



The Licensing Officer  
Health Safety and Licensing  
London Borough of Brent  
Brent Civic Centre  
Engineers Way  
Wembley  
HA9 7FJ

17/11/2018  
Ref: 01QK/545,6,7,8,9/18/Lic/157  
LA Ref: 14143,47,48,49,50

***Police Representations to the Temporary Event Notices for***

Ruby Lounge, Crystal Club, Mezzanine Floor, 1 Popin Building, South Way, Wembley  
HA9 0HF

*I certify that I have considered the notices shown above and I wish to make representations that the use of the premises for the temporary event would undermine the crime prevention initiative, for the reasons indicated below.*

Officer:	Nicola McDonald PC2157NW
NW CU	Brent Licensing

*An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.*

*Five Temporary Event Notices have been given under section 100 Licensing Act 2003 by*

***Mr KUPPASAMY KIRUPAKARAN for sale by retail of alcohol, provision of late night refreshments and regulated entertainment for a Bollywood dance event from 0300hrs to 0400hours on 1<sup>st</sup>, 2<sup>nd</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 28<sup>th</sup>, 29<sup>th</sup> December 2018***

*Police are formally making representations to the notice under section 104 Licensing Act 2003. The Police objection is primarily concerned with the crime and disorder licensing objective.*

*The applicant would like to cease licensable activities at 0400 hours, there is no indication of a drinking up time, and time for the customers to wind down. This would take a minimum of 30 minutes therefore the premises would not close to the public until 0430 hours at the earliest.*

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Police made an application to review the premises licence for 'The Ruby Lounge' due to drunkenness and serious disorder involving staff attacking customers. The licensing subcommittee heard the review application on 4<sup>th</sup> May 2017 (superceded by a summary review which was heard on 11<sup>th</sup> April 2017). The management of the premises throughout this time was Mr Frank Chipan and Mr Paul Kelly. Mr Kuppusamy Kirupakaran was represented at the time by Barrister Prof. Roy Light. In the summing up Prof Light gave the background to the premises. *He explained that the licence holder has had these premises for a number of years and prior to that, one of the previous operators was Mr Chipan.*

*It was accepted that the problem with the premises was that the licence holder wasn't exercising enough control. In the hope of correcting this, a list of draft conditions were provided to the sub-committee. It was further explained that Mr Chipan had dispensed with the services of Mr Kelly. He no longer had anything to do with the premises. Mr Light sought a lifting of the suspension and imposition of the suggested conditions. It was accepted that things had gone wrong at the premises, but with the new conditions and clear leadership the licensing objectives could be upheld (as recorded in the determination document from the sub-committee).*

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

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

The sub committee decided to reduce the licensable hours to  
Monday to Sunday: 10:00 – 03:00 hours

The premises shall close by 03:30 hours

And added conditions to the premises licence including:

- An ID scanner shall be utilised at the premises to check all customers who wish to gain entry to the premises. The persons once checked for concealed weapons or drugs shall be required to present appropriate proof of identification. The information collected shall include photo ID, the person's name, address and date of birth shall be added to the database. Any person refusing to allow their data to be added to the database shall be refused entry.

Appropriate ID shall be a valid passport or a driving licence (photo card)

- There shall be no entry or re-entry to the premises after 01:00 hours.

On 6<sup>th</sup> October 2017 Mr KUPPASAMY KIRUPAKARAN made an application to vary the premises licence for this venue, asking to remove those above conditions imposed only five months ago by the subcommittee.

On 30<sup>th</sup> November 2017 the Licensing Committee heard the applications and refused it.

The venue is known as 'Monika & Frank Bollywood Clubs' Mr Chipan and Mr Kelly still have control of the premises. Mr Vamanaganasha Sriharan is just a name on the premises licence, he has no control of the premises.



On 12<sup>th</sup> October 2018 I visited the venue with PC Gary Norton. It was lunchtime and the premises were closed to the public, there was no licensable activity being conducted. We met with Mr Vamanaganesha Sriharan.

I saw several posters around the bar area advertising bottles of spirits for sale. See attached photo.

This breaches condition 28: No bottles of spirits shall be sold at anytime. All spirits shall be sold in standard measure. This condition is in Annex 3, attached to the premises licence by the licensing authority after a hearing.

I asked to see the ID scanner in line with condition 23. Mr Vamanaganesha Sriharan produced the scanner, it was covered in a film of dust and looked as though it had not been used for sometime, however the premises opens to the public every night. I asked Mr Vamanaganesha Sriharan to operate the scanner, he was able to switch it on. It took a long time to initialize, and then run through the diagnostics. Mr Vamanaganesha Sriharan said this was normal however a message came on the screen stating ' This account is inactive for the following reason: ACCOUNT SUSPENDED. See the attached photo of the screen. I asked who held the account and Mr Vamanaganesha Sriharan said it was Frank who paid for the Scanner. I asked Mr Vamanaganesha Sriharan if he used the scanner and he said no the security operated the scanner.

I asked to see the door supervisor log (condition 3) Mr Vamanaganesha Sriharan said he did not have that, it was also kept by Frank. I asked to see the incident book (condition 35) this could not be produced. I then asked to view the CCTV footage for 22<sup>nd</sup> September 2018 (condition 1). Mr Mr Kuppusamy Kirupakaran could not find the CCTV hard drive.

In the small room next to the bar there was a black metal cabinet that was locked. Apparently the hard drive was in that cabinet but Mr Vamanaganesha Sriharan had no idea where or who (apart from Frank) might have the key. Mr Vamanaganesha Sriharan alleged Mr Kuppusamy Kirupakaran would have a key but he was in Germany. We left the premises on the understanding Mr Kuppusamy Kirupakaran would contact me upon his return from Germany the following day so I could view the CCTV footage and other items. Mr Vamanaganesha Sriharan said he could get the footage downloaded however I wanted to view it at source to ensure its' integrity and accuracy. How can Vamanaganesha Sriharan check the CCTV system as part of his daily supervision of the premise if he has no access to the hard drive. Vamanaganesha Sriharan has no control of the ID scanner contract or operation.

I explained if licensable activities were to take place and the conditions were not fulfilled this would be breaches of section 136 Licensing Act 2003.

I spoke to Mr Kuppusamy Kirupakaran the following day, he had missed his flight home from Germany. I was aware he had been to Germany for a funeral, so as not to disturb him at such a time I asked him to contact me at a suitable time for him.

Mr Kuppusamy Kirupakaran has not contacted me since that phone call.

It is the opinion of Police that the venue can not operate correctly under the rigorous conditions attached to the existing premises licence.

Extending the operating hours of the venue and permitting entry up until 0200hour whilst the designated premises supervisor has such little control of the venue is a recipe for disaster and undermines the licensing objectives.



**METROPOLITAN  
POLICE**

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TERRITORIAL POLICING

Police request these TEN's be rejected.

Yours sincerely

PC Nicola McDonald 2157NWQK

Licensing Constable

Brent Police Licensing Team

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