

# Licensing Panel AGENDA

**DATE:** Monday 2 October 2017

**TIME:** 7.30 pm \*

**VENUE:** Committee Room 5, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

\* THERE WILL BE A BRIEFING FOR MEMBERS AT 7PM IN COMMITTEE ROOM 5.

## **MEMBERSHIP** (Quorum 3)

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**Chair:** (To be appointed)

**Councillors:**

Barry Kendler  
Adam Swersky

Kanti Rabadia

## **Reserve Members:**

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

**Contact:** Frankie Belloli, Senior Democratic & Electoral Services Officer  
Tel: 020 8424 1263 E-mail: [frankie.belloli@harrow.gov.uk](mailto:frankie.belloli@harrow.gov.uk)

## **Useful Information**

### **Meeting details:**

This meeting is open to the press and public.

Directions to the Civic Centre can be found at:  
<http://www.harrow.gov.uk/site/scripts/location.php>.

### **Filming / recording of meetings**

The Council will audio record Public and Councillor Questions. The audio recording will be placed on the Council's website.

Please note that proceedings at this meeting may be photographed, recorded or filmed. If you choose to attend, you will be deemed to have consented to being photographed, recorded and/or filmed.

When present in the meeting room, silent mode should be enabled for all mobile devices.

### **Meeting access / special requirements.**

The Civic Centre is accessible to people with special needs. There are accessible toilets and lifts to meeting rooms. If you have special requirements, please contact the officer listed on the front page of this agenda.

An induction loop system for people with hearing difficulties is available. Please ask at the Security Desk on the Middlesex Floor.

**Agenda publication date: Friday 22 September 2017**

## **AGENDA - PART I**

### **1. APPOINTMENT OF CHAIR**

To appoint a Chair 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 Chair 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 Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].

### **4. LICENSING PROCEDURES (Pages 5 - 8)**

Procedure to be followed at an oral hearing.

### **5. APPLICATION TO VARY A PREMISES LICENCE FOR CLUB KTM, 32 RAILWAY APPROACH, WEALDSTONE, HARROW, HA3 5AA (Pages 9 - 68)**

Report of the Divisional Director of Environment and Culture.

### **6. ANY OTHER URGENT BUSINESS**

Which cannot otherwise be dealt with.

## **AGENDA - PART II - NIL**

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Licensing Panel – Licensing Act 2003

## Procedure A - Oral Hearing in Public

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

*Please note that the **Applicant** is the party who has requested the Hearing*

- i. **Introductions** by the Chair of the Panel:
  - Members
  - Officers and Officers of Responsible Authorities
  - Applicants and Objector(s)
  - the Procedure for the hearing
- ii. **Presentation** of the report (**agenda item 6**) by Officers of the Relevant Authority.
- iii. **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.
- iv. **Questioning** of the **applicant** by:
  - the objector(s)
  - the Panel
- v. **Presentation** by the **objector(s)**, 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.
- vi. **Questioning** of the **objector(s)** by:
  - the applicant
  - the Panel
- vii. **Concluding statement(s)** by the objector(s).
- viii. **Concluding statement** by the applicant.
- ix. The Panel together with its 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.
- x. 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*

## REPORT FOR: LICENSING Panel

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<b>Date:</b>	<b>02 October 2017</b>
<b>Subject:</b>	Application to vary a premises licence for Club KTM, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA
<b>Responsible Officer:</b>	Simon Baxter, Divisional Director – Community Directorate
<b>Exempt:</b>	No
<b>Enclosures:</b>	Current premises licence (appendix 1) Location (GIS) Map (appendix 2) Image of premises (appendix 3) Plan of premises (appendix 4) Representations (appendix 5) Summary of proposed times and conditions (appendix 6) Operating schedule (appendix 7)

### Section 1 – Summary

An application has been received to vary the premises licence for Club KTM, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA to extend the times for licensable activities and hours open to public. A representation has been received from several residents and from the licensing authority in its role as a Responsible Authority.

### Section 2 – Report

- 2.1 Mr Prakash Pradhan has applied to vary the premises licence (appendix 1) for Club KTM, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA. A location map and image of the premises are set out at appendices 2 and 3.
- 2.2 Licensable activities  
The applicant has applied to vary the licence according to the following:
- 2.3

	<i>Current Licence</i>		
	<i>Live music, Recorded music, performance of dance and similar, Sale of retail alcohol</i>	<i>Late night refreshment</i>	<i>Hours open to public</i>
<b>Mon</b>	1200 – 0000	2300 – 0000	1200 – 0030*
<b>Tue</b>	1200 – 0000	2300 – 0000	1200 – 0030*
<b>Wed</b>	1200 – 0000	2300 – 0000	1200 – 0030*
<b>Thu</b>	1200 – 0000	2300 – 0000	1200 – 0030*
<b>Fri</b>	1200 – 0200*	2300 – 0200*	1200 – 0230*
<b>Sat</b>	1200 – 0200*	2300 – 0200*	1200 – 0230*
<b>Sun</b>	1200 – 0000	2300 – 0000	1200 – 0030*

\* = Next day

**Special Extensions:**

On commencement of British Summer Time one hour should be added to the finish time. From the end of the sale of alcohol on the 31st December until the start of the sales of alcohol on the following day

	<i>New hours</i>		
	<i>Live music, Recorded music; performance of dance Sale of retail alcohol</i>	<i>Late night refreshment</i>	<i>Hours open to public</i>
<b>Mon</b>	1200 – 0200 *	2300 – 0200 *	1200 – 0230 *
<b>Tue</b>	1200 – 0200 *	2300 – 0200 *	1200 – 0230 *
<b>Wed</b>	1200 – 0200 *	2300 – 0200 *	1200 – 0230 *
<b>Thu</b>	1200 – 0400*	2300 – 0400 *	1200 – 0430**
<b>Fri</b>	1200 – 0400 *	2300 – 0400 *	1200 – 0430*
<b>Sat</b>	1200 – 0400*	2300 – 0400 *	1200 – 0430*
<b>Sun</b>	1200 – 0200 *	2300 – 0200 *	1200 – 0430 *

\* = Next day

**Special Extensions:**

Licensing activity hours will be 12:00 - 04:00 on the following days; Valentine’s Day, Nepalese Republic Day, Dussehra, Diwali, Christmas Eve, Christmas Day, Boxing Day, New Year’s Eve, New Year’s Day and all public bank holidays.

2.4 Description of premises

The premises comprise of, primarily, a ground floor dance floor with a reception area, stage, bar, cloakroom, and dance floor; and a second floor restaurant/function area.

2.5 Officers’ observations

The premises are located on Railway Approach A409, on the main thoroughfare between Wealdstone and Harrow and opposite the Civic Centre site. This is effectively an island site which includes a mix of residential and commercial premises.

2.6 The premises operates as mainly as a nightclub. Previous temporary event notices state that the maximum number of persons as 280. Section 2.12 – 2.14 of the Statutory Guidance refers to “Safe Capacities” and it recommends that the applicant carries out a risk assessment with regard to safe capacities. Given the nature of the venue being run as a night club, no information has been given to the Licensing

Authority by the applicant regarding safe capacities and no representations have been received from the fire authority about a permitted maximum capacity for these premises.

2.7 The representations received from other persons mainly concentrate on the undermining of the crime and disorder and the public nuisance objectives. In summary, local residents are concerned that the grant of the application would lead to an increase in crime and disorder and would also further disturb the peaceful amenity of their residences.

2.8 Information on public nuisance is available in paragraphs 2.15 – 2.21 of the Statutory Guidance. In particular, section 2.16 states:

*“Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

2.9 History of the premises

The premises have been licensed since 3 November 2010. The premises licence was transferred to the current owners on 26 May 2017

2.10 Designated premises supervisor

Prakash Pradhan

2.11 Details of application

Received: 09 August 2017

Closing date for representations: 6 September 2017

The application has been advertised in accordance with the prescribed regulations

2.12 Representations

Representations have been received from one responsible authority being the Licensing Authority and eight other persons (appendix 5).

2.13 Operating schedule and conditions

Members will be aware that an operating schedule forms part of the licensing process. This document outlines what activities are proposed, the opening hours, and how the activities will be managed particularly in respect of the licensing objectives.

2.14 The Panel’s attention is directed towards paragraphs 8.38 – 8.46 of the statutory guidance issued under the Act that sets out matters that ought to be considered by an applicant when drafting their operating schedule.

2.15 The most critical part of the operating schedule are the steps taken by the applicant to promote the licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be transferred into conditions on the licence. The Panel’s discretion is engaged in the light of relevant representations to impose conditions that are appropriate to promote

the licensing objectives. Conditions should be tailored to the size, type, location, characteristics and activities at the premises, and the Panel should be aware of any indirect costs that may arise from the imposition of conditions.

- 2.16 Appendix 6 sets out for the Panel's consideration a summary of proposed hours and the conditions transferred from the operating schedule. The wording of the conditions is taken from the licensing authority's pool of model conditions that is publicly accessible on the council's website.
- 2.17 When imposing conditions relating to CCTV the Panel should bear in mind the Information Commissioner's guidance<sup>1</sup> that such conditions should only be imposed where it is justified to do so and in order to meet the licensing objectives. However the conditions in appendix 6 already exist on the current premises licence.
- 2.18 The Panel has the discretion to add to or modify these conditions in light of the representations where it is appropriate to do so to promote the licensing objectives.
- 2.19 Licensing policy  
Paragraph 6.3 of the licensing authority's statement of licensing policy sets out the matters that the Panel may take into account when considering representations (although the Panel is not limited to these matters):
- noise reduction measures associated with licensable activities, particularly near to residential properties such as noise limiters, acoustic lobbies, double glazing, ventilation systems etc
  - noise mitigation measures associated with licensable activities, particularly near to residential properties
  - measures to control smoking
  - extent of any external areas such as beer gardens, smoking areas and pavement cafes
  - effective wind-down and dispersal policies
  - noise from people arriving at or leaving from the premises and which is related to licensable activities
  - control of other nuisances relating to licensable activities such as light or odours
  - management of waste particularly preventing fly-tipping
  - arrangements in place for hiring licensed premises for private parties especially younger "anniversary birthday" parties
- 2.20 Legal implications  
The Licensing Panel is required to hold a hearing to consider any relevant representations made in relation to the premises licence application unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.21 The Licensing Panel is required to give appropriate weight to the representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps that are appropriate to promote the four licensing objectives.

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<sup>1</sup> [https://ico.org.uk/media/for-organisations/documents/1565/ico\\_view\\_on\\_cctv\\_in\\_pubs.pdf](https://ico.org.uk/media/for-organisations/documents/1565/ico_view_on_cctv_in_pubs.pdf)

2.22 The Licensing Panel will be aware that it is unable to reduce the existing hours of the premises licence as shown at appendix 3).

2.23 Having considered those relevant matters, the Licensing Panel is required to take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

The steps are—

- (a) to modify the conditions of the licence;
- (b) to reject the whole or part of the application;

The conditions of the licence are modified if any of them are altered or omitted or any new conditions added.

2.21 It should be noted with all options that –

- clear reasons should be given for the decision.
- any additional or modified conditions should be practical and enforceable
- the applicant and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in Schedule 5 to the Licensing Act 2003.

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

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

2.23 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)

2.24 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.'

## **Financial Implications**

2.25 There are no financial implications.

## Appeals

- 2.26 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a magistrates' court within 21 days from notification of the decision.

### Section 3 - Statutory Officer Clearance

Name: Jessie Mann	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 15 September 2017		
Name: Harinder Dhaliwal	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 18 September 2017		

### Section 4 - Contact Details and Background Papers

**Contact:** Jeffrey Leib, Principal Licensing Officer extension 7667

**Background Papers:** Application form, Statutory Guidance.



# LICENSING ACT 2003

# Premises Licence

Appendix 1

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

Premises Licence Number: LN/000003641/2017/4

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:  
Club KTM, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA

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) Performance similar to e f g  
Late night refreshment  
Sale of retail alcohol

Signed by Richard LeBrun  
Environmental Services Manager (Public Protection)

**Licensable Area**  
**Hours open to public**

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

**On commencement of British Summer Time one hour should be added to the finish time.  
From the end of the sale of alcohol on the 31st December until the start of the sales of alcohol on the following day**

**The times the licence authorises the carrying out of licensable activities**

**Location: Licensable Area**

**Live music (e) Recorded music (f) Performance of dances (g) Performance similar to e f g**

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

**On commencement of British Summer Time one hour should be added to the finish time.  
From the end of the sale of alcohol on the 31st December until the start of the sales of alcohol on the following day**

**Location: Licensable Area**

**Late night refreshment**

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

**On commencement of British Summer Time one hour should be added to the finish time.  
From the end of the sale of alcohol on the 31st December until the start of the sales of alcohol on the following day**

**Location: Licensable Area**

**Sale of retail alcohol**

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

**On commencement of British Summer Time one hour should be added to the finish time.  
From the end of the sale of alcohol on the 31st December until the start of the sales of alcohol on the following day**

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



## Part 2

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

Prakash Pradhan

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

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

**Prakash Pradhan**

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

**HILLINGDON - LBHIL2816**

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) 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 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.

#### The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person

is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

#### **Mandatory Condition order 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
    - (i) P is the permitted price,
    - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **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

#### Annex 2 - Conditions consistent with the operating Schedule

1. Staff are trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health safety, first aid, alcohol and drug awareness and conflict management.
2. Customers will not be permitted to take open glass containers outside the premises, as defined in the plan submitted with the operating schedule and approved by the Licensing Authority.
3. The consumption of alcohol will be restricted to those parts of the premises identified on the plan submitted with the operating schedule and approved by the Licensing Authority.
4. Notices will be displayed at each public entrance to the premises, which clearly state the premises policy on admission and searching.
5. Substantial food to be available until 23:30 hours.
6. The applicant monitors the need for door supervisors and in so doing takes into account any advice given by the Police.
  - i. SIA Door Supervisors shall be employed on any evening when the premises are open past midnight.
  - II. A "Magic Wand" metal detector shall be kept, maintained and used on the premises.
  - III. A register containing the full details of the Door Supervisors shall be kept on the premises and supplied to the Police or Local Authority on request.
7. The Metropolitan Police Service (MPS) must be given at least 14 days notice of all forthcoming events organized by an external promoter and have received a completed MPS Promotion / Event Risk Assessment (form 696) 14 days in advance of any such event. A copy of the form 696 is also to be provided to the Licensing Office at South Harrow Police Station.

The Metropolitan Police Service must have received a completed MPS Debrief Promotion / Event Risk Assessment (form 696a) three days after any risk assessed event.

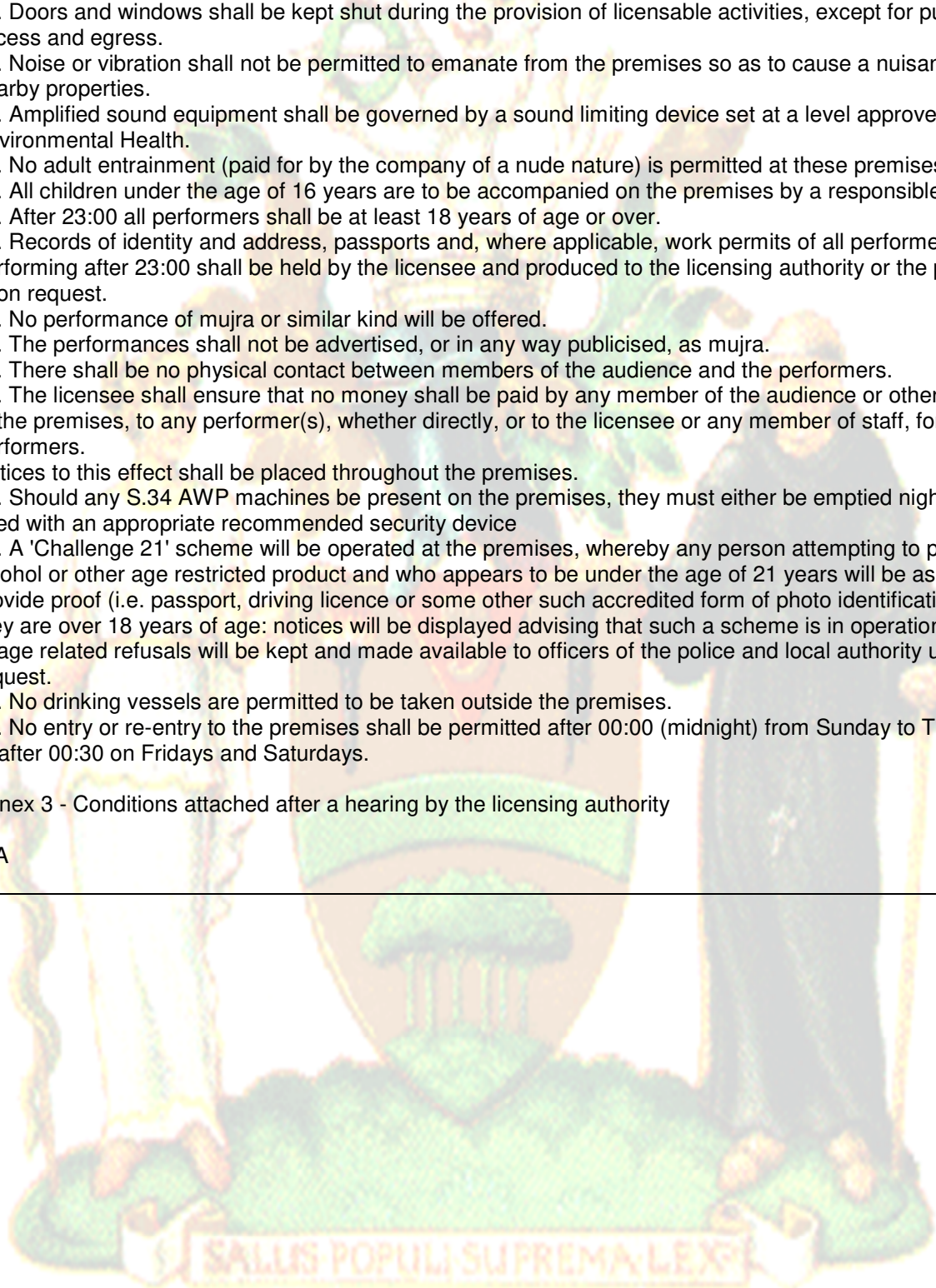
8. The Pub Manager is required to actively participate in and support the local Pubwatch Scheme (where active)
9. In Line with our Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.
10. All incidents are logged and recorded in a log book.
11. There is an established procedure for the confiscation of drugs agreed with local police.
12. Known troublemakers are barred.
13. A security manual is available on site.
14. Toilets are checked an average of 2 hourly daily and a log kept of the times/dates they are visited.
15. The premises operate the current local authority or similar "proof of age" scheme and display the relevant literature.
16. CCTV shall be maintained and operated in good order and to the satisfaction of the Metropolitan Police Crime Prevention officer's reasonable request.
17. A monitored central station alarm and security system shall be maintained and operated in good order and to the satisfaction of the Metropolitan Police Crime Prevention Officer's reasonable request.
18. Free drinking water is available to customers.
19. Floor staff conduct physical sweeps inside the premises to remove hazardous objects/waste.
20. Phone number of an allocated taxi firm displayed on the premises.
21. The maximum number of persons accommodated on the premises at any one time should not exceed

280 (excluding staff)

22. Door supervisor and management monitor the behaviour of customers leaving the premises.
  23. Notices to be displayed to encourage customers to leave the premises quietly.
  24. Deliveries are conducted during daytime to control noise nuisance.
  25. Doors and windows shall be kept shut during the provision of licensable activities, except for purposes of access and egress.
  26. Noise or vibration shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.
  27. Amplified sound equipment shall be governed by a sound limiting device set at a level approved by Environmental Health.
  28. No adult entrainment (paid for by the company of a nude nature) is permitted at these premises.
  29. All children under the age of 16 years are to be accompanied on the premises by a responsible adult.
  30. After 23:00 all performers shall be at least 18 years of age or over.
  31. Records of identity and address, passports and, where applicable, work permits of all performers performing after 23:00 shall be held by the licensee and produced to the licensing authority or the police upon request.
  32. No performance of mujra or similar kind will be offered.
  33. The performances shall not be advertised, or in any way publicised, as mujra.
  32. There shall be no physical contact between members of the audience and the performers.
  33. The licensee shall ensure that no money shall be paid by any member of the audience or other customer at the premises, to any performer(s), whether directly, or to the licensee or any member of staff, for the performers.
- Notices to this effect shall be placed throughout the premises.
34. Should any S.34 AWP machines be present on the premises, they must either be emptied nightly or fitted with an appropriate recommended security device
  35. A 'Challenge 21' scheme will be operated at the premises, whereby any person attempting to purchase alcohol or other age restricted product and who appears to be under the age of 21 years will be asked to provide proof (i.e. passport, driving licence or some other such accredited form of photo identification) that they are over 18 years of age: notices will be displayed advising that such a scheme is in operation; a record of age related refusals will be kept and made available to officers of the police and local authority upon request.
  36. No drinking vessels are permitted to be taken outside the premises.
  37. No entry or re-entry to the premises shall be permitted after 00:00 (midnight) from Sunday to Thursday, or after 00:30 on Fridays and Saturdays.

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

N/A



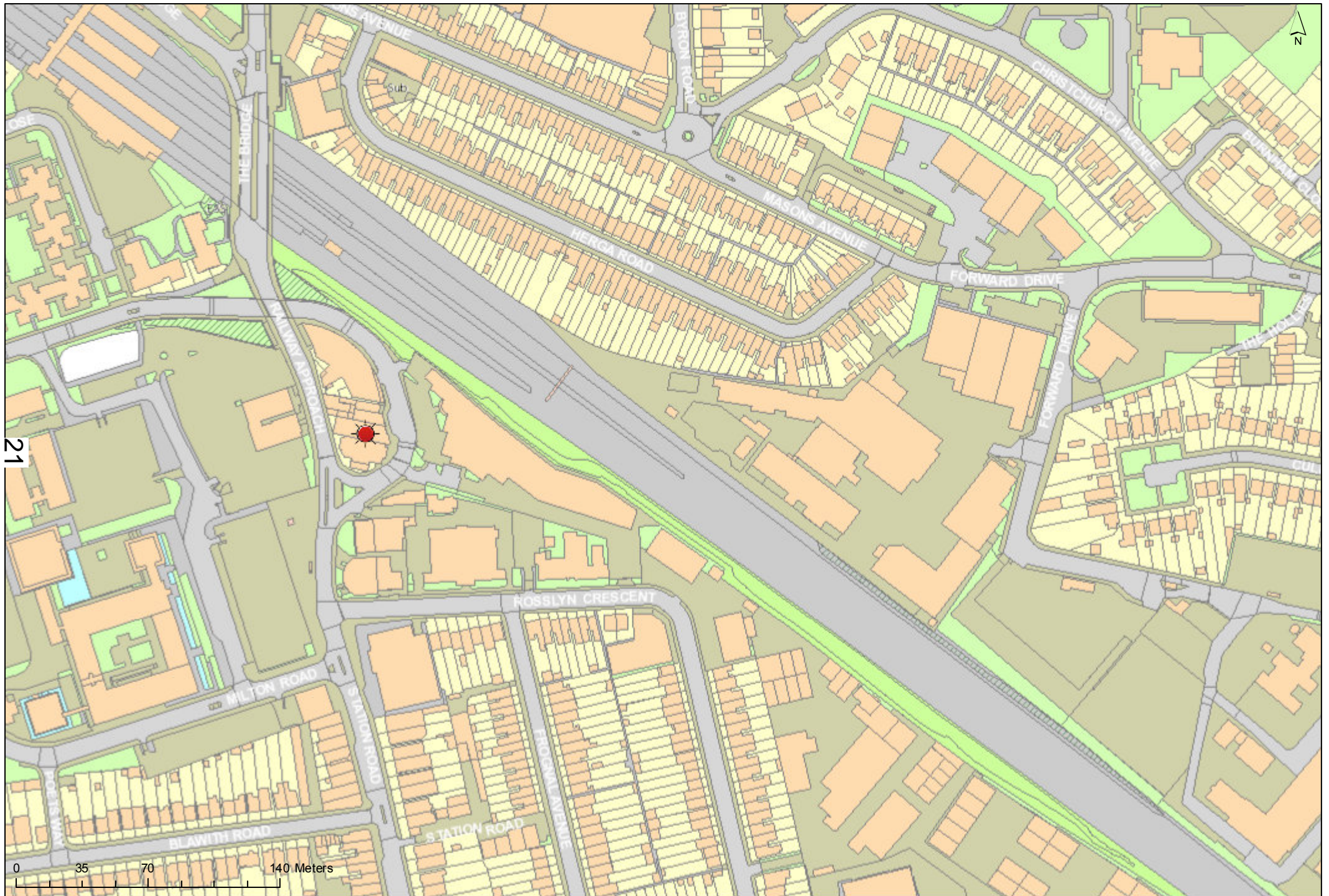




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Appendix 2 - location map



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Google Maps A409



Image capture: Oct 2016 © 2017 Google United Kingdom

Harrow, England

Google, Inc.

Street View - Oct 2016



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## LICENSING ACT 2003

### REPRESENTATION BY LICENSING AUTHORITY

Club KTM, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA

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#### 1. Summary of the application

This is an application by an existing operator to vary their premises licence to extend their hours to provide:

- live music
- recorded music
- performance of dance
- retail sales of alcohol

(a) from the existing closing time of

- midnight on Sunday, Monday, Tuesday and Wednesday until 0200 hours the next day
- midnight on Thursday, Friday and Saturday until 0400 hours the next day

(b) to provide late night refreshment from 2300 hours until

- until the 0200 hours the next day on Sunday, Monday, Tuesday and Wednesday and
- until 0400 hours the next day on Thursday, Friday and Saturday

#### 2. Details of premises location

The premises are located on Railway Approach A409, on the main thoroughfare between Wealdstone and Harrow and opposite the Civic Centre site. The premises comprise of, primarily, a ground floor dance floor with a reception area, stage, bar, cloakroom, and dance floor; and a second floor restaurant/function area.

Club KTM is effectively located on an island site, bounded by Railway Approach and Marlborough Hill. There is a mix of residential and commercial premises on that site. The nearest licensed on-premises are 0.3 miles away.

Several bus routes pass the premises: 140 (24 hour service); 182, 186 258 and 340 (with the first buses leaving at approximately 0546 hours and the last buses at approximately 0055 hours); and the N18 (first bus is at 0138 hours and the last bus at 0533 hours, with a service approximately every twenty minutes). Harrow and Wealdstone train station is less than five minutes' walk.

#### 3. Any previous history of applicant/premises

The directors of the applicants Star Spice Limited are shown on the Companies House register as Nitesh Bhimji and Ramesh Bhimji. Licensing records show that the company, with the same directors, has held the licence since 3 November 2011 when the premises were known as Star Lounge and Ramesh Bhimji was also the designated premises supervisor.

The licensing authority and police licensing officer met with the DPS and the premises licence holder on 09/06/2017 at an introductory meeting. No specific issues were raised at that meeting.

The licensing authority's records show two current complaints recorded against the premises, both from the same complainant who has made representations against the application:

03/08/2017 – complaint of noise from loudspeakers from the club

04/08/2017 – complaint of noise from the premises and from people leaving the premises. The complaint states, in part:

*There is no noise insulation between the walls this is has got worse week by week since the club has changed name from star lounge to Club KTM.*

*The patron shout scream on leaving and theiught the night plus the urinate on my front door the are high influenced by drink and it not safe for me or any occupants to confront them.*

*I am opposing to all TEN submitted by these premises plus I request action is taken for them on other days that they run till 4.00 am and later.*

*Further I request that proper Insulation for sound are made during their normal hours and this can. I longer be allowed to continue*

Licensing authority records show that the same complainant has made at least ten other complaints about the premises since September 2010 predominately concerning noise due to a lack of sound proofing between his property and the applicant premises. Two other complainants have also made complaints about noise from the premises during that period.

#### **4. Impact on licensing objectives**

No reports have been made to the licensing authority concerning crime and disorder, public safety or child protection.

#### **5. Summary/observations about other representations**

The representations are predominately concerned with dispersal noise from customers leaving the premises, and music noise from the premises itself. The licensing authority is aware that despite the history of complaints no statutory notices have been served on the premises or the owners.

#### **6. Specific questions to be addressed**

- (1) The level of disturbance caused by people leaving the club.
- (2) The level of disturbance caused by music and other noise vibrating through the premises

#### **7. Proposed actions and conditions**

The licensing authority recommends that the extended hours for licensable activities are not



granted for the extension of the existing hours until:

(a) a dispersal plan is produced by the premises licence holder to the satisfaction of the licensing authority and police licensing officer

(b) the recommendations of an independent acoustic expert and agreed by an Environmental Health officer should be implemented before any live or amplified music is available after 0200 hours on Saturday and Sunday or midnight on any other day (that is, the existing licensing hours)

The licensing authority has reviewed the proposed operating schedule and would suggest the existing conditions be deleted and the following conditions be included on the licence should the variation be granted:

***Prevention of crime and disorder***

1 CCTV

- (1) The Premises Licence Holder or Designated Premises Holder shall install and maintain a comprehensive CCTV system to the satisfaction of the Metropolitan Police. All entry and exit points must be covered enabling frontal identification of every person entering.
- (2) The Designated Premises Licence Holder shall ensure that the CCTV system shall continually record whilst the Premises is open for licensable activities and during all times when customers remain on the Premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (3) Recordings shall be made available immediately upon the request of the Police or authorised officer of the Licensing Authority providing such requests are in connection with the prevention or detection of crime. Recordings are to be supplied to in the form of digital download burned onto a DVD or CD disc.
- (4) A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police or an authorised officer to the licensing authority recent data or footage with the minimum delay when so requested.
- (5) All faults/defects in the CCTV system must be reported to the Metropolitan Police immediately the fault is discovered. The notification must be made to the Metropolitan Police non-emergency telephone number 101 and a log number obtained from the Police and recorded in the incident book. The Harrow Police Licensing Unit must also be notified as soon as reasonably practicable.
- (6) All faults with the CCTV system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place without the agreement of Harrow Police Licensing Officer and/or Licensing Authority until the fault is rectified.
- (7) A monitor on which CCTV pictures can be displayed will be installed in the reception area.

## 2 Door supervisors

(1) The premises licence holder shall employ at least two door supervisors from 2300 hours until at least thirty minutes after the terminal hour for the premises to be closed to the public

(2) This condition may be waived or varied from time to time with the agreement of the licensing authority and/or the police licensing officer for Harrow.

(3) The Designated Premises Supervisor shall maintain a register/log of licensed door supervisors indicating the number of licensed door supervisors on duty, their identity, contact details including addresses and phone numbers and the times they were on duty. A copy should be available immediately upon request to officers of the Metropolitan Police or the Licensing Authority.

## 3 Entry control

(1) Notices will be displayed at each public entrance to the premises, which clearly state the premises policy on admission and searching.

(2) The premises licence holder shall ensure any customer who behaves inappropriately will be barred from the premises and their details passed to the Harrow Pubwatch scheme.

## 4 Staff training

(1) The premises licence holder shall maintain records of the training given to each member of staff in respect of promoting the licensing objectives, including the implementation of licensing conditions; health and safety; First Aid; alcohol and drug awareness; and conflict management.

(2) The premises licence holder shall provide the training records to officers of the licensing authority when reasonably requested.

## 5 Record keeping

(1) The Designated Premises Supervisor shall be responsible for maintaining a record for at least 12 months of "Significant Incidents" that occurs on the premises whilst licensable activities are being provided.

(2) "Significant Incidents" to be recorded include (but are not limited to):

- (a) failures of or faults with the electronic identification system
- (b) failures of or faults with the CCTV system
- (c) refusals of alcohol sales
- (d) calls to the police arising from illegal drugs on the Premises
- (e) other matters that may affect the licensing objectives
- (f) assaults or other injuries whether or not police or medical assistance is required
- (g) CCTV and electronic identification system records supplied to Police and Licensing Authority officers
- (h) seizures of false identification
- (i) records of reasonable requests from authorised officers in accordance with condition 8.

6 Misuse of drugs

(1) Whilst licensable activities are taking place, the toilets at the Premises must be checked at least every two hours for illegal drug use or supply. A written log of all checks must be kept at the Premises for at least 31 days and made available for immediate inspection on the request of an authorised officer of the Metropolitan Police or the Licensing Authority.

(2) On finding or being notified about any unlawful drugs or suspected drugs (including paraphernalia) the Designated Premises Supervisor shall immediately ensure the items are kept securely from unauthorised access, and shall contact the police non-emergency telephone number for advice as to its safe and lawful disposal.

7 A monitored central station alarm and security system shall be maintained and operated in good order and to the satisfaction of the Metropolitan Police Crime Prevention Officers reasonable request.

8 The Licensee shall comply with all reasonable crime prevention and/or public safety and/or public nuisance prevention measures that may be required by the Licensing Authority and/or the Environmental Health Officer and/or the Metropolitan Police and which are consistent with the premises operating schedule providing such requirements do not incur unreasonable or disproportionate expenditure.

***Prevention of public nuisance***

9 External areas and areas for smoking

(1) The premises licence holder shall make arrangements to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.

(2) No more than four customers are permitted in the outside smoking area at any one time.

(3) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

10 Customer dispersal

(1) The premises licence holder shall arrange for information about local public transport and local taxi firms to be clearly displayed to customers within the premises.

(2) Signage must be displayed in the customer area and at the exits requesting customers to leave the premises quietly and not to disturb neighbouring residents.

(3) There shall be a dispersal policy for the premises agreed with an authorised officer of the Licensing Authority.

11 Noise management

(1) All windows and external doors shall be kept closed between 21:00 hours and 08:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

(2) No pre-arranged deliveries or unloading of goods may be made to the premises between 1900 hours and 0700 hours.

(3) (i) Loudspeakers shall not be located in the entrance lobby or outside the premises building.

(ii) Loudspeakers and other sound amplification equipment must not be directed outwards towards any street or installed externally to the premises.

(4) A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open and to be made available to residents in the vicinity.

(5) The recommendations of an independent acoustic expert and approved by an Environmental Health Officer shall be implemented before any live or amplified music may be provided after 0200 hours on Saturday and Sunday or midnight on any other day

***Protection of children from harm***

12 All children under the age of 16 years are to be accompanied on the premises by a responsible adult.

## Ash Waghela

---

**From:** [REDACTED]  
**Sent:** 02 September 2017 11:04  
**To:** license  
**Subject:** Clun KTB late license application

Dear Sir/Madam,

I am writing to object the application for the above license for club KTB, I am a resident at [REDACTED]. I am fed up of already being woken up to the noise when the club currently ends. The noise when they leave wakes my children up, sometimes there is loud arguments and noise of broken glass. The streets are always left covered in litter from the club and we already have an issue with rats in the area this just encourages them more. Please do not let this license be approved!

Many Thanks

[REDACTED]

## Ash Waghela

---

**From:** [REDACTED]  
**Sent:** 26 August 2017 10:56  
**To:** license  
**Subject:** Late licence till 4.00AM  
**Categories:** Licensing Act, Actioned AW

I am objecting to this application

I live at [REDACTED] am retired old couple living with my wife and would like to have a good night sleep without the night noise.

Please don't issue this licence to

CLUB KTB 32 RAILWAY APPROACH

HA3 5AA

THANKS

Sent from my Samsung device

**Ash Waghela**

---

**From:** [REDACTED]  
**Sent:** 22 August 2017 20:36  
**To:** license  
**Subject:** URGENT

To whom it may concern,

I am a resident of [REDACTED] ([REDACTED]) and It has come to the attention of my household and I that Club KTM (32 Railway approach) ADJACENT to our building are attempting to obtain a late license that allows them to keep the club open till even longer.

At the current opening times of the club, my household as well as the majority of [REDACTED] residents have expressed frustration over the level of noise and therefore disturbance from the club. The attenders of this club often linger outside the venue (right next to our block) and not only make an excessive volume of noise during the opening hours of the club but for hours after its closing time.

If the club was to then stay open for even longer, needless to say, this problem would be exacerbated.

If indeed the club is attempting to extend their opening hours till later in the night, I urge you to take the above into consideration when granting a license, so to take into account the comfort of nearby residents - particularly the elderly.

Yours faithfully,

[REDACTED]

## Ash Waghela

---

**From:** [REDACTED]  
**Sent:** 23 August 2017 15:18  
**To:** license  
**Subject:** regarding club KTB late licence till 4.00

**Categories:** Actioned JL, Licensing Act

dear sir, madam

Am one of the many habitants in [REDACTED] and this email would like to appeal to the harrow licence team to not allow the late parking till 4.00 of the club ktb, as this will cause disturbances and property damage to our apartment. This is not a misplaced accusation as we already suffer from broken doors and vomit in the apartment corridors caused by drunk and inappropriate behaviour by visitors of the club, this which affects both our security and hygiene, by allowing them access to parking till 4.00 it will intensify these problems and I for one am not willing to put up with these behaviours, I hope you take our opinions into consideration and stop the licensing from happening.

thank you for your efforts and time

[REDACTED]



## Ash Waghela

---

**From:** [REDACTED]  
**Sent:** 25 August 2017 14:18  
**To:** license; Environmental Health  
**Subject:** Club KTM variation of licence  
**Categories:** Licensing Act, Actioned JL

Dear SirS

I have been doing work at my to be residence and would strongly object to a late licence variation the noise level are very high with any sound proofing.

Apparently the Club operator state that there is dound proofing maybe the floor have sound proof and window but internal between walls there is NOTHING!!!

The current operation is also causing a great nuisance on some nights specially friday and saturdays the noise of cars and shouting of customers, noise of breaking bottle and arguments when nights over is so bad that I would suggest that the club licence is reduced to 11pm and 12 midnight on weekends.

During the hours of operation it is also intimidating as some people are smoking something which smells not like Tabacco at the rear of the premises at Marlborough Hill and in large groups

For the record I will be opposing this application

**Regards**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

3rd September 2017

Dear Sir/Madam,

It has been said that Club KTB, located at 32 Railway Approach, have applied for a licence to keep their premises open until 4.00 am. I Sincerely hope that this will not be allowed.

It is unfair on nearby residents as the sort of clientele who would be there at such an unreasonable hour would have little consideration for others.

Inevitably there would be cars parked in the Civic Centre car park and the KTB customers would not have spent their time just drinking tea or coffee. Drugs may well be in evidence too.

This sort of liberty would only encourage the worst elements to attend. Situations such as violence and drunken driving may well occur and the crime rate is bad enough as it is.

As you can see, I live on [REDACTED] in an upstairs flat. It is not unusual for someone to ring my doorbell at 2.am. Also the glass in the front door has been smashed and the doorstep used as a toilet.

If permission is granted the situation can only worsen.

Please, please consider the residents and refuse to grant this application.

[REDACTED]





Dear Sir

I sincerely hope that Club KTB application to open until HAM is refused. To allow this would be grossly unfair to residents as this would undoubtedly attract undesirable elements.

There has been and is enough crime and violence of late and this will only add to it

Midnight is quite late enough, please consider those of us who pay our dues to the Council



Yours faithfully



[REDACTED]

Dear Sir

I have just heard that a club  
called KTB on Railway Approach  
want to stay open until 4 in the  
morning. This is unfair to residents  
and can only add to all the  
noise and crime we have  
nowadays, Please don't allow  
them to do this, with all the  
recent violent crime this will  
only bring more trouble

[REDACTED]



## Appendix 6

### Summary of proposed times and conditions

	<i>Proposed Times</i>		
	<i>Live music, Recorded music; performance of dance Sale of retail alcohol</i>	<i>Late night refreshment</i>	<i>Hours open to public</i>
<b>Mon</b>	1200 – 0200 *	2300 – 0200 *	1200 – 0230 *
<b>Tue</b>	1200 – 0200 *	2300 – 0200 *	1200 – 0230 *
<b>Wed</b>	1200 – 0200 *	2300 – 0200 *	1200 – 0230 *
<b>Thu</b>	1200 – 0400*	2300 – 0400 *	1200 – 0430**
<b>Fri</b>	1200 – 0400 *	2300 – 0400 *	1200 – 0430*
<b>Sat</b>	1200 – 0400*	2300 – 0400 *	1200 – 0430*
<b>Sun</b>	1200 – 0200 *	2300 – 0200 *	1200 – 0430 *

\* = Next day

#### **Additional Special Extensions:**

Licensing activity hours will be 12:00 - 04:00 on the following days; Valentine's day, Nepalese Republic Day, Dussehra, Diwali, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's day and all public bank holidays.

#### **Proposed Conditions**

The licensing authority has reviewed the proposed operating schedule and would *suggest the existing conditions be deleted* and the following conditions be included on the licence should the variation be granted:

##### ***Prevention of crime and disorder***

###### 1 CCTV

- (1) The Premises Licence Holder or Designated Premises Holder shall install and maintain a comprehensive CCTV system to the satisfaction of the Metropolitan Police. All entry and exit points must be covered enabling frontal identification of every person entering.

- (2) The Designated Premises Licence Holder shall ensure that the CCTV system shall continually record whilst the Premises is open for licensable activities and during all times when customers remain on the Premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (3) Recordings shall be made available immediately upon the request of the Police or authorised officer of the Licensing Authority providing such requests are in connection with the prevention or detection of crime. Recordings are to be supplied to in the form of digital download burned onto a DVD or CD disc.
- (4) A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police or an authorised officer to the licensing authority recent data or footage with the minimum delay when so requested.
- (5) All faults/defects in the CCTV system must be reported to the Metropolitan Police immediately the fault is discovered. The notification must be made to the Metropolitan Police non-emergency telephone number 101 and a log number obtained from the Police and recorded in the incident book. The Harrow Police Licensing Unit must also be notified as soon as reasonably practicable.
- (6) All faults with the CCTV system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place without the agreement of Harrow Police Licensing Officer and/or Licensing Authority until the fault is rectified.
- (7) A monitor on which CCTV pictures can be displayed will be installed in the reception area.

## 2 Door supervisors

- (1) The premises licence holder shall employ at least two door supervisors from 2300 hours until at least thirty minutes after the terminal hour for the premises to be closed to the public
- (2) This condition may be waived or varied from time to time with the agreement of the licensing authority and/or the police licensing officer for Harrow.
- (3) The Designated Premises Supervisor shall maintain a register/log of licensed door supervisors indicating the number of licensed door supervisors on duty, their identity, contact details including addresses and phone numbers and the times they were on duty. A copy should be available immediately upon request to officers of the Metropolitan Police or the Licensing Authority.

## 3 Entry control

- (1) Notices will be displayed at each public entrance to the premises, which clearly

state the premises policy on admission and searching.

(2) The premises licence holder shall ensure any customer who behaves inappropriately will be barred from the premises and their details passed to the Harrow Pubwatch scheme.

#### 4 Staff training

(1) The premises licence holder shall maintain records of the training given to each member of staff in respect of promoting the licensing objectives, including the implementation of licensing conditions; health and safety; First Aid; alcohol and drug awareness; and conflict management.

(2) The premises licence holder shall provide the training records to officers of the licensing authority when reasonably requested.

#### 5 Record keeping

(1) The Designated Premises Supervisor shall be responsible for maintaining a record for at least 12 months of "Significant Incidents" that occurs on the premises whilst licensable activities are being provided.

(2) "Significant Incidents" to be recorded include (but are not limited to):

- (a) failures of or faults with the electronic identification system
- (b) failures of or faults with the CCTV system
- (c) refusals of alcohol sales
- (d) calls to the police arising from illegal drugs on the Premises
- (e) other matters that may affect the licensing objectives
- (f) assaults or other injuries whether or not police or medical assistance is required
- (g) CCTV and electronic identification system records supplied to Police and Licensing Authority officers
- (h) seizures of false identification
- (i) records of reasonable requests from authorised officers in accordance with condition 8.

#### 6 Misuse of drugs

(1) Whilst licensable activities are taking place, the toilets at the Premises must be checked at least every two hours for illegal drug use or supply. A written log of all checks must be kept at the Premises for at least 31 days and made available for immediate inspection on the request of an authorised officer of the Metropolitan Police or the Licensing Authority.

(2) On finding or being notified about any unlawful drugs or suspected drugs (including paraphernalia) the Designated Premises Supervisor shall immediately ensure the items are kept securely from unauthorised access, and shall contact the police non-emergency telephone number for advice as to its safe and lawful

disposal.

- 7 A monitored central station alarm and security system shall be maintained and operated in good order and to the satisfaction of the Metropolitan Police Crime Prevention Officers reasonable request.
- 8 The Licensee shall comply with all reasonable crime prevention and/or public safety and/or public nuisance prevention measures that may be required by the Licensing Authority and/or the Environmental Health Officer and/or the Metropolitan Police and which are consistent with the premises operating schedule providing such requirements do not incur unreasonable or disproportionate expenditure.

### ***Prevention of public nuisance***

#### 9 External areas and areas for smoking

(1) The premises licence holder shall make arrangements to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.

(2) No more than four customers are permitted in the outside smoking area at any one time.

(3) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

#### 10 Customer dispersal

(1) The premises licence holder shall arrange for information about local public transport and local taxi firms to be clearly displayed to customers within the premises.

(2) Signage must be displayed in the customer area and at the exits requesting customers to leave the premises quietly and not to disturb neighbouring residents.

(3) There shall be a dispersal policy for the premises agreed with an authorised officer of the Licensing Authority.

#### 11 Noise management

(1) All windows and external doors shall be kept closed between 21:00



hours and 08:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

(2) No pre-arranged deliveries or unloading of goods may be made to the premises between 1900 hours and 0700 hours.

(3) (i) Loudspeakers shall not be located in the entrance lobby or outside the premises building.

(ii) Loudspeakers and other sound amplification equipment must not be directed outwards towards any street or installed externally to the premises.

(4) A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open and to be made available to residents in the vicinity.

(5) The recommendations of an independent acoustic expert and approved by an Environmental Health Officer shall be implemented before any live or amplified music may be provided after 0200 hours on Saturday and Sunday or midnight on any other day

#### ***Protection of children from harm***

12 All children under the age of 16 years are to be accompanied on the premises by a responsible adult.

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## Appendix 7

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

A new operating schedule has been drawn up, we would like to propose these new conditions for the premises. Most conditions from current premises licence have been used and new ones have been added.

The following conditions to be removed.

Under Annex 2

Condition No: 5, 7, 8, 21, 28, 30, 31, 32, 33, 34, 37.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Continued from previous page...

## Section 16 of 17

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Strict implementation of challenge 25 policy  
All staff to be trained in responsible alcohol retailing  
CCTV to record for 24 hours  
Refusal and incident book to be kept at premises  
Training manual will be kept at premises and staff to be trained on a regular basis

b) The prevention of crime and disorder

1. The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable.
2. The system shall be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. All images should be stored for a minimum of 31 days
3. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all persons leaving the premise.
4. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
5. Sign age will be prominently displayed advising customers that they are being filmed on CCTV.
6. Door supervisor shall be employed at the premise on event days.
7. Staff and trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health safety, first aid, alcohol and drug awareness and conflict management.
8. Customers will not be permitted to take open glass containers outside the premises.
9. Notices will be displayed at each public entrance to the premises, which clearly state the premises policy on admission and searching.
10. The applicant monitors the need for the door supervisors and in so doing takes into account any advice given by the police
  - i. SIA door supervisors shall be employed on premises on event days.
  - ii. A register containing the full details of the door supervisors shall be kept on the premises and supplied to the police or local authority on request.
11. In line with our alcohol and social responsibility policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.
12. All incidents are logged and recorded in a log book.
13. There is an established procedure for the confiscation of drugs agreed with the local police.
14. Known troublemakers are barred.
15. A security manual is available on site.
16. Toilets are checked on average of 2 hourly daily and a log kept of the times/date they are visited.
17. A monitored central station alarm and security system shall be maintained and operated in good order and to the satisfaction of the Metropolitan Police Crime Prevention Officer's reasonable request.
18. Free drinking water is available to customers

c) Public safety

1. Installation of appropriate safety equipment
2. To comply with all current fire, health and safety legislations
3. Fire exits displayed across the premises
4. Staff to carry out level 2 Food Safety qualifications.
5. Floor staff conduct physical sweeps inside the premises to remove hazardous objects/waste.

*Continued from previous page...*

6. Phone number of an allocated taxi firm displayed on the premises.

d) The prevention of public nuisance

1. Signage must be displayed in the customer area requesting patrons leave the premises quietly and not to disturb neighbouring residents.
2. To monitor anti-social behaviour by use of CCTV
3. Asking customers to leave premises quietly and in an orderly manner
4. "Please leave quietly and consider the neighbours" posters displayed at exit of premises.
5. All windows and doors shall remain shut during music / entertainment activities except when entering or leaving the premise.
6. Door supervisor and management monitor the behaviour of customers leaving the premises.
7. Deliveries are conducted during daytime to control noise nuisance.
8. Noise or vibration shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.
9. Amplified sound equipment shall be governed by a sound limiting device set at a level approved by environmental health.

e) The protection of children from harm

1. Implement challenge 25 policy at the premises.
2. Challenge 25 posters displayed across the premises
3. NO ID NO SALE posters also displayed at across premises
4. Refusal book to be updated by all members of staff as and when needed
5. All children under the age of 16 years are to be accompanied on the premises by a responsible adult.
6. A 'challenge 25' scheme will be operated at the premises, whereby any person attempting to purchase alcohol or other age restricted product and who appears to be under the age of 25 years will be asked to provide proof (i.e. passport, driving licence or some other such accredited form of photo identification) that they are over 18 years of age; notices will be displayed advising that such scheme is in operation; a record of age related refusals will be kept and made available to officers of the police and local authority upon request.

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**LICENSING ACT 2003**  
**FURTHER MATERIAL BY LICENSING AUTHORITY**  
**Club KTM, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA**

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1. The licensing authority has become aware of KTM's Facebook page (screenshots attached) since submitting its' initial representation, and wishes to raise further matters.
2. The Facebook pages clearly indicate the premises to be predominately a nightclub operation as shown in figure 1. Figures 2 and 3 indicate customers queuing onto the road to enter the premises late at night, even if the video in question was taken three months ago when it would not get dark until later in the evening.
3. The Facebook reviews page of the premises are generally positive, although there is one comment (responded to by the management) relating to the door supervisors and drinks being spilt on the floor.
4. The Facebook Timeline screenshots show a number of events during September 2017 that are clearly designed for the late-night market, for example by not opening until 2200 hours and advertising "open till late".
5. On the basis there is the potential for the crime prevention, public nuisance and public safety objectives being undermined, the Licensing Authority recommends it would be appropriate to retain the following existing conditions in addition to those proposed in the operating schedule and included in our original representation:

***Prevention of crime and disorder***

(1) Notices will be displayed at each public entrance to the premises, which clearly state the premises policy on admission and searching.

(2) A portable metal detector shall be kept, maintained and used on the premises to detect and deter the possibility of illegal weapons being brought into the premises.

(3) The Metropolitan Police Service (MPS) must be given at least 14 days' notice of all forthcoming events organized by an external promoter and have received a completed MPS Promotion / Event Risk Assessment (form 696) 14 days in advance of any such event. A copy of the form 696 is also to be provided to the Licensing Office at South Harrow Police Station. The Metropolitan Police Service must have received a completed MPS Debrief Promotion/Event Risk Assessment (form 696a) three days after any risk assessed event.

***Prevention of public nuisance/public safety***

(4) The maximum number of persons accommodated on the premises at any one time should not exceed 280 (excluding staff)

(5) There shall be no entry to new customers after 00:00 (midnight) from Sunday to Thursday, or after 01:00 on Fridays and Saturdays.

6. The Licensing Authority also recommend it would be appropriate to include the following two further conditions:

***Prevention of crime and disorder***

(1) There shall be a policy agreed with the Metropolitan Police and approved by an authorised officer of the Licensing Authority for the premises relating to illegal drugs found on persons or on the premises.

(2) Any queue to enter the premises which forms outside the premises is orderly and supervised by licensed door supervisors so as to ensure that there is no public nuisance or obstruction to the public highway



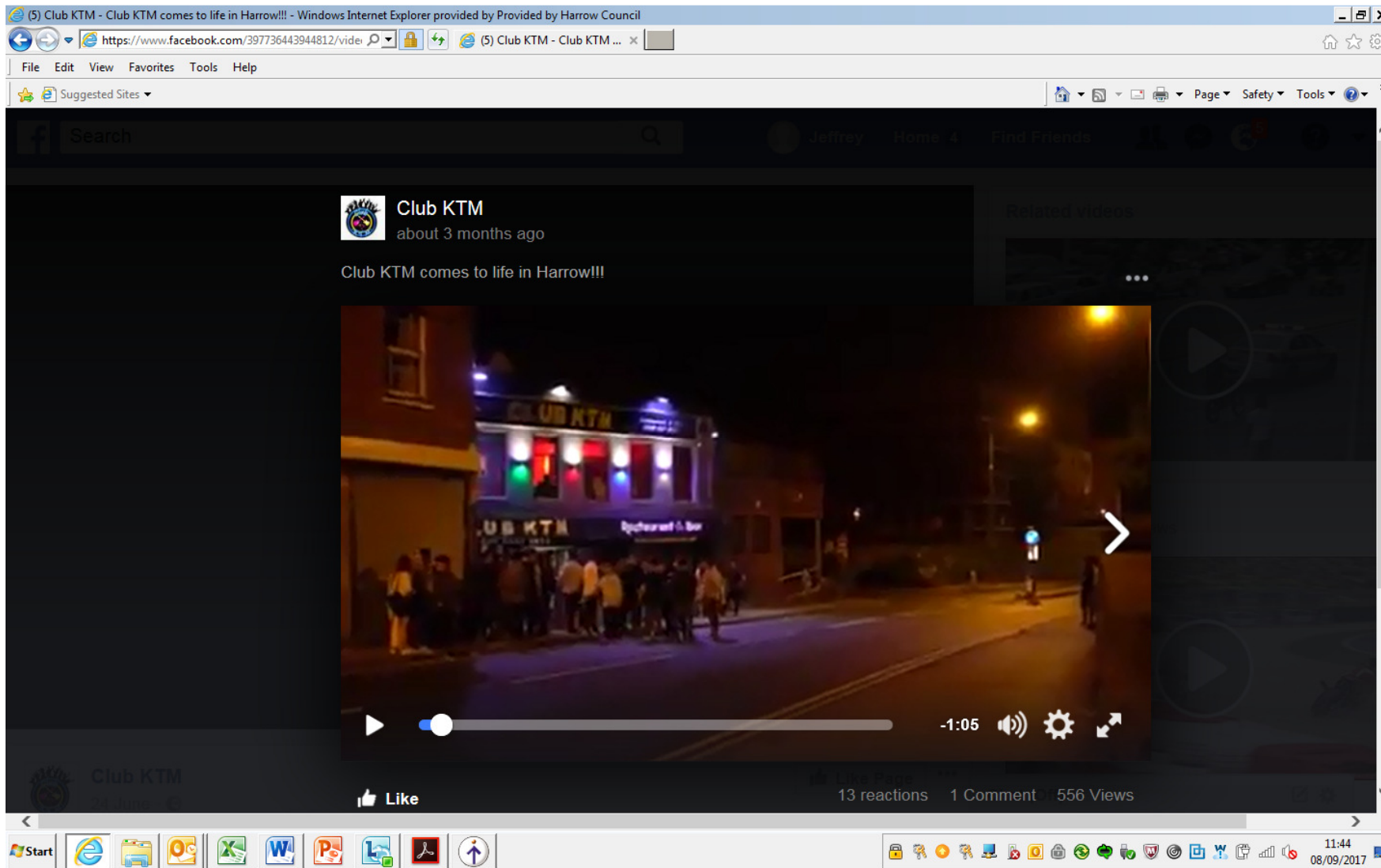
# Licensing Authority representation

Figure 1

53

The screenshot shows a Windows Internet Explorer browser window displaying a Facebook video post. The browser's address bar shows the URL: <https://www.facebook.com/397736443944812/video/>. The Facebook post is from the page 'Club KTM', posted 'about 3 months ago'. The video title is 'Club KTM comes to life in Harrow!!!'. The video content shows a large, dense crowd of people at a night event, with many individuals wearing light-colored shirts. The video player interface includes a progress bar at the bottom, a play button, a volume icon, a settings gear, and a full-screen icon. The video duration is indicated as '-0:40'. Below the video, the post has '13 reactions', '1 Comment', and '558 Views'. The Windows taskbar at the bottom shows various application icons and the system tray with the date '08/09/2017' and time '11:52'.

Figure 2



54

Figure 3

55

The image is a screenshot of a Windows Internet Explorer browser window displaying a Facebook video. The browser's address bar shows the URL <https://www.facebook.com/397736443944812/video/>. The Facebook page header includes a search bar, the name 'Jeffrey', and navigation links for 'Home' and 'Find Friends'. The video is posted by 'Club KTM' and is titled 'Club KTM comes to life in Harrow!!!'. The video content shows a night scene at the entrance of 'Club KTM Restaurant & Bar'. The building is illuminated with colorful lights (red, green, blue, and purple). A group of people is gathered outside, and a dark car is visible in the foreground. The video player interface includes a play button, a progress bar, a volume icon, a settings gear, and a full-screen icon. Below the video, there are interaction options: 'Like', '13 reactions', '1 Comment', and '558 Views'. The Windows taskbar at the bottom shows the Start button, several application icons (Internet Explorer, File Explorer, Office applications), and the system tray with the date '08/09/2017' and time '11:51'.

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Club KTM

Jeffrey Home 4 Find Friends

5



Club KTM

Home

Photos

Reviews

Posts

Videos

Events

About

Community

Create a Page

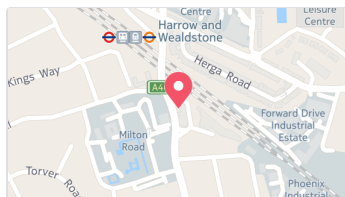


Like Follow Recommend

Book Now

Message

Featured for you



32 Railway Approach

Directions

Went there for an after work gathering during a mid week all the staffs were so accommodating and helpful quite surprised by the food



Sima D Gurung about 2 months ago

Bar in Harrow, United Kingdom

4.7

Community

See all

Invite your friends to like this Page

2,062 people like this

2,061 people follow this

256 people have visited

About

See All



32 Railway Approach HA3 5AA Harrow, United Kingdom

07760 927288

Typically replies within minutes

Send message

www.starloungebar.com

Bar

Status Photo/Video



Write something on this Page...

Reviews

4.7

24 reviews



Tell people what you think



Nash Patel

21 May 2017

The security staff need to be more understanding. I know they have a job to do but when you say your going and they get all high n mighty not a good look. Also... See more



Sima D Gurung

20 July 2017

Went there for an after work gathering during a mid weekday and all the staffs were so accommodating and helpful. I was quite surprised by the food tasting so m... See more

See all

Posts



Club KTM

16 hrs ·

Live DJ Night @ Club KTM. Free Entry and a Complementary shot to all before 10!!!

Visitor Posts



London Nep

19 August at 20:22

Hi how much is tickets for just the club at the door tonight. Thanks.

Like · Comment



Minesh Gorasia

28 April at 11:26

See photo

Like · Comment



Sails Switchy Gohil

27 April at 20:30

https://www.facebook.com/enviouz.dj/posts/10155318035367028

2 Likes 3 Shares

Like · Comment

People Also Like



The Signature

Arts and entertainment Chat (Off)

Like





Club KTM updated their cover photo.  
17 hrs ·



[See all](#)

Videos

Club KTM comes to life in Harrow!!!

Chat (Off)



Posts

 Club KTM shared It's Local's post.  
5 September at 20:21 ·



It's Local is with Tony Jazz and 5 others at Club KTM.  
5 September at 18:54 · Harrow Like Page

💎💎💎 BACK BY POPULAR DEMAND 💎💎💎  
THE TUDORS AND BOGARTS SOUL NIGHT RETURNS:  
Just under 4 weeks until the return of The Tudors And Bogarts Soul Reunion. .Dust off ...  
[See more](#)


1

 Write a comment...  
Press Enter to post.

 Club KTM  
31 August at 04:38 ·

Saturday 2nd Sept@ Club KTM! Your Regular Meeting Point. Where The Night Comes Alive!!!


Chat (Off)



2

Press Enter to post.

**Club KTM** updated their cover photo.  
31 August at 04:03 ·



1

Press Enter to post.

**Club KTM** shared D Jay Bikky's post.  
26 August at 20:14 ·



**D Jay Bikky**  
26 August at 19:00 ·

#AnotherOne... Bank Holiday Weekend Round 2 @ Club KTM, Harrow... One Of The Happening Club Right Now In London for Clubbing And Socialising..Oh Ya and Not To F...

[See more](#)

Chat (Off)



Like Comment Share



Club KTM

23 August at 10:01 ·

Free Entry This Saturday 26th Aug 2017 @ Club KTM!



1

Chronological



London Nep Are you able to show the boxing this Saturday?

Like · Reply · 23 August at 10:03



Write a comment...

Press Enter to post.



Club KTM updated their cover photo.


23 August at 09:56 ·



Club KTM updated their cover photo.

21 August at 22:19 ·





1 share

Write a comment...

Press Enter to post.

**Club KTM** shared their event.  
19 August at 17:55 ·



**AUG 19** **Live & Loud Saturday Night followed b...**  
Sat 19:00 · Club KTM · Harrow  
Parties · Nightlife · 105 people

Interested

**Club KTM** added 5 new photos.  
19 August at 14:54 ·

We have started taking children's birthday parties.  
Monday to Thursday any time ( lunch or dinner ) Friday Saturday and Sunday between 12 pm to 6 pm, please contact the management for further information. Tel :- 02084276611



6

1 share

Write a comment...

Press Enter to post.

See more

Chat (Off)

Club KTM

Jeffrey Home 4 Find Friends

5



Club KTM

Home

Photos

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Videos

Events

About

Community

Create a Page



Like Follow Recommend

Book Now

Message

4.7

4.7 of 5 stars  
24 reviews

5 stars		19
4 stars	3	
3 stars	2	
2 stars		
1 star		

MOST HELPFUL MOST RECENT STAR RATING

Rishal Sonu reviewed Club KTM –  
20 August at 20:19 ·

Great place , great staffs, great dai haru .. CClub Ktm ROCKS!!

Like Comment Share

1

Write a comment...  
Press Enter to post.

Sanzee Shrestha reviewed Club KTM –  
9 August at 00:49 ·

Like Comment Share

Write a comment...  
Press Enter to post.

London Nep reviewed Club KTM –  
30 July ·

Great little venue, cheap drinks, security was decent, few drunk Nepalese boys as usual, bar girls were nice easy parking would definitely go back...big rnb fan music was on good.

Like Comment Share

Write a comment...  
Press Enter to post.

Sima D Gurung reviewed Club KTM –  
20 July ·

Went there for an after work gathering during a mid weekday and all the staffs were so accommodating and helpful. I was quite surprised by the food tasting so much better (authentic too) than in other Nepalese restaurants,im not a clubber but would definitely return for the amazing food. Thank you Club Ktm. ☐

Like Comment Share

Pamela Foster reviewed Club KTM –  
17 July ·

Like Comment Share

Write a comment...  
Press Enter to post.

Su San reviewed Club KTM –  
17 July ·

Chat (Off)

The most amazing and happening club in Harrow !!! Party till u drop !!!

---

 Write a comment...  
Press Enter to post.

---

 **Rebeca Sav** reviewed Club KTM –  
3 July ·

---

 Write a comment...  
Press Enter to post.

---

 **Asi Limbu** reviewed Club KTM –  
19 June ·

---

 Write a comment...  
Press Enter to post.

---

 **Ravi Rai** reviewed Club KTM –  
19 June ·

---

 Write a comment...  
Press Enter to post.

---

 **Tamu Bruce** reviewed Club KTM –  
16 June ·

---

 Write a comment...  
Press Enter to post.

---

 **Amit Jung Swar** reviewed Club KTM –  
5 June ·

---

 **Mala Rai** reviewed Club KTM –  
3 June ·

---

 Write a comment...  
Press Enter to post.

---

 **Minesh Gorasia** reviewed Club KTM –  
31 May ·

---

 **Pabii Ghimire** reviewed Club KTM –  
25 May ·

---

 Write a comment...  
Press Enter to post.

---

 **Upendra Thakuri** reviewed Club KTM –  
21 May ·

---

[Chat \(Off\)](#)

 **Nash Patel** reviewed Club KTM –  
21 May ·


The security staff need to be more understanding. I know they have a job to do but when you say your going and they get all high n mighty not a good look. Also drinks on the dance floor needs to be reviewed as its health n safety. If a drink is spilled and the staff dont regularly check !!!  
You need our business so please management talk to your security.  
Besides that had a great night....?

1 Comment

---

 **RudraAjay Thakuri** Dear Mr Patel, on behalf of club Ktm I am pleased to hear that you had a great night at club Ktm and we really appreciate your feedback. We have noted your concern seriously and make sure you will be satisfied with all our services in your next visit.  
[Like](#) · [Reply](#) · 21 May at 22:51


 Write a comment...  
Press Enter to post.


 **Yogendra Shrestha** reviewed Club KTM –  
8 May ·

---


 **Devraj Pradhan** reviewed Club KTM –  
8 May ·

---

 Write a comment...  
Press Enter to post.

 **Ritesh Raj Pandey** reviewed Club KTM –  
8 May ·

---

 Write a comment...  
Press Enter to post.

 **Praa Teek** reviewed Club KTM –  
7 May ·

---

 Write a comment...  
Press Enter to post.

[See more](#)

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