



APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Jill Nesbit, Enforcement Officer, Environment & Protection, London Borough of Brent** apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details

| | |
|--|-------------------------------------|
| Name and postal address of premises or, if none, ordnance survey map reference or description Moonbay 1-2 Court Parade East Lane | |
| Post Town Wembley | Post Code (if known) HA0 3HY |
| Name of premises licence holder or club holding club premises certificate (if known) Mr Jagdish Karsan Devshi | |
| Number of premises licence or club premises certificate (if known) | |

Part 2 - Applicant details

I am

Please tick ✓ Yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ Yes

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Nuisance Control Team, Safer Streets, London Borough of Brent, 3 rd Floor, Brent House, 345-359 High Road, Wembley, HA9 6BZ |
| Telephone number (if any) 020 8937 5252 |
| E-mail address (optional) ens.noiseteam@brent.gov.uk |

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

- A noise abatement notice has been served on the premises in 2006.
- In the space of 1 month, 3 separate events of loud music have been witnessed and classed as contraventions of the notice. This led us to take the drastic action of seizing the equipment from the premises as we could not be sure that further breaches would occur.
- They have been warned on 14 separate occasions regarding loud music emanating from the premises.
- In my professional opinion Moonbay has ignored all previous advice regarding prevention of public nuisance and does not have sufficient sound proofing to prevent further disturbances to nearby residents without works being carried out to the premises. Music from the premises has been audible within resident's premises and at street level up to 40 metres away, the potential for further complaints is significant.
- They have failed to comply with the following licence conditions: -
 - 2 All speakers shall be mounted on anti-vibration mountings to prevent transmission of sound energy to adjoining properties.
 - 3 No noise or vibration shall be detectable at any neighbouring noise sensitive premises.
 - 4 A noise limiter set at a level agreed by Brent Council's Licensing Unit shall be used at all times.

Recommendation :-

That there shall be no regulated entertainment or live music on the premises.

OR

That the premises undergo a full soundproofing scheme to prevent any disturbance to nearby residents. (This scheme must be undertaken by an acoustic consultant and other suitably qualified professionals. The works should be tested in order to prove there is no transmission of sound from premises into any adjoining or neighbours premises. The results are to be provided to Nuisance Control Team and if satisfactory, Nuisance Control would recommend regulated entertainment be placed back onto the licence)

Please provide as much information as possible to support the application (please read guidance note 2)

We have received complaints about the premise for a number of years. The owners/DPS Mr & Mrs Devshi, have been warned and spoken with on 14 occasions by members of the Nuisance Control Team and Licensing Officers regarding the issues from loud amplified music emanating from the premises.

We received 7 complaints in 2006 leading to a statutory nuisance being witnessed on the 21st October 2006. A noise abatement notice served under section 80 of the Environmental Protection Act 1990, was hand delivered to Mr Devshi the 25th October 2006 and a copy of the licence conditions were left and advice if further breached the licence would be reviewed.

6 further complaints were received throughout 2009-2011. In March 2011 I visited with the licensing officer for the area to offer advice on what they would do to reduce complaints and therefore potential for further enforcement action as the noise abatement notice was still in place. We confirmed at this time that the relevant people are still responsible.

In April 2012, we again received a nuisance on notification, officers from the Nuisance Control team spoke with the manager and the music level was reduced.

On the 4th November 2012, we received a complaint from a local resident regarding loud amplified music emanating from the premises. An officer visited and music was audible on approach to the premises. They witnessed the first breach of the noise abatement notice from the complainant's premises due to the excessive level of loud amplified music. The officer spoke with Mr Devshi and cautioned him for the breach of the notice. He explained to him what had been witnessed and spoke with Mrs Devshi who confirmed she had a copy of the notice in her files. Again, they were advised the notice had no expiry date and they pointed out the "prevent public nuisance" clause under the Licensing Act 2003. Although the levels were reduced after our officer requested they be, Mr & Mrs Devshi were advised that the matter is being forwarded to the Borough solicitor.

On the 17th November 2012, I received a complaint regarding loud amplified music from Moonbay. When I arrived we parked our vehicle approx. 40 metres up the road from Moonbay and the music was clearly audible from there. I attended the complainant's premises and witnessed a second breach of the noise abatement notice. The music was extremely loud in the premises. I approached the premises and asked to speak with Mr Devshi, music was still clearly audible on approach. I spoke with Mr & Mrs Devshi, again advised we had witnessed a second contravention and we will be forwarding the case for prosecution and look to review the licence. I asked them to reduce the volume which was done to an extent. They confirmed the premises were to close at midnight and I stated it was now midnight so the music should be turned off. Mr Devshi complied with my request.

On the 24th November 2012, my colleague received a complaint regarding loud amplified music from Moonbay. They visited and witnessed the third breach of the noise abatement notice within 4 weeks. The bass from the music was audible across the street. They spoke with Mr & Mrs Devshi and informed them of the contravention of the notice. The levels were reduced on request.

A visit was made by the Nuisance Control team on the 27th November 2012; we discussed the issues with Mr & Mrs Devshi. They stated that on the previously weekend (24th November 2012) they had unhooked the bass bins and the volume had been lowered.

We explained this was when the 3rd contravention had been witnessed and as such those measures were clearly not enough to prevent this happening again. On each occasion we have witnessed an excessive amount of loud amplified music emanating from the premises. We spoke with the DPS each time and they were informed about prosecution and licence review being undertaken. The premise has been proven to be unfit for the purpose of the licence.

Following this meeting we were not satisfied no further breaches would occur. As such we decided to

take action to prevent further breaches of the notice. We executed the warrant for the seizure of audio & amplification equipment from the premises in order to prevent any further complaints and contraventions. This was carried out on the 29th November 2012.
This is unprecedented for a commercial premise.
The case is currently going forward for prosecution.

Please tick ✓ **Yes**

Have you made an application for review relating to this premises before?

If yes, please state the date of that application

Day

Month

Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

If you have made representations relating to this premises before, please state what they were and when you made them

Checklist

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature J. E. Nestor

Date 21/12/12

Capacity Applicant - Enforcement Officer

| | |
|---|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) | |
| | |
| Post town | Post code |
| Telephone number | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | |

Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets
Brent Council
Brent House
3rd Floor West, 349-357 High Road
Wembley,
Middlesex
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: environmentandprotection@brent.gov.uk

Please send copies of your application and any supporting documents to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Wembley Police Station
603 Harrow Road
Wembley
Middlesex
HA0 2HH

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 7587 2778

Trading Standards
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5555

Environmental Health Department
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5252

Children's Services
Brent Council
Chesterfield House
9 Park Lane
Wembley
HA9 7RJ

Tel: 020 8937 4175

Licensing Authority
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5359

Area Planning Service
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5210

Public Safety Team
Brent Council
Brent House
3rd Floor East
349-357 High Road
Wembley, Middlesex
HA9 6BZ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ