

Licensing Panel AGENDA

DATE: Thursday 31 March 2011

TIME: 2.30 pm *

VENUE: Committee Room 5,
Harrow Civic Centre

* THERE WILL BE A BRIEFING FOR MEMBERS AT 2.00 PM IN COMMITTEE ROOM 5

MEMBERSHIP (Quorum 3)

Chairman: (To be appointed)

Councillors:

Thaya Idaikkadar
Ajay Maru

John Nickolay

Reserve Members:

Note: There are no Reserve Members currently appointed to this Panel.

Contact: Mark Doherty, Acting Democratic Services Officer
Tel: 020 8416 8050 E-mail: mark.doherty@harrow.gov.uk

AGENDA - PART I

1. APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the purposes of this meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

3. MINUTES

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chairman for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chairman and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].

4. PUBLIC QUESTIONS, PETITIONS AND DEPUTATIONS

To receive any questions, petitions or deputations (if any), under the provisions of Committee Procedure Rules 17, 15 and 16 (Part 4B) of the Constitution respectively.

[Note: These items are qualified by the requirements of the licensing legislation and will not be applicable to applications on the current agenda.]

5. LICENSING PROCEDURES (Pages 1 - 2)

Procedure to be followed at an oral hearing.

6. APPLICATION FOR A SUMMARY REVIEW OF THE PREMISES LICENCE HELD IN RESPECT OF 'JDS LOUNGE', 25 THE BROADWALK, PINNER ROAD, NORTH HARROW, HA2 6ED (Pages 3 - 52)

Report of the Corporate Director, Community & Environment.

7. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

This document provides a summary of the Panel's usual procedure for the conduct of an oral hearing in public.

1. Introduction by chair of:
 - Members
 - Officers and Officers of Responsible Authorities
 - Applicants and Objectors
 - the procedure for the hearing.

2. Presentation of the report by Officers of the Relevant Authority.

3. Presentation by the applicant of their statement. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.

4. Questioning of applicant by:
 - each of the objectors
 - the Panel

5. Presentation by the objectors, or their representative of their statements. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.

6. Questioning of each objector by:
 - the applicant
 - the Panel

7. Concluding statement(s) by objectors.

8. Concluding statement by applicant.

9. The Panel together with their legal advisor and committee clerk withdraw to consider of the application. Should the Panel wish to clarify any point with any particular party, all sides are recalled for the questions to be asked.

10. The hearing is reconvened for the Panel to announce their decision. Should the application be refused or conditions be placed on the licence the Panel must give reasons for this action.

NOTES

WITNESSES: *Either side may call witnesses to support their case. Witnesses should have submitted written statements before the hearing which they present and on which they may be questioned. Witnesses introduced at short notice may speak with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.*

ADJOURNMENT: *The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible*

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REPORT FOR: LICENSING PANEL

Date: 31 March 2011

Subject: Application for a Summary Review of the Premises Licence held in respect of 'JDs Lounge', 25 The Broadwalk, Pinner Road, North Harrow, HA2 6ED

Responsible Officer: Mr Finlay Flett, Head of Community Safety Services

Exempt: No

Enclosures: Application for Summary Review;
Certificate under Section 53A(1)(b) Licensing Act 2003;
Premises Licence;
Plan of the premises;
Location (GIS) Map;
Representation from Metropolitan Police;
Representation from two Interested parties;
Summary Review Application;
Consideration of Interim Steps under Section 53B Licensing Act 2003;
Letter of Determination of Interim steps 11 March 2011;
Letter of Determination of Interim Steps 18 March 2011;
Consideration of a Representation against the Interim Steps under Section 53B Licensing Act 2003;
Witness Statements;

Section 1 – Summary

An application has been made by the Metropolitan Police for a summary review of the premises licence for **'JDs Lounge'** a premises located at **25 The Broadwalk, Pinner Road, North Harrow, HA2 6ED** on the grounds that the premises are associated with serious crime or serious disorder or both.

Section 2 – Report

2.1 Current Situation

2.1.1 There is a premises licence in force at ‘JDs Lounge’ a premises situated at 25 The Broadwalk, North Harrow, HA2 6ED. A copy of the premises licence is attached to this report. Briefly, the premises licence authorises the following licensable activities:

Sale of Alcohol	Monday-Wednesday	1000am – 1130pm
	Thursday	1000am – Midnight
	Friday - Saturday	1000am – 0200am ^(following morn)
	Sunday	1200pm – 1130pm
Facilities for music, dancing or similar	Monday - Tuesday	1000am – 1130pm
	Wednesday-Thursday	1000am – Midnight
	Friday – Saturday	1000am – 0200am ^(following morn)
	Sunday	1200pm - Midnight
Films, Live Music, Recorded Music, or similar	Monday-Wednesday	1000am – 1130pm
	Thursday	1000am – Midnight
	Friday - Saturday	1000am – 0200am ^(following morn)
	Sunday	1200pm – 1130pm
Open to Public	Monday-Wednesday	1000am – Midnight
	Thursday	1000am – 0030am ^(following morn)
	Friday – Saturday	1000am – 0230am ^(following morn)
	Sunday	1200pm - Midnight

2.1.2 A summary review application has been made by the Metropolitan Police on the grounds that the premises are associated with serious crime or serious disorder or both. A copy of the application for the review and accompanying certificate are attached to this report.

2.1.3 The premises is situated at 25 The Broadwalk, Pinner Road, North Harrow, HA2 6ED, in a parade of commercial properties with residential premises immediately opposite the premises. A map of the area is attached to this report.

2.2 Representations

The Metropolitan Police through Sergeant Carl Davis has submitted an application to review the premises licence. A copy of this representation and accompanying certificate are attached to this report. Representations from two interested parties were made following the initial summary review application. Copies of these representations are attached to this report.

2.3 Consultation

The review application was advertised at the council offices and on the premises in accordance with the requirements under the Licensing Act 2003.

2.4 Licensing Guidance Implications

The Council has previously imposed a suspension as an interim step on the grounds of serious crime and disorder. On consideration of the review, the panel can consider representations about any of the licensing objectives and is not limited to the prevention of crime and disorder objective.

The panel minutes from the interim steps hearing are available to this panel as background papers, however the panel are not bound by the decision of the panel who considered the interim steps and new information may be submitted by any party, which must be considered.

The licensing authority must hold a review of the premises licence within 28 days of receipt of the application for a summary review of a premises licence. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

2.5 Legal Implications

2.5.1 The Licensing Panel is required to hold a hearing to consider the summary review application and any relevant representations. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

2.5.2 Having considered the representations from all parties, the Panel has to determine the application for the review of the premises licence. The Panel is required to take such of the steps listed below at 2.5.3 (if any), as it considers necessary for the promotion of the licensing objectives. If the Panel does not consider that any of the steps listed at 2.5.3 are necessary for the promotion of the licensing objectives then it should do nothing.

In coming to a view about whether such a step in 2.5.3 is necessary for the promotion of the licensing objectives, the Panel would need to take into account the review application, any relevant representations, the evidence given at the hearing, the representations made by the parties, the provisions of the Licensing Act 2003, the Guidance issued by the Secretary of State and the Council's Licensing Policy. The DCMS has also issued non statutory guidance on summary reviews, which the panel may take into account.

2.5.3 Where it considers it necessary for the promotion of the licensing objectives, the options available to the Panel are:

1. to modify the conditions of the Licence;

2. to exclude a licensable activity from the scope of the licence;
3. to remove the designated premises supervisor;
4. to suspend the licence for a period not exceeding three months;
5. to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

2.5.4 Any modified conditions should be practical and enforceable.

2.5.7 In addition to determining the application in accordance with the legislation, Members must have regard to –

- The common law rules of natural justice.
- The provisions of the Human Rights Act 1998.
- The considerations in section 17 of the Crime and Disorder Act 1998.

2.5.8 By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the European Convention for the Protection of Human Rights and Freedoms. The following provisions of the European Convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property).

2.5.9 In relation to section 17 of the Crime and Disorder Act 1998, this states: *'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'*

2.6 Community safety

Refer to the Licensing objectives, and Section 17 Crime and Disorder Act 1998 as noted above.

The Borough Commander through Sergeant Carl Davis has applied for a summary review of the premises licence.

2.7 Financial Implications

No financial implications

2.8 Risk Management Implications

If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 18 March 2011		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 21 March 2011		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager x 6237

Background Papers: Papers from the interim steps panel hearing

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ANNEX B

The Metropolitan Police Service Harrow
South Harrow Police Station
74, Northolt Road
South Harrow
HA2 0DN



CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

JD Lounge, 25 Broadwalk, Pinner Road, Harrow, Middlesex, HA2 6ED

Premises licence number (if known): LN/000000749/2010/5

Name of premises supervisor (if known): Mr Frankie Romaine

I am a Superintendent of Harrow Borough Police³ in the Metropolitan police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

Serious crime has taken place at these premises namely incidents of disorder and a serious assault whilst licence conditions have been ignored and Licensing Objectives undermined.

The current Premises Licence holder is Ms Elaine Dunning . My Licensing officer - PS John Crump has attempted to contact her this week on several occasions , however she has not returned his calls. Mr Romaine is the Designated Premises Supervisor and PS Crump has spoken to him on Monday 7th March, however the content of the conversation from Mr Romaine has given me a firm belief that the Premises is not being effectively managed and that this will lead to further incidents of both serious crime and disorder.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

There have been several violent incidents at the premises since 28th November 2009 . On that occasion late at night the suspect and victim had a fight at the bar and the suspect hit the victim over the head with a stool causing Actual Bodily Harm. The crime allegation was not proceeded with as the victim would not take the matter any further. The fight was broken up by other customers who also escorted both victim and suspect out of the premises. No mention of any door supervisors was made by those persons interviewed by police.

On 11th April 2010 late at night another ABH occurred when a Door supervisor tried to intervene in an incident between two groups of males outside the venue and was elbowed in the mouth knocking out a tooth. The Door Supervisor did not want to report to police or proceed with the allegation consequently preventing proper justice to be administered and undermining the Licensing Objectives.

On 26th June 2010 at 0300 hrs Harrow Council CCTV operators observed a crowd gathering outside the venue. A male seen wearing a balaclava approached a group apparently with a knife. A fight has taken place and the male armed with the knife is knocked to floor where he is repeatedly punched, kicked and head stamped on. One suspect suffers a small puncture wound to the side of the body.

Last week Harrow Council Licensing Authority received notification from a local resident that the premises was a continual source of noise and disturbance.

On 05/03/2011 at about 0100hrs police were called to the location after reports of a group of people fighting outside the location. Upon arrival several people had started to walk off with loads of broken glass on the floor outside the venue with nobody making themselves known to police or substantiating any allegation. Two calls to police were made about the disturbance and one from a local resident.

As police were leaving the scene they received a call from a member of the public who stated that he has just been hit over the head with a bottle and was at a nearby kebab shop.

Police made there way to the location to find the victim with blood pouring from his face. On closer inspection he had a 3/4 inch gash from his right eyelid stretching down onto his cheek bone and three smaller cuts on his forehead and around the nose. A second victim was also inside the shop and had a laceration to his left thumb.

A third victim was lying on two chairs having also been kicked in both kneecaps causing them to lock. A fourth victim was standing in the shop doorway holding a tissue on the side of his head which concealed a cut.

All four had been drinking in the premises when the fight broke out and on attempting to leave were attacked by up to 15 to 20 other customers using fists, feet, bottles and beer glasses.

All four victims were taken to Northwick Park Hospital for there injuries to be treated. The first victim injuries were suspected to be very serious and after speaking with the doctor police were told that he also had a cut to the eyeball and was to be kept in the hospital for observation and an eye specialist to examine him. It is considered that his injuries may amount to Grievous Bodily

Harm.

It has been noted that two of the victims were only 17 years of age and had been drinking alcohol.

This is despite a "Challenge 21" condition being attached to the current Licence. It is also noted that no Door Supervisors were present at the venue despite this, as well, being a condition of the Premises Licence.

One of the victims has alleged that those staff present not only did not assist but witnessed the initial incident and told the victim nothing could be done. This is a role which should have been dealt with by the door supervisors - if they had been present.

Police have requested the Premises CCTV - once again a condition of the licence requires this: THE CCTV SYSTEM TO BE MAINTAINED AND OPERATED IN GOOD ORDER AND TO THE SATISFACTION OF MET POLICE'S REASONABLE REQUESTS. THE MEDIUM UPON WHICH THE IMAGES ARE RECORDED WILL BE CLEARLY IDENTIFIABLE, STORED SECURELY, RETAINED FOR A PERIOD OF NOT LESS THAN 31 DAYS, AND IT WILL BE MADE AVAILABLE TO COUNCIL AND POLICE OFFICERS ON REQUEST.

However Sgt Crump has spoken to Mr Romaine who has admitted that the CCTV monitor is not working. He has further admitted that the images are only stored for 7 days and are then overwritten. He has further admitted that he has been unable to download the images to date. All three of these matters individually are a breach of the CCTV condition.

When investigating officers spoke to a member of staff later they said that they were not aware any incident had occurred.

I have also been made aware of a statement from London Borough of Harrow Environmental Health Officer Michela Cogan who records that with a colleague she observed that night that there were breaches of the three(3) door conditions - that "THE WINDOW BLINDS AND DOORS ARE SHUT FROM 2300 SO AS TO KEEP NOISE IN", that " WINDOWS AND DOORS WILL BE KEPT CLOSED WHILE REGULATED ENTERTAINMENT IS IN PROGRESS" and that "NOISE AND VIBRATION WILL NOT EMANATE FROM THE PREMISES SO AS TO CAUSE NUISANCE".

She further records that when they visited the next night - Sunday 6th March at just before 0100hrs these three conditions were again breached as well as the Door Supervisor condition. As well as this she noted that Mr Romaine was - by his own admission - the DJ on the Friday night/Saturday morning.

Harrow police have conducted an ongoing review of issues, and consider that these latest incidents have all occurred due to poor management and/or lack of control effected by Ms Dunning, her employees, and the designated premises supervisor Mr Frankie Romaine.

At this time, police closure powers are not considered an effective means for the long term control of these premises, as they are time limited to 24 hours with a maximum extension of 48 hours.

A standard review would also be inappropriate as it does not allow for the immediate suspension of the premises licence by means of the "interim steps".

These steps are required to ensure that the likelihood of any further serious crime or disorder is greatly reduced pending the full review.

Due to the recent levels of disorder and violence when licence conditions are ignored and the very strong probability of further serious injury and/or serious crime or disorder, it is requested that the Licensing Sub-Committee see fit to suspend the premises licence pending the full hearing.

A large black rectangular redaction covering the signature area.

(Signed)

9. 3. 11

(Date)

LICENSING ACT 2003

Premises Licence

Schedule 12
Part A (Regulation 33,34)
HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number: LN/000000749/2010/5

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

JD Lounge, 25 Broadwalk, Pinner Road, Harrow, Middlesex, HA2 6ED

Telephone Number:0208 427 1991

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Exhibition of films, Live music, Recorded music, Performance similar to e f g, Provision of facilities music, Provision of facilities dance, Prov of facilities similar j k, Sale of retail alcohol

Signed by Finlay Flett
Head of Community Safety Services



Licensable area**Hours open to public**

Sunday	00:00 - 02:30	12:00 - 00:00
Monday	10:00 - 00:00	-
Tuesday	10:00 - 00:00	-
Wednesday	10:00 - 00:00	-
Thursday	10:00 - 00:00	-
Friday	00:00 - 00:30	10:00 - 00:00
Saturday	00:00 - 02:30	10:00 - 00:00

1. Extension of hours on Sunday prior to Bank Holidays and Christmas Eve until 01:30 the following morning.

2. Extension of hours on New Years Eve until 03:30 the following morning.

3. Extension of hours on St Patricks Day, St George's Day, St David's Day, St Andrew's Day, Burns Night, Valentines Day, Halloween, Guy Fawkes and Diwali until 02:30 the following morning.

The times the licence authorises the carrying out of licensable activities**Location: Licensable area****Exhibition of films Live music Recorded music Performance similar to e f g**

Sunday	00:00 - 02:00	12:00 - 23:30
Monday	10:00 - 23:30	-
Tuesday	10:00 - 23:30	-
Wednesday	10:00 - 23:30	-
Thursday	10:00 - 00:00	-
Friday	10:00 - 00:00	-
Saturday	00:00 - 02:00	12:00 - 23:30

1. Extension of hours on Sunday prior to Bank Holidays and Christmas Eve until 01:00 the following morning.

2. Extension of hours on New Years Eve until 03:00 the following morning.

3. Extension of hours on St Patricks Day, St George's Day, St David's Day, St Andrew's Day, Burns Night, Valentines Day, Halloween, Guy Fawkes and Diwali until 02:00 the following morning.

Location: Licensable area**Provision of facilities music Provision of facilities dance Prov of facilities similar j k**

Sunday	00:00 - 02:00	12:00 - 00:00
Monday	10:00 - 23:30	-
Tuesday	10:00 - 23:30	-
Wednesday	10:00 - 00:00	-
Thursday	10:00 - 00:00	-
Friday	10:00 - 00:00	-
Saturday	00:00 - 02:00	10:00 - 00:00

1. Extension of hours on Sunday prior to Bank Holidays and Christmas Eve until 01:00 the following morning.

2. Extension of hours on New Years Eve until 03:00 the following morning.

3. Extension of hours on St Patricks Day, St George's Day, St David's Day, St Andrew's Day, Burns Night, Valentines Day, Halloween, Guy Fawkes and Diwali until 02:00 the following morning.

Location: Licensable area**Sale of retail alcohol**

Sunday	00:00 - 02:00	12:00 - 23:30
Monday	10:00 - 23:30	-
Tuesday	10:00 - 23:30	-
Wednesday	10:00 - 23:30	-
Thursday	10:00 - 00:00	-
Friday	10:00 - 00:00	-
Saturday	00:00 - 02:00	10:00 - 00:00

1. Extension of hours on Sunday prior to Bank Holidays and Christmas Eve until 01:00 the following morning.
2. Extension of hours on New Years Eve until 03:00 the following morning.
3. Extension of hours on St Patricks Day, St George's Day, St David's Day, St Andrew's Day, Burns Night, Valentines Day, Halloween, Guy Fawkes and Diwali until 02:00 the following morning.

Where the licence authorises supplies of alcohol – whether these are on and/or off supplies
Sale by retail on/off premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Elaine Dunning
 JD Lounge
 25 Broadwalk
 Pinner Road
 Harrow
 Middlesex
 HA2 6ED

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Frankie Romaine
JD Lounge
25 Broadwalk
Pinner Road
Harrow
Middlesex
HA2 6ED

Telephone: 020 8427 1991

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:

BRENT - 242310

State whether access to the premises by children is restricted or prohibited: **N/A**

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol:

- 1 No supply of alcohol may be made under the premises licence -
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply or sale of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where licence authorises exhibition of films:

- (1) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the British Board of Film Classification, except where condition 2 applies.
- (2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

Mandatory condition where licence requires door supervision:

Where one or more individuals are required to be at the premises to carry out a security activity, such individual(s) must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the operating Schedule

1. THE CCTV SYSTEM TO BE MAINTAINED AND OPERATED IN GOOD ORDER AND TO THE SATISFACTION OF MET POLICE'S REASONABLE REQUESTS. THE MEDIUM UPON WHICH THE IMAGES ARE RECORDED WILL BE CLEARLY IDENTIFIABLE, STORED SECURELY, RETAINED FOR A PERIOD OF NOT LESS THAN 31 DAYS, AND IT WILL BE MADE AVAILABLE TO COUNCIL AND POLICE OFFICERS ON REQUEST.
2. FREE DRINKING WATER IS AVAILABLE TO CUSTOMERS ON REQUEST.
3. CLEAR SIGNAGE AT ALL EXITS REQUESTING PATRONS TO RESPECT THE NEIGHBOURING RESIDENTS AND TO LEAVE QUIETLY.
4. THE WINDOW BLINDS AND DOORS ARE SHUT FROM 2300 SO AS TO KEEP NOISE IN.
5. NO DRINK PROMOTIONS.
6. THE PREMISES SHALL OPERATE A "CHALLENGE 21" POLICY FOR SALE OF ALCOHOL.
7. WINDOWS AND DOORS WILL BE KEPT CLOSED WHILE REGULATED ENTERTAINMENT IS IN PROGRESS.
8. THE AIR CONDITIONING AND/OR MECHANICAL VENTILATION WILL BE IN USE WHILE REGULATED ENTERTAINMENT IS IN PROGRESS.
9. NOISE AND VIBRATION WILL NOT EMANATE FROM THE PREMISES SO AS TO CAUSE NUISANCE
10. A DOOR SUPERVISOR WILL BE EMPLOYED FROM 2000 UNTIL CLOSING HOURS ON FRIDAY AND SATURDAY AND ON OTHER DAYS WHEN THE EXTENDED HOURS APPLY.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plan

Attached.

Date of original grant: 01/08/2005	Reason for issue: Variation
Date of issue: 6th October 2010	Issue Number: 5

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JDS LOUNGE
 25 Broadwalk
 Pinner Road
 North Harrow
 HA2 6ED

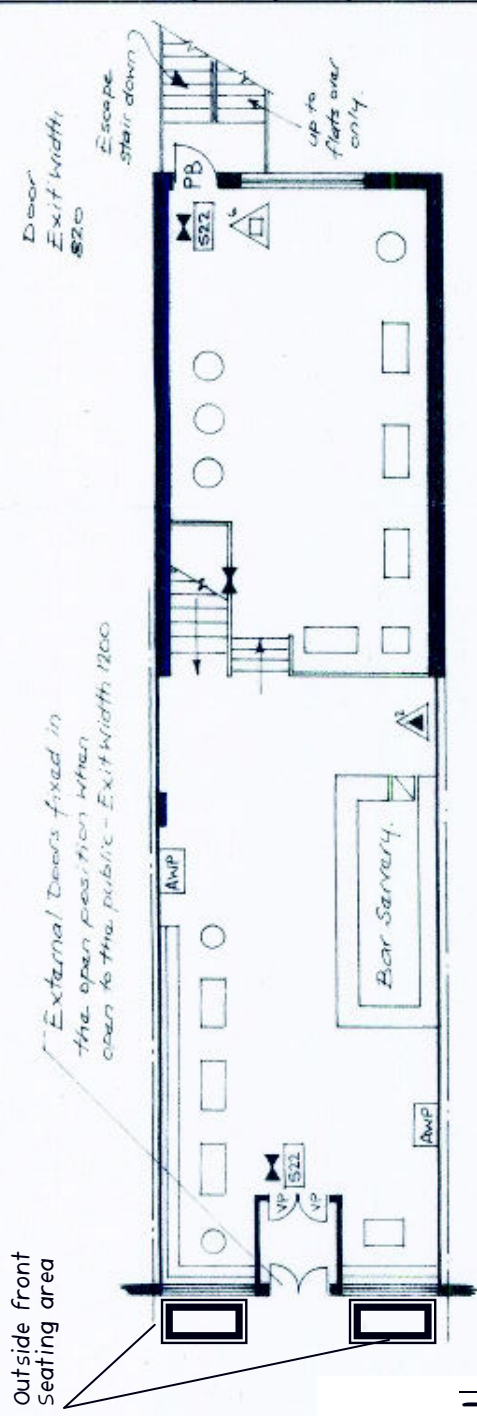
LICENSING PLAN

SCALE 1:100

PLANS BY:

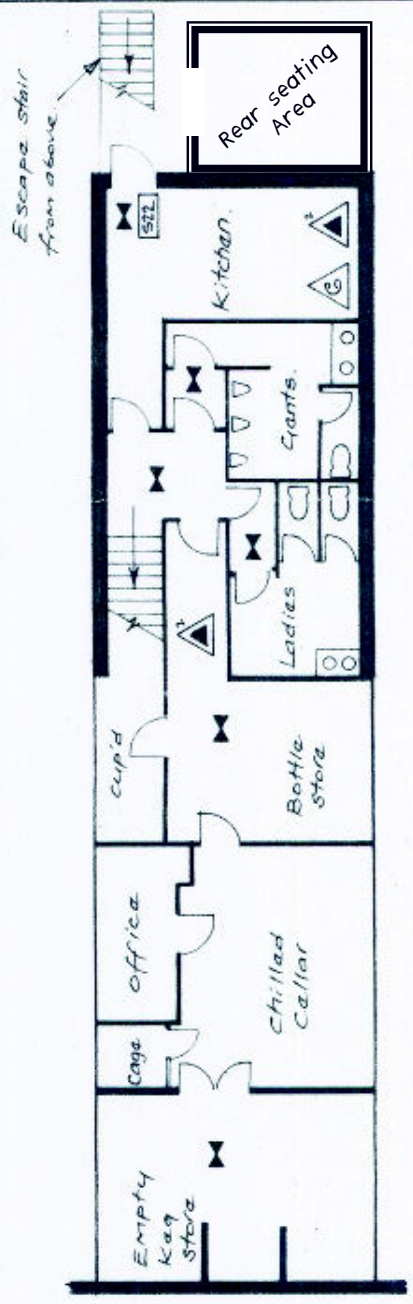


DWG N° 05/05/TOF/01



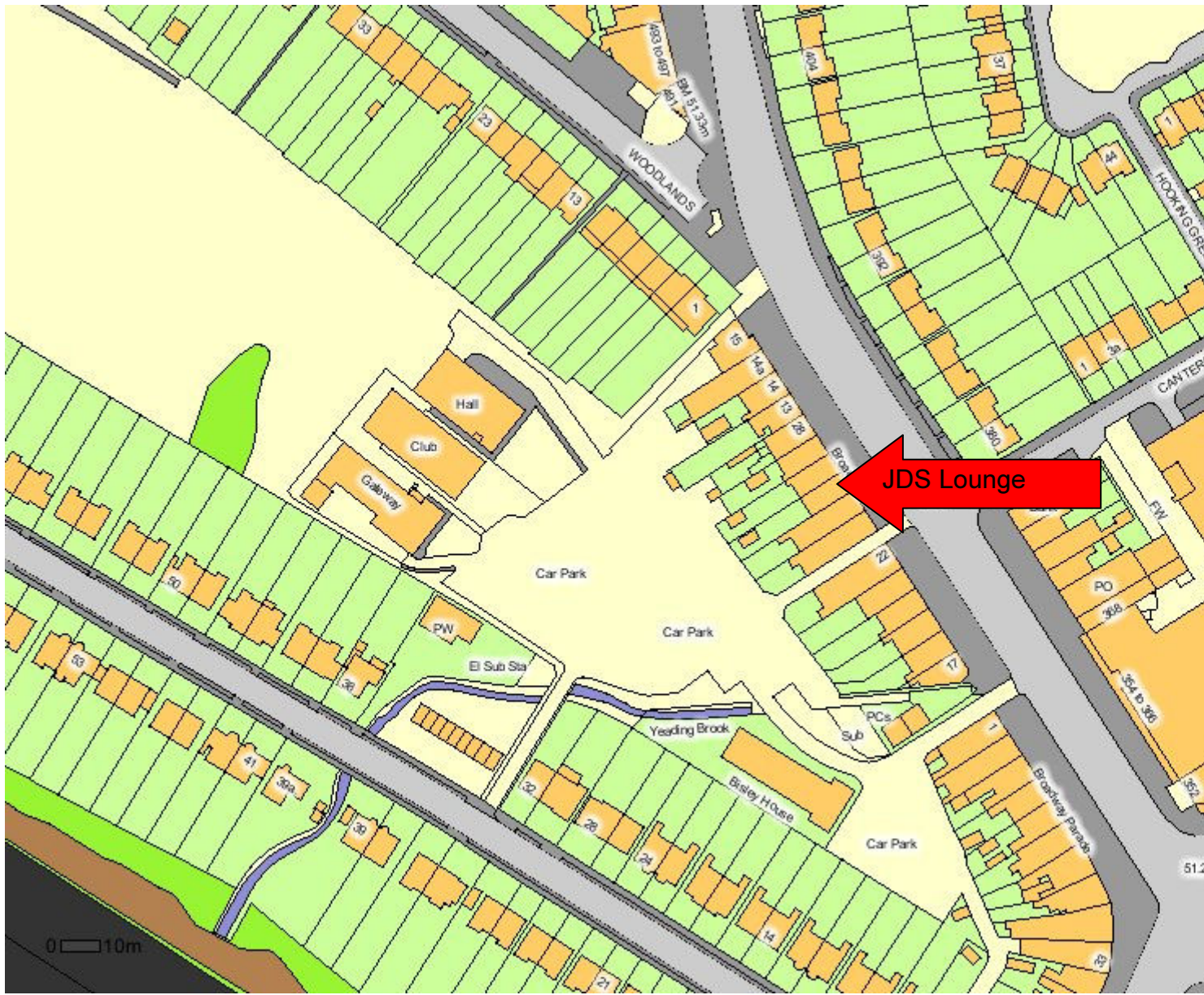
GROUND FLOOR PLAN

JDS LOUNGE



LOWER GROUND FLOOR PLAN.

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FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

London Borough of Harrow Licensing Team, Civic Centre, Station Road , Harrow HA1 2UT

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Sergeant John Crump [on behalf of] the chief officer of police for the Metropolitan Police Harrow police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

JD Lounge, 25 Broadwalk, Pinner Road, Harrow, Middlesex, HA2 6ED

Post town: Harrow

Post code (if known): HA2 6ED

RECEIVED AT
LICENSING OFFICE

09 MAR 2011

TIME 15:10

2. Premises licence details:

Name of premises licence holder (if known): Ms Elaine Dunning

Number of premises licence holder (if known): LN/000000749/2010/5

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Serious crime has taken place at these premises namely incidents of disorder and a serious assault whilst licence conditions have been ignored and Licensing Objectives undermined.

The current Premises Licence holder is Ms Elaine Dunning . I have attempted to contact her this week on several occasions , however she has not returned my calls. Mr Romaine is the Designated Premises Supervisor and I have spoken to him on Monday 7th March, however the content of the conversation from Mr Romaine has led me to believe that the Premises is not being effectively managed and that this will lead to further incidents of both serious crime and disorder.

There have been several violent incidents at the premises since 28th November 2009 . On that occasion late at night the suspect and victim had a fight at the bar and the suspect hit the victim over the head with a stool causing Actual Bodily Harm. The crime allegation was not proceeded with as the victim would not take the matter any further. The fight was broken up by other customers who also escorted both victim and suspect out of the premises. No mention of any door supervisors was made by those persons interviewed by police.

On 11th April 2010 late at night another ABH occurred when a Door supervisor tried to intervene in an incident between two groups of males outside the venue and was elbowed in the mouth knocking out a tooth. The Door Supervisor did not want to report to police or proceed with the allegation consequently preventing proper justice to be administered and undermining the Licensing Objectives.

On 26th June 2010 at 0300 hrs Harrow Council CCTV operators observed a crowd gathering outside the venue. A male seen wearing a balaclava approached a group apparently with a knife. A fight has taken place and the male armed with the knife is knocked to floor where he is repeatedly punched, kicked and head stamped on. One suspect suffers a small puncture wound to the side of the body.

Last week Harrow Council Licensing Authority received notification from a local resident that the premises was a continual source of noise and disturbance.

On 05/03/2011 at about 0100hrs police were called to the location after reports of a group of people fighting outside the location. Upon arrival several people had started to walk off with loads of broken glass on the floor outside the venue with nobody making themselves known to police or substantiating any allegation. Two calls to police were made about the disturbance and one from a local resident.

As police were leaving the scene they received a call from a member of the public who stated that he has just been hit over the head with a bottle and was at a nearby kebab shop.

Police made there way to the location to find the victim with blood pouring

from his face. On closer inspection he had a 3/4 inch gash from his right eyelid stretching down onto his cheek bone and three smaller cuts on his forehead and around the nose. A second victim was also inside the shop and had a laceration to his left thumb.

A third victim was lying on two chairs having also been kicked in both kneecaps causing them to lock. A fourth victim was standing in the shop doorway holding a tissue on the side of his head which concealed a cut.

All four had been drinking in the premises when the fight broke out and on attempting to leave were attacked by up to 15 to 20 other customers using fists, feet, bottles and beer glasses.

All four victims were taken to Northwick Park Hospital for their injuries to be treated. The first victim's injuries were suspected to be very serious and after speaking with the doctor police were told that he also had a cut to the eyeball and was to be kept in the hospital for observation and an eye specialist to examine him. It is considered that his injuries may amount to Grievous Bodily Harm.

It has been noted that two of the victims were only 17 years of age and had been drinking alcohol.

This is despite a "Challenge 21" condition being attached to the current Licence.

It is also noted that no Door Supervisors were present at the venue despite this, as well, being a condition of the Premises Licence.

One of the victims has alleged that those staff present not only did not assist but witnessed the initial incident and told the victim nothing could be done. This is a role which should have been dealt with by the door supervisors - if they had been present.

Police have requested the Premises CCTV - once again a condition of the licence requires this: **THE CCTV SYSTEM TO BE MAINTAINED AND OPERATED IN GOOD ORDER AND TO THE SATISFACTION OF MET POLICE'S REASONABLE REQUESTS. THE MEDIUM UPON WHICH THE IMAGES ARE RECORDED WILL BE CLEARLY IDENTIFIABLE, STORED SECURELY, RETAINED FOR A PERIOD OF NOT LESS THAN 31 DAYS, AND IT WILL BE MADE AVAILABLE TO COUNCIL AND POLICE OFFICERS ON REQUEST.**

However I have spoken to Mr Romaine who has admitted that the CCTV monitor is not working. He has further admitted that the images are only stored for 7 days and are then overwritten. He has further admitted that he has been unable to download the images to date. All three of these matters individually are a breach of the CCTV condition.

When investigating officers spoke to a member of staff later they said that they were not aware any incident had occurred.

I have also been made aware of a statement from London Borough of Harrow Environmental Health Officer Michela Cogan who records that with a colleague she observed that night that there were breaches of the three(3) door conditions - that "THE WINDOW BLINDS AND DOORS ARE SHUT FROM 2300 SO AS TO KEEP NOISE IN", that "WINDOWS AND DOORS WILL BE KEPT CLOSED WHILE REGULATED ENTERTAINMENT IS IN PROGRESS" and that "NOISE AND VIBRATION WILL NOT EMANATE FROM THE PREMISES SO AS TO CAUSE NUISANCE".


She further records that when they visited the next night - Sunday 6th March at just before 0100hrs these three conditions were again breached as well as the Door Supervisor condition. As well as this she noted that Mr Romaine was - by his own admission - the DJ on the Friday night/Saturday morning.

Harrow police have conducted an ongoing review of issues, and consider that these latest incidents have all occurred due to poor management and/or lack of control effected by Ms Dunning , her employees, and the designated premises supervisor Mr Frankie Romaine.

At this time, police closure powers are not considered an effective means for the long term control of these premises, as they are time limited to 24 hours with a maximum extension of 48 hours.

A standard review would also be inappropriate as it does not allow for the immediate suspension of the premises licence by means of the "interim steps". These steps are required to ensure that the likelihood of any further serious crime or disorder is greatly reduced pending the full review.

Due to the recent levels of disorder and violence when licence conditions are ignored and the very strong probability of further serious injury and/or serious crime or disorder, it is requested that the Licensing Sub-Committee see fit to suspend the premises licence pending the full hearing.

Signature of applicant: 

Date: 9th March 2011

Capacity: Licensing Officer on behalf of the Borough Commander

Contact details for matters concerning this application:

Address: Sergeant John Crump

Licensing Office , Harrow Police Station, 74 Northolt Road, South Harrow, HA2 ODN

Telephone number(s): 020 8733 3415

Email: John.Crump@met.police.uk

STATEMENT OF WITNESS

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

Statement of : **Michela Christine Cogan**
 (name of witness)

Age of witness : Over 21

Occupation of witness : Environmental Health Officer

This statement (consisting of 5 page(s) and 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 should be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true. I am willing to attend court to give evidence.

Signature:

Date : 8th March 2011

1 I am a qualified Environmental Health Officer registered with the Chartered Institute of
 2 Environmental Health, having obtained a BSc Honours Degree in Environmental Health.
 3 I have been qualified for 16 Years and been employed by the London Borough of
 4 Harrow for 5 years. I take part in the Council's Out of Hour's Noise Service and on
 5 Friday 4th March and Saturday 5th March 2011, I was working with Lois Smith, an
 6 Environmental Health Officer.
 7 At approximately midnight on the 5th March 2011, we were responding to a referral from
 8 the Licensing team with regard to JD Lounge, 25 Broadwalk, Pinner Road, Harrow HA2
 9 6ED. We parked up in the public car park to the rear of JD lounge to monitor the
 10 licensed premise. I noted in my PACE notebook that at 00.13am that the rear exit door
 11 was open, I could see the dance floor lighting and hear the music playing, there was
 12 also people noise. I could see no door supervisor to the rear of J.D. Lounge. People
 13 within the venue were able to exit and enter the venue via the doorway with no apparent
 14 controls. I noted that as people exited the J.D. Lounge via the rear door they stepped
 15 out onto a fire escape to the rear of the premise. People were standing out on the fire
 16 escape talking very loudly over the music, others were smoking in this area. Some of
 17 the people went down the fire escape and continued to talk loudly in the rear service
 18 road. At 00.23 am I noted there was some shouting, swearing and general drunken

Signature

Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

19 behaviour from people standing and sitting on the fire escape as well as those that had
20 moved down to street level. I made notes also on the out of hours worksheet (Exhibit
21 MCC1). The rear door to J.D. Lounge was left wide open and not closed. The music
22 playing and the people noise were both clearly audible from our monitoring position in
23 the rear public car park. I could hear the song playing "girl you're the best I ever had...",
24 the rear door was wide open. There were 5 people outside on the fire escape I could
25 hear some of their conversation, I noted this on the worksheet (Exhibit MCC1). At
26 00.32am I noted the words of the next from J.D. lounge "shine a light on..." I took a few
27 photographs (Exhibit MCC3). We left to monitor the front of the licensed premise.
28 At the front of J.D. Lounge I noted that there were people drinking on the street, there
29 were two tables with a few seats outside the front of the J. D. Lounge. People were
30 holding glass bottles and glasses on the street. I could see no door supervisors. At one
31 point, two men within the crowd smashed 2 glass bottles simultaneously, the rest of the
32 people cheered. Glass was scattered over the pavement in front of J.D. Lounge, I noted
33 that no staff appeared to clear up the glass or investigate the matter. Again I saw no
34 door supervisors were present. I noted that there were a large group of people out the
35 front of the J.D. Lounge, the people were drinking, smoking and making a lot of noise. A
36 man walked straight out of J.D. Lounge and threw a beer bottle towards the crowd of
37 people onto the pavement outside an adjacent shop. Once again, no staff, from the J.D.
38 Lounge, were visible. The drunken behaviour continued, we moved across the main
39 road to monitor the situation and I attempted to take a few photographs and video clips
40 on my phone (exhibit no MCC3). At 00.55 we moved back to monitor the rear public car
41 park. I noted in my PACE notebook and on the out of hours worksheet (exhibit MCC1)
42 that the rear exit door to J.D. Lounge was still open, the dance floor lighting had stopped

Signature

Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

43 and the music had finished playing. However, people were still standing and sitting on
44 the rear fire escape making noise. The people were generally talking loudly and
45 shouting to one another, swearing and laughing, some people were walking down the
46 fire escape and going to cars parked in the rear service road. No door supervisors were
47 seen and no management controls were evident. We left the rear car park at
48 approximately 01.10 as I drove past the front of the J.D. lounge I noted a police vehicle
49 arriving at 01.13.

50 On the 6th March 2011 at 00.50 we parked in the rear public car park behind the J.D.
51 Lounge. I made notes on the out of hours worksheet (Exhibit MCC2). The rear fire exit
52 was opened and closed every few minutes. As people opened the rear door to access
53 or exit the J.D. Lounge, the noise from music playing escaped the building. I noted that
54 00.52 00.53 00.57 and 00.59 the door was opened and closed as people came out to
55 talk and smoke on the rear fire escape and then go back in. The noise from the people
56 talking loudly and swearing was clearly audible in the rear public car park. The door
57 continued to be opened and closed at 01.00 01.02, 01.03. We then left this location to
58 move to another monitoring location.

59 01.12 we parked near the front of the J.D. Lounge and noted about 8 people standing
60 outside J.D.'s. I noted that a person leave the bar with a drink in a pint glass and walk
61 up the street, he later returned and walked back into the bar. I could see no door
62 supervisors. Lois Smith and I decided to enter the venue to see if there were any door
63 supervisors within the licensed premise and to try to speak to the designated premises
64 supervisor (DPS). We entered J.D. Lounge at 01.20, there were no door supervisors at
65 the front door, I entered without any checks, I then walked straight through the bar,
66 noting 2 members of staff behind the bar serving drinks and three people behind the

Signature

Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

67 D.J. table to the rear of the premise. I walked to the rear exit door, there were no door
68 supervisors by the door, the rear door was open, I walked through onto the fire escape.
69 I noted a man smoking just behind the rear exit door but there were no door supervisors
70 outside. I went up to the bar and asked for the DPS, I was told he was upstairs. I
71 requested to speak to him. The bar man went to call the DPS and then spoke to a
72 gentleman at the rear of the premises, who had been standing behind the DJ table. He
73 came forward and introduced himself as the DPS. Lois Smith and I went outside with
74 the DPS to discuss the situation we had monitored over the Friday and Saturday nights.
75 The DPS said his name was Frankie Romaine, I noted in my PACE notebook that as
76 Lois Smith described the situation we had witnessed and the breaches of the licensing
77 conditions, Frankie Romaine admitted that there were no door supervisors working on
78 the Friday night or that night. The DPS said he was working as the DJ on the Friday
79 night. Frankie Romaine then stated that he had just arrived and that he was surprised to
80 find out that there were no door supervisors and he did not know why. I asked the DPS
81 why when he was standing at the DJ table both on the Friday night and tonight, why he
82 allowed people to open the rear exit door and congregate on the fire escape and in the
83 rear service road. Frankie stated that he had provided a smoking area at the back. I
84 explained to the DPS that every time the door was opened the noise from the people
85 and the music escaped and could clearly be heard in the rear car park. I brought it to his
86 attention that one of the licensing conditions is that windows and doors will be kept
87 closed whilst entertainment is in progress and on both nights this had been breached. I
88 informed him that the noise levels from the music and people outside the JD lounge to
89 the front and rear of the premises on the Friday night and early hours of Saturday, were
90 of an unacceptable level. I remarked that another licensing condition is to employ a door

Signature

Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

91 supervisor in the Friday and Saturday evenings and that I had noted a breach of this
92 condition on both nights. The DPS said he would make changes. Overall I noted that
93 there were several clear breaches of the licensing conditions and this would be reported
94 to the licensing team for action.

95 We left J.D. Lounge and returned to the car to write up our notes. At 01.41 I noted
96 fourteen people standing outside the front of J.D. lounge drinking and smoking. At 01.46
97 there were sixteen people out the front of the premise. A group of drunken people
98 arrived and walked straight into the venue. The front door appeared to be shut closed
99 approximately 5 minutes later and we left the venue.

Signature

Signature witnessed by

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STATEMENT OF WITNESS

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

Statement of : **Lois Elizabeth Smith**
 (name of witness)

Age of witness : Over 21

Occupation of witness : Environmental Health Officer

This statement (consisting of 6 page(s) and 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 should be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true. I am willing to attend court to give evidence.

Signature:

Date :

1 My name is Lois Elizabeth Smith and I have been employed by the London Borough
 2 of Harrow for thirteen years as an Environmental Health Officer. I am registered with
 3 the Chartered Institute of Environmental Health Officers having obtained my Diploma in
 4 Environmental Health in 1995. I also then obtained my Masters Degree in
 5 Environmental Science. On the weekend of the 5 and 6th of March 2011, I was working
 6 on the Out of Hours Noise Service with Michela Cogan (Environmental Health Officer).
 7 We had previously received a referral from the Licensing Team of Harrow Council to
 8 attend JD Lounge, 25 Broadwalk, Pinner Road, Harrow, Middlesex HA2 6ED. To that
 9 end on 5 March 2011 we drove to the car park at the rear of JD Lounge and parked up
 10 and sat in the car to observe. The time when we parked was 00:15. I sat in the car with
 11 Ms Cogan with the windows up and I could clearly hear loud music coming from the JD
 12 Lounge premise, with disco lights flashing and I could see the DJ through the blinds to
 13 the rear window. At 00:27 I heard a male voice calling from JD Lounge. The rear door
 14 of JD Lounge was wide open. This is the door which has an adjacent landing and a
 15 metal stair way leading down from it, to the ground floor. People were coming from JD
 16 Lounge premise through the open rear door and were standing in the open doorway;
 17 going down the stairs to smoke cigarettes at the bottom of the stairs (I saw two ladies
 18 do this); two men once on the ground floor then moved to the left side area on the

Signature

Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

19 ground floor and sat on some kegs. I was about 40 – 50 metres away, seated in the
 20 car. Ms Cogan then opened the windows to the car and the noise level from the loud
 21 music increased so that I noted down actual words sung by a male singer in the song:”
 22 you are, baby, you are the best I’ve ever had”. The two men whom were sitting in the
 23 keg area on the ground floor then went back into JD Lounge, via the stairs and through
 24 the rear door at 00:30 talking as they went past in front of the car where I was sitting.
 25 Two persons were still standing in the doorway to the open door to the landing of the
 26 stairway. Male and female vocals to the music can still be heard from JD Lounge.
 27 00:31 the music track finished. Another music track started and it was played loudly –
 28 with a quicker beat and contained vocals. It had a faster more pronounced beat. The
 29 rear door was still open. I could hear the following lyrics to the music: “broken heart”,
 30 “shine a light on me”. Ms Cogan took photographs of the rear door which was open. I
 31 heard more vocals, “shine a light on me”, “in the dark”, “she left me with a broken heart”,
 32 “shine a light on me”. At no time when I was monitoring the rear door of JD Lounge did
 33 I see a Door Supervisor. I then went round to the front of JD Lounge. I stood with Ms
 34 Cogan on the pavement outside 28 Broadwalk, which are a few premises up the road
 35 from JD Lounge. The time was now 00:45. There were approximately 25 people out of
 36 the front of the premise. Two glasses were thrown deliberately on the floor and
 37 shattered. There was a lot of broken glass on the pavement outside JD Lounge. The
 38 group of people outside JD Lounge were excitable and talking loudly. The time was
 39 now 00:50. I continued to stand on the pavement with Ms Cogan. At 00:55 a glass was
 40 thrown from the front door area over the top of the group of people standing outside JD
 41 Lounge and shattered on the pavement. I noted that for the whole of the time I was at
 42 the front of the premise of JD Lounge I did not see a Door Supervisor. Ms Cogan and I

Signature

Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

43 then moved to the opposite site of the road, on the pavement and the talking noise was
44 now very loud from the front of JD Lounge and was aggressive and there was shouting.
45 An inner door was open wide to JD Lounge and the two out doors were wide open. I
46 still did not see a Door Supervisor. I left the premise at 01:00. Ms Cogan and I then
47 went back round to the rear of the property and parked up again in the car park facing
48 the rear of JD Lounge. The rear door was still open onto the rear stairway and a man
49 and woman were talking loudly and shouting by this door on the landing, saying "I get it,
50 men do more" – I heard all the man's words clearly as sat in the car with windows open.
51 There was no music coming from JD Lounge now. I also heard talking from inside JD
52 Lounge. The shouting between the man and woman on the stairs continued, "you want
53 equality, you deal with the good and the bad..." Disco lights were still on inside JD
54 Lounge. I did not see any Door Supervisors in JD Lounge at the rear. I have not seen
55 any Door Supervisor so far this night. Time was now 01:05. Ms Cogan took another
56 photograph of the rear door leading to the metal stairway, which was open. 01:08
57 people were coming out of JD Lounge through this rear door and going down the
58 stairway to the rear alleyway of JD Lounge (ground floor). I then saw two people go up
59 to the next landing area of the stairs (Second floor) and still talked loudly. At 01:15 we
60 left the car park in the car and followed a police van who stopped outside JD Lounge, to
61 the front on Pinner Road. The inner door to JD Lounge was closed and the two outer
62 doors were open. There were still people inside and outside of JD Lounge and around
63 10 persons on the pavement outside JD Lounge milling around and one car had just
64 parked in the middle of the road, outside JD Lounge. We then left site. I attach copies
65 of my contemporaneous notes as Exhibit LES 1. The following night I was also on the
66 Out of Hours Noise Service with Ms Cogan. At 00:52 on 6 March 2011; I drove to the

Signature

Signature witnessed by

STATEMENT OF WITNESS continuedCriminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

67 same car park area and parked up behind JD Lounge. The rear door at the top of the
68 steps was closed. Then two people came out of the door and the volume of the music
69 from within JD Lounge, increased for around 5 seconds. Someone else before these
70 two people had come out of the rear door and closed it again. I could hear a thud of the
71 bass of the music being played inside JD Lounge; I could see the flashing lights and the
72 DJ. I could hear talking clearly but not make out any words. Then I heard a girl situated
73 at the top of the metal stairs, shout "Jamie !" and then I saw a man urinate against the
74 ground floor bin area of JD Lounge (i.e. bins near to the metal staircase). The same
75 female voice then shouts "I can see your penis! ". The rear door of JD Lounge opened
76 and 2- 3 men then came out and stood on the landing area of the metal staircase and
77 the door closed. Same female voice was shouting and loud talking between them all
78 and I heard her say "I fucking loved it !" The door opened again and closed again. I
79 then opened the front windows to my car. "Oh Oh Oh – your brother", the female voice
80 shouts. I put the windows up again and I could still hear the man shouting whilst he
81 stands on the staircase. At 00:59 the rear door opens and closed again. Now I could
82 hear the general conversation of the people standing on the rear stairway. There was
83 loud talking – I heard someone say "you know more about it". Possibly 5 people now at
84 the stairway landing near to the rear door of JD Lounge laughing and talking. The rear
85 door then opened again and the music level from within JD Lounge increased – this was
86 at 1:01. The music now has a slower bass beat. At 01:02 the rear door opened and
87 closed again and when it did I heard the increase of the music volume and the loud thud
88 of the bass of the music. 01:03 the rear door open and closes again. I opened one
89 window on my car and I heard the slow bass beat of the music coming from within JD
90 Lounge. At this time there were two persons standing on the landing by the rear door

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Signature witnessed by

STATEMENT OF WITNESS continuedCriminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

91 and another two persons standing on the landing level above. I left at 01:08 to look at
 92 the front of the property. At 01:12 I parked my car near to the front of JD Lounge. I saw
 93 10 or so people outside JD Lounge dancing and moving around. This group of people
 94 then moved inside JD Lounge. And the inner doors were closed and the two outer
 95 doors were open. A man who had previously walked up the road past JD Lounge, now
 96 returned and went inside JD Lounge. I did not see any Door Supervisors. At 01:18 two
 97 persons came out of JD Lounge. At 01:25 I, accompanied by Ms Cogan, walked
 98 through the front doors of JD Lounge and went straight through the premises to the
 99 rear, opened the rear door and looked out on to the stairs. I nearly banged the door into
 100 someone whom was standing on the rear landing. No one stopped us. I did not see
 101 any Door Supervisors. I noted a push bar to the inside of the rear door. I then went
 102 over to the bar with Ms Cogan and we asked to see the Designated Premises
 103 Supervisor (DPS). The man behind the bar went to get the man working as the DJ.
 104 This man then spoke to us at the bar giving his name as Frankie Romaine and
 105 confirming he was the DPS. We all went outside to continue our conversation, because
 106 of the loud music inside. Ms Cogan and I took it in turns to tell Mr Romaine what we
 107 had witnessed over the nights of 5 and 6 March 2011. Firstly, that there had been no
 108 door supervisors for either night. Mr Romaine replied that this was the case and that
 109 the door supervisors had just not turned up. Mr Romaine advised that he had just
 110 arrived to find that there were no door supervisors and that he did not know why. He
 111 had left messages for them but the company providing them had not returned his phone
 112 call and then just not turned up. He also advised that he was the DJ and the person I
 113 had seen standing at the back of the premise, by the DJ area (that I could see through
 114 the window at the rear). He confirmed that he was the DJ last night, when we were

Signature

Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

115 monitoring too. We asked why no one stopped us as we walked through the premises,
116 to the back door and opened the rear door and why were none of the customers
117 stopped from doing this as well. He advised that this was an area provided for smoking
118 for customers. Secondly, we spoke about the rear door being opened and rear
119 staircase constantly in use and noise and thirdly there was glass all over the pavement
120 to the front of JD Lounge. Mr Romaine did not deny anything and agreed with what we
121 had said. We said that we would be passing this information through to the Council's
122 Licensing Team. Ms Cogan and I then saw from our vantage point of in my car on the
123 other side of the road, at 01:41 there was approximately 14 persons outside the JD
124 Lounge. There were no JD Lounge staff in sight. One outer door was still open to JD
125 Lounge. At 01:45 three persons were arriving and nine persons hanging around in front
126 of JD Lounge. 01:47 a barman from JD Lounge came out and closed the outer door;
127 then customers went in and out of the front door, but at other times, the front door
128 remained closed. Smoking area appears to be at the front rather than at the rear. 0151
129 left site. I attach copies of my contemporaneous notes as Exhibit LES 2.

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Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules 2010 Rule 27.2; Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

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From: [REDACTED]
To: <licensing@harrow.gov.uk>
Date: 16/03/2011 17:34
Subject: Chief Environmental Health Officer

To who it may concern,

With reference to ce/css/lic/ please see my original email below.
Having only received this letter yesterday i am aware of the lateness of my response however i will also post a copy of this tomorrow.

Should you require any further information please do not hesitate to contact me.

Kind regards
[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Mar 1, 2011 at 9:55 PM
Subject: North Harrow
To: [REDACTED]

Hi James,

Hopefully you will remember me, we spoke on Sunday as you waited for your bus.

Firstly i would like to thank you for your time, it was a great relief to me that you listened and gave me some hope that we might eventually be able to do something to combat the disruptions in North Harrow.

As i mentioned briefly, the noise - screaming & shouting, outdoor drinking, fighting and general anti social behaviour seems to stem from the patrons using JD's Lounge and KK's Restaurant, both on The Broadwalk in North Harrow, which is now general practice on Friday and Saturday nights.

I am not aware of the type of license JD's hold but customers are frequently outside the front of the pub well past midnight despite having a smoking area to the rear of the pub. Though apparently this is not used after a certain time in the evening so as not to cause disruption to local residents! Should a landlord not have a responsibility to all local residents after 11.00pm? Even after JD's closes the large groups of extremely young looking people then congregate on the tables and chairs outside the pub and loiter.

I strongly believe that the majority of the incidents arising from JD's are down to poor management and it is not only letting itself down but bringing the whole of North Harrow with it.

This is then coupled with the events that follow in KK's Restaurant. I have been told on many occasions that after JD's closes, often around 2.30am, KK's then welcomes everyone in and drinking regularly continues until 5.00am.

Despite several calls to KK's nothing has been done. The noise may die down for 5 minutes but then continues. During my last call the KK employee seemed oblivious to chaos outside and asked where exactly i was calling from.

The evenings generally end in loud arguments and violence. We frequently find broke glasses & bottles in the mornings and mounds of vomit in our front garden. 2 weekends ago following more disturbance i

looked out the window to find two individuals urinating in our garden.
I didn't feel i could confront them, fearing repercussion.

As i mentioned to you previously, i understand this may not be a police issue but i do hope we can find a way of resolving some of these issues. We have several elderly neighbours, some who live alone and if i find this behaviour intimidating and upsetting i can only imagine their fear.

I would like to thank you again for your time and look forward to hearing from you.

If you have any queries, please do not hesitate to contact me.

Kind regards

██████



16/03/2011

Dear Sirs

Your reference: CE/CSS/LIC

Location:

JD's LOUNGE
25 BROADWALK
PINNER ROAD
NORTH HARROW

I am writing to you in connection with the above planning application/review.

The above premises are directly opposite my property in Pinner Road North Harrow, and are currently under review following some recent and not so recent serious crime and disorder issues, not to mention noise disturbance and other clear breaches of the license regulations..

I have to tell you that these premises are, and have been a constant source of rowdy and disturbing scenes; in this i mean a constant source of noise and disturbance to us, especially at or around what it supposed to be normal closing times.

What is happening here is a clear breach of several licensing rules or regulations, as set out in the report submitted by Sergeant John Crump of the Metropolitan Police dated 9th March, although i did not myself witnessed the alleged assaults on the latest date, i can tell you that i did indeed hear the accompanying noise that night.

These premises, JD's Lounge, and before that OFlahgerty's Lounge are, and will continue to be a nuisance and menace , unless steps are taken to curb them by the appropriate authorities.

It is this that i am writing to you about, and requesting that IF these premises are allowed to reopen again, hopefully of course they are not, that suitable steps are taken to keep these premises in order so that us, the local residents are not to be forever disturbed by them.

I have to tell you that since the premises have been closed, we have enjoyed a lot of nice peaceful and NON sleep disturbed nights, and would obviously wish that to continue.

It must be said that these problems have got MUCH worse since the seating/smoking area has been installed outside these premises.

It would not bother me, and i am sure many other local residents at all if these premises were never to open again as a public house, in my view having FOUR (4) such licensed properties in very close proximity, and in a residential area are too many.

I like many other people like a pint or two, or go and watch a football match ect on TV, and in general have nothing against this, what i do object to is having my sleep interrupted on so many occasions.

The LOUD music being played, with the doors left open are obviously a great concern to me, the constant thump, thump is really annoying, and disturbing.

In my opinion, patrons of these premises are NOT from the immediate local area, why should i say this?, simple, a lot of disturbance comes AFTER closing time, and a crowd of people congregate outside awaiting taxis to pick them up, this would seem to more of a problem on Thursday, Friday and Saturday nights, at VERY early hours of the mornings.

Sirs, I would urge yourself, and your colleagues involved in the above Licence Review to reject it, as this sort of behaviour is clearly unacceptable in our modern society, and the premises owners are totally dismissive of the needs of local residents in getting some undisturbed sleep, in my mind, they simply do not care.

Yours Faithfully

██████████

17th March 2011

Consideration of a Representation against the Interim Steps under Section 53B Licensing Act 2003 pending review of premises licence in respect of:

“JDs Lounge”, 25 Broadwalk, Pinner Road, Harrow, HA2 6ED

A representation has been made by the Premises Licence holder against the interim steps taken by the Licensing Authority for ‘JDs Lounge’ a premises located at 25 The Broadwalk, Pinner Road, North Harrow, HA2 6ED.

On receipt of this application the licensing authority must, within 48 hours, consider whether it is necessary to modify or withdraw any of the interim steps taken on 11 March 2011.

The steps that the licensing authority must consider taking are:

Whether to decide that the interim steps taken are necessary for the promotion of the Licensing objectives;
Determine whether to withdraw them or to modify them

Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

The licensing authority may wish to consult the police about the steps that it thinks necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder.

The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. (This does not, of course mean that the authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances).

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11th March 2011

Consideration of Interim Steps under Section 53B Licensing Act 2003 pending review of premises licence in respect of:

“JDs Lounge”, 25 Broadwalk, Pinner Road, Harrow, HA2 6ED

An application has been made by the Metropolitan Police for a summary review of the premises licence for ‘JDs Lounge’ a premises located at 25 The Broadwalk, Pinner Road, North Harrow, HA2 6ED on the grounds of that the premises are associated with serious crime or serious disorder or both.

On receipt of this application the licensing authority must, within 48 hours, consider whether it is necessary to take any of the interim steps listed in section 53B pending the determination of the review application, which must take place within 28 days from the date of the application.

The interim steps that the licensing authority must consider taking are:

- a.) the modification of the conditions of the premises licence
- b.) the exclusion of sale of alcohol by retail from the scope of the licence
- c.) the removal of the designated premises supervisor from the licence
- d.) the suspension of the licence

Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

The licensing authority may wish to consult the police about the steps that it thinks necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder.

The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. (This does not, of course mean that the authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances).

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Elaine Dunning
JD Lounge
25 Broadwalk
Pinner Road
Harrow
Middlesex
HA2 6ED

Community and Environment
Corporate Director – Brendon Hills

18 March 2011

Our ref: ce/css/lic/AW

Dear Miss Dunning,

**JD's Lounge, 25 Broadwalk, Pinner Road, Harrow.
Letter of determination further to the hearing under s53B(6) of the Licensing Act
2003
Hearing date: 17 March 2011**

Further to the hearing at the Civic Centre at 16:00 yesterday, the Licensing Panel has decided the Premises Licence No: **LN/000000749/2010/5 remain suspended** until the full review hearing which is set for 31 March 2011.

Should you need any further assistance then please feel free to contact our office on 020 8736 6237.

Yours faithfully,

Ash Waghela
Licensing Support Officer
Community Safety
Email: licensing@harrow.gov.uk

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Community and Environment
Corporate Director – Brendon Hills

Elaine Dunning
JD Lounge
25 Broadwalk
Pinner Road
Harrow
Middlesex
HA2 6ED

11 March 2011

Our ref: ce/css/lic/PS

Dear Miss Dunning,

**JD's Lounge, 25 Broadwalk, Pinner Road, Harrow.
Letter of determination further to the hearing under s53A of the Licensing Act 2003**

Further to the hearing at the Civic Centre at 10am today, the Licensing Panel has decided to suspend the Premises Licence No: **LN/000000749/2010/5** until the full review hearing which is set for 31 March 2011.

Under s53B(6) you as the Premises Licence holder can make a representation to the Licensing Authority against this decision. If such a representation is received by this Authority, this Authority will convene another hearing to consider the interim steps in light of the representations made within 48 hours, subject to s53B(10).

Please note this representation does not suspend the decision initially made until it is heard again.

Should you need any further assistance then please feel free to contact our office on 020 8736 6237.

Yours faithfully,

P Sivashankar
Service Manager
Community Safety
Email: licensing@harrow.gov.uk

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