

Licensing Panel AGENDA

DATE: Wednesday 20 November 2013

TIME: 10.30 am *

VENUE: Committee Room 3,
Harrow Civic Centre

* THERE WILL BE A BRIEFING FOR MEMBERS AT 10.00 IN COMMITTEE ROOM 3.

MEMBERSHIP (Quorum 3)

Chairman: (To be appointed)

Councillors:

Councillor Mano
Dharmarajah

Councillor Manji Kara

Councillor Kairul Kareema
Marikar

Reserve Members:

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

Contact: Maria Farrell, Democratic & Electoral Services Officer
Tel: 020 8424 1367 E-mail: maria.farrell@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 disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Panel;
- (b) all other Members present.

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 REVIEW OF THE PREMISES LICENCE HELD IN RESPECT OF "JAMESON'S BAR", 34 SOUTH PARADE, MOLLISON WAY, EDGWARE, MIDDLESEX, HA8 5QL (Pages 3 - 50)

Report of the Corporate Director of Environment and Enterprise.

7. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

Licensing Panel – Licensing Act 2003

Procedure R - Oral Hearing in Public

This document provides a summary of the Panel's procedure for the conduct of this oral hearing in public. This procedure is followed during a REVIEW procedure.

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. Introduction by the objector 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 the objector by:
 - the applicant
 - the Panel
5. Presentation by the applicant, 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 applicant by:
 - the objector
 - the Panel
7. Concluding statement by the applicant.
8. Concluding statement(s) by objector.
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 of Meeting: | 29 October 2013 |
| Subject: | Application for a Review of the Premises Licence held in respect of “Jameson’s Bar”, 34 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QL |
| Responsible Officer: | Caroline Bruce – Corporate Director – Environment and Enterprise |
| Exempt: | No |
| Enclosures: | Premises Licence Review Application Premises Plan Representations Location Map |

Section 1 – Summary

An application has been made by the Environmental Health Authority, to review the premises licence for “Jameson’s Bar”, 34 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QL, based on one of the licensing objectives - **the prevention of public nuisance.**

Representations received

Representations from Responsible Authorities

| From | Relevant Representations details |
|---|------------------------------------|
| The Planning Authority | No representations received |
| Health & Safety | No representations received |
| Environmental Health Authority (Pollution and environmental enforcement) | Review Application Received |
| Trading Standards | No representations received |
| The Area Child Protection Service | No representations received |
| LFEPA | No representations received |
| Metropolitan Police | No representations received |
| Licensing Authority | Representation received |
| Primary Care Trust | No representations received |

Representations from interested parties

| From | Relevant Representations details |
|---------------------------|------------------------------------|
| Interested Parties | No representations received |

Section 2 – Report

2.1 Brief History

2.1.1. There is a premises licence in force at ‘Jameson’s Bar”, a public house trading at 34 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QL. A copy of the premises licence is attached to this report providing details of the licensable activities authorised, the opening times and the conditions attached to the licence.

2.1.2 On 31 August 2013, enforcement notices under the Environmental Protection Act 1990 were served on the occupier and the owner due to Officers from the Environmental Health Department witnessing a Statutory Nuisance on 31 August 2013.

2.1.3 The current licensable activities and hours under the premises licence are:

Live music (e), Recorded music (f), performance of dances (g), Performance similar to (e), (f), (g), Provision of facilities of music (i), Provision of facilities dance (j), Provision of facilities similar to (i), (j)

Monday – Thursday

10:00 – 00:00

| | |
|-------------------|---------------------------------------|
| Friday - Saturday | 10:00 – 01:00 (the following morning) |
| Sunday | 12:00 – 00:30 (the following morning) |

Late night refreshment

| | |
|-------------------|---------------------------------------|
| Monday – Thursday | 23:00 – 00:00 |
| Friday – Saturday | 23:00 – 01:00 (the following morning) |
| Sunday | 23:00 – 00:30 (the following morning) |

Sale of retail alcohol

| | |
|-------------------|---------------------------------------|
| Monday – Thursday | 10:00 – 00:00 |
| Friday – Saturday | 10:00 – 01:00 (the following morning) |
| Sunday | 12:00 – 00:30 (the following morning) |

With respect to the hours open to the public, there are no times listed on the licence as this was originally a ‘grandfather rights’ conversion application.

- 2.1.4 On 11 September 2013 a review application was submitted by the Environmental Health Department at Harrow Council, as the relevant Environmental Health Authority. This review application relates to one of the licensing objectives - the prevention of public nuisance
- 2.1.5 The premises is situated on South Parade, Mollison Way which comprises of a parade of commercial premises with residential properties above the businesses. A location map is attached to this report.

2.2 Representations

The Environmental Health Authority has submitted an application to review the premises licence. A copy of this application is attached to this report. A further responsible authority, namely the Licensing Authority, has submitted a representation supporting the application for review and a copy of this representation is also 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 Home Office has issued Guidance pursuant to section 182 of the Licensing Act 2003 and paragraphs 11.1 – 11.30 of the Guidance covers reviews of (premises) licences.

2.5 Legal Implications

- 2.5.1 The Licensing Panel is required to hold a hearing to consider the 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 application and all relevant 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 appropriate for the promotion of the licensing objectives.
- 2.5.3 Where it considers it appropriate for the promotion of the licensing objectives to take a step(s), 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 3 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 condition added.
- 2.5.4 If the panel takes a step mentioned in 1 or 2 of paragraph 2.5.3 above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 2.5.5 Any modified conditions should be practical and enforceable.
- 2.5.6 The licensing authority may at any time reject any ground for review specified in an application for review if it is satisfied that either: (a) the ground is not relevant to one or more of the four licensing objectives; or (b) the application is made other than by a responsible authority and the ground is frivolous, vexatious, or a repetition.
- 2.5.7 If any grounds of review are rejected on the basis set out in 2.5.6, the application for review is taken to be rejected to that extent.
- 2.5.8 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.

2.5.9 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. 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).

2.5.10 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 on behalf of the Metropolitan Police has not submitted a representation.

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. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Jessie Man

on behalf of the
Chief Financial Officer

Date: 10 October 2013

Name: Paresh Mehta



on behalf of the
Monitoring Officer

Date: 15 October 2013

Section 4 - Contact Details and Background Papers

Contact: Peter Coates, Enforcement Officer, Licensing Services,
Ext: 2498

Background Papers

Premises Licence
Review Application
Premises Plan
Representations
Location Map

LICENSING ACT 2003

Schedule 12

Part A (Regulation 33,34)

PREMISES LICENCE

HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

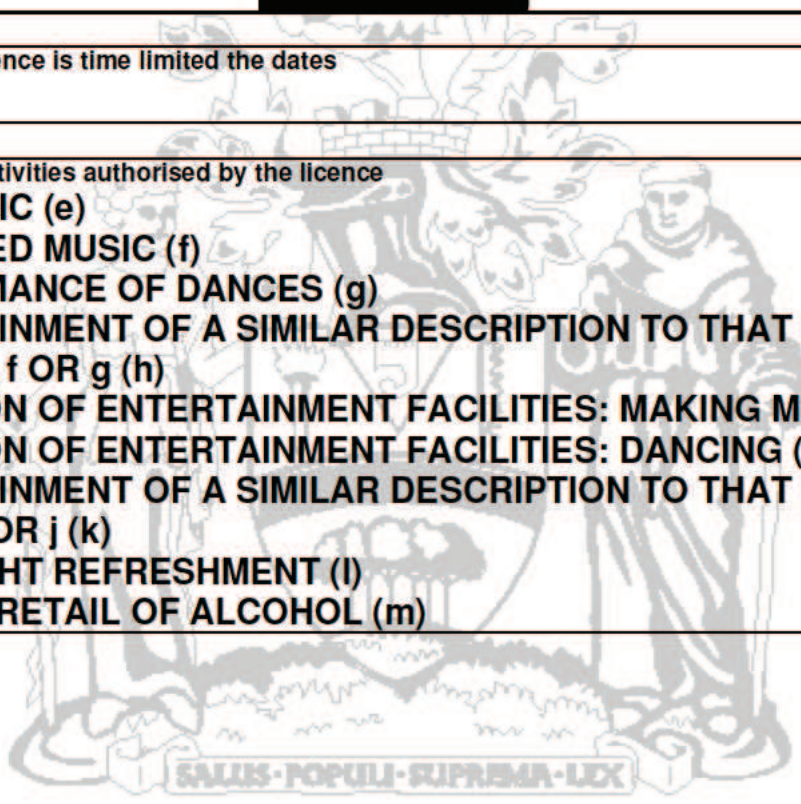
| | |
|-------------------------|---------------------|
| Premises Licence Number | 0806-GHLT-4GGJ-YNMH |
|-------------------------|---------------------|


Part 1 – Premises details **JAMESON'S**

| | | | |
|--|----------------|-----------|----------------|
| Postal address of premises, or if none, ordnance survey map reference or description | | | |
| 34 SOUTH PARADE | | | |
| MOLLISON WAY | | | |
| Post town | EDGWARE | Post code | HA8 5QL |
| Telephone number | | | |
| [REDACTED] | | | |

| |
|---|
| Where the licence is time limited the dates |
| N/A |

| |
|--|
| Licensable activities authorised by the licence |
| LIVE MUSIC (e) |
| RECORDED MUSIC (f) |
| PERFORMANCE OF DANCES (g) |
| ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THAT FALLING WITHIN e, f OR g (h) |
| PROVISION OF ENTERTAINMENT FACILITIES: MAKING MUSIC (i) |
| PROVISION OF ENTERTAINMENT FACILITIES: DANCING (j) |
| ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THAT FALLING WITHIN i OR j (k) |
| LATE NIGHT REFRESHMENT (l) |
| SALE BY RETAIL OF ALCOHOL (m) |



| |
|---|
|  Gareth Llywelyn-Roberts Signed: Chief Environmental Health Officer |
|---|

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| HOURS OPEN TO PUBLIC (o) | | | | | | | |
|---------------------------------|-----|-----|-----|-----|-----|-----|-----|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | | | | | | | |
| | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

| LIVE MUSIC (e) | | | | | | | |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1200-0000 |

| RECORDED MUSIC (f) | | | | | | | |
|---------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1200-0000 |

| PERFORMANCE OF DANCES (g) | | | | | | | |
|----------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1200-0000 |

| ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THAT FALLING WITHIN e, f OR g (h) | | | | | | | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1200-0000 |

| PROVISION OF ENTERTAINMENT FACILITIES: MAKING MUSIC (i) | | | | | | | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1200-0000 |

| PROVISION OF ENTERTAINMENT FACILITIES: DANCING (i) | | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1200-0000 |

| ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THAT FALLING WITHIN i OR j (k) | | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1200-0000 |

| LATE NIGHT REFRESHMENT (l) | | | | | | | |
|-----------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 2300-0000 | 2300-0000 | 2300-0000 | 2300-0000 | 2300-0000 | 2300-0000 | 2300-0000 |

| SALE BY RETAIL OF ALCOHOL (m) | | | | | | | |
|--------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | | | | | 0000-0100 | 0000-0100 |
| | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1000-0000 | 1200-0000 |

1. SALE BY RETAIL OF ALCOHOL CAN BE EXTENDED BETWEEN THE TERMINAL HOUR ON NEW YEAR'S EVE AND THE COMMENCEMENT HOUR ON THE FOLLOWING MORNING.
2. CHRISTMAS DAY AND GOOD FRIDAY REGULATIONS APPLY.

FOR CONSUMPTION ON OR OFF THE PREMISES

Part 2

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

JAMES FRANCIS KELLY

[REDACTED]
[REDACTED]
[REDACTED]

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

04802227

Name and address of designated premises supervisor where the premises licence authorises for the supply of alcohol

JAMES FRANCIS KELLY

[REDACTED]
[REDACTED]
[REDACTED]

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

014018

LONDON BOROUGH OF BRENT

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 or sale of alcohol shall be made under the premises licence
 - I. at a time when there is no designated premises supervisor in respect of the premises licence
 - II. 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 condition: 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

THIS LICENCE IS GRANTED SUBJECT TO THE RULES OF THE COUNCIL ANNEXED HERETO I.E. THE “RULES OF MANAGEMENT FOR PLACES OF PUBLIC ENTERTAINMENT R1” AND TO THE FOLLOWING SPECIFIC CONDITIONS

- 1) THE MAXIMUM NUMBER OF PATRONS ACCOMMODATED AT ANY ONE TIME SHOULD NOT EXCEED **100**
- 2) ALL DOORS AND WINDOWS ON THE PREMISES ARE TO BE KEPT CLOSED EXCEPT FOR ENTRY AND EXIT WHENEVER THE ENTERTAINMENT LICENCE IS IN OPERATION.
- 3) REGISTERED DOOR AND/OR SECURITY STAFF TO BE EMPLOYED AT THE PREMISES WHEN THE ENTERTAINMENT LICENCE IS IN OPERATION.
- 4) NO NOISE EMANATING FROM THE PREMISES IS TO BE AUDIBLE AT A DISTANCE OF 1 METER TO THE FAÇADE OF THE NEAREST RESIDENTIAL DWELLING.
- 5) WINDOW LOCKS TO BE FITTED TO ALL OPENABLE WINDOWS IN THE FIRST FLOOR FUNCTION ROOM.
- 6) CCTV IS PROVIDED IN THE PREMISES AND IS CONFIRMED AS BEING AND WILL CONTINUE TO BE A COLOUR SYSTEM, IN GOOD WORKING ORDER AND THAT A 31 DAY SYSTEM IS USED AND ADHERED TO.
- 7) ALL ENTRY/EXIT ROUTES MUST BE MONITORED BY CCTV CAMERAS
- 8) ANALOGUE CCTV SYSTEM MUST RECORD IN SVHS QUALITY; DIGITAL CCTV MUST HAVE THE FACILITY TO DOWNLOAD IMAGES TO A CD.
- 9) THE RECORDING EQUIPMENT MUST BE KEPT IN A SECURE CABINET OR OFFICE.
- 10) DOOR SUPERVISORS ARE IN POSSESSION OF A “MAGIC WAND” OR SIMILAR METAL DETECTING DEVICE.
- 11) THE NUMBER OF DOOR SUPERVISORS WILL MIRROR THE CAPACITY ON A RATIO OF 1 DOOR SUPERVISOR TO 50 CUSTOMERS.
- 12) ONE OF THE DOOR SUPERVISORS IS FEMALE TO FACILITATE SEARCHING OF FEMALE CUSTOMERS.
- 13) NO ENTRY OR RE-ENTRY TO THE PREMISES BY CUSTOMERS EVERY NIGHT AFTER 11.00PM.
- 14) THE VARIATION OF HOURS NOT TO COME INTO FORCE UNTIL THE WORKS ARE COMPLETED TO THE SATISFACTION OF THE CHIEF ENVIRONMENTAL HEALTH OFFICER.
- 15) THE DESIGNATED PREMISES SUPERVISOR OR REPRESENTATIVE OF THE PREMISES LICENCE HOLDER SHALL ATTEND ALL PUBWATCH MEETINGS, PROVIDED SUCH A SCHEME IS IN OPERATION IN THE AREA.
- 16) AN INTRUDER ALARM IS TO BE FITTED IN ACCORDANCE WITH THE REASONABLE SPECIFICATION OF THE METROPOLITAN POLICE CRIME PREVENTION OFFICER.
- 17) THE VOLUME OF LIVE MUSIC SHALL BE GOVERNED BY A NOISE LIMITING DEVICE, TO BE SET AT A LEVEL APPROVED BY THE LICENSING AUTHORITY.
- 18) AWP MACHINES SHALL BE EMPTIED OF CASH AT THE END OF EACH EVENING OR FITTED WITH AN APPROPRIATE SECURITY DEVICE.

Annex 3 – Conditions attached after a hearing by the licensing authority.

None

Annex 4 – Plan Ref: 204-C

DATE OF ORIGINAL ISSUE: 6 AUGUST 2005
DATE OF RE-ISSUE: 9 JUNE 2008
REASON FOR ISSUE: DPS VARIATION
ISSUE NUMBER: 4

Amendment to review application Jameson's Bar

Under the heading: Please state the grounds for review

Paragraph 1 line 5. 11:00 should read 23:00

Paragraph 2 line 5. 11:08 should read 23:08

Paragraph 3 line 11. 22:45 should read 23:45

Final paragraph should read:

I am therefore applying for a review of the licence on the grounds that a statutory nuisance is emanating from the premises and the licensee and management staff do not have any regard of the licensing conditions imposed on them. I am therefore requesting that their licensing hours for the sale of alcohol and regulated entertainment be reduced to 0000 hours on Friday Saturday and Sunday. The premises do not currently have a closure time, therefore I request Hours open to the public be implemented from 1100 to 0030 daily.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

RECEIVED AT
LICENSING OFFICE
11 SEP 2013
TIME

I Sujita Dunning

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|--|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Jamesons Bar 34 South Parade Mollison Way | |
| Post town Middlesex | Post code (if known) HA8 5QL |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) Mr James Francis Kelly |
|---|

| |
|--|
| Number of premises licence or club premises certificate (if known) 0806-GHLT-4GGJ-YNMH |
|--|

Part 2 - Applicant details

I am

Please tick yes

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

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)


(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Sujita Dunning Environmental Health Harrow Council Civic Centre P.O. Box 18 Station Road Harrow Council HA1 2UT |
| Telephone number (if any)  |

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

On the 17th August 2013 I was on shift for the Councils Out Of Hours Noise service when a complaint of loud music emanating from Jameson's was received at 00.21. Prior to going to the premises we checked the Councils database to find that the premises was only licensed to sell alcohol until 01.00 hours and that members of the public were not allowed to enter or re-enter the premises after 11.00 hours. My colleague and I drove to the premises and noted that from the front the pub appeared to be closed. We contacted the complainant who advised us that the pub was still open and that she could hear the music within her property. The complainant advised us to approach the property from the rear service road. We walked down the rear service road and could hear loud music and people talking loudly emanating from the licensed premises as there were many patrons at the back of the licensed premises going in and out to smoke cigarettes. The music was loud and clearly audible from the premises to the rear therefore we decided to speak to the license holder. We went in to the premises at 01.00 hours and approached a female member of bar staff who was still serving alcohol at the time of our visit we identified ourselves and asked to speak to the person in charge, the designated premises supervisor. The lady said that she was in charge and the DPS therefore we requested if we could go out the back where it was quieter to talk. At that point I asked my colleague Maher Khan to caution the lady as it appeared that the premises was in breach of its licensing conditions. I asked the lady what her name was she identified herself as Miss Eva Okun the bar manager and licensee. I advised Miss Okun that it was past the licensing hours for the sale of alcohol to which she replied she was just about to close down for the evening. I advised Miss Okun that the music was far too loud and that it needed to be switched off. I also requested to see a copy of the premises license to which Miss Okun said 'oh what my personal license?' to which both my colleague and I responded no and said the premises license. Miss Okun returned with the premises license with a male standing amongst us who I assumed at the

time was a patron as appeared to be under the influence of alcohol as I could smell it off his breath and he appeared to be unsteady on his feet. Mrs Khan pointed out to Miss Okun that the DPS and the licensee was a Mr James Francis Kelly and not her as she had previously indicated to us. At that point Miss Okun pointed to the male who was stood with us and advised us that he was the licensee Mr James Francis Kelly. I asked the gentleman who was in charge and he said that he was. At that point I said to him that I felt he was under the influence of alcohol as he was unsteady on his feet and I could smell alcohol off his breath. He asked me if I was going to breathalise him to which I replied 'no I am not a police officer'. I advised both Miss Okun and Mr Kelly that they were in breach of several licensing conditions and that they would be contacted by the licensing department in the week. Miss Okun became argumentative and said 'I know many other premises that are open late into the night serving alcohol but nothing is done about them' to which I replied 'If you report them to us we will investigate them' to which she replied 'I'm not a grass'. At that point Mrs Khan and I decided to leave as Mr Kelly and Miss Okun were becoming incredibly argumentative.

On the 31st August 2013 I again was working on the Councils Out of Hours Noise Service with Mrs Maher Khan when a complaint regarding Jamesons public house was received at 22.57 hours. The complainant advised that they were again being disturbed by loud music from the premises and that they were finding it difficult to rest and relax in their home. At 11.08 hours we were inside the complainants bedroom and could clearly hear loud music from the licensed premises. The music was in the form of a live band which appeared to go up and down in volume. The complainant advised us that it was louder before we arrived and had started at approximately 22.00 hours. The complainant and her husband advised us that the playing of loud music and bands at the premises is a regular occurrence mostly on the weekends. They advised us that the music usually goes on until 02.00- 03.00 hours and in an extreme case 08.00 hours the next morning. The complainant advised us that they had once called down to the pub to ask them to turn the music down but they did not. We were in the complainants property for approximately 10 – 15 minutes. Both my colleague and I were satisfied that a statutory nuisance was emanating from the premises and decided that we would serve legal Notices under the Environmental Protection Act 1990 section 80.

We called in for police assistance (CAD Number 11208) as we were going to serve legal Notices. Two officers assisted us in the service of legal Notices under the aforementioned legislation, QA560 & QA558. Whilst sitting in the car drawing up the Notices and waiting for police assistance we noted a number of persons entering and re-entering the licensed premises past the 23.00 hour licensing condition for no entry or re-entry to patrons. We entered the premises and saw Miss Okun, I asked her where the licensee Mr Kelly was she said he was not on site but only ten minutes away. I asked her if we could go out the back where it was quiet so that we could talk. I advised Miss Okun that I was serving two legal Notices CSS/SDMKNK/01 & CSS/SDMKNK/02 (Exhibit One & Two) under the aforementioned legislation. I explained that the music needed to be switched off with immediate effect (22.45 hours) at the premises as it was causing a statutory nuisance. Miss Okun asked if the band could finish the set to which I said no this was a legal Notice and breach of the Notice would be an offence. Miss Okun was a bit argumentative however the police officer spoke with her and explained that she needed to comply with the Notice straight away. Miss Okun went into the premises and told the band to cease playing. I then requested to speak to Miss Okun again once the music was off to advise her to ask her clientele to keep their voices down as they were being very loud and causing a nuisance. Miss Okun was very upset and I advised her that the music was not to go back on and that they were to comply with the Notices. If a breach of the Notice was to be witnessed further action would be taken. Miss Okun wanted to know who had complained to which I advised her that I was not at liberty to divulge that information.

Miss Okun angrily assured me that the music would not go back on.

During that evening I noted that there were no door supervisors present on site. The licensee was also not on site. As stated before patrons were seen entering and re-entering the premises after 23.00hours. These are all breaches that I witnessed on the evening of the 31st August 2013. I also noticed that there were no door supervisors and patrons entering and re-entering the premises on the evening of the 17th August 2013.

I have since been advised that the Councils licensing officer and police licensing officer visited the premises on the 2nd September 2013 as a result of our enforcement actions over the weekend. From my discussions with the officers I believe the premises is in breach of at least 12 out of 18 of its premises license conditions of which I witnessed 4 on the nights of the 17th and 31st August 2013.

I understand that Mr James Francis Kelly has been the licensee since 2005. The London Borough of Harrow has received 20 complaints since 2006, of which 6 complaints have been received since the 24th June 2013 regarding loud noise nuisance emanating from Jameson's Public House.

I therefore am applying for a review of the license on the grounds that a statutory nuisance is emanating from the premises and the licensee and management staff do not have any regard of the licensing conditions imposed on them. I am therefore requesting that their licensing hours of operation for the sale of alcohol be reduced to 00.00 with drinking up time until 00.30. The premise does not currently have a closure time therefore I request that a closure time of 00.30 be implemented.

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

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

11/9/2013

Capacity Responsible Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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



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Representation in support of an Application for Review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I, Puthrasingam Sivashankar, Licensing Officer make this representation under
(Insert name of applicant)
the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|--|-------------------------------------|
| Postal address of premises or club premises, or if none, ordnance survey map reference or description | |
| Jamesons, 34 South Parade, Mollison Way. Edgware. | |
| Post town Harrow | Post code (if known) HA3 8RF |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| JAMES FRANCIS KELLY |
| Number of premises licence or club premises certificate (if known) |
| 0806-GHLT-4GGJ-YNMH |

Part 2 - Applicant details

I am

Please tick ✓ yes

- | | |
|---|--------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address

(optional)

(B) DETAILS OF OTHER APPLICANT

| |
|---------------------------|
| Name and address |
| Telephone number (if any) |
| E-mail (optional) |

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Name and address Puthrasingam Sivashankar, Licensing Officer, Harrow Council, PO Box 18, Civic Centre, Station Road, Harrow, HA1 2UT |
| Telephone number (if any) |
| E-mail (optional) licensing@harrow.gov.uk |

This representation relates to the following licensing objective(s)

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note1)

Further to reports from the Out of Hours Noise Service as to noise nuisance from music and other alleged breaches of the Premises Licence, I visited the premises on 2nd September 2013 around 1255 with Police Licensing Officer Jas Verdi.

As we entered the there were about 10 to 12 persons in the premises and about 4 of them were sitting around the bar area with a very young boy, about 11 years old, with them. The bar was attended by Gabriella Surdu.

Met with Eva Okun, who introduced herself as the manager at the premises for the last 5 years. Ms Okun also confirmed that Mr Kelly, the DPS and Licence holder had just left the premises and will be returning later. Ms Okun tried to call Mr Kelly to return but unfortunately he had another appointment.

I explained to her the reasons for our visit and asked her whether the premises are fitted with a noise limiting device as per condition 17 of the Premises Licence. Ms Okun confirmed that there was never such a device in operation.

As the Noise team has reported that there were no door supervisors present at the time of their visit, I asked about whether there were any door supervisors employed at the premises. Ms Okun could not provide any details of the names or their ID numbers at that time. Ms Okun further confirmed that there was no female door staff employed at the premises.

The same afternoon, I received a call from Mr Kelly, the Licensee and DPS at the premises who confirmed that the Manager Ms Okun is the female door supervisor. I asked Mr Kelly to provide the SIA details for Ms Okun, and Mr Kelly is yet to reply to that request. Under the conditions of the Premises Licence it is an offence to employ door supervisors who are not registered with the SIA.

This premises Licence was issued under the Transitional provisions and due to those provisions this licence has no “Hours Open to Public” stipulated. This appears to have led to the problem of the premises remain open to customers well after the licensable activities causing a public nuisance.

It is also important to note that further to the deregulation of Regulated entertainments, any conditions relating to regulated entertainment are only applicable after 11pm. However, further to this premises causing a public nuisance and not complying with the licence conditions, it is the Authority’s request that the following should be considered by the Panel.

1. to provide a terminal hour 30 minutes after all licensable activities.
2. to impose a condition to state that deregulation does not apply to these premises and all conditions relating to regulated entertainment will apply at all times regulated entertainments are provided.

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

Witness statement provided from Police Licensing Officer - attached

**Please tick
yes**

Have you made a representation relating to this premises before

If yes please state the date of that representation, Day Month Year

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

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

Not applicable

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

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (please read guidance note 4)

If signing on behalf of the applicant please state in what capacity.

Signature: P Sivashankar

Date: 9 October 2013

Capacity: Licensing Officer

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

Notes for Guidance

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

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.

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London Borough of Harrow
 Environmental Protection Act 1990, Section 80

**NOTICE FOR ABATEMENT AND/OR PROHIBITION
 OR RESTRICTION OF NUISANCE**

To: *THE OCCUPIER*
34 JAMESONS
SOUTH PARADE, MOLLISON WAY, HARROW, HA8 5QL
HA8 5QL

WHEREAS the Council of the London Borough of Harrow are satisfied that a statutory nuisance is emanating from the premises at

JAMESONS 34 SOUTH PARADE, MOLLISON WAY, HARROW, HA8 5QL
HA8 5QL

within the district of the said Council arising from:

the playing of loud amplified music and / or amplified vocals.

AND WHEREAS you are the person responsible for the said nuisance / occupier of the said premises

TAKE NOTICE THAT the said Council in pursuance of their powers under the above mentioned Act

DO HEREBY PROHIBIT a recurrence of the said nuisance and REQUIRE you forthwith to abate the same

AND FURTHER TAKE NOTICE THAT if the said nuisance (whether abated or not) occur or recurs (or if you fail to comply with any of the requirements of this notice) an offence will have been committed and such offence may then be dealt with in a Magistrates' Court.

DATED this *31st* day of *AUGUST 2013*

Time notice served: *11:45 PM*

Signed 
 (Officer authorised under the Environmental Protection Act 1990)

Notes:

1. If any advice or further information is required please contact: The Environmental Protection Team, Community Safety Services, PO.Box 18, Civic Centre, Station Road, Harrow, Middlesex, HA1 2UT. Telephone 020 8736 6225
 2. A person guilty of an offence is liable to a fine not exceeding £5000 and a daily penalty of £500 or, if the nuisance is related to industrial, trade or business premises, to a maximum fine of £20,000.
 3. Failure to comply with the requirements of this Notice may result in the Council doing whatever is necessary to abate the nuisance and recovering any expenses reasonably incurred in so doing.
 4. The person served with this Notice may appeal against the Notice to Magistrates' Court within 21 days from the service of the Notice.
 5. The Statutory Nuisance (Appeals) Regulations, 1995 shall apply in relation to any appeal against this notice including the specified grounds of appeal contained therein.
 6. In the event of an appeal against this Notice, the operation of the Notice shall not be suspended pending the result of the appeal as the nuisance is likely to be of limited duration such that suspension of the Notice would render it of no practical effect and the expenditure that would be incurred by any person in the carrying out of works in compliance with the Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- NB. section 3 paragraph (2) applies - see 'Suspension of Notice' attached.**
7. See attached note on Regulation of Investigatory Procedures Act 2000.

London Borough of Harrow
Environmental Protection Act 1990, Section 80

NOTICE FOR ABATEMENT AND/OR PROHIBITION OR RESTRICTION OF NUISANCE

To: THE OWNER
34 JAMESONS
SOUTH PARADE, MOLLISON WAY,
HARROW,
HA8 5QL

WHEREAS the Council of the London Borough of Harrow are satisfied that a statutory nuisance is emanating from the premises at

JAMESONS, 34 SOUTH PARADE, MOLLISON WAY, HARROW,
HA8 5QL

within the district of the said Council arising from:

the playing of loud amplified music and / or amplified vocals.

AND WHEREAS you are the person responsible for the said nuisance / occupier of the said premises

TAKE NOTICE THAT the said Council in pursuance of their powers under the above mentioned Act

DO HEREBY PROHIBIT a recurrence of the said nuisance and **REQUIRE** you **forthwith** to abate the same

AND FURTHER TAKE NOTICE THAT if the said nuisance (whether abated or not) occur or recurs (or if you fail to comply with any of the requirements of this notice) an offence will have been committed and such offence may then be dealt with in a Magistrates' Court.

DATED this 31st day of AUGUST 2013

Time notice served: 11:45 AM

Signed 
(Officer authorised under the Environmental Protection Act 1990)

Notes:

1. If any advice or further information is required please contact: The Environmental Protection Team, Community Safety Services, PO.Box 18, Civic Centre, Station Road, Harrow, Middlesex, HA1 2UT. Telephone 020 8736 6225
2. A person guilty of an offence is liable to a fine not exceeding £5000 and a daily penalty of £500 or, if the nuisance is related to industrial, trade or business premises, to a maximum fine of £20,000.
3. Failure to comply with the requirements of this Notice may result in the Council doing whatever is necessary to abate the nuisance and recovering any expenses reasonably incurred in so doing.
4. The person served with this Notice may appeal against the Notice to Magistrates' Court within 21 days from the service of the Notice.
5. The Statutory Nuisance (Appeals) Regulations, 1995 shall apply in relation to any appeal against this notice including the specified grounds of appeal contained therein.
6. In the event of an appeal against this Notice, the operation of the Notice shall not be suspended pending the result of the appeal as the nuisance is likely to be of limited duration such that suspension of the Notice would render it of no practical effect and the expenditure that would be incurred by any person in the carrying out of works in compliance with the Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
NB. section 3 paragraph (2) applies - see 'Suspension of Notice' attached.
7. See attached note on Regulation of Investigatory Procedures Act 2000.

STATEMENT OF WITNESS

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

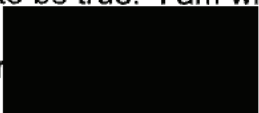
Statement of : **Maheru Nissa Khan**
(name of witness)

Age of witness : Over 21

Occupation of witness : Licensing Officer

This statement (consisting of 3 pages 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.

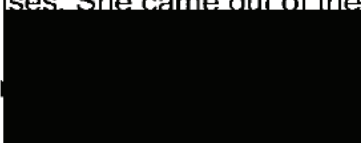
Signature



Date : 17 August 2013

1 I am Maheru Nissa Khan and am currently employed by the London Borough of
2 Harrow as Licensing Officer. I hold a Certificate in Managing Safely from The Institute
3 of Occupational Safety & Health and a Diploma in Health & Safety at Work from The
4 Nottingham Trent University and have twenty two years' experience in dealing with
5 environmental health matters. I am duly authorised by the London Borough of Harrow
6 to enforce the relevant provisions of the Environmental Protection Act 1990
7 I was on duty on the night of the 16th/17th August, 2013 with Mrs Sujita Dunning when I
8 received a complaint about loud music coming from Jameson's, South Parade, Mollison
9 Way, Edgware, HA8 5QL Mrs Dunning and I visited Jameson's at Mollison Way at
10 1:00am. The front entrance of the premises was shut and it appeared to me that the
11 premises was closed. Mrs Dunning and I decided to visit the complainant's premise and
12 the access to their premises was at the rear of South Parade. When we approached the
13 rear alley way I saw about 5 people standing by the rear entrance of Jameson's. There
14 was a staircase by the door leading to upstairs flat and I could hear the music loud and
15 clear. A couple was sitting on the stairs and a couple of people standing in the alleyway
16 went inside. Mrs Dunning and I went inside and witness a lady serving alcohol by the
17 bar. It was 5 minutes past 1.00am. Mrs Dunning asked her to call the Manager of the
18 premises. She came out of the bar and Mrs Dunning asked her to come outside so that

Signature



Signature witnessed by



STATEMENT OF WITNESS continued Jamesons 17.8.2013

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

19 she can have a word with her as it was too noisy in the pub. She came outside at the
20 rear side of the premises by the rear entrance Mrs Dunning said to her that the music
21 from the pub was too loud and we were getting complaints from the neighbours. The
22 lady said that we are stopping it now and she asked someone to get the music stopped.
23 Mrs Dunning asked me to read the caution to the lady. I read the Caution and asked her
24 if she understood what I said to her. She said she did. Mrs Dunning asked her name
25 and she said it was Eva Okun. Mrs Dunning asked her who was in charge of the
26 premises and she said that she was. Mrs Dunning asked her if she was aware of the
27 time until they can carry out licensable activities and she said that it was 1.00am and
28 they were about to stop. Mrs Dunning asked her if she was DPS Designated Premises
29 Supervisor and she said that she was. Mrs Dunning asked her if she could show us the
30 licence and she asked whether we wanted to see her personal licence. Mrs Dunning
31 said that we wanted to see the Premises Licence. She went inside and came back with
32 the premises licence. I pointed out to her that the name of Designated Premises
33 Supervisor on the licence was James Francis Kelly. Ms Okun pointed towards a male
34 who was standing by the rear entrance door and listening to our conversation and said
35 that he was Mr James Francis Kelly, DPS and the owner of the premises. Mrs Dunning
36 said to Ms Okun that previously you told me that you were DPS and Ms Okun replied
37 that she did not understand her question. The male who was identified as Mr Kelly
38 appeared to be under the influence to some intoxication as he was unsteady on his feet,
39 his speech was slurred and he had red eyes. He seemed confused. Mrs Dunning
40 asked him whether he was he in charge of the premises and he said that he was. Mrs
41 Dunning told Ms Okun and Mr Kelly that we have witnessed breach of licensing
42 conditions and we will report to Licensing Authority who would get in touch with them in

Signature Signature witnessed by 

STATEMENT OF WITNESS continued Jamesons 17.8.2013

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

43 due course. Mrs Okun and Mr Kelly became argumentative so we left the premises

44 approx. 1.20hrs.

Signature



Signature witnessed by



Witness statement form Jamesons 17.8.2013

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STATEMENT OF WITNESS

Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

Statement of : **Mrs Sujita Dunning**
 (name of witness)

Age of witness : Over 21

Occupation of witness : Environmental Health Officer

This statement (consisting of 3 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 October 2013

1 My name is Sujita Dunning I am employed as an Environmental Health Officer within
 2 the Environmental Protection team within the Community Safety Service of the London
 3 Borough of Harrow. I have a BSc in Environmental Health and have been employed by
 4 the London Borough of Harrow in the Community Safety Service since the 10th March
 5 2008.
 6 On the 17th August 2013 I was on shift for the Councils Out Of Hours service with Mrs
 7 Maheru Khan when a complaint of loud music emanating from Jameson's was received
 8 at 00.21. Prior to going to the premises we checked the Councils database to find that
 9 the premises was only licensed to sell alcohol until 01.00 hours and that members of the
 10 public were not allowed to enter or re-enter the premises after 23.00 hours. My
 11 colleague and I drove to the premises and noted that from the front the pub appeared to
 12 be closed. We contacted the complainant who advised us that the pub was still open
 13 and that she could hear the music within her property. She advised us to approach the
 14 property from the rear service road. We walked down the rear service road and could
 15 hear loud music and people talking loudly emanating from the licensed premises. It was
 16 too dark for us to establish which was the stairwell to the complainants property
 17 therefore we assumed it was the one directly at the rear of the licensed premises where
 18 we note a couple sat on the stairwell and a couple of patrons go in and out of the

Signature

Signature witnessed by

STATEMENT OF WITNESS continued

Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

19 premises. The music was loud and clearly audible from the premises in the rear service
20 road therefore we decided to speak to the license holder. We went in to the premises at
21 01.05 hours and approached a female member of bar staff who was still serving alcohol
22 at the time of our visit we identified ourselves and asked to speak to the person in
23 charge, the designated premises supervisor. The lady said that she was in charge and
24 the DPS therefore we requested if we could go out the back where it was quieter to talk.
25 At that point I asked my colleague Maheru Khan to caution the lady as it appeared that
26 the premises was in breach of its licensing conditions. I asked the lady what her name
27 was she identified herself as Miss Eva Okun the bar manager and licensee. I advised
28 Miss Okun that it was past the licensing hours for the sale of alcohol to which she
29 replied she was just about to close down for the evening. I advised Miss Okun that the
30 music was far too loud and that it needed to be switched off. I also requested to see a
31 copy of the premises license to which Miss Okun said 'oh what my personal license?' to
32 which both my colleague and I responded no and said the premises license. Miss Okun
33 returned with the premises license with a male standing amongst us who I assumed at
34 the time was a patron as appeared to be under the influence of alcohol. Mrs Khan
35 pointed out to Miss Okun that the DPS and the licensee was a Mr James Francis Kelly
36 and not her as she had previously indicated to us. At that point Miss Okun pointed to the
37 male who was stood with us and advised us that he was the licensee Mr James Francis
38 Kelly. I asked the gentleman who was in charge and he said that he was. I felt that Mr
39 Kelly was under the influence of alcohol as he was unsteady on his feet and I could
40 smell alcohol off his breath. He asked me if I was going to breathalise him to which I
41 replied 'no I am not a police officer'. I advised both Miss Okun and Mr Kelly that they
42 were in breach of several licensing conditions and that they would be contacted by the

Signature



Signature witnessed by



Witness statement form

STATEMENT OF WITNESS continued

Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

43 licensing department in due course. Miss Okun became argumentative and said 'I know
44 many other premises that are open late into the night serving alcohol but nothing is
45 done about them' to which I replied ' If you report them to us we will investigate them' to
46 which she replied 'I'm not a grass'. At that point Mrs Khan and I decided to leave as Mr
47 Kelly and Miss Okun were becoming incredibly argumentative and we did not want to
48 put ourselves at further risk.

49 During that evening I noted that there were no door supervisors present on site. As
50 stated before patrons were seen entering and re-entering the premises after 23.00
51 hours. These are all breaches that I witnessed on the evening of the 17th August 2013.

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 : **Maheru Nissa Khan**
(name of witness)

Age of witness : Over 21

Occupation of witness : Licensing Officer

This statement (consisting of 2 pages 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.

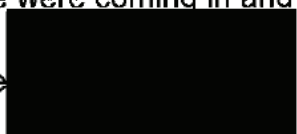
Signature



Date : 31 August 2013

1 I am Maheru Nissa Khan and am currently employed by the London Borough of Harrow
2 as Licensing Officer. I hold a Certificate in Managing Safely from The Institute of
3 Occupational Safety & Health and a Diploma in Health & Safety at Work from The
4 Nottingham Trent University and have twenty two years' experience in dealing with
5 environmental health matters. I am duly authorised by the London Borough of Harrow
6 to enforce the relevant provisions of the Environmental Protection Act 1990
7 I was on duty on the night of the 31 August, 2013 with Mrs Sujita Dunning when I
8 received a complaint about loud music emitting from Jameson's Bar, South Parade,
9 Mollison Way, Edgware, HA8 5QL from a resident of a flat in South Parade, Mollison
10 Way, Edgware HA8 5QL. Mrs Dunning and I visited the complainant's premises at
11 23:08hrs. Amplified music and vocals were clearly audible from complainant's bedroom.
12 Mrs Dunning and I were satisfied that it was a Statutory Nuisance and decided to serve
13 Sec.80 Notice for Abatement of nuisance to Jameson's Bar. The pub was full of patrons
14 and due to our previous experience two weeks ago when we visited Jameson's Bar for
15 the same sort of complaint and their response to our informal approach we decided to
16 get police assistance this time. Mrs Dunning and I visited Jameson's Bar with Police
17 Officers QA560 and QA558 at 23.40hrs. Band was playing and patrons were dancing.
18 People were coming in and out of the premises. Some people were standing outside at

Signature



Signature witnessed by



STATEMENT OF WITNESS continued Jamesons 31.8.2013

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

19 the entrance of the premises. Mrs Dunning asked for the person in charge and a female
20 bartender came forward and said her name was Eva Okun and she was in charge of the
21 premises. I recognised the lady from my previous visit to Jameson's Bar on 17th August
22 2013 for the noise nuisance issue. Mrs Dunning told her that the music was very loud
23 and was audible from the neighbouring residents' premises. We are satisfied that it is
24 Statutory Nuisance and I am serving you with Notice for Abatement of Nuisance under
25 Section 80 of the Environmental Protection Act 1990. You need to stop the music now.
26 Mrs Dunning served the Notice at 23.45hrs to abate the nuisance forthwith. Eva Okun
27 said to Mrs Dunning that they will stop the music after the song that was playing. Mrs
28 Dunning said to her that she is required to stop the music forthwith and the nuisance
29 must not reoccur. Police officer QA560 asked Eva Okun where the Designated
30 Premises Supervisor (DPS) was and she said that he has gone out for a while. Police
31 Officer said to her that it is an offence to sell alcohol in the absence of a DPS and it will
32 be reported to the Licensing Police. Music was stopped and we left the premises at
33 23:58hrs.

34 Signature 

Date 31/8/2013

Signature 

Signature witnessed 

STATEMENT OF WITNESS

Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

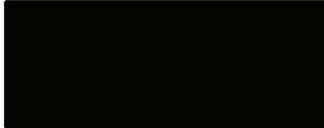
Statement of : **Mrs Sujita Dunning**
(name of witness)

Age of witness : Over 21

Occupation of witness : Environmental Health Officer

This statement (consisting of 3 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 October 2013

1 My name is Sujita Dunning I am employed as an Environmental Health Officer within
 2 the Environmental Protection team within the Community Safety Service of the London
 3 Borough of Harrow. I have a BSc in Environmental Health and have been employed by
 4 the London Borough of Harrow in the Community Safety Service since the 10th March
 5 2008.

6 On the 31st August 2013 I was working on the Councils Out of Hours Noise Service with
 7 Mrs Maheru Khan when a complaint regarding Jamesons public house was received at
 8 22.57 hours. The complainant advised that she was being disturbed by loud music from
 9 the premises and that she was finding it difficult to rest and relax in her home. We
 10 advised that we would go and witness the noise but that we were concerned about
 11 revealing her identity due to the location of her premises. She advised us that we could
 12 get to her flat from a separate set of stairs away from the licensed premises. At 23.08
 13 hours we were inside the complainants bedroom and could clearly hear loud music from
 14 the licensed premises which is adjacent and below the complainants property. The
 15 music was in the form of a live band which appeared to go up and down in volume. We
 16 were in the complainants property for approximately 10 – 15 minutes. Both my
 17 colleague and I were satisfied that a statutory nuisance was emanating from the

Signature



Signature witnessed by



STATEMENT OF WITNESS continued

Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

18 premises and decided that we would serve legal Notices under the Environmental
19 Protection Act 1990 section 80.

20 We called in for police assistance (CAD Number 11208) as we were aware that there
21 were likely to be a number of patrons within the premises. Two officers assisted us in
22 the service of legal Notices under the aforementioned legislation, QA560 & QA558.

23 Whilst sitting in the car drawing up the Notices and waiting for police assistance we
24 noted a number of persons entering and re-entering the licensed premises past the
25 23.00 hour licensing condition for no entry or re-entry to patrons. We entered the
26 premises and saw Miss Okun, I asked her where the licensee Mr Kelly was she said he
27 was not on site but only ten minutes away. I asked her if we could go out the back
28 where it was quiet so that we could talk. I advised Miss Okun that I was serving two
29 legal Notices CSS/SDMNK/01 & CSS/SDMNK/02 (Exhibit One & Two) under the
30 aforementioned legislation. I explained that the music needed to be switched off with
31 immediate effect (23.45 hours) at the premises as it was causing a statutory nuisance.

32 Miss Okun asked if the band could finish the set to which I said no this was a legal
33 Notice and breach of the Notice would be an offence. Miss Okun was a bit
34 argumentative however the police officer spoke with her and explained that she needed
35 to comply with the Notice straight away. Miss Okun went into the premises and told the
36 band to cease playing. I then requested to speak to Miss Okun again once the music
37 was off to advise her to ask her clientele to keep their voices down as they were being
38 very loud and causing a nuisance. Miss Okun was very upset. I advised her that the
39 music was not to go back on and that they were to comply with the Notices and that if a
40 breach of the Notice was to be witnessed further action would be taken. Miss Okun
41 wanted to know who had complained to which I advised her that I was not at liberty to

Signature



Signature witnessed by



Witness statement form

STATEMENT OF WITNESS continued

Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Section 5B

42 divulge that information. Miss Okun angrily assured me that the music would not go
43 back on.

44 During that evening I noted that there were no door supervisors present on site. The
45 licensee was also not on site. As stated before patrons were seen entering and re-
46 entering the premises after 23.00hours. These are all breaches that I witnessed on the
47 evening of the 31st August 2013.

Signature



Signature witnessed by



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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Jasminder Virdi PC 392QA**..... URN:

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

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 208263**

This statement (consisting of: **2**..... pages 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 in it which I know to be false, or do not believe to be true.

Signature:

 P392QA

Date: 09/10/2013

Tick if witness evidence is visually recorded (supply witness details on rear)

On Monday 2nd September 2013 I was on duty in my capacity as the Harrow Police Licensing Officer. It was brought to the attention of Mr Puthrasingam Sivashankar, the London Borough Of Harrow Council Licensing officer that there had been noise complaints made by a local resident, relating to Jameson Public House, 34 South Parade, Mollison Way, Edgware, HA8 5QL. The complaints were mainly regarding loud music on Friday nights. Mr Sivashankar was informed that the premises had allegedly breached several conditions of their licence at the time, the venue of Jameson's Public House was visited by Environmental Protection Agency (EPA) officers. At approximately 12:55 hours on Monday 2nd September 2013, Mr Sivashankar and I conducted a follow-up visit to the venue. There was one female member of staff present in the venue at the time of our visit. She was a white female about 5'07" tall with light brown hair. She appeared to be about 25 years old. She informed us that the manager Ms Eva Okun was in the upstairs flat. The female member of staff informed us that she had only been working at Jameson's for about a month. I noticed two white male customers standing at the bar. They had already been served with their drinks before our arrival. These two males were accompanied by a young boy who appeared to be under 10 years of age. I believe that primary schools in Harrow did not open for the current schooling year until Tuesday 3rd September 2013, which would probably explain why the young child was out at that time and not in school uniform. At this point we were joined by the manager, who I know to be Ms Eva Okun from previous encounters. The two adult males and the young boy were still standing by the bar and did not move from this position as we were led to an unused kitchen at the back of the pub by Ms Eva Okun to continue our discussion in private. There was a brief discussion between Mr Sivashankar and Ms Okun regarding the issue raised by the EPA officers. Mr Sivashankar enquired if the premises were equipped with noise monitoring device as per their licensing condition. Ms Okun stated that they did not have any such device installed on the premises. Mr Sivashankar asked if there were any door supervisors present at the time of the visit by the EPA officers, but there was no definitive answer by Ms Okun. When Mr Sivashankar asked if he could speak to the Designated Premises Supervisor (DPS) known to us as Mr. Kelly; Ms Okun stated that he had just left about 5 minutes prior

Signature:

 P392QA

Signature witnessed by:

Witness contact details

Home address: Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: [Redacted] PL392QA Print name: JASMININDER VIRDI PC392QA

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 392QA 208263 Jasminder Virdi** Station: **Harrow - QA**

Time and place statement taken: **12:39 hours. 09/10/2013**