



Supplementary Alcohol and Entertainment Licensing Sub-Committee (B)

Wednesday 5 August 2015 at 10.00 am
Board Room 3 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Ketan Sheth (Chair)
Harrison
Kansagra

Substitute Members

Councillors:

Aden, Davidson, Eniola, Khan,
Long and Naheerathan

For further information contact: Joe Kwateng, Democratic Services Officer
(020) 8937 1354; joe.kwateng@brent.gov.uk

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
2 Application by the Metropolitan Police for the review of the premises licence held by Mr Jagdish Devshi for the premises "Moonbay" (1-2 Court Parade, East Lane HA0 3HY) pursuant to the provisions of the Licensing Act 2003.	1 - 4
3 Application by Mr Mansuckh Shamji to extend the hours for the sale of alcohol, recorded music and dance at premises "Savannah Lounge", (4 Lancelot Parade, Lancelot Road, Wembley, HA0 2AJ) pursuant to the provisions of the Licensing Act 2003.	5 - 12

REGULATORY SERVICES
MEMORANDUM

To: Business Licensing,

From: Maria L. Silva Rosa (Enforcement Officer, Nuisance Control Team)
Our Ref SR/35938/94

c.c.: Linda Legister, Yogini Patel, Met Police
Date 10th July 2015

Premises: Moonbay Restaurant. 1-2 Court Parade, East Lane, Wembley HA0 3HY

I would like to confirm that I have considered the premises licence review application ref no 223372767 from the Metropolitan Police.

On behalf of Regulatory Services (Nuisance Control Team), I wish to make representation to support the application for a licence review on the grounds that that the likely effect of the grant of a licence is detrimental to Licensing Objectives primarily the prevention of public nuisance due to the close proximity of residential premises.

A noise abatement notice was served on the licence holder on 25/10/2006 and since then the Nuisance Control Team (NCT) continued to receive complaints of loud music. Breaches of the notice had been witnessed by NCT which resulted in prosecution in 2013.

In August 2013 , the licence review hearing decided that no regulated entertainment should take place after 23.00 hours until the premises was sufficiently soundproofed against noise breakout. To date, NCT has received no evidence that these works have taken place and no details of sound insulation have been submitted to the Council. The last complaint received was in November 2014..

M.L. Silva Rosa
Enforcement Officer
Regulatory Services
Brent Council

Tel 020 8937 5252

www.brent.gov.uk

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From: Wood, Martin
Sent: 16 July 2015 14:38
To: 'office@complianceirectltd.com'
Cc: Legister, Linda; Patel, Yogini; Thrall, David; Barrett, Jennifer; Silva Rosa, Maria
Subject: FW: Moonbay, 1-2 Court Parade, East Lane, Wembley, HA0 3HY

Dear Mr Sivashankar

Thank you for your e-mail asking for specific information in respect of a complaint made against the above premises in November 2014. You are also asking for details of all complaints received in the last 12 months.

1. On what date this complaint was received?

The Complaint was received on the 15th November 2014 at 21:13hrs

1. Was this complaint received via a Responsible Authority or general public?

The complaint was made by a Brent Resident and it was received by a Responsible Authority (the Environmental Health, Nuisance Control Team of Brent Council).

2. If received via general public, please provide how it was received, whether it was witnessed by Officer, and if witnessed, notes taken by officer at the time and details of action taken

The resident made the complaint to the Council's night time noise service, via telephone. The caller asked for a call back by 10:30pm. However, the duty officer was unable to call the complainant back by that time. No visit was made.

4. If received via a Responsible Authority, please provide notes taken at the time by the Officers and details of any action taken

Following that complaint our existing case of "music noise" against Moonbay was re-opened. On 17th November 2014 the same complainant telephoned Brent Council to report they had experienced loud music coming from the Moonbay on Saturday 15th November 2014. The complainant stated that loud music had played from 9:30pm until 4am the following morning, causing loss of sleep to their family. On that same date I telephoned the complainant and the same allegation was reiterated.

Mr Devshi of Moonbay later returned my telephone call and refuted that loud music went on until 4am. He told me they only played TV and they have no more loud music since the previous problems and they now shut at 1am and no staff remain behind. I relayed an outline of that response back to the complainant and the complainant asserted that Mr Devshi was lying.

On 18th November I telephoned the same complainant. They advised they had been invited to discuss the noise issue with the business proprietors. It was alleged that Mr Devshi had said this was his last chance to save the business as last time they were forced to spend 6k. It was stated that the Devshi's had asked them not to complain and that Mr Devshi had apparently said he has many contacts at Brent Council and it would be easy to find out who complained. It was

further stated that an offer was made by Mr Devshi to call the complainant if the event was noisy. The complainant had invited him to come and check noise levels for himself when it is bad.

Apart from the above complaint there are no other reported noise issues in the last 12 months (i.e. since July 2014).

Please contact me if you wish to discuss this further.

Kind regards

Martin Wood
Environmental Health Officer
Regeneration & Growth
Brent Council

020 8937 5561
www.brent.gov.uk

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC368QK Michael Sullivan**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 220776**

This statement (consisting of:**4**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **13th June 2015**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable Michael Sullivan, and I am currently attached the Brent Police Licensing Team.

On Friday 12th June 2015 I was on duty in plain clothes, in company with PC 782QK Paul WHITCOMB, we were conducting Licensing visits on licensed premises within the Borough of Brent, at about 23.30 hours we made our way to LANCELOT ROAD WEMBLEY, to conduct a visit on a licensed premise known to me by the name of SAVANNAH LOUNGE, 4 LANCELOT PARADE, WEMBLEY HA0 2AJ. This venue has recently changed its name, and was previously known as GARLANDS.

I am aware that the Premise Licence holder Mr Mansuckh VEKARIA has recently made an Application to Vary the Premise Licence for the premises.

The premises current licence allows it to stay open until 02.30 hours and supply alcohol until 02.00, it can play live music until 01.00 hours, recorded music until 01.30 hours, performance of dance until 01.30 hours, anything similar to performance of live /recorded or dance until 01.30 hours, Provision of Entertainment Facilities for Dancing until 01.30 hours, Provision of Facilities for Entertainment of a Similar Description to Making Music or Dancing, until 0130 hours and Provision of Late Night Refreshment, until midnight.

Mr VEKARIA has asked for a variation for the premise to open until 05.00 hours every Thursday, Friday and Saturday night, with most of the above licensable activities to also be extended.

This premise is set in the middle of a small parade of shops; and the remainder of the street is made up of residential properties.

Signature: Signature witnessed by:

Continuation of Statement of **PC368QK Michael Sullivan**

On our arrival we drove past the venue slowly, it was at this point my attention was drawn to a group of males standing outside SAVANNAH LOUNGE we stopped our vehicle directly outside and I wound down my window I could hear the group of men where talking loudly and some were shouting, they all appeared drunk and were laughing and joking, I would say there was approximately eight to ten people standing outside the venue, including a couple that were standing a few yards away, I took a picture of some of the males standing directly outside the venue and exhibit this as MJS/01.

We then drove a few meters down the road and parked up, I got out and started to walk towards the club, as I approached the club I noticed two very drunk black males stagger out from the direction of the club and start leaning on a vehicle parked directly outside the venue, these males appeared to be arguing and were shouting at each other in an aggressive manner, I did not know what they were saying as they were not speaking in English, this went on for a few minutes before one of the males walked off, I took a picture of the two males which I exhibit as MJS/02.

The second black male then sat on a low wall next to the venue and started shouting at people as they walked past, again I was unable to make out what he was saying, his voice was loud and he sounded aggressive, after a few minutes he started to stagger off up towards WEMBLEY HIGH ROAD.

By this time a few more people had exited the SAVANNAH LOUNGE and were also standing directly outside talking, they also appeared drunk and were talking loudly laughing and shouting, at this point Mr VEKARIA came out of the venue and came over to talk to myself and PC WHITCOMB whilst speaking to us a tall drunk male came up behind me and barged his way in between myself and PC WHITCOM and started hugging Mr VEKARIA the male was very intoxicated and was staggering around, he then said something like 'I go in' or words to that affect and then staggered towards the front door of SAVANNAH LOUNGE, where a member of staff shouted angrily at him to go away as he was drunk and that the premise was closing, the member of staff seemed to over exaggerate in shouting at the male, and I believed this was for mine and PC WITCOMBS benefit, as to show us that the club was closing and that they do not allow drunk people into the premises, his reaction did not seem to be a normal response to refuse someone trying to enter a club.

I took a picture of the tall drunk male who then stood outside the club, and I exhibit this as

Signature: Signature witnessed by:

Continuation of Statement of **PC368QK Michael Sullivan**

MJS/03.

We continued talking to Mr VEKARIA and as we were speaking my attention was drawn to two motor vehicle that pulled up directly outside the club, a large group of Asian males got out of the cars and started to walk towards the front doors of the SAVANNAH LOUNGE a couple of then said hello to Mr VEKARIA , at which point he hesitantly said to them, ' the club is closed' the group stopped and one of them said 'WHAT' in a loud voice, the group looked confused and appeared surprised at what Mr VEKARAI had just said, he then walked over to the group and spoke to them, but I was unable to hear what was being said, I could see some of the group nodding and looking in our direction, the group then went and sat in their vehicles which were by this time parked across the road, myself and PC WITCOMB then went and sat back in our vehicle and observed for about ten minutes to fifteen minutes, during this time several cars drove into the street beeping their horns and people came out of the club and got in them, other groups of Asian people also came down the road and were getting into vehicles, they were very noisy laughing and shouting, there was still a small group of people coming and going from the SAVANNAH LOUNGE and some stayed standing outside talking and due to being drunk were loud and in high spirits.

This atmosphere and noise felt more like a busy High Street on a Friday night rather than a quite residential road, directly opposite the SAVANNAH LOUNGE is a large block of flats, this is no more than a few meters from the entrance to the front door of the club, due to the warm summer night I noticed that some people had their windows open, this noise from revellers leaving the club and standing outside talking and shouting along with the vehicles stopping and beeping their horns must make for a very unpleasant place to live for these people who would undoubtedly be woken from their sleep.

I took pictures of the flats with the windows open and exhibit these as MJS/04/05.

I then saw one of the Asian males that had turned up earlier get out of one of the vehicle and come down and stand on the opposite side of the pavement to where we were parked and start staring at us, he appeared angry and agitated and looked at his watch several times before walking back to the vehicles and gesturing to the other males to get out, which they did, they all then crossed the road and stood outside the SAVANNAH LOUNGE talking and looking in our direction, it appeared to me that they were waiting for us to leave so that they could enter the club, and that by us staying in the location was preventing them from entering , I got

Signature: Signature witnessed by:

Continuation of Statement of **PC368QK Michael Sullivan**

out of the our vehicle and walked up towards where some of the group were waiting and took a picture of them, I exhibit this as MJS/06.

I then went and sat back in our vehicle where I saw groups of people still standing outside the venue and groups opposite, the groups standing opposite seemed to be waiting to be picked up and were very loud, a number of vehicles then arrived and picked them up as this was happening I spoke to a local resident who was standing outside his house, I identified myself to him and asked him if this was a regular occurrence, he stated that it was and that sometimes it's a lot worse that we were witnessing now, and that there are people normally fighting, he then pointed to the people opposite the SAVANNAH LOUNGE and said that they had most probably come from a local club on WEMBLEY HIGH ROAD, I informed him that SAVANNAH LOUNGE have put in an application to stay open until 5am on Thursday, Friday, and Saturday and he appeared shocked and stated that he would object to this as it would causes far too much more disturbance and that he was willing to give the police a statement and attend the hearing to give his objections to this application. I then took a picture of the group standing opposite the SAVANNAH LOUNGE, which I exhibit as MJS/07.

Whilst dealing with this application I have spoken to a resident who complained to Brent Council Noise Nuisance team recently about the noise coming from the SAVANNAH LOUNGE, he stated that it has on occasions become so unbearable that he has had to go and stay with friends just to get a nights sleep, he went on to say that the music goes on until past 4am.This is a residential street and I consider that the SAVANNAH LOUNGE is having a detrimental affect on the local residents and is clearly Breaching the licensing objective, namely The Prevention of Public Nuisance.

Signature: Signature witnessed by:

Witness contact details

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability**Witness care**

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | | |
|--|-----|--------------------------|----|--------------------------|------------------------------|
| a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| b) I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| e) I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> | |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

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