



Witness Statement

CJ Act 1967, s9;

MC Act 1980, ss5A(a) and 5B;

MC Rules 1981, r70;

UPRN:

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Statement of: Susana Figueiredo.

Age of if under 18 (if over 18 insert 'over 18') Over 18.

Occupation: Enforcement Officer.

This statement (consisting of 5 page(s) 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 which I know to be false or do not believe to be true.

Dated the: 20 June 2019

Signature:

I am employed by the London Borough of Brent as a Licensing Inspector. My duties include enforcing the Licensing Act 2003, which includes consultations, inspections and undertaking enforcement action.

The premises in question relates to *Amira Lounge, Heath Park Drive, HA0 1SL*. The premises which was previously a pub/bar situated in a residential area (sf001), had closed down a number of years ago. The premises then became of concern in late 2018, as a shisha lounge named 'Khalifa' opened, which was permitting smoking within the premises. Brent Council had also received a complaint of music emanating from the premises. This premises closed in December 2018.

In January 2019, an application for a new premises licence was submitted to Brent Council's Licensing Authority by Mr YUSUF ALJARRAH. On Thursday 17th January 2019, I wrote a representation which rejected the application as there was insufficient information provided to make an informed decision on the application (sf002).

On Wednesday 23rd January 2019, I met with Mr ALJARRAH, to carry out the consultation inspection at the above premises in order to clarify my representation letter of 17th January 2019. A number of points were covered which were then reflected in a further consultation letter submitted to Mr ALJARRAH on 24th January 2019 (sf003). Mr ALJARRAH made it very clear that Khalifa lounge had closed down and that all shisha hookah sets and any other paraphernalia would be removed immediately from the premises. He also stated there would not be any type of shisha facilities in the premises. The application for the premises licence was granted on 12th February 2019 and included a number of conditions embedded on the licence (sf004).

On Thursday 13th June 2019, at approximately 11.30hrs, I carried out an inspection at the premises along with my colleague Esther Chan from the Licensing Team. Mr ALJARRAH had failed to attend but stated that his 'security team' would be available to carry out the inspection. Mr ALJARRAH only notified us of this when we arrived at the premises. He then stated he would be able to attend 10 minutes after we had arrived. At 11.50hrs we were still waiting to gain entry into the property, at which point Mr NAWAF ALAREDHI came out to collect us. Mr ALAREDHI first stated that he was Mr ALJARRAH's brother, but later on confirmed he was only a very distant cousin of Mr ALJARRAH.

Signature:

Signature Witnessed by::.....



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I excused myself from Mr ALAREDHI and Ms Chan so that I could look around the premises. . A number of issues were found which relate to;

- Alcohol stored on site
- Residential bedroom in a commercial premises
- Blocked fire exit
- Blocked stairs (by large fridge)
- Bolts on fire exits
- Provision of facilities for smoking shisha
- Unhygienic kitchen

On entering the restaurant 'dining area' as labelled on the ground floor plan (sf062, sf063), I began taking pictures of the room only to find that there were two males sleeping in the seating area (sf010, sf011). I also found Shisha Hookah sets (sf012) on display (sf013). In the corner on my way out of the dining area, there was a hookah set which had clearly been used (sf014).

As I went from the 'dining area' (sf062, sf063) into another corridor, I then found what appeared to be a burner used for coal which had been left on the side (sf015). Further on from the corridor was an area marked 'office' on the ground floor plan (sf062, sf063) which was full of shisha paraphernalia which was clearly being used (sf016, sf017, sf018, sf019, sf020, sf021, sf022, sd023, sf024, sf025, sf026, sf027, sf028).

I then went from the 'office' into the area marked 'kitchen' on the ground floor plan (sf062, sf063), to find what I can only describe as a very unhygienic, dirty kitchen which smelt really stale, particularly nearer to the sink. I took some pictures and then left the room (sf047, sf048, sf049, sf050, sf051, sf052, sf053, sf054, sf055, sf056, sf057, sf058, sf059).

As I tried to go down the stairs into the basement area, I could see there was something blocking the bottom of the stairs (sf029). I therefore returned back to Mr ALAREDHI to ask him if I could use the other stairwell into the basement. Mr ALAREDHI accompanied me down the stairs after which I asked him to turn the lights on. Once I had looked at the main room (sf005, sf006, sf007), I entered into a side room labelled 'kitchen' on the basement plan (sf060, sf061), where I found alcohol was being stored (sf008, sf009) when there is no valid Designated Premises Supervisor (DPS) in place. It is clear that this alcohol had been served as some of the bottles were open and were missing some alcohol.

Mr ALAREDHI, signalled and directed me to return upstairs, but I insisted that I look around the rest of the basement. The basement is a large room with other smaller rooms that flow off from it.

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As I approached the bottom of the stairs that had been blocked from the other ground floor approach, I came across what was blocking the stairwell – a large fridge (sf030, sf031, sf032). When I asked Mr ALAREDHI why the fridge was blocking the fire exit, he replied that it wasn't a fire exit. However, as an area that is not separated from where customers are permitted, it is apparent that customers would naturally attempt to exit via the blocked stairwell. There are no other fire exits on the side of the building where said stairs are positioned.

On turning back on myself, I then noticed a room where the door was closed (sf033). I asked Mr ALAREDHI what was in the room and he replied by saying it was a store room. This is the room marked 'VIP area' on the basement plans (sf60, sf061) I asked Mr ALAREDHI what this room was for and he replied by saying sometimes he has a sleep when he is feeling tired. When I entered the room, it was clear that this was someone's bedroom (sf34, sf035, sf036, sf037, sf038, sf039, sf040). When I explained that it looked like someone permanently lived in the room, he stated that he didn't and began telling me the postcode to where he lived. Mr ALAREDHI did appear to have just woken up.

I then asked Mr ALAREDHI what was in the other room next to the bedroom, marked 'storage' on the basement plan (sf060, sf061), but he stated that it was locked and did not have the key. I asked that he retrieve the key and come back to open the door. I waited for a few minutes but Mr ALAREDHI did not return. When I went upstairs, Mr ALAREDHI was talking to Ms Chan. I asked why he had left me standing downstairs and he directed someone to open the room. By the time I managed to get to the room downstairs, the door was unlocked and no one was standing in the vicinity. I am unsure if anyone removed anything from the room. As I walked into the room, there was an extremely strong smell of shisha tobacco (sf041, sf042, sf043, sf044, sf045, sf046). When I went back upstairs to Mr ALAREDHI to tell him it was clear shisha was being smoked both upstairs in the 'dining area' and downstairs in the basement, Mr ALAREDHI stated that he didn't know that any shisha was smoked in any of the premises. He then explained that he never went over to the 'dining area' or the 'office' and therefore was unaware of any shisha smoking. He also stated he didn't know if shisha smoking took place in the basement, despite the store room being next to the room he slept in when he was tired.

Mr ALAREDHI then explained to myself and Ms Chan that the only food made on the premises were snacks such as fruit platters and cheese rolls. When I told Mr ALAREDHI that Mr ALJARRAH had stated that the premises was meant to be for families and would serve main meals, Mr ALAREDHI stated that this wasn't the case. When I asked what exactly they did in the basement, Mr ALAREDHI stated that his customers eat fruit platters and listen to music. When I explained that Mr ALAREDHI must have known that shisha smoking took place in the premises as there were obvious signs of it both on the ground floor and basement, he denied it. I then asked him to accompany me to the 'kitchen' (sf055), where he had stated he made cheese rolls and fruit platters for customers and the 'office' which you had to go past to get to the 'kitchen' and asked him how it was possible he did not know that shisha smoking was taking place in the premises. Mr ALAREDHI still denied he knew anything. I pointed out that staff were not safe in the kitchen as the fire exit in the kitchen was blocked (sf057).

We went downstairs to the basement where I mentioned the fridge that was blocking the stairs. Mr ALAREDHI, then stated this wasn't a fire exit and took me over to what he stated was in fact the fire exit on the other side of the building, This door had two bolts and a key lock on the door (sf058). Mr ALAREDHI had no explanation for this.

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I then told Mr ALAREDHI that Mr ALJARRAH had made an application for something he appeared to have no intention of providing, that the business was clearly being run as a shisha premises, providing alcohol without a valid Designated Premises Supervisor (DPS) and that Mr ALJARRAH had left Mr ALAREDHI to explain everything because as of 13.00hrs, Mr ALJARRAH had still not shown up at the meeting or called Ms Chan. I explained that should a prosecution be undertaken, Mr ALAREDHI would also be prosecuted but it did not appear that Mr ALJARRAH was bothered that Mr ALAREDHI would be held responsible. I have checked with Ms Chan and at the time of writing this statement Mr ALJARRAH has still not made any contact with Ms Chan.

The plans of the premises which were submitted with the application for the premises licence depict fire exits. During my inspection, none of the fire exits were labelled, the fire exit in the kitchen was blocked both internally and externally and although not labelled as a fire exit, there was a huge fridge blocking the stairs that leads from the basement to the ground floor, which customers would naturally use should there be a need to escape.

The plans did not match physical items such as the storage areas, the bar, some of the walls and the labelling on the plan. For example the area marked 'VIP area' on the basement plan was in fact being used as a bedroom, the area marked 'storage' on the basement plan was being used as an area where shisha tobacco is prepared and the area marked 'bar' did not have any bar in place.

The premises has 38 conditions on the premises licence. Of those 37, the following 18 were not being met during the inspection and most of the remaining 37 conditions, could not be verified at the time of the inspection as there were no customers on site:-

- 1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council upon request This must comply with the Data Protection Act including signage.
2. A CCTV camera shall be installed to cover the entrances of the premises and a further camera to cover the entire servery counters and tills on each floor.
3. A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open to the public.
4. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
5. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.
6. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
10. A sign stating 'No proof of age, No sale' shall be displayed at the point of sale.
11. A 'Challenge 25' policy shall be adopted and adhered to
12. Door supervisors of a sufficient number and gender mix, shall be employed from 21:00 hours on any day when the premises are open for licensable activities past midnight.

A small, handwritten signature in black ink, appearing to be "S.F.".

Signature.

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13. A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.

16. There shall be no shisha related activities permitted anywhere in the premises including all external areas such as the garden and car park.

18. The premises shall not provide any performers for dancing for customers.

19. Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation (at least every 12 months). The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

20. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (h) any visit by a relevant authority or emergency service.

21. Within the basement, alcohol shall only be provided as an accompaniment to a main meal

26. The locks and flush latches on the exit doors and gates shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.

28. Exits are not obstructed (including by curtains, hangings or temporary decorations), and accessible via non-slippery and even surfaces, free of trip hazards and clearly identified

33. Details of the scheme of sound insulation at the premises shall be submitted to the Council for inspection and approval by the Nuisance Control Team prior to commencement of regulated entertainment.

We left the premises at approximately 13.00hrs.

On searching for Amira Lounge on Google on 20th June 2019, at approximately 10.00hrs, a video was found showing a performer dancing within the basement area in front of the stage (footage can be obtained on request) (sf059).

Signature.

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