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Ms. Kamika Samuel

[REDACTED]
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14/07/2022

Our Ref: Review application for **Vybz Bar, 1 Craven Park Road, Harlesden, NW10 8SE - 25236**

Dear Ms. Samuel,

Further to the review application that I have made in relation to your premises I submit the following in support of this review application.

Licence History:

The current premises licence was transferred to Ms Kamika Patrice Tate on 29/09/2017. On 07/08/2020 Ms Kamika Patrice TATE notified the Licensing Authority of a change of name to Ms Kamika Samuel who is also shown as The Designated Premises Supervisor.

Since having the premises licence Ms. Kamika Samuel has made two applications to vary the premises licence to extend hours for licensable activities to 05.00 hours 7 days a week;

27/10/2017 – application was rejected

07/08/2020 – application was withdrawn

The Licensing Authority has received a number of complaints that Vybz Bar has been causing anti-social behaviour to local residents, operating outside the permitted hours and to be in breach of a number of conditions as shown on the Premises Licence. Most recently these complaints have related to;

Saturday 25/06/2022 at 05.40 hours (Friday night trading hours 11:00 – 03:00)

A male was seriously assaulted where he was punched and then kicked to the head resulting in injuries consistent with Grievous Bodily Harm. Enquiries with Brent Council CCTV shows that the suspect male had been in Vybz Bar and is seen to exit the venue at 04.55 hours – premises should have been closed at 03:00 hrs, with a large group of people who had also been in the venue. The suspect male is seen to loiter outside the venue where he is seen to attend a nearby parked car and in then seen to be inhaling what is believed to be Nitrous Oxide from a balloon. He then moves away from the venue where he got

into an argument with the victim which subsequently led to the assault. Council CCTV has been viewed in relation to this and the following stills are produced.

Appendix 1 – 25/06/2022 @ 04.51.29 Customers exiting Vybz Bar, loitering in street and one male exiting a nearby car inhaling Nitros Oxide from Balloon.

Appendix 2 – 25/06/2022 @ 04.52.21 Male customer exiting Vybz Bar with bottle in hand.

Appendix 3 – 25/06/2022 @ 04.55.35 Suspect involved in later assault exiting Vybz Bar.

Appendix 4 – 25/06/2022 @ 04.58.29 Suspect involved in later assault inhaling Nitros Oxide from balloon outside Vybz Bar.

Appendix 5 – 25/06/2022 @ 05.41.01 Suspect gets into confrontation with victim prior to assault

Appendix 6 – 25/06/2022 @ 05.41.41 Further Suspect/Victim confrontation with bottle.

Appendix 7 – 25/06/2022 @ 05.41.59 Victim punched to ground by suspect

Saturday 18th June 2022 (Friday night trading hours 11:00 – 03:00)

Council CCTV has been viewed in relation to this night and the following stills are produced.

Appendix 8 – 18/06/2022 @ 03.20.52 Customers entering Vybz Bar

Appendix 9 – 18/06/2022 @ 03.33.38 Customers entering Vybz Bar

Appendix 10 – 18/06/2022 @ 04.53.12 Customers exiting Vybz Bar

Appendix 11 – 18/06/2022 @ 05.01.43 Customers exiting Vybz Bar and loitering in the street

Appendix 12 – 18/06/2022 @ 05.08.04 Customers exiting Vybz Bar and loitering in the street with bottle

Appendix 13 – 18/06/2022 @ 05.08.13 Customers from Vybz Bar loitering in the street – one with open drink container

Appendix 14 – 18/06/2022 @ 05.17.26 Fight near Vybz Bar

Saturday 11th June 2022 at 5.36am (Friday night trading hours 11:00 – 03:00)

Sound audible from DJ playing. Patrons were still milling around on the street and one had even set up a sound system on the roof of their car to continue the party. Council CCTV has been viewed in relation to this and the following stills are produced.

Appendix 15 – 11/06/2022 @ 03.02.50 - Customers loitering outside Vybz Bar

Appendix 16 – 11/06/2022 @ 03.06.12 – Customers queueing to enter Vybz Bar

Appendix 17 – 11/06/2022 @ 05.09.03 - Customers exiting Vybz Bar and loitering in the street. Crash barriers being taken inside.

Saturday 28th May 2022 at 5.01am (Friday night trading hours 11:00 – 03:00)

Vybz Bar reported (by member of public) to be open with staff taking crowd control barriers inside. Loud music still playing from the venue. Over the next 15 minutes or so patrons continued to leave the premises. Council CCTV has been viewed in relation to this and the following stills are produced.

Appendix 18 – 28/05/2022 @ 03.00.19 – Customers queueing to enter Vybz Bar

Appendix 19 – 28/05/2022 @ 05.12.06 - Customers entering Vybz Bar

Appendix 20 – 28/05/2022 @ 05.14.10 - Customers exiting Vybz Bar and loitering in the street

Appendix 21 – 28/05/2022 @ 05.18.36 - Customers exiting Vybz Bar and loitering in the street

Saturday 14th May 2022 at 5.04am (Friday night trading hours 11:00 – 03:00)

Vybz Bar reported (by member of public) to be open with loud music still playing from the venue. Patrons leaving the venue with a lot of cars parking on pavement area occurs due to the number of customers travelling by car. In the photo below, cars shown as parked on the right, block the pavement area outside 2 Craven Park Rd including pedestrian access to the Zebra Crossing. . Council CCTV has been viewed in relation to this and the following stills are produced.

Appendix 22 – 14/05/2022 @ 04.45.15 - Customers exiting Vybz Bar and loitering in the street

Appendix 23 – 14/05/2022 @ 04.54.43 – Customers exiting Vybz, loitering in street and crash barriers taken inside.

Appendix 24 – 14/05/2022 @ 04.57.20 – Males having exited Vybz Bar start fighting in the street (Grey hoodie)

On Wednesday 08/06/2022 I made a formal request by email to the Premises Licence Holder for CCTV download from the premises to investigate two of the above complaints.

1. Saturday 28/05/2022 between 00.01am and 05.00am
2. Saturday 14/05/2022 between 00.01am and 05.00am

A further email was sent on Friday 10/06/2022 to Ms Samuel requesting the CCTV– Both emails are on **Appendix 25.**

Ms. Kamika Samuel eventually replied to my email on 17/06/2022 stating that she was unable to download the requested CCTV due to the size. She then stated to advise when I was able to attend Vybz Bar and that it is only open from Thursday to Sunday from 8pm. I then emailed Ms. Kamika Samuel and arranged to attend the premises at 8.30pm on Thursday 30/06/2022 – **Appendix 26.** I attended at this time with police officers from the Harlesden town centre team. The premise shutters were down and the premises was closed. I remained in the area until 9.30pm but it still remained closed. Police officers pulled up one of the shutters and banged loudly on the window. I was later informed by police that the premises had opened at 10.00pm. I have viewed CCTV at Brent Council Civic Centre in relation to the above dates which clearly shows the premises to be operating beyond their permitted hours, breaching conditions and patrons causing anti-social behaviour in the immediate area outside the premises.

On 08/07/2022 I made a further attempt to secure a CCTV download from the Premises Licence Holder and to invite her to the Civic Centre to discuss the current situation at Vybz Bar. She replied stating that she was unavailable between 11th July and 20th July – **Appendix 27.**

From my dealings with the Premises Licence Holder it is clear that she is refusing to engage with the Licensing Authority but is continuing to run on a business that will continue to promote Anti-Social Behaviour, Crime and Disorder at and in the vicinity of Vybz Bar causing nuisance to local residents. She has made two unsuccessful attempts in the recent past to vary the premises licence until 05.00am 7 days

a week. It now appears that she has decided to go her own way and operate to whatever hours she likes. In relation to the Premises Licence the premises has and continues to breach a number of conditions that are attached, especially the following at Annex 2 – Conditions consistent with the operating schedule;

2. All CCTV recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested – **CCTV has never been provided when requested**

3. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each of the premises – **No summary present at the main entrance**

4. Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted and approved by the Licensing Authority – **Brent Council CCTV shows patrons taking glass containers outside the premises**

9. No entry or re-entry shall be permitted after midnight – **Brent Council CCTV shows patrons being admitted and re-admitted between midnight and 03:00 hours on highlighted dates above**

Premises Licence with conditions attached at **Appendix 28**

I have made enquiries with other colleagues at Brent Council, one of which is Ms. Avril Nightingale who is an Environmental Health Officer. Ms. Nightingale informed me that in a recent communication with Ms. Kamika Samuel she stated that she no longer runs Vybz Bar. The Licensing Authority has had no application from Ms. Kamika Samuel to surrender or transfer the premises licence to another person.

Anonymous Representation

The Licensing Authority has received numerous complaints in relation to Vybz Bar and I am aware that there is a reluctance from local residents to make any representations for fear of reprisal and intimidation if their personal details are disclosed.

Section 182 Licensing Act Home Office Guidance re the disclosure of personal details of persons making representations states;

9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

I feel there is a strong case to protect the identity of any interested party because of the nature of the incidents that have taken place at or near the premises involving customers from Vybz Bar.

Appendix 29 – Redacted representation from Interested Party

This representation is consistent with a lot of the details described in the above incidents that I have covered.

Internet research shows events that have been advertised online to take place at Vybz Bar with a finish time of 04.00am.

Appendix 30 – Event advertised on Shoobs.com for Sunday Feb 13th 2022 from 8.00pm to 04.00am

Appendix 31 – Event advertised on Instagram on 9th and 16th February 2018 from 10.00pm to 04.00am.

Further research on internet shows a post created on 12/06/2022 at 5.12am where the user has posted “5am in Harlesden = People going home after Vybz Bar - **Appendix 32**.”

Further Supporting Representation

Appendix 33 – Statement from Inspector Andy Le Geyt

Appendix 34 – Statement from PC Euan Varney

The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, responsible authorities and the Council. The Council’s Licensing Authority is keen to work in partnership with licensees to develop a prosperous and well managed economy whilst promoting the licensing objectives. But, we must carry out our functions under the Licensing Act 2003 with a view to promoting the four licensing objectives. In reaching my decision to apply for a review of the Premises Licence for Vybz Bar I have taken into consideration the Councils Licensing Policy and the current guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

There is clear evidence and information that the Premises Licence Holder is failing to promote the Licensing Objectives relating to the Prevention of Crime and Disorder and the Prevention of Public Nuisance. Even after receiving a Warning Letter on 08/06/2022 – **Appendix 35** and then receiving the review application the Premises Licence Holder has failed to address the serious concerns that were raised in both.

Due to the ongoing issues caused by the Vybz Bar and the Premises Licence Holders refusal to engage with the Licensing Authority I ask that the Licensing Sub-Committee considers the ultimate sanction of **Revocation** on the Premises Licence to be appropriate.

Yours sincerely



John McGann
Licensing Officer
Regulatory Services
