach of Covid regulations. They indicate this was happening at 23.30 hours. Police drive past at 04.04 hours and indicate nothing is going on. ***This call to the venue is not a crime and cannot be connected with the venue, as no offence has taken place. At best this call may have been made in good faith or at worst malicious.***

4.11. CAD report: 6593 – 06<sup>th</sup> July 2021 19.26 hours. A call is made to police highlighting the Aura venue is breaching covid regulations by smoking shisha and not socially distancing. Police attend the venue on 7<sup>th</sup> July 2021 at 15.10 hours and enter and speak with the manager Mr Nunes. The police highlight no Covid breaches were being committed. ***This call to the venue is not a crime and cannot be connected with the venue, as no offence has taken place. At best this call may have been made in good faith or at worst malicious.***

4.12. CAD report: 8569 – 27<sup>th</sup> October 2021 23.24 hours. The door team from the Aura venue called police to a male who had been refused entry due to them having no identification and was now violent. Police arrive at 23.30 hours and highlight no offences being disclosed and the person was lawfully evicted. ***This call to the venue is not a crime and cannot be connected with the venue, as no offence has taken place. In addition, the security team were being professional and meeting the licensing objectives in preventing crime by refusing entry to a violent male who had no proper identification.***

4.13. CAD report: 582 – 27<sup>th</sup> November 2021 02.30 hours. Police are called by the informant who highlighted there was loud music coming from the Aura venues back garden. There was no police involvement, and the call is referred to the local authority. Due to the lack of detail, it is difficult to make comment on this incident.

4.14. CAD report: x 2 linked incidents 237 and 396 - 12<sup>th</sup> December 2021 00.35. The door team from the Aura venue called police to a male who had been refused entry, who aggressive and wanted to fight other people. Police arrived and no offences were disclosed. ***This call to the venue is not a crime and cannot be connected with the venue, as no offence has taken place. In addition, the security team were being professional and meeting the licensing objectives in preventing crime by refusing entry to a drunken violent male.***

4.15. CAD report: x 3 linked incidents 306, 323, 344, - 25<sup>th</sup> December 2021 00.52 hours. Police were called to the Aura venue by the informant who stated he had overheard someone from the back garden at the venue say they had a knife. Police arrived at the venue and spoke with the security team. The informant who was outside is identified by police as drunk and clearly had issues with the security. No offences are identified, no one is arrested, and no crime has been reported. ***This allegation is not a crime and cannot be connected with the venue as no offence had taken place.***

4.16. Intelligence report (reference number edited) Monday 31<sup>st</sup> May 2021. This one sentence of information highlighted drug activity taking place inside and outside the Aura venue. The information indicated the door staff had knowledge of this but choose to ignore it. Again, the provenance of the source could be genuine or malicious. ***The police have more recently (on 25.7.22) indicated they do not place any weight on this intelligence and withdraw it.***

4.17. Intelligence report (reference number edited) Saturday 14<sup>th</sup> August 2021. This one-line of information highlighted gang activity was taking place outside the Aura lounge. This is difficult to make comment as there is little information supplied. Again, the provenance of the source could be genuine or malicious. ***The police have more recently (on 25.7.22) indicated they do not place any weight on this intelligence and withdraw it.***

4.18. Stop and search record (reference number edited) Saturday 2<sup>nd</sup> October 2021. Police received a call from the door security team at the Aura venue that a male was armed with a knife. Police attend and arrest the male for possession of drugs. ***The venue and its staff were being proactive in supporting the licensing objectives in preventing crime and disorder by calling the police to a male who was in possession of a knife. The police have more recently (on 25.7.22) indicated they do not place any weight on this intelligence and withdraw it.***

4.19. Licensing issues – This is a short narrative summary by PC 3122 NW Phil Graves, where he described two offences connected with the Aura venue, a ‘spiking’ (described at 4.5) and a robbery (not a robbery but an actual bodily harm described at 4.7). In the summary he made criticism of the CCTV handling by the Aura venue whereby there were delays in providing CCTV, the venue editing the CCTV and refusing to provide it. It is difficult to make comment on this summary as there is no criticism by the investigating officers of the venue’s actions regarding the CCTV.

## **5. Conclusions**

5.1. This is in two parts: (1) Commentary / Analysis (2) Recommendations

### **5.2. The Commentary / Analysis**

5.3. I have had sight of a number of police crime reports, CAD reports and other police documents which include intelligence reports and a stop and search record.

5.4. In respect of the crime data supplied by police they have indicated that over a 9 - month period 11 crimes were attributable to the Aura venue from July 2021 – March 2022. I have been supplied with 11 crime reports the police indicate are connected or indirectly connected to the Aura venue.

5.5. In respect of calls made to police known as CAD (computer aided despatch) where calls are logged, they detail summary of the call, which police officers are assigned, their time of arrival and the result of the call. The police have indicated 10 CAD calls had been generated over a 12-month period June 2021 – May 2022 which are attributable to the Aura venue. I have been supplied with 10 CAD reports the police indicate are connected or indirectly connected to the Aura venue.

5.6. In respect of the other police documents, I have been supplied with a limited summary of two intelligence reports and a stop and search record. Both these documents are only referenced in PC 3122 NW Phil Graves licensing letter and schedule dated 02/06/2022. The police have since withdrawn reliance on these reports.

5.7. When crime reports are created, they may arise out of the same incident, so will give an inflated view of the number of incidents. In addition, police rely on the location venue to determine where a crime has been committed and who it is attributable to, either by a geographical area or a landmark in which the allegation is made. In respect of night-time economy venues these highlight a number of anomalies, for example in terms of a location if the victim is unclear of where exactly

an offence was committed, they will provide a landmark i.e., the Aura venue, which will include whether the offence was outside, opposite or near this landmark. Unfortunately, these anomalies don't consider if the venue was open, closed or whether the victim or suspect had been inside the venue. This is part of the questionable connection / remote connection / no connection with the venue which needs to be explored in detail within the main body of any crime report.

5.8. Other exceptions are where the venue is being proactive, and the crime allegation is self-generated. These include venue staff finding drugs or offensive weapons during searches. These are positive outcomes, yet the crime allegation is seen as a negative record against the venue. If police are proactive and arrest individuals for unrelated matters outside the venue this is also seen as a negative record for the venue.

5.9. Finally, the crime allegation location venues don't consider lawful ejections where a suspect is injured or where the security team are assaulted in the course of their duties.

5.10. Consequently, when the police conduct their computer-generated data searches by location venue only, it can affect the accuracy of recordings against a venue. The only way this can be addressed accurately is by reading the full investigation within the crime report.

5.11. Also contained within the crime report is the allegation type where police officers record the initial allegation made by the victim. In a number of serious assault allegations generally no account is taken of the actual injury sustained because of the way the crime has to be recorded under The Home Office Counting rules. For example, a Grievous Bodily Harm allegation can initially be recorded as serious but when the injury type is known it can be significantly downgraded to a minor injury. Again, this can only be accurately assessed by reading the full investigation within the crime report.

5.12. In respect of the crime allegations against the Aura venue from 12<sup>th</sup> July 2021 – 21<sup>st</sup> March 2022 there were 11 crimes police have highlighted as attributable to the

venue. In my professional opinion having reviewed the investigation reports **6 of these crimes were not directly or fairly attributable in any way to the venue.** These include where staff have been assaulted during the execution of their lawful duties, conducting lawful ejections where police have acknowledged they were acting lawfully and correctly, the venue being a victim of criminal damage, victims who have been assaulted on their way home after leaving the venue and one allegation where a no crime has been recorded in relation to an allegation of 'spiking'.

5.13. In respect of the CAD reports where police have been called to the venue from 01<sup>st</sup> June 2021 – 08<sup>th</sup> May 2022 there were 10 reports police have highlighted as attributable to the venue. In my professional opinion having reviewed the CAD reports **8 of these calls were not directly or fairly attributable in any way to the venue.** These include where staff have called police to persons committing crimes, causing disturbances outside the venue after being refused entry and potentially malicious calls made about the venue.

5.14. In respect of the other police reports there are 3 reports police have highlighted as being attributable to the Aura venue from 31<sup>st</sup> May 2021 – 02<sup>nd</sup> December 2021. In my professional opinion having reviewed the very limited information provided **1 of these incidents are not directly or fairly attributable in any way to the venue.** This one stop and search record highlights professional proactive work by the door security team who call police to outside the venue where a person is arrested for possession of drugs.

5.15. In addressing the crime in general there have been 8 crimes in my professional opinion that cannot be directly attributed to the Aura venue, which leaves a total of 2 crimes being attributable to the venue over a 9-month period. Out of these figures, 2 crimes relate to a low-level theft of a handbag and an actual bodily harm that has been alleged against the door security team at the venue. In relation to the crime report incidents 5 reports that were created relate to two separate incidents.

5.16. In addressing the CAD reports in general there have been 8 calls in my professional opinion that cannot be directly attributed to the Aura venue, which

leaves a total of 2 calls potentially being attributable to the venue over a 12-month period. Out of these figures, 2 calls relate to Covid regulations being broken by persons not socially distancing and a noise complaint about the venue. In addition to these CAD reports 5 calls are linked to 2 separate incidents.

5.17. In addressing the other police reports in general there has been 1 report in my professional opinion that cannot be negatively attributed to the Aura venue, as they called police to a person committing a crime, which resulted in an arrest for drug possession.

5.18. When you examine these crimes against the venue, the calls to the venue and associated police reports with the capacity of the venue of 215 persons and operating 7 days a week. I would suggest the level of crimes are extremely low even against the backdrop of the time the venue was closed during the global pandemic. In respect of the serious crime that has taken place inside / outside / connected with Aura venue there has been 1 kidnapping reported to police during this period. There has been no serious assaults or sexual offences being reported and of the other assaults these assaults record injuries that are minor / moderate in nature. Finally, the police highlight 24 incidents that are captured by way of a crime report, CAD report and other police record. Of these incidents 10 incidents arise out of 4 incident dates, which are linked offences.

5.19. In the incidents recorded by police it is clear the venue and its staff fully engage with the crime and disorder prevention; the venue reports crime and disorder, cooperates with the police; watches and observes what goes on outside its doorstep.

5.20. It should be said in my experience some irresponsible Night-time operators proactively take steps *not* to report crime and incidents to police as they don't want to come under scrutiny by the police. They also appreciate that by reporting crime this can have a detrimental effect on their licence in the event a critical incident takes place at their venue.

## 7. Recommendations

In reviewing all the crimes and information relating to the Aura venue I would recommend that the venue consider the following recommendations, which would enhance and support the licensing objectives.

- Independent review of their operational processes in respect of crowd management, searching and dispersal of patrons.
- Training in conflict management and personal safety, this is in part due to the number of assaults on staff when lawfully engaged in ejections.
- Closer liaison with the local police licensing team and to address issues as they arise.

A handwritten signature in black ink, appearing to read 'Ian Smith', is centered within a light gray rectangular box.

Ian Smith MSyl  
Director  
Shield Associates

25th July 2021



**Member of the Institute of Licensing**



### **3. Barnebe Nemi Letter**

Barnabe Nemi



Dear Sirs

I am writing this letter in regards to the Review Hearing - Aura, 763-765 Harrow Road, Wembley, HA0 2LW.

My name is Barnabe Nemi, Chairman of Sudbury Metropolitan Police Ward Panel. I have lived in Sudbury for more than 10 years.

After attending a community meeting where complaints were made about Aura, I did ask whether those complaining had made any contact with the owner and the answer was, no.

I decided to request a meeting with the owner to find out about these issues, as we never received any sort of complaints in regards to policing matter about Aura. After meeting with them I was satisfied with all the explanations given.

But we decided to investigate further. We visited jointly the premises cited above. The Chair of Sudbury Town Residents Association (STRA), and myself to trying to find out more.

We walked around on 21st May 2022 from around 11:45 pm till around 1:30 am to check the operation of this business.

We discovered that they are very cooperative, willing to work with the community and very professional in dealing with different issues.

We couldn't hear the music either outside of the venue or on the back of the venue.

We then walked to Elton Avenue where we discovered issues related to Aura's customers parking. We addressed these issues of parking with Aura's executive team. My understanding is that they are dealing with it in a professional manner.

My View on this Matter is:

Nuisance:

On each occasion we visited them we were satisfied with the noise level and the security process. We never noticed any nuisance from this business in regards to the policing point of view. As a chairman of the board, I have never received any official complaint and neither did our local police officers.

We also learnt that this business is employing twenty three (23) local residents which I think is a huge contribution to our community and it requires nothing but encouragement as we are not anti-local businesses.

We also discovered that they are engaged in charity work and donations in our community and are happy to be part of the Sudbury community and to contribute to our community life.

We strongly believe that this business is making difference to our community. If it gets shut down, twenty three locals will be jobless.

I will strongly advise to work with the business in question and the community to find a common ground as Aura owners have mentioned several times that they are willing to work with the locals.

I will be happy to help all parties to come to a common ground.

Barnabe Nemi

General Manager  
Chair of Sudbury Metropolitan Police Ward

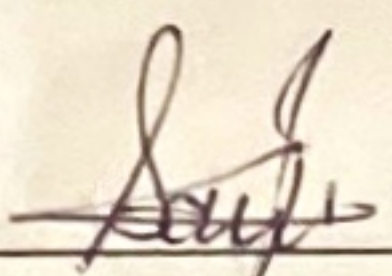
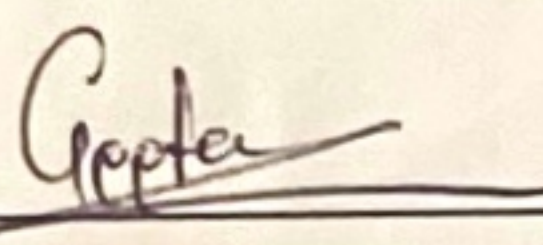
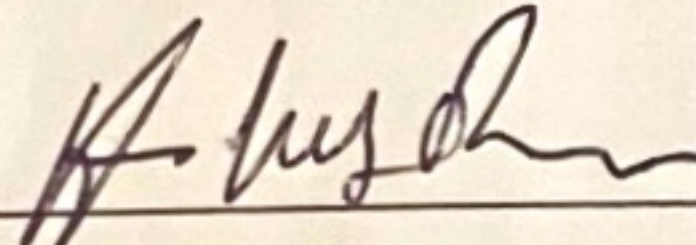
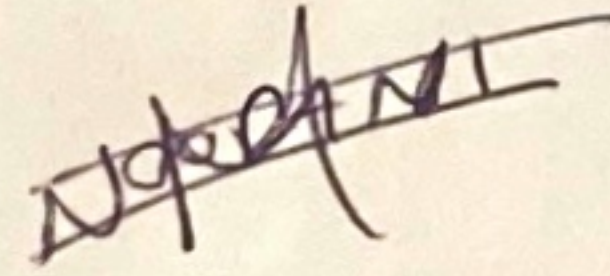
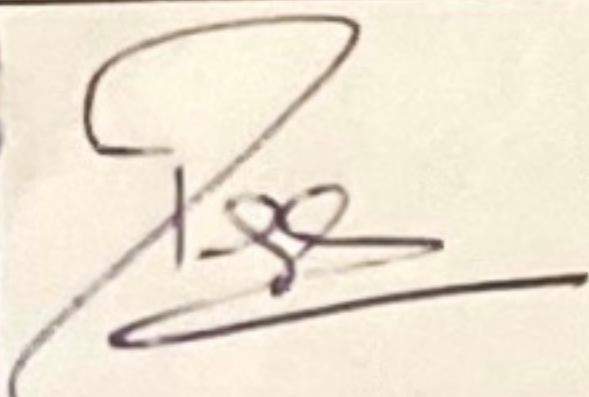
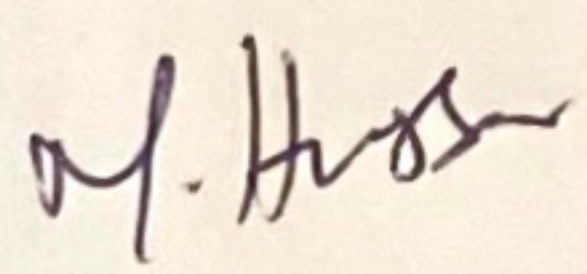
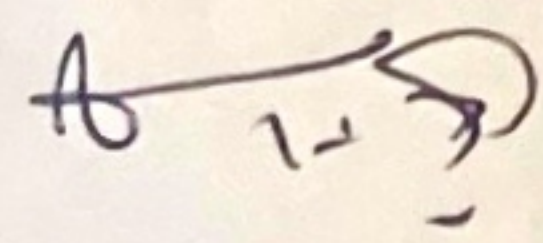
## **4. Petition**



## Petition in support of The Aura

### Petition summary and background

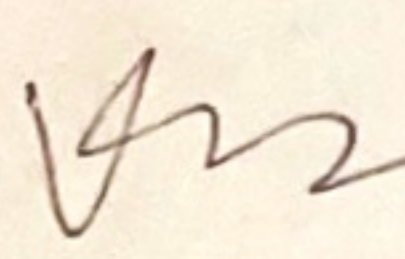
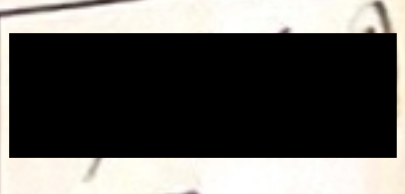
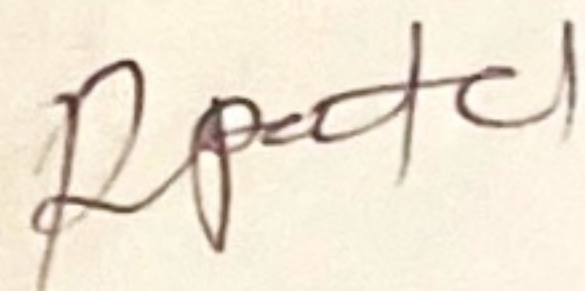
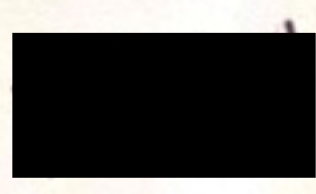
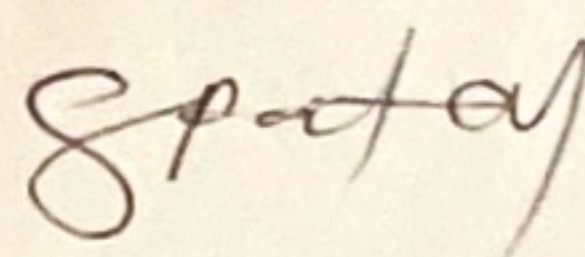
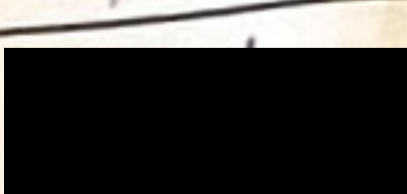
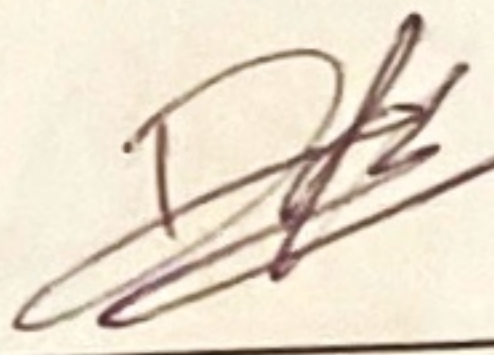
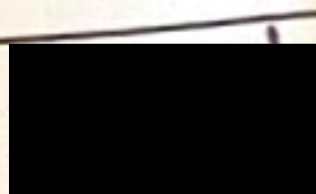
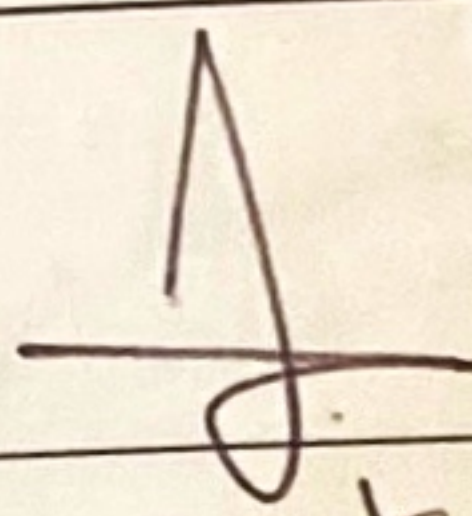
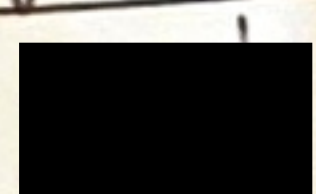
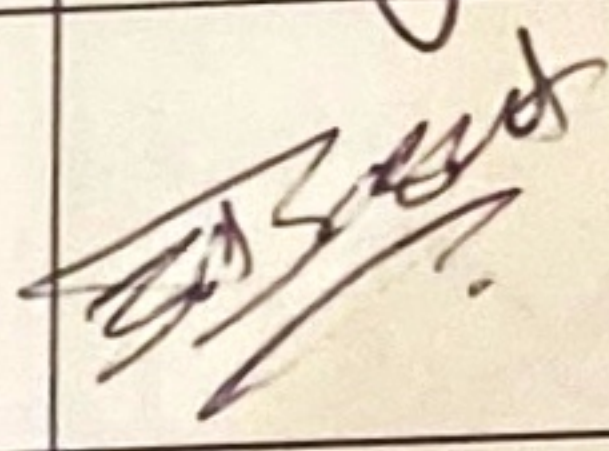
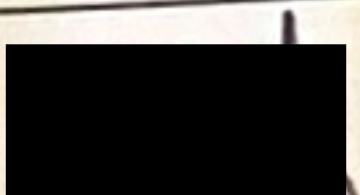
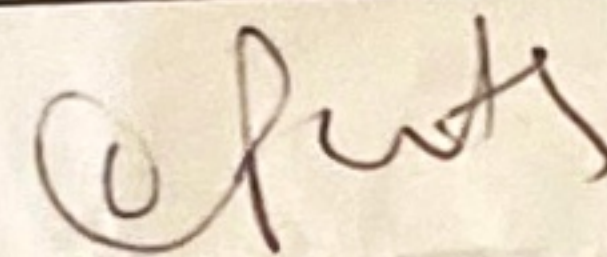
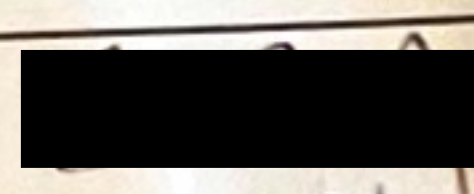
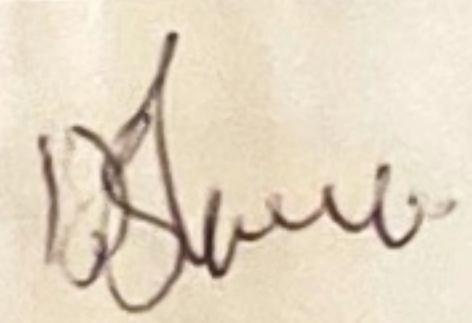

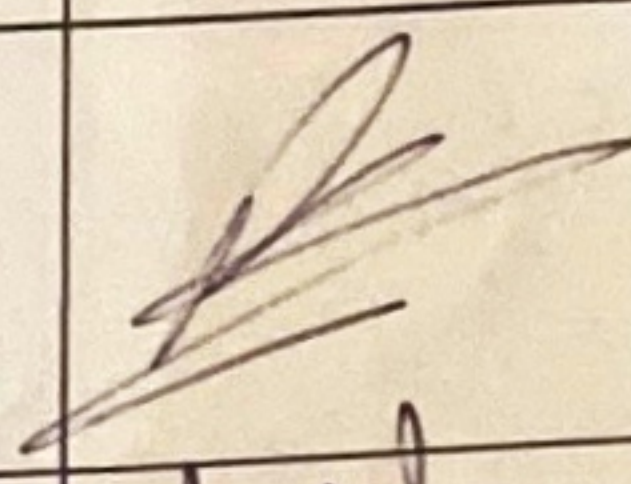
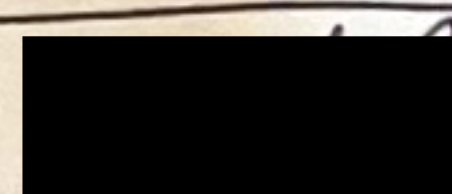
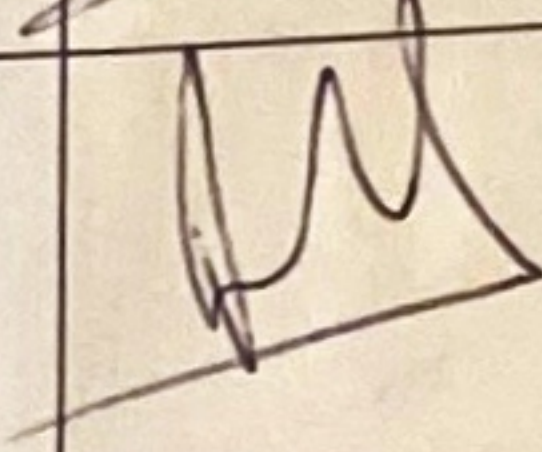
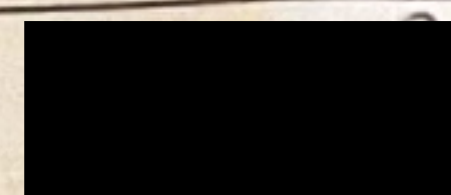
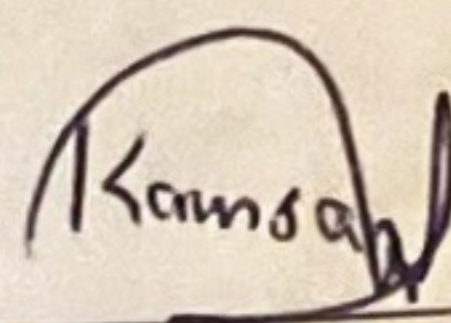
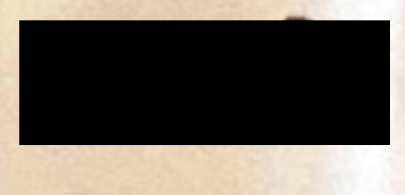
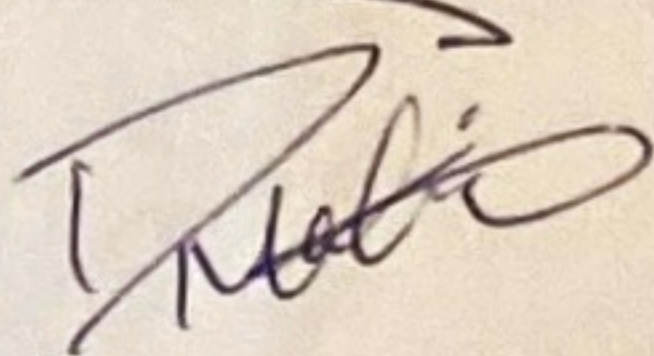
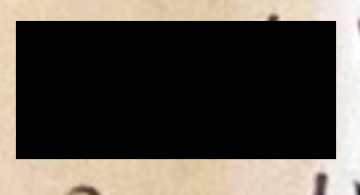
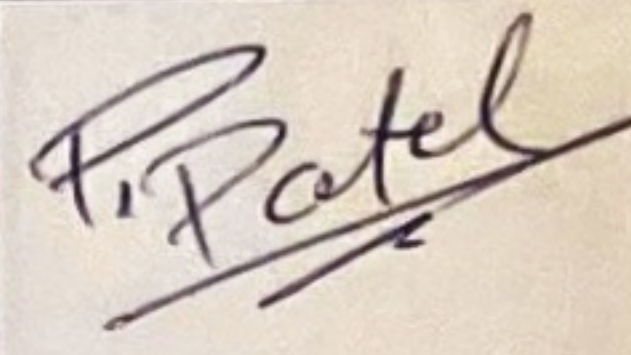
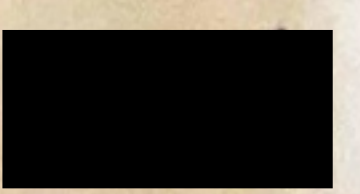
We the undersigned live and/or work in the vicinity of The Aura at 763-765 Harrow Road, Wembley. We understand that Brent Council's Noise Control Officer has applied to review the premises licence of The Aura under Section 51 of the Licensing Act 2003 due to allegations of noise nuisance. The review seeks to drastically cut the operating hours of the premises and use of the rear external area rear which will render the business enviable. In our view The Aura is a highly valued community premises which serves as a social hub for people who live or work in the area. We do not recognise the allegations of noise nuisance made against the venue and we do not associate the premises with crime, disorder or anti-social behaviour. We urge the Council's licensing sub-committee to find a solution that does not close this popular local venue by destroying its late night business model.

Print Name	Signature	Local address Contact email/phone	Comment	Date
NAVIN KAKKAR		[REDACTED] HARROW ROAD HAO 2LW		28/06/22
Geeta Kakkar		[REDACTED] Harrow Road HAO 2LW		28/06/22
VIJAYAKUMAR		[REDACTED] Harrow Road HAO 2LW		28/06/22
SAYED MUGIM NOORANI		[REDACTED] HARROW ROAD HAO 2LW		28/6/22
BHOJENDRA SINGH		[REDACTED] HARROW HARROW HAO 2LW Road		28/6/22
MUDASSAR HUSAIN		[REDACTED] Harrow ROAD HAO 3EL		28/6/22
H-DURRANI		[REDACTED] HARROW Road HAD 3EL		



Samita Patel	Patel	[REDACTED] Harrow Road. HAO 2CW	[REDACTED]	28/06/22
Shridatt mulla	[Signature]	[REDACTED] ELTON Ave HAO 3EG	[REDACTED]	28/06/22
MARIO QUINTILANI	[Signature]	[REDACTED] Harrow Road HAO 3GL	[REDACTED]	28/6/22
Pinal Patel	[Signature]	[REDACTED] Harrow Rd HAO 2CW	[REDACTED]	28/6/22
Usman Ali	[Signature]	[REDACTED] Harrow Road	[REDACTED]	28/6/2022
RAF DATEL	[Signature]	[REDACTED] Harrow Road	[REDACTED]	28-6-2020
J-MORAR 4	[Signature]	[REDACTED] Harrow Road	[REDACTED]	28-6-2020



Vishal		 Harrow Road HA0 2LU	28/06/22
Rajan		 Harrow Road HA0 2LU	28/06/22
Sunny		 Harrow Road HA0 2LU	28/06/22
D K Parmar		 Harrow Road HA0 3EL	
Jay Patel		 Harrow Road HA0 3EL	
Sachin Bhatt		 Harrow Road HA0 2LE	
Alam Patel		 Harrow road	
Bhavir		 Harrow Road	
Ricky		 Harrow Road	
Vishal patel		 HARROW ROAD	
Kamran		 Harrow Road HA0 2LU	
Mohit Dobanjer		 Harrow Road HA0 2LU	
Parm Patel		 Harrow HA0 2LU	



3074001 Ravi	<del>Ravi</del>	[REDACTED] Harrow Road		28/06/22
Abijeet Vaghela	<del>Abijeet</del>	[REDACTED] HARROW ROAD		28/06/22
Pulse Sorathiya	Pulse.	[REDACTED] HARROW Road		28/06/22
Aniket Kuhkar	Kuhkar	[REDACTED] Harrow Road.		28/06/22
RUDRASINH CHAUHAN	Chauhan	[REDACTED] Harrow Road		28/6/22
Amit Jethava	Amit	[REDACTED] Harrow Road		28/6/22
RAJANPREET KAUR	RKaur	[REDACTED] HARROW ROAD		28/6/22
Vidhi Chauhan	Chauhan	[REDACTED] harrow road		28/6/22
Dhruv Patel	Dhruv	[REDACTED] harrow road		28/6/22



## **5. Letter in Respect of the Variation to the Premise Licence**

**Associate Consultants:**

Ken Macleay  
Philip Andrews  
Mark Altman  
Andrew Newman  
Brian Crouch – Legal Advisor

**Joshua Simons & Associates Ltd**

Imperial Place  
4 Maxwell Road  
Borehamwood  
Hertfordshire  
WD6 1JN.

Telephone:

Fax:

Email:

Dispatch: By email

**ADDRESEE:**

Martin Wood Principal Nuisance Control Officer  
Community Protection  
& John McGann Licensing Officer - Regulatory Services  
Brent Civic Centre  
Engineers Way,  
Wembley Park,  
Middlesex  
HA9 0FJ

Your ref:

Our ref: AURA

Date: 13/10/22

Dear Mr Wood and Mr McGann

We write in relation to the variation application that our client has made having consulted with our instructed Counsel, Mr Gary Grant in an effort to restrict the issues at the hearing now listed on 18 October 2022 (which will also consider the separate review application).

Subject to your response to this letter, our client suggests the following pragmatic course is taken in relation to the variation application:

- 1) The application to make minor update amendments to the plans attached to the premises licence are agreed between the parties ("Part 1");
- 2) The application to remove restrictive conditions relating to the external garden/canopy area is withdrawn by the applicant ("Part 2").

This would effectively mean that the only changes sought by the variation are minor ones that better reflect the refurbishment of the premises since the original plans were added to the licence and are unlikely to impact on the licensing objectives on any fair view.

We have viewed in more detail the original plans. It is clear to us that the boundary of the premises where licensable activities may take place is already indicated by the yellow line that is on the plan (marked "boundary") and so already includes the controversial external garden/canopy area. (We note that there is no requirement in regulation 23 of the Licensing Act 2003 (Premises Licences etc) Regulations 2005 for this line to be in the more traditional red colour).

The existing plans already show tables in the garden/external area where people are likely to consume alcohol. We note that there is no requirement under regulation 23 for a canopy roof to be marked on the plans.

It seems to us that the only changes to the existing plans that may actually be required by the terms of regulation 23 relate to:

- 1) The position of fire safety equipment; (reg.23(3)(i)
- 2) The new internal wall used to create the staff room and shisha store by the external garden area; (reg.23(3)(a)

We note that the bar marked on the existing plans has been removed but since this assists rather than impedes escape routes it is probably not strictly required by reg.23(3)(e). However out of an abundance of caution the new plans mark this change.

On any reasonable view, if our client were to withdraw Part 2 of the variation (removing conditions), the minor changes sought by Part 1 (the amended plans) do not reasonably impact on the licensing objectives and do not give any more flexibility on the use of the external/canopy area which is of more relevance to the review application.

Would you therefore please confirm that if our client were to instruct us to restrict the variation application as set out in this letter you would be in a position to withdraw your objection to the minor changes to the plans.

If so, the hearing on 18 October will be able to focus on the real issues, namely the impact of the premises' activities on the licensing objectives. We believe this pragmatic approach would further in the interests of justice and the licensing objectives and ensure the hearing is more focused on the real issues between the parties.

We look forward to hearing from you.

**Yours faithfully**

*Joshua Simons*

**Joshua Simons**

**Principal Licensing Agent, Joshua Simons & Associates Limited**

☎ Mobile: 07725418439 📠 Fax: 020 8 213 3001

✉ Email: jsimons@jsaal.co.uk

📍 Address: Imperial Business Park, 4 Imperial Place, Maxwell Road, Borehamwood, Hertfordshire, WD6 1JN.

Registered in England & Wales under Company Number: 8030680

VAT Number 154 176 021.



Location	Project	Drawing Title	LICENSE-PLAN	Scale : 1:100@A3	Date : FEB 2014
MAYA LOUNGE 763 - 765 HARROW ROAD SUDBURY HA0 2LW	INTERNAL ALTERATIONS	AS-BUILT FLOOR PLAN		Drawing number SE/ML/01	Rev H

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Mr Joshua Simons & Associates  
Imperial Buisness Park  
Imperial Place  
Building 4  
Maxwell Road  
Borehamwood  
WD6 1JN

17/10/2022

Our Ref:  
Review Ref – 24927  
Variation Ref - 24906

Dear Mr. Simons,

Further to the representations that I have made in relation to the review and variation applications that are due to be determined at hearings on the 10<sup>th</sup> October I submit the following.

On Thursday 13/10/2022 at 18.58 the Premises Licence Holders agent, Mr. Joshua Simons, submitted an email with an attachment described in the email as **\*\*LICENCE HOLDER DOCUMENT PACK - Alcohol and Entertainment Licensing Sub Committee Tuesday 18 October 2022\*\***. Due to the late submission of this document pack I have had limited time to read the contents. I now wish to make the following submission in relation to this.

In recent weeks there has been issues with management of The Aura implementing illegal road closures to residential street close to The Aura. In an email dated 08/10/2022 one resident stated;

*They are asking the local residents for there ids and how they are where they live*

*Can I confirm Brent council has given them the permission to close the roads*

*It's absolutely disgusting that this happened two days in a row*

My colleague Esther Chan queried this with the LB Brent Traffic Manager, Mr. Paul Richards, who stated in his reply dated 10/10/2022;

*Hi Esther,*

*I can confirm that The Aura have not made any requests for road closures. Therefore, any closure of the highway is unlawful.*

On 06/10/2022 Esther Chan sent an email to the Premises Licence Holder stating;

*Dear Licensee,*

*We in receipt of complaints alleging that your patrons are parking in an irresponsible manner in the residential areas which is causing a nuisance.*

*Please can you confirm what steps are undertaken to ensure your patrons are not causing a nuisance.*

On the same day the Premises Licence Holder replied stating;

*Hello Esther,*

*Hope you are well. Please allow us till this monday we wil send you all the images of measures we do to control the parking & we are taking very serious steps towards it. Hope this is all ok. Please let me know if you need anything else. Apologies for this.*

*Many Thanks*

On 10/10/2022 Esther Chan sent a further email to the Premises Licence Holder chasing a reply which he sent on 14/10/2022 stating;

*Hello Esther,*

*Hope you are well. Firstly apologies for the trouble caused if any by the barriers we did over the last weekend. According to me we did all this for the safety of people living on that road & every single neighbour even came & told us that they appreciate this thing because when we did this there was no one parking wrong or wnt on that road it was only the people who were living there & all the neighbours even called [REDACTED] & told her that they really liked that thing that gave them extra security for nothing & we were not asking anything to the people going inside except if they are parking & going aura if so we wont allow the entry if they do want to then we were showing them the parking where they have to park & come inside i have the full proof of 97 bookings we lost because we didn't allow people to park on that roads just for the safety of Neighbours so they didn't come.*

*I assure from now we wont close the roads but will put 2 marshal's on every road they wil display sign saying dont park on road else u wont be allowed in aura there will be marshal's on every road including sia's to protect neighbours & roads assured there wont be any issues at all.*

*Hope this will be all ok. Please let me know if you need anything else.*

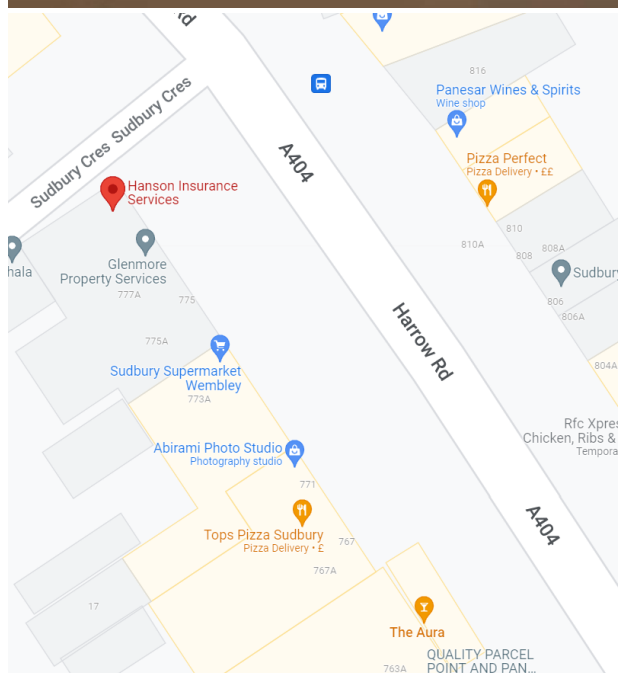
*Many Thanks*

In relation to the above reply, the Premises Licence Holder has no permission from the LB Brent Highways Department to implement any kind of road closure nor do their marshalls/SIA's have any delegated powers to patrol the nearby residential streets.



The following is a screenshot from a video that was sent by email on 15/10/2022 at 23.07 to Esther Chan, LB Brent Licensing Officer, showing that the Aura are still doing unlawful road closures. The email states;

*Another week There has been road closures and road blockage residents are getting intimidated by the venue it's causing the local residents a lot of issues*



The road closure was implemented on Sudbury Crescent at the junction with Harrow road about 100 metres from The Aura. The video from which the screenshot was taken is also submitted.

In relation to the above and the Noise Nuisance complaints that have been submitted by local residents there is clear evidence that The Aura has caused serious public nuisance.

The witness statement of Mr. Atul Khosla, the Managing Director of KN Bros Limited, the premises licence holder and operator of premises trading as "Aura" at para 24 states;

*24. I have also been advised that parking issues are not generally a matter for licensing.*

The Aura would appear to be an exception to this judging by the complaints received in relation to parking and ASB related to Aura customers returning to their vehicles late at night which has resulted in Aura management having to implement illegal road closures and marshalls/SIA patrolling the nearby streets.

In relation to the letter submitted by Mr. Joshua Simons, dated 13/10/2022 regarding amendments to the submitted variation application I find it difficult to agree as the current setup of the premises is a major contribution relating to noise nuisance. In fact, the current situation puts the premises to be in permanent breach of one of the conditions attached to the licence.

*17 The level of music shall be arranged so as not to cause a nuisance to local residents.*

In summary, the Aura has simply outgrown its ability to operate in its current format without undermining the licensing objectives, and especially the objective relation to the prevention of public nuisance. I fully support the amendments proposed by Martin Wood in relation to reducing the operating hours on the Premises Licence and the addition of the proposed conditions.

Mr. Atul Khosla, the Managing Director of KN Bros Limited, the premises licence holder and operator of premises trading as "Aura" at para 3 states;

*3. The majority of our customers who attend our venue do so between the hours of 10pm and 3am. This is because our customer base is mainly people between ages 20 and 35 who are looking for a late opening venue that provides good food and beverages in a relaxed atmosphere and exciting environment. These trading times are critical to the success of our business and without them the business would simply not be viable.*

This is a further example of how the premises has outgrown its ability to operate in a residential area in that its customer base has become accustomed to using the Aura as a late night venue. The described critical late night trading times that the premises has become reliant on should not be put before the needs of the local community. I urge the Licensing Sub-Committee to reduce the hours as requested.

Yours faithfully



John McGann  
Licensing Officer  
Regulatory Services

From: Management, Network  
Sent: 10 October 2022 15:40  
To: Esther, Chan; Mark OBrien; Cheung, Michael; McGann, John; Licensing

[REDACTED]  
[REDACTED]  
The Aura 763-765 Harrow Rd HA0 2LW

Hi Esther,

I can confirm that The Aura have not made any requests for road closures.  
Therefore, any  
closure of the highway is unlawful.

Regards

Paul Richards  
Traffic Manager  
Highways Management  
Brent Council

[REDACTED]  
www.brent.gov.uk  
@Brent\_Council

-----Original Message

From: Esther, Chan [REDACTED]  
Sent: 10 October

[REDACTED] C  
[REDACTED] n [REDACTED]  
[REDACTED] e.uk

highways.mana  
Management, Network <[REDACTED]>  
Subject: FW: Road closure [REDACTED] Rd HA0 2LW

Dear All,

In respect of the upcoming licensing sub-committee hearing scheduled on  
18th October 2022 at  
14:30hrs, please be advised that we have received a further complaint  
concerning The Aura  
blocking the roads in order to control their patrons parking in  
residential areas last weekend.

I have attached my response to the licensee regarding their approach to  
combat the parking

issue.

Michael Cheung from parking has kindly submitted a request to Parking Enforcement to monitor the area on Fridays, Saturdays and Event Days over the coming weeks.

Kind Regards  
Esther Chan  
Licensing Inspector  
Regulatory Services  
Brent Council

Tel: [REDACTED]

www.brent.gov.uk  
@Brent\_Council

-----O a  
From: [REDACTED] >  
Sent: [REDACTED]  
To: Esther, Chan [REDACTED]  
Subject: Road clo [REDACTED]

They are asking the local residents for there ids and how they are where they live

Can I confirm Brent council has given them the permission to close the roads

It's absolutely disgusting that this happened two days in a row

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe

From: Esther, Chan  
Sent: 17 October 2022 08:43  
To: McGann, John; Martin, Wood  
Cc: Legister, Linda  
Subject: FW: Road closures - The Aura  
Attachments: Video.mov; ATT00001.txt

Dear All,

Another complaint from a resident.

Kind Regards  
Esther Chan  
Licensing Inspector  
Regulatory Services  
Brent Council

Tel: [REDACTED]

[www.brent.gov.uk](http://www.brent.gov.uk)  
@Brent\_Council

-----O

From: [REDACTED]  
Sent: [REDACTED]  
To: Esther, Chan [REDACTED]  
Cc: Waste Enforce [REDACTED]  
Subject: Re: Road clos

Another week There has been road closures and road blockage residents are getting intimidated by the venue it's causing the local residents a lot of issues  
CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe

From: Esther, Chan  
Sent: 17 October 2022 08:51  
To: McGann, John; Martin, Wood  
Cc: Legister, Linda  
Subject: FW: The Aura Lounge - Complaint

Dear All,

FYI

Please see response from the licensee regarding the closure of roads. Based on the recent complaint, this weekend, it seems that there are not following the process to apply for a road closure.

Kind Regards  
Esther Chan  
Licensing Inspector  
Regulatory Services  
Brent Council

Tel: [REDACTED]

[www.brent.gov.uk](http://www.brent.gov.uk)  
@Brent\_Council

From: The Aura [REDACTED]  
Sent: 14 October 2022 [REDACTED]  
To: Esther, Chan [REDACTED] >  
Subject: Re: The [REDACTED]

Hello Esther,

Hope you are well. Firstly apologies for the trouble caused if any by the barriers we did over the last weekend. According to me we did all this for the safety of people living on that road & every single neighbour even came & told us that they appreciate this thing because when we did this there was no one parking wrong or went on that road it was only the people who were living there & all the neighbours even called [REDACTED] & told her that they really liked that thing that gave them extra security for nothing & we were not asking anything to the people going inside except if they are parking & going aura if so we won't allow the entry if they do want to then we were showing them the parking where they have to park & come inside i

have the full proof of 97 bookings we lost because we didn't allow people to park on that roads just for the safety of Neighbours so they didn't come. I assure from now we wont close the roads but will put 2 marshal's on every road they wil display sign saying dont park on road else u wont be allowed in aura there will be marshal's on every road including sia's to protect neighbours & roads assured there wont be any issues at all.

Hope this will be all ok.Please let me know if you need anything else.

Many Thanks

--

Sent from Yandex Mail for mobile

10.10.2022, 14:13, "Esther, Chan" [REDACTED]:  
Dear Licensee,

Whilst I appreciate that you have taken the matter regarding patron's parking problems seriously, I am yet to receive a response from you to confirm the steps you have taken to combat the parking issues.

It has been brought to our attention that over the weekend (7th - 9th October 2022), The Aura implemented barriers to close a number of residential side road and members of the public personal details to access these roads. Whilst these barriers may have been staffed, you are not authorised by the Highway Authority to close the residential roads.

Any roads or footpaths closures within the borough need to be authorised with the appropriate fee paid. Please note, the barriers are causing an obstruction of the highway and you may breach of further highway legislation as well as health and safety legislation.

If you continue to operate as described above, a formal investigation will be instigated and enforcement action may be taken against you.

Kind Regards  
Esther Chan  
Licensing Inspector  
Regulatory Services



Brent Council

Tel: [REDACTED]

www.brent.gov.uk  
@Brent\_Council

From: The Aura [REDACTED] >  
Sent: 06 October  
To: Esther, Chan [REDACTED]  
Subject: Re: The [REDACTED]

Hello Esther,

Hope you are well. Please allow us till this Monday we will send you all the images of measures we do to control the parking & we are taking very serious steps towards it. Hope this is all ok. Please let me know if you need anything else. Apologies for this.

Many Thanks

--

Sent from Yandex Mail for mobile

06.10.2022, 09:56, "Esther, Chan" [REDACTED]:  
Dear Licensee,

We in receipt of complaints alleging that your patrons are parking in an irresponsible manner in the residential areas which is causing a nuisance.

Please can you confirm what steps are undertaken to ensure your patrons are not causing a nuisance.

Kind Regards  
Esther Chan  
Licensing Inspector  
Regulatory Services  
Brent Council

Tel: [REDACTED]

www.brent.gov.uk  
@Brent\_Council

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**The Aura**

**Application for a Review of the premises licence**

**Application to for a Variation of a premises licence**

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**LICENCE HOLDER SUPPLEMENTARY  
EVIDENCE PACK**

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1	Email from Senior Environmental Enforcement Officer.	4

# **1. Email from Richard Rope Senior Environmental Enforcement Officer**

Rope, Richard <Richard.Rope@brent.gov.uk>



To:

- Esther, Chan <Esther.Chan@brent.gov.uk>;
- info@theaura.co.uk;
- Joshua Simons

Wed 06/04/2022 10:00

Hi Esther,

The waste situation at the site has stabilised over the past few months. The business does have a contract with Veolia and there has not been a significant re-occurrence of the large piles of waste on the pavement outside the venue. All the waste is kept under the canopy in bags and while there are 3 bins on the footway, technically they are within the studded area. On this stretch of the parade, businesses that had a private forecourt had these areas marked out by studs as part of the repaving project a few years back. The bins are not obstructing the flow of traffic at the moment.

Without a significant remodelling of the site, or the frontage, to make a bin storage area, a bag collection service is the only option available at the moment.

Currently, the Notice has been complied with and storing the bags under the canopy is the "least worst" option, so I will close this case unless the issue re-occurs.

Regards

Richard

Richard Rope  
Senior Environmental Enforcement Officer  
Community Protection  
Brent Council

Tel: 020 8937 5506

Mob: 07767 334 868