

Licensing Panel AGENDA

DATE: Tuesday 18 June 2019

TIME: 7.30 pm *

VENUE: Committee Rooms 1 & 2, Harrow Civic Centre,
Station Road, Harrow, HA1 2XY

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00PM IN COMMITTEE ROOM 1&2.>

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Sarah Butterworth Stephen Wright
Angella Murphy-Strachan

Reserve Members:

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

Contact: Miriam Wearing, Senior Democratic Services Officer
Tel: 020 8424 1542 E-mail: miriam.wearing@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: Monday 10 June 2019

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 - 6)

Procedure to be followed at an oral hearing.

5. APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR CLUB KTM, 32 RAILWAY APPROACH, WEALDSTONE, HA3 5AA (Pages 7 - 70)

Report of the Corporate Director Community

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 For A Review Hearing - 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.*

*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. **Introduction** by the **objector(s)** 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 **objector(s)** by:
 - the applicant
 - the Panel
- v. **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.
- vi. **Questioning** of the **applicant** by:
 - the objector
 - the Panel
- vii. **Concluding statement** by the applicant.
- viii. **Concluding statement** by objector(s).
- 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.

Agenda Item 4

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

Date of Meeting:	18 June 2019
Subject:	Application for review of the premises licence for Club KTM, 32 Railway Approach, Wealdstone, HA3 5AA
Responsible Officer:	Paul Walker – Corporate Director – Community Directorate
Exempt:	No
Wards affected:	Greenhill
Enclosures:	Application for review (appendix 1) Location map and image (appendix 2 and 2a) Current premises licence, plan and dispersal policy (appendix 3) Representations (appendix 4) Relevant statutory guidance re licensing objectives – (appendix 5) Relevant sections of licence review guidelines from the licensing policy (appendix 6)

Section 1 – Summary

An application has been received from an ‘other person’ (i.e. a member of the public, not a responsible authority) to review the premises licence for Club KTM, 32 Railway Approach, Wealdstone, HA3 5AA, on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Representations received

From	Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health	<i>Two representations received</i>
Trading Standards	No representations received
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
<i>Metropolitan Police</i>	<i>Representation received</i>
<i>Licensing authority</i>	No representations made

Representations from other persons

One representation has been received from 'other persons', being a member of the public (in addition to the application for a review).

Section 2 – Report

1. An application has been made by an other person, who is a member of the public, to review the premises licence of Club KTM, 32 Railway Approach, Wealdstone, HA3 5AA on the grounds of preventing crime and disorder, public safety and the prevention of public nuisance (appendix 1).
2. Description of premises
The premises are located on a busy part of Station Road, opposite the Harrow Civic Centre. The premises comprise a two storey building of which both floors are used for the activities of the club.
3. An image of the premises and a location map are provided at appendix 2.
4. Licensing history
12 October 2010 – The premises licence granted.
5. 26 May 2017 - The premises licence was transferred and the Designated Premises Supervisor (DPS) was varied. The premises licence holder and the DPS are Mr Prakash Pradhan
6. 9 August 2017 - an application to vary the premises licence was received. The application sought to extend hours for licensable activities as follows:

Live music, recorded music, performance of dance and the sale of alcohol: Sunday – Wednesday 12:00 – 02:00 (the following morning), and Thursday – Saturday – 12:00 – 04:00 (the following morning)

Late Night refreshment: Sunday – Wednesday: 23:00 – 02:00 (the following morning) and Thursday – Saturday – 23:00 – 04:00 (the following morning).

In light of representations received against the application a hearing before the licensing Panel was required. The Panel granted the hours sought subject to conditions which appear on the current premises licence (Appendix 3)

7. 3 January 2018 - A review application was made by the Metropolitan Police. The application alleged the undermining of the prevention of crime and disorder, the prevention of public nuisance and public safety objectives. The licensing hearing that considered the application resolved that no further steps were to be taken to promote the licensing objectives. The reason for the decision was (in summary) that the alleged incident that had been reported as taken place inside the club was a false allegation.
8. Details of the application
Received: 26 April 2019
The application has been advertised in accordance with the prescribed regulations.
9. Representations
There have been four representations. Three being from responsible authorities and one being from 'other persons', being a member of the public. See appendix 3.
10. Officer observations in summary
The application has been submitted to the authority by Ms Daya and Mr Uday Patel. The application alleges that the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance and public safety are being undermined.
11. Two representations have been received from Environmental Health Officers. Mr Norton's representations concentrates on public safety issues and Ms Smith's representation concentrates on the prevention of public nuisance. The representation from the Metropolitan Police sets out the incidents that have been recorded at the premises since 2 June 2018 due to crime and disorder and anti social behaviour. The application and the representations received from Environmental Health and the Metropolitan Police, suggest that the hours for licensable activities and hours open to public be reduced and conditions be added to the licence to further uphold the objectives. The current dispersal policy has been attached to this report (appendix 3).
12. The representation from the other person – a member of the public – expresses concern about the licensing objectives being undermined and includes links to videos and photos taken contemporaneously when problems have arisen.

13. Statutory guidance

Information from the statutory guidance regarding the licensing objectives has been attached to this report. See appendix 4.

14. Licensing policy

The Panel will bear in mind appendix 1 to the statement of licensing policy, attached to this report at appendix 5. The Panel has discretion to depart from the guidelines, which are designed with consistency and transparency of decision-making in mind.

15. Legal implications

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

16. The Licensing Panel is required to give appropriate weight to the review application, 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 (if any) that are appropriate to promote the four licensing objectives.

17. Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

- a. to modify the conditions of the licence;
- b. to exclude any of the licensable activities from the scope of the licence;
- c. to remove the designated premises supervisor;
- d. to suspend the licence for a period not exceeding 3 months;
- e. to revoke the licence;

For this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition added.

If the Panel takes a step mentioned in a or b of paragraph 17 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.

18. It should be noted that –

- a. clear reasons must be given for the decision; and
- b. any additional or modified conditions should be practicable and enforceable.

19. the applicant for the review, the premises licence holder 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.
20. In addition to determining the application in accordance with the legislation, Members must have regard to the –
- a. common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc.);
 - b. provisions of the Human Rights Act 1998;
 - c. Considerations in section 17 of the Crime and Disorder Act 1998.
21. The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).
22. As per paragraph 20.b. above, the Panel must consider section 17 of the Crime and Disorder Act 1998 which 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

23. There are no financial implications.

Appeals

24. 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 Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 5 June 2019		

Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 4 June 2019		

Name: Paul Walker	<input checked="" type="checkbox"/>	Corporate Director
Date: 3 June 2019		

Ward Councillors notified:	Yes
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Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Head of Community and Public Protection, Ext. 6267

Background Papers:

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Licensing Act 2003:

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

APPENDIX 1

Harrow City Council

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.

I **Daya Patel**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Club KTM 32 Railway Approach	
Post town Harrow	Post code (if known) HA3 5AA

Name of premises licence holder or club holding club premises certificate (if known) Prakash Pradhan
--

Number of premises licence or club premises certificate (if known) LN/000003641/2017/5
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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

Surname

Patel

First names

Daya

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Daytime contact

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Uday Patel

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

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

Please state the ground(s) for review (please read guidance note 2)

Being woken up by police sirens and noisy patrons at 2.00am on the early hours of Tuesday 9th April 2019 directly outside my home. Looking outside the windows, directly at the entrance of my building were approximately 50 patrons who had left Club KTM and did not appear to have moved on for more than 20 minutes even though I saw police presence. I decided to call the club and tell them to move the patrons on and they said they had to call the police as they could not be controlled. The patrons were not considerate to the residence and the safety of the public outside Club KTM. They were very noisy, drinking in the street, cars parked along the double yellow, cars blocking the exit from Marlborough hill to Station Road. Patrons literally stood in the middle of the roads without concern of their own safety and the obstruction they cause to oncoming vehicles. As the time approached 2.30am, more police were present but they were not able to remove the disturbance. Instead patrons continued to loiter outside my residence, make use of the corners of the residential building as their own personal toilets and continue to drink in the streets. Many broken bottles could be heard along with playing of music from the cars. Police were still unable to control the crowd. Considering the existing strain on the local police, their time could have been spent elsewhere, instead their attention was drawn to this matter which could have been avoided. The disturbance was still ongoing past 3am when only did it started raining did it prompt the patrons to move on. The disturbance did not end there. A car was parked outside the entrance to my residential building causing a fire hazard given it is the ONLY exit we share and is private property. The car driver and the passengers were very noisy before they attempted to leave the premises. When setting off, they could not correctly navigate around the bollards installed in the parking area and hit both bollards. One of these bollards is now damaged and has come out from its grounding, a cost that will affect each of the residents for keeping up maintenance. The car only just narrowly manoeuvred past my husband’s car and continued to reverse straight into the brick wall on the corner of Marlborough Hill and Station Road. Clearly the driver was in no position to drive. It was clear that the number of patrons far outweighed the presence of security and this could have been managed better.

The issue with the behaviour outside Club KTM is NOT a rare occasion and instead has been an ongoing issue since June 2018 when I first logged it. Digging into the history of review requests, the issues have been going on from at least January 2018 as presented by Harrow Police, well over a year. I along with the other residents of Saturn House have reported this a countless number of times since summer 2018. We had a few good months with the noise levels from the club as the weather became colder however that night on 9th April 2019 was completely unacceptable. The owner always seems to be apologetic but unfortunately that is not enough. Sorry is all too easy to say without implementing changes that will ensure the change to the behaviour in which the club is operated and patrons are managed.

My neighbour, Nabil from [REDACTED] also emailed you with video proof of what was occurring outside our home at through the disturbance of the night. If you would like I have more video evidence of the noise levels, I can provide more footage. I cannot stress enough that for a Tuesday morning, the noise level was completely intolerable and unacceptable for those who have to go to work in the morning. Just on the early hours of 7th April 2019, a serious car crash incident took place in the early hours just on the meeting point of Marlborough Hill and Station Road. Another resident neighbour in Saturn called this in and the Fire Brigade and emergency services were requested. In the video from Nabil sent to you, it is clear to see that patrons leaving the club perform illegal manoeuvres to avoid following the one-way system and drive up the wrong way past Club KTM. This could be avoided if traffic measures were put in place to avoid accidents.

I would like this to be dealt with as a matter of urgency. I also would like to know if the license for Club KTM allows them to hold events on a Monday night as late as 2.30am as this seems to be an unreasonable condition given that the club is now surrounded by residents. I would also like the license to be reviewed for the weekends. Currently they are allowed to operate till 4am however after the club ends, we have seen and reported numerous times that the security staff of the club are not able to control the crowds.

The problem is not simply noise or disturbance, it is the antisocial behaviour of the patrons when they leave the club. There are not enough security measures in place to reduce the behaviour and potential problems that arise from late night venues in a residential area.

Please provide as much information as possible to support the application (please read guidance note 3)

The main incident referred in the section above occurred in the early hours of 9th April at approximately 2am till 3.30am.

Police were called the scene by the club owner himself who confessed to not being able to control the crowd of patrons leaving his premises or the safety of the venue.

The main issues we experience:

- Patrons loitering outside the residence of Saturn House for over an hour after Club KTM closes
- Noise issues coming from patrons and their vehicles that is intolerable at early hours
- Patrons using the corners of the car park at Saturn House as their toilet to urinate
- Road blockages caused from cars parked along the double yellow lines
- Road blockages on Marlborough Hill and Station road caused by patrons standing in the road
- Substance abuse related to drinking in public spaces after club KTM closes
- Car accidents outside club KTM
- Damage to private property (bollards)
- Trespassing of patrons and vehicles in private property
- Lack of security presence outside
- Uncontrollable crowds even with large police presence

Recommendations:

- Review of operating times of the premises – an earlier closure
- Posting of their events on a publicly accessible website to forewarn neighbours
- Identity scanning requirement to keep track of who was present and reduce anonymity
- Incorporation of a strict guest list policy to manage expectations on numbers of guests at the venue
- Security presence to have a ratio to the number of guests present
- Public cameras to be installed or used to monitor the area. A public camera is already installed on the opposite side and should be used to monitor the area.
- Take advice from the local policing body on how to reduce and manage anti-social behaviour of patrons.
- Have traffic measures and precautions put in place to reduce blocking of roads and illegal manoeuvres.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Daya Patel

.....

Date 13th April

.....

Capacity Resident of



.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

.....

Post town	Post Code
------------------	------------------

Telephone number (if any)

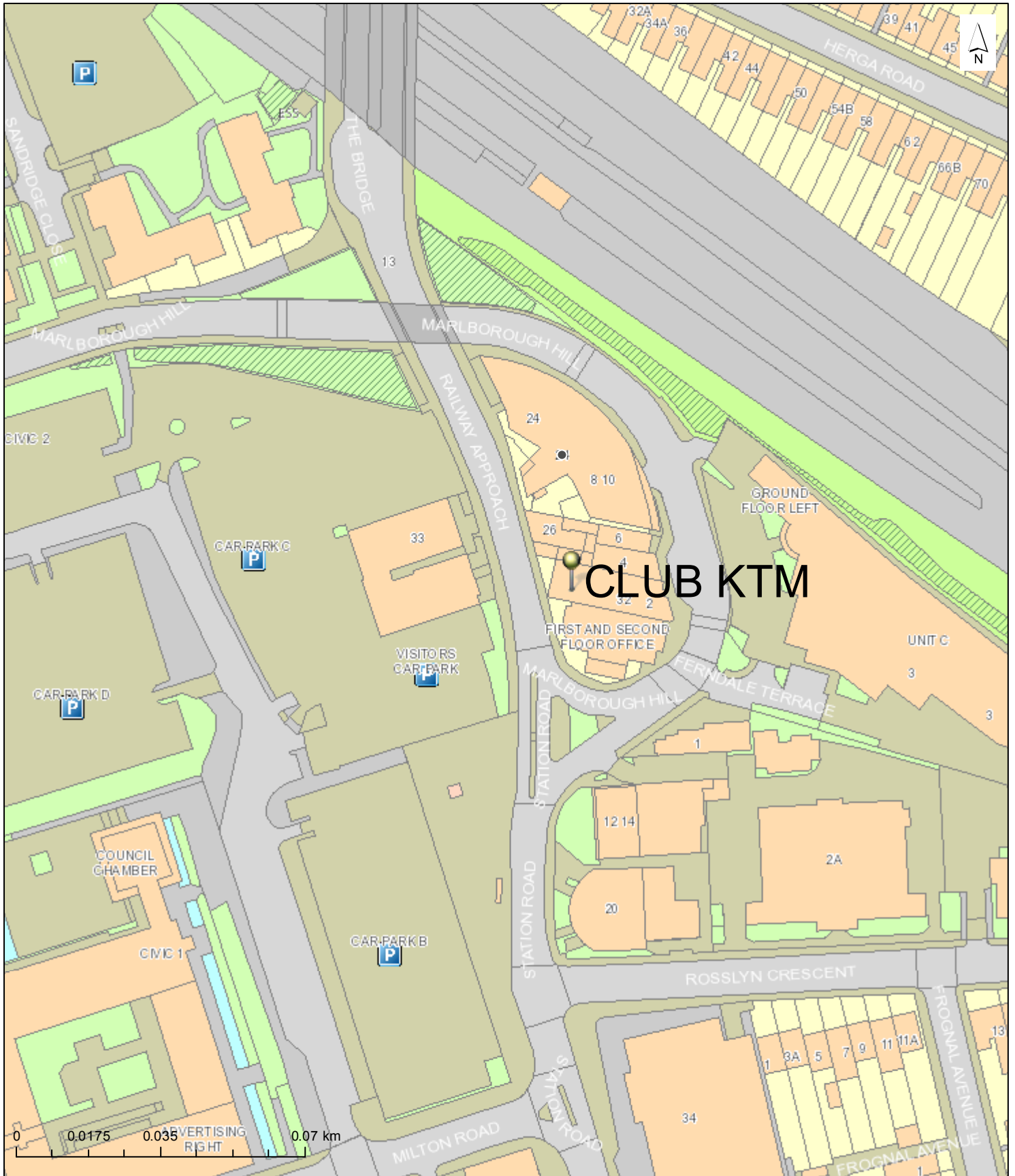
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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APPENDIX 2



Legend

Points



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APPENDIX 2a



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LICENSING ACT 2003

Premises Licence

Schedule 12
Part A (Regulation 33, 14) **APPENDIX 3**
HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number: LN/000003641/2017/5

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

Telephone Number: 020 8427 7685

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)
Late night refreshment
Sale of retail alcohol

Signed by Richard LeBrun
Environmental Services Manager (Public Protection)



Licensible Area
Hours open to public

Sunday	00:00 - 04:30	12:00 - 00:00
Monday	00:00 - 04:30	12:00 - 00:00
Tuesday	00:00 - 02:30	12:00 - 00:00
Wednesday	00:00 - 02:30	12:00 - 00:00
Thursday	00:00 - 02:30	12:00 - 00:00
Friday	00:00 - 04:30	12:00 - 00:00
Saturday	00:00 - 04:30	12:00 - 00:00

On commencement of British Summer Time one hour should be added to the finish time.
Opening hours will be 12:00-04:30 on the following days; Valentines Day, Nepalese Republic Day, Dussehra, Diwali, Christmas Eve, Boxing Day, New Year's Eve, New Year's Day and all public bank holidays

The times the licence authorises the carrying out of licensable activities

Location: Licensable Area

Live music (e) Recorded music (f) Performance of dances (g)

Sunday	00:00 - 04:00	12:00 - 00:00
Monday	00:00 - 02:00	12:00 - 00:00
Tuesday	00:00 - 02:00	12:00 - 00:00
Wednesday	00:00 - 02:00	12:00 - 00:00
Thursday	00:00 - 02:00	12:00 - 00:00
Friday	00:00 - 04:00	12:00 - 00:00
Saturday	00:00 - 04:00	12:00 - 00:00

On commencement of British Summer Time one hour should be added to the finish time.
Licensing activity hours will be 12:00-04:00 on the following days; Valentines Day, Nepalese Republic Day, Dussehra, Diwali, Christmas Eve, Boxing Day, New Year's Eve, New Year's Day and all public bank holidays

Location: Licensable Area

Late night refreshment

Sunday	00:00 - 04:00	23:00 - 00:00
Monday	00:00 - 02:00	23:00 - 00:00
Tuesday	00:00 - 02:00	23:00 - 00:00
Wednesday	00:00 - 02:00	23:00 - 00:00
Thursday	00:00 - 02:00	23:00 - 00:00
Friday	00:00 - 04:00	23:00 - 00:00
Saturday	00:00 - 04:00	23:00 - 00:00

On commencement of British Summer Time one hour should be added to the finish time.
Licensing activity hours will be 23:00-04:00 on the following days; Valentines Day, Nepalese Republic Day, Dussehra, Diwali, Christmas Eve, Boxing Day, New Year's Eve, New Year's Day and all public bank holidays

Location: Licensable Area

Sale of retail alcohol

Sunday	00:00 - 04:00	12:00 - 00:00
Monday	00:00 - 02:00	12:00 - 00:00
Tuesday	00:00 - 02:00	12:00 - 00:00
Wednesday	00:00 - 02:00	12:00 - 00:00
Thursday	00:00 - 02:00	12:00 - 00:00
Friday	00:00 - 04:00	12:00 - 00:00
Saturday	00:00 - 04:00	12:00 - 00:00

On commencement of British Summer Time one hour should be added to the finish time.
Licensing activity hours will be 12:00-04:30 on the following days; Valentine's Day, Nepalese Republic Day, Dussehra, Diwali, Christmas Eve, Boxing Day, New Year's Eve, New Year's Day and all public bank holidays

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):

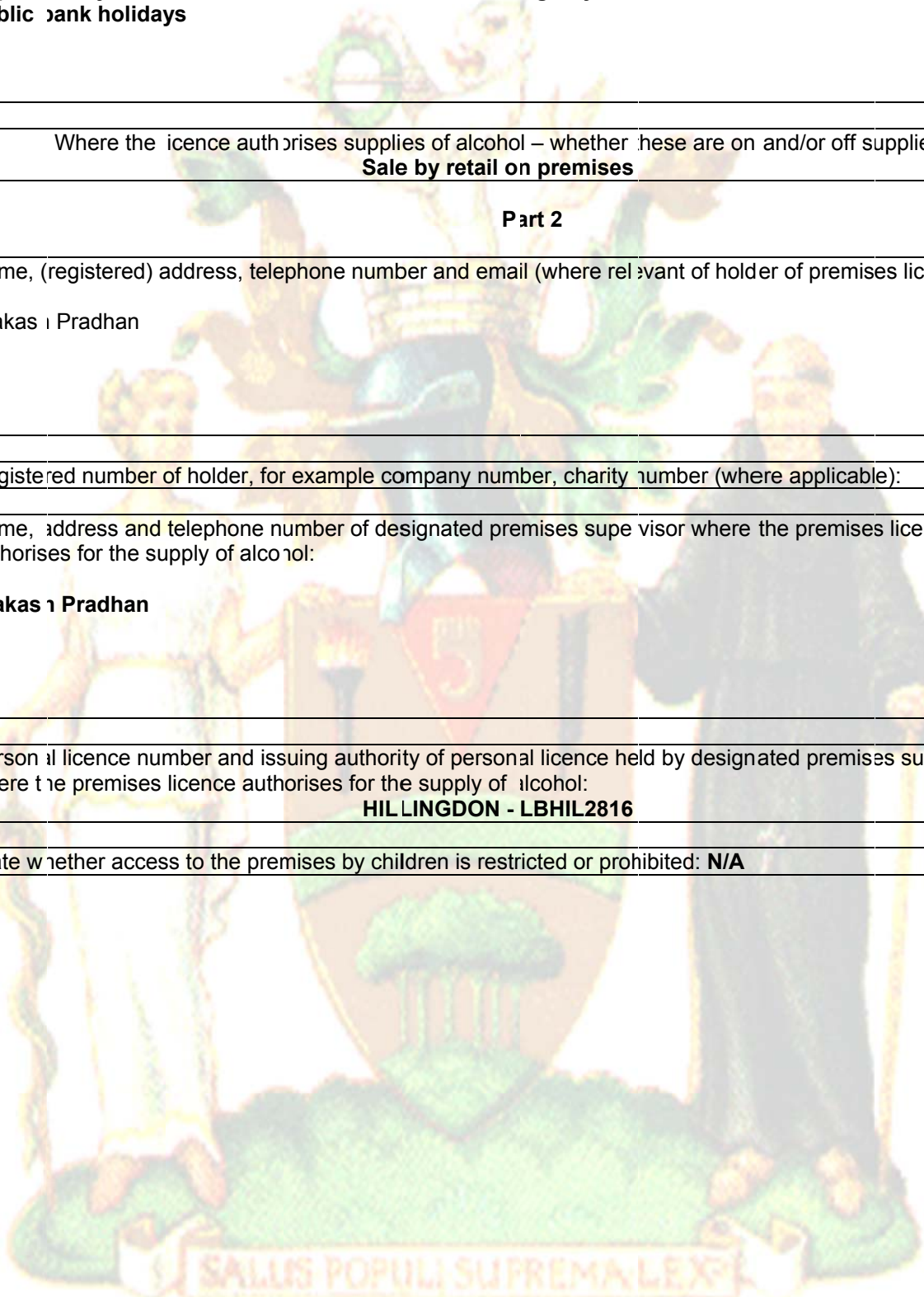
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

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 photographic 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) the above 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) “value 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 1 - Conditions consistent with the operating Schedule

None

Annex 2 - Conditions attached after a hearing by the licensing authority

PREVENTION OF CRIME AND DISORDER

1 CCT

(1) The Premises Licence Holder or Designated Premises Supervisor 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 provided such requests are in connection with the prevention or detection of crime. Recordings are to be supplied in the form of digital download burned onto a flash drive, 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 0300 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.

(3) 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.

(4) 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.

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

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 safe and lawful disposal.

(3) A monitored central station alarm and security system shall be maintained and operated in good order and to the satisfaction of the Metropolitan Police.

(4) 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 visiting the premises or on the premises.

(5) 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.

7 NOTICE TO POLICE

(1) The Metropolitan Police Service (MPS) must be given at least 14 days' notice of all forthcoming events organised 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

1 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.

2 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.

3 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 a 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.

(6) Only speakers permanently installed at the premises and connected to a sound limiter may be used. Customers, guests, performers or anyone else visiting the premises are not permitted to use their own speakers at the premises.

PUBLIC SAFETY

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

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

(3) Alcohol is to be served in polycarbonate, plastic or shatter-proof glasses. No bottles shall be given to customers.

(4) When the premises are hired for a private event there is to be no admission to the public to the Premises for the duration of the private event.

PROTECTION OF CHILDREN FROM HARM

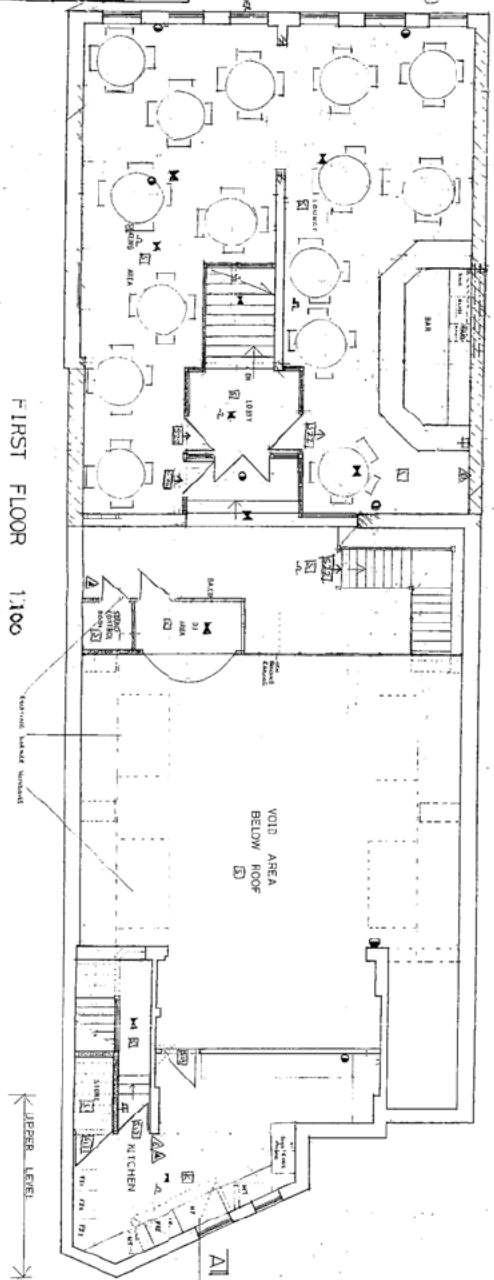
(1) All children under the age of 16 years are to be accompanied on the premises by a responsible adult.

Annex 4 – Plan

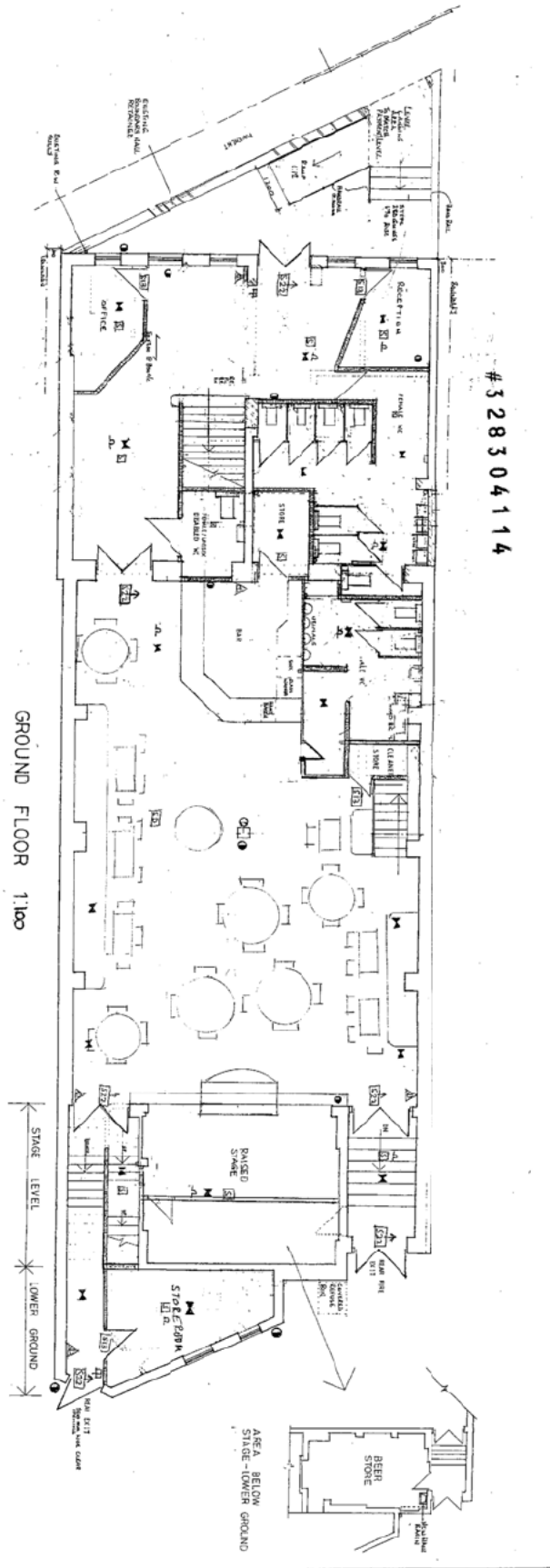
**32 RAILWAY APPROACH
HARROW
MIDDLESEX**

PROPOSED FLOOR PLAN
Scale: 1:100 Date: 30/10/03
Drg No- K5/10/03

- M BANGINGIN LIGHTING TS 83 5242
- S SMOKE DETECTOR
- H HORN DETECTOR
- CAV AIRT (FIRE ALARM T-BUSSES)
- FIRE EXIST SIGN WITH GLASS
- SHIELD ARM DETECTOR SERVICE
- FLOR JACK 'KEEP SHUT'
- BEL SOUNDER
- FIRE ALARM IN CONTROL
- FIRE SERVICE (WATER)
- CHARGE BATTERY TO HANG STRAIGHT
- CCV CAMERA



- STAIRS**
- 1st - 2nd
 - 2nd - 3rd
 - 3rd - 4th
 - 4th - 5th
 - 5th - 6th
 - 6th - 7th
 - 7th - 8th
 - 8th - 9th
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328304114

Date of original grant: 03/11/2010	Reason for issue: Variation
Date of issue: 9th October 2017	Issue Number: 5



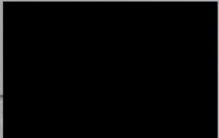
DISPERSAL POLICY

1. DISPERSAL

- 1.1 On days in which the venue is open for the sale of alcohol, it should be ceased 30 minutes prior to the closure of the outlet. Background music and lighting levels will be used to aid a gradual dispersal.
- 1.2 The DJ and/or MC and/or artists will be requested to make announcements towards the end of the event for 30-minute drinking time and for the customers to leave quietly.
- 1.3 In the case of a normal club night, having no music or very low-level music and higher lighting levels for the "drinking up time" aids dispersal.
- 1.4 Signage will be displayed for customers to leave quietly
- 1.5 Once all customers are off the premises, security will assist with ensuring no one is left loitering outside.
- 1.6 Information about local taxis and public transport is available in the Club KTM entrance, as per best bar none recommendations, staff can aid customers in arranging taxis.
- 1.7 Door supervisors should proactively engage with customers outside of the premises at the end of an event, to make sure they leave the area immediately. The supervisors should discourage large group of people from gathering outside the premises, particularly during good weather and especially away from the neighbourhood.

2. CUSTOMER NOISE

- 2.1 We have no direct control over this noise; however, we recognise we can play a part in the reduction of any inconvenience to the community resulting from this type of noise. We can possibly have an influence over the customers in our venue but also, in term of good neighbourly behaviour; we can educate customers who use our venue with a benefit in general when not using our venue. Methods we use include being approached by staff/security and continuously notifying customers who are queuing.

Chief Executive: 
Prakash Pradhan

Date: 6th November 2017

The Policy is next due for review on 5th November 2018

APPENDIX 4

COMMERCIAL ENVIRONMENTAL HEALTH

MEMORANDUM

From: David Norton

To: Licensing Officer

**Location: Commercial
Environmental Health, Ext: 2376
Unit 1 Forward Drive.**

My Ref: DNR/KTM/5/19

Your Ref:

Date: 23 May 2019

Dear Mr Waghela,

**Re: Application for a review of a Premises Licence Licensing Act 2003
Address: Club KTM, 32 Railway Approach Harrow**

I refer to the current application under the Licensing Act 2003, made by a Resident and accepted 26/4/19.

1: Representation

As an Officer of Commercial Environmental Health, in the capacity of a responsible authority, I make a representation in connection with this application, in relation to the licensing objective 'Public Safety'.

In preparing this representation I firstly visited the area on 10/5/19.

Club KTM is located in a mixed residential/commercial area. I re-visited the area and vicinity on 23/5/19, to specifically consider area(s), further away, where patrons might be picked up, by taxis etc., with minimum impact on residents.

The grounds for this objection are:

1. The nature of complaints received in the last 10 months;
2. My review of some related supporting photographic and video evidence submitted by a resident in relation to the review application.

In making this representation I have considered relevant sections of the **Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018. Please see Section 2 of this Representation.**

Should the Licensing Committee be minded to continue the licence the following action(s)/condition(s) are recommended:

- That a revised and expanded customer Dispersal Policy is submitted for the agreement of the authorised Officer of the Licensing authority (There needs to be a clear plan in place, followed at all times, to effectively support and ensure the safety of departing patrons).
- A limit of 180 patrons is imposed; reducing the current permitted number by one third;
- But, for a three month period there is a temporary reduction to 140 patrons- to give improved arrangements to protect Public Safety, via the revised Dispersal Policy, time to be implemented, monitored and assessed.

The scope of these recommendations accounts for those made by the Police in their representation. And I further recommend that

- There's no variation in those hours recommended by the Police except for New Year's Eve.

I would invite the Licensing committee to consider this representation when making their decision regarding this review application.

2: Supporting detail for this representation

2.1 Purposes and basis of this representation

Purposes of this responsible Authority Representation:

- Support the current Application for the review of the Club KTM, 32 Railway Approach, Harrow premises licence;
- provide some specific comment in relation to the Public Safety Licensing objective; and
- Recommend variations to the licence to further the Public Safety Licensing objective.

Full basis for this representation:

Primarily,

- 10.5.19 site visit (see 2.3),
- The Application review for the review of the premises licence
- Reviewing video and photographic evidence from a Resident (see Annex 2).

2.2 Application of Licensing Act Guidance

2.2.1 Some sections of the **Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018**, referred to within this representation, are reproduced more fully at **Annex 1**.

2.2.2 At para 10.10, under the heading of 'Proportionality' the guidance states that:

' The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned'.

In broad terms, in my opinion,

- the location of the premises does not appear well suited to reconciling Public Safety and Public Nuisance Objectives relevant to a night club activity;
- any such night club operation there requires rigorous control if the Public safety objective is not to be undermined; and
- Resident's evidence/ representation, indicates that this objective has been being undermined.

The Public Nuisance considerations are readily apparent, from visiting the area (see 2.3): there are a substantive amount of noise sensitive premises within and throughout the surrounding environment of club KTM.

I note the last line of para 11.23 of the revised guidance states:

'...where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence'.

2.3 Visits to the area

2.3.1 Firstly, I visited the area on the morning of 10/5/19, at approximately 9.30am:

Close proximity of residential dwellings:

- When standing on Station Road, facing the Club KTM signage painted on its side wall, the close and overriding proximity of the adjacent housing is readily apparent. Flats with balconies – development(s) extending between Station Road and Marlborough Hill- are just one premises away (the single intervening premises is currently vacant);

- similarly, when walking round into Marlborough Hill, towards the rear of Club KTM, the bulk of adjacent housing sitting behind, and standing above, that same intervening premises is very apparent. Again, balconies face onto the road at first floor level and above- there appears to be a commercial use at ground floor level.
- Further round Marlborough Hill is a bridge with steps up to the road above, then flats to the right.
- On the right of the Marlborough Hill/ Station Road junction is Saturn House- this is directly opposite the side elevation of Club KTM (I understand that there are 8 dwellings there).
- Close by, a little further along Station Road, there appear to be flats (with balconies), above the Nisa premises.

Areas of road/pavement that nearby housing does not face onto

- **None:**
- There are a substantive amount of noise sensitive premises within the immediate environment of club KTM;
- there appeared to be no areas of adjacent pavement and highway along which patrons can move/ be dropped off/collected from without the potential for noise impact on some of these residents.

Junction of Marlborough Hill with Station Road

- There's a raised planted triangle, within, and tapering into Marlborough Hill. This physically divides the two traffic lanes at this point.
- Traffic turning out of Marlborough Hill onto Station Road is not permitted to turn right.

2.3.2 I re-visited the area and vicinity, on the morning of 23/5/19: driving along Milton Road and down Marlborough Hill, making the left turn onto Station Road.

2.4 Discussion of findings from reviewing photographic and Video evidence further to 10/5/19 visit

2.4.1 From reading the Application for the review of a premises licence, I note a number of points that relate to Public Safety, in the account of events in the early hours of 9/4/19, in the surroundings of the Club.

For example (my bullet points):

- ‘The patrons were not considerate to the residence and the safety of the public outside’
- ‘Cars parked along the double yellow lines’
- ‘Patrons literally stood in the middle of the roads without concern of their own safety and the obstruction they cause to oncoming vehicles.’
- ‘It was clear that the number of patrons far outweighed the presence of security and this could have been managed better’.
-‘ it is clear to see that patrons leaving the club perform illegal manoeuvres to avoid the one-way system and drive up the wrong way past Club KTM.

The photographic and video evidence that I have reviewed- please see my observations and notes at **Annex 2**- evidences, for example:

- Patrons in the carriage way of Marlborough Hill, a person having a piggy back in the road, people walking in the road on Station Road.
- Parking on double yellow lines.
- Vehicles turning right, out of Marlborough Hill- illegal and dangerous.
- What appears to be a fight opposite the Club
- Substantial Police presence in the early hours of 3 mornings.

2.4.2 Summary of how the Public Safety Objective is being undermined

The Licensing Act Guidance (see Annex 1- Public Safety Heading) identifies the responsibility of Licence holders to ensure the safety of those using their premises.

- This includes specifically ‘the prevention of accidents and injuries and other immediate harms that can result from alcohol.’ The Guidance also refers to the safety of people when leaving the premises as one aspect; that is clearly relevant in this case.

The evidence summarised above indicates that the Public Safety objective is being undermined in that:

- Patrons leaving the Club are at risk of accident and injury- and it is reasonable to assume that the behaviour of wandering into roads with moving traffic, and the piggy back in a roadway is linked to alcohol consumption on the premises.

- There are vehicle movements associated with departing patrons, that are illegal and unsafe.
- There's been Police attendance in the area on 3 separate occasions indicating that patron behaviour, and so safety, was not being effectively managed- as does the apparent fight captured in video footage.

The Guidance notes (see Para 2.7 reproduced at Annex 1), 'There will be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of a condition. Nonetheless, the potential impact on Children residing in the area of being aware of the need for Police to be called to their residential environment, of blue lights flashing through their curtains, loud voices, people screaming merits note and consideration.

2.4.3 Developing recommendations for this Representation

I note that Police Representation (their ref: 109QA/19/2548), recommendations include (my paraphrasing):

- Reductions of hours open to the public to 2am Friday, Saturday, Sunday; 1am Monday, Tuesday, Wednesday, Thursday.
- Ceasing the sale of alcohol 1 hour prior to closing.
- Background music and lighting levels used to aid gradual dispersal
- Barring patrons that have been problematic.
- Dispersal Policy to include proactive patrols of surrounding and opposite roads by stewards in high visibility Clothing for 1 hour after the premises closes.

All of these appear consistent with promoting Public Safety; I do not consider that there should be any variation of those recommended hours except for New Year's Eves.

Dispersal and related Public safety

The Club's existing dispersal Policy - required under the Club's current Prevention of Nuisance Condition - requires revisiting and expanding.

There needs to be a clear plan in place, and followed at all times (which will necessitate sufficient staff resource), to support and ensure the safety of the patrons.

Consideration needs to be given to, for example:

- The pre-step of effectively managing patron's alcohol consumption during licensed activities, so that they do not leave the premises in an inebriated/ vulnerable/violent condition not conducive to their own safety/that of others.
- Not only providing information on late night transport, but to where patrons can be safely collected, within the vicinity (and where potential noise and disturbance to residents will be minimised); and
- How this aspect of Public Safety will be managed – how will Stewards be deployed to direct and support patrons in reaching a safe collection point?;
- where these points are? They need to be away from Marlborough Hill to avoid attracting vehicles- some of whose drivers make illegal and dangerous manoeuvres- and not opposite the Club where no parking is permitted and there's the risk of people being hit by traffic when walking to a vehicle; and

Safe Capacities

Paras 2.12 and 2.13 of the Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018 are reproduced at Annex 1.

As the Capacity of the venue has not at this point been determined by the Fire Authority, it appears *vires* and appropriate, for the Licensing Authority to set a capacity in the interests of reducing the undermining of the Public Safety Objective.

Putting in place and implementing an effective dispersal policy for this premises is pivotal to Public Safety. As a consequence of the problems summarised at 2.4.2, at this point in time, I recommend that a limit of 180 patrons is imposed; reducing the current permitted number by one third. But for a three month period there is a temporary reduction to 140- to give revised Dispersal Policy arrangements time to bed in.

Annex 1

Revised Guidance issued under section 182 of the Licensing Act 2003
April 2018:

‘Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned’.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person’s health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority’s powers (be ultra vires) under the 2003 Act.....

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Safe capacities

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

The review process

.....11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Annex 2- Observations from viewing photos and video footage (on 13/4/19)

Date	Time	Format/reference	Observations/notes
12/8/18	4.18am	<p>Photos</p> <p>2018.08.12TOF18.00.jpg</p>	<ul style="list-style-type: none"> • Cars and people outside Club, car appears parked on yellow line Station Road. • Roadside metal barriers outside Club KTM – people on both pavement and road side of it (so people on main Station Road Carriageway).
12/8/18	4.19am	19.00.jpg	<ul style="list-style-type: none"> • People outside • Two people in Marlborough Hill carriageway-one giving the

			<p>other a piggyback</p> <ul style="list-style-type: none"> • People walking in the road on Station Road, towards a car that does not have hazards lights on.
12/8/18	4.19am	19.01.jpg	<ul style="list-style-type: none"> • People on stairs of commercial building round the corner from Club KTM
12/8/18	4.19am	19.02.jpg	<ul style="list-style-type: none"> • People on road, car coming? (no hazards on), car on double yellow line on opposite side of road from Club KTM- appears parked.
12/8/18	4.23am	23.00.jpg	<ul style="list-style-type: none"> • Door supervisor standing on the (outgoing direction carriageway in Marlborough Hill behind a metal barrier), barrier runs within that lane (along rather than across); • at least one person in the other carriageway lane appearing to be crouched down.
12/8/18	4.25am	25.00.jpg	<ul style="list-style-type: none"> • People outside club, on both sides of Station Road and in Marlborough Road; • some people in front of a car that appears to be coming down Station Road from the bridge.
12/8/18	4.30am		<ul style="list-style-type: none"> • Person in middle of Station Road- on White Lines; • Small number of others on pavement;

			<ul style="list-style-type: none"> • 4 Door Supervisors on corner of Station Road and Marlborough Hill • Parked car remains on other side of Station Road- and there appears to be a second on parked.
17/11/18	4.25am	28/1117TO425.00	<ul style="list-style-type: none"> • 4 Police cars • Mix of Police Officers and door supervisors on Council Offices (Memorial) side of the road.
7/4/19	5.46am		Car Accident attended to by 3 Fire Engines. Car up on pavement on the triangle; another with a smashed front facing down from bridge direction.
Date	Time	Format/reference	Observations/notes
		Videos	
12/8/18	04.20am	Video	Noise of people on the street Vehicles parked on Council Office side of Station Road Cars on Road Marlborough Hill
	04.50am	Video	Hard to see events
	05.05am	Video	<ul style="list-style-type: none"> • Hard to see events initially, then more light and can see • Rails have been removed • No Door Supervisors visible • Road appears clear.
6/10/18	04.14am	Video	People opposite on Station Road
			Car turns out of Marlborough Hill wrong way up Station Road
			What appears to be a fight on Station Road opposite the Club
			Car makes an illegal U turn
17/11/18	04.32am	Video	7 Police vehicles
9/4/19	02.25am	Video	Police Cars
			Car turning right out of Marlborough Hill onto Station Road Cars Stationary in Marlborough

			Hill below Saturn House People on pavement on Council side of Station Road
	03.05am		Police vans and Cars
	2.44am		Multiple Police vehicles Loud voices Some screaming.

DOMESTIC ENVIRONMENTAL HEALTH

MEMORANDUM

From: Jo Smith	To: Licensing Officer
Location: 3S/02	Ext: <u>3S/09</u>
My Ref:	
Your Ref: Club KTM	Date: 22/05/19

Dear Sir or Madam,

Re: Review of Premises Licence - Licensing Act 2003

Address: Club KTM, 32 Railway Approach, Wealdstone, Harrow HA3 5AA

I refer to the application to review the Premises Licence under the Licensing Act 2003, relating to the above named premises.

The Domestic Environmental Health Team, in its capacity as a responsible authority, is making a representation to support the review application, in relation to the licensing objective 'Prevention of Public Nuisance'.

In preparing this representation, Officers from this department visited the premises on multiple evenings after receiving complaints from residents. Club KTM is located on a busy junction, serving Harrow and Wealdstone station, and the Civic Centre, in a mainly residential area. The nearest residential accommodation is abutting the club to the rear and to the side (Sarsen House). Further residential accommodation (Saturn House) can be found across the road, approximately 28 metres away.

The grounds for this objection are:

1. Numerous complaints regarding noise from patrons outside the premises have been reported to the Domestic Environmental Health Team and the Police. I attach statements from Council Officers who attended on the evenings (appendix 1) and a list of call-outs from the Police (Appendix 2)
2. Any assurances that have been made by the DPS, owner or licence holder that they will manage the noise from these patrons has failed and as such Environmental Health have no confidence that any conditions imposed during this hearing would be complied with as they

have failed to comply with multiple licensing conditions already imposed.

Should the Licensing Sub-Committee be minded to, I request that the following actions are encouraged:

1. Their licence be revoked until such time as they can operate their premises in an appropriate manner, ensuring that residents are not unduly disturbed and patrons are not left to wander the streets.

Or, as an alternative, should the committee be minded to vary the licence, the following conditions should be added:

2. A reduction in hours of all licensable activities to 11pm Monday-Sunday with the conditions pertaining to the provision of regulated entertainment (recorded music or live music) to apply before 23:00.
3. The times the premises is open to the public be reduced to 00:00 hours Monday to Sunday.
4. A more structured and rigorous dispersal policy that prevents customers from congregating outside the premises or the surrounding roads at and around closing time. This policy to be reviewed

I would therefore invite the Licensing Sub-committee to consider this representation when making their decision regarding this review.

Yours faithfully,

Jo Smith
Team Leader – Environmental Health Domestic

Appendix 1

Club KTM Previous Incidents Reported to and/or Witnessed by Domestic Environmental Health:

04/08/17 – email complaint regarding loud amplified music. Diary sheets sent out – not returned.

09/08/17 – email from a resident advising the club was promoting events in breach of their licence – warning email sent to DPS advising them that the club should not be opening until 4am (following a previous licence hearing that increased their hours from 2am to 4am subject to a suitable noise report) before the local authority has received the Acoustic Report.

08/11/17 – Further complaint made to the Environmental Health Team, resolved by the submission of an Acoustic report and assurances from the Owner, Mr Pradhan that he would abide by the new licence conditions.

04/06/18 – email from resident reporting loud amplified music and people urinating by the mosque and along Marlborough hill. Notification given to Mr Pradhan, who stated that it was a one-off incident, which contradicts the multiple residents who state this is a regular occurrence.

24/06/18 – email from resident at 5:12am stating the crowd from KTM is shouting and screaming, and have not dispersed.

25/06/18 – email from resident stating that the patrons were being loud

30/06/18 – email from resident at 4:38am and patrons are outside screaming and shouting.

22/07/18 – email from resident stating that its 4:30am and cars are blasting music, horns beeping and patrons shouting outside.

02/08/18 – further complaint received by two separate residents regarding the noise from drunk patrons leaving Club KTM.

04/08/18 – officers Lois Smith and Ash Waghela visited at approx. 3 to 4am and monitored Club KTM from outside, and spoke with the door staff to ensure that they marshalled patrons toward Harrow and Wealdstone station and not allow them to congregate outside. However people were still loud whilst leaving the venue and cars were honking horns. At 4:00am the noise levels increased as patrons emptied out of the venue, shouting, screaming, all intoxicated.

09/08/18 – resident reported that a fight broke out outside the club – security attempted to break it up but police were called to intervene.

19/08/18 – Lois Smith and Ash Waghela watched the premises from outside, and witnessed a patron attempting to get back into the club but was refused entry.

01/09/18 – Late night visit by Lois Smith and Natasha Cockar at approximately 2:24am. People seen walking around the rear of the club but left reasonably quietly.

03/09/18 – email received from Mr Pradhan outlining the steps he has taken to minimise noise disturbance, including the hiring of more SIA accredited staff, and to liaise with the residents to garner feedback.

12/09/18 – further email from a resident stating that there was a continuous noise issue between 4-6am on Sunday. There is a video of the situation here: <https://www.youtube.com/watch?v=Q0KUccxgKn8>

11/01/19 – ASB team reported that a fight broke out outside the premises, police had attended.

13/01/19 – email from resident stating patrons were being loud and obnoxious at approximately 04:10am.

26/04/19 – further complaints received from residents outlining

12/05/19 – Alan Riley from Domestic Environmental Health and Ash Waghela observed the premises from outside from 3:39 and noted that from the civic centre car park they could clearly hear people noise and saw antisocial behaviour in the form of someone jumping onto the bonnet of a car. They then walked around to the rear of the premises (Marlborough hill). Outside Sarsen house, Loud music could be heard and was considered a statutory nuisance. They then walked to the front at 3:55am where the shutters were being brought down, the main doors were still open and there were lots of people still inside the venue. People then started to leave the venue en masse at 4-4:40am, and were walking down the middle of the road, buses and cars had to swerve to avoid drunk people, people were seen urinating into bushes on the opposite side of the road. 4:09 Door staff were obstructing traffic and cars were stopping on double yellow lines whilst waiting to collect patrons. At 4:50am, they noted patrons sitting in the parking bays close to the civic, and were clearly intoxicated.

Appendix 2

Club KTM Previous Incidents Attended by Police

02nd June 2018 time 04.24 hours (CAD 1506)

Local resident complaint saying customers who left the club now playing loud music in the car park, ten vehicles around 50 people.

24th June 2018 time 04.14 hours. (CAD 1563)

Police receive a call to the venue stating 40 to 50 persons fighting, Police attended and spoke with security who said a group had been in dispute with another group most of whom had now left. Police remained on scene for some time to ensure no further calls or disputes.

30TH June 2018 time 04.34 hours (CAD 1562)

Police called by a resident from Saturn House who claimed a fight was taking place from people leaving KTM, on attendance no persons were found to be fighting but a group were being noisy outside Saturn House, moved on by Police.

01st July 2018 time 01.42 hours (CAD 848)

Aggressive male ejected from the club was attempting to re gain entry, Police called and male left the area.

11th August 2018 time 00.05 hours (Crime number 2010096/18)

Customer states his wallet was stolen whilst he was in the club, customer claims he was too drunk and staff should not have served him any more alcohol.

09th September 2018 time 04.05 hours (CAD 1413)

The Club DPS Mr Prakash Pradhan called Police to say 20 males were fighting outside the club, group dispersed on hearing Police sirens.

09th September 2018 time 03.26 hours (CAD 1274)

Call to report 10 to 15 people fighting in the club, left the venue prior to Police arrival.

17th November 2018 time 04.15 hours (Crime number 2014550/18)

Male arrested for being drunk and possession of an offensive weapon outside the club whilst queuing to get into the venue.

17th November 2018 time 01.09 hours (Crime number 2014589/18)

Police called by Harrow CCTV to inform them that ten males were fighting near club KTM, they had earlier been refused entry to the club, one male arrested for criminal damage to a parked vehicle.

23rd December 2018 time 03.00 hours (Crime number 2016485/18)

Female called Police after she had been hit in the face by a male inside the club, female informed club staff who ejected the male.

29th December 2018 time 02.16 hours (CAD 726)
Police called to the venue by door staff after they claimed a male had assaulted them, male ejected from venue.

29th December 2018 time 02.25 hours (CAD 757)
From above CAD male called saying the SIA staff had assaulted him, left prior to Police arrival.

13th January 2019 time 04.16 hours (CAD 1310)
Door staff called Police stating that a large fight had broke out at the venue. No victims came forward to report to Police.

13th January 2019 time 04.21 hours (CAD 1325)
Repeat call by staff re fighting.

20th January 2019 time 03.32 hours (CAD 1200)
12 officers attend after staff called saying that two fights had broke out inside the club. Police advice to staff once on scene to close the venue but they witness door staff letting people return to the club. Fighting continues out to the streets Police are kept at the location for some time.

13th January 2019 time 04.25 hours (Crime number 2000619/19)
Police called to venue after a call regarding a large scale fight, nine officers attend and arrest are made for an affray.

10th March 2019 time 04.27 hours (CAD 1362)
CCTV saw a suspect for an assault get into a vehicle which drove away from the venue, vehicle was stopped by Police and the driver was arrested for drink drive.

10th March 2019 time 04.30 hours (Crime number 2003764/19)
Caller stated he is one of the DJ's at club KTM and that he has been assaulted by a member of the door staff, he also states the door staff member got into the vehicle to leave prior to Police arrival, the one which relates to CAD 1362.

10th March 2019 time 0434 hours (Crime number 2003700/19)
Female victim reports that she was sexually assaulted inside the club by a male who touched her behind.

09th April 2019 time 00.05 hours (Crime number 2005303/19)
Police called to a public order offence at the venue.

09th April 2019 time 02.24 hours (Crime number 2005306/19)
Local CCTV call Police after seeing people leave the club, enter the rear car park and start fighting, one male hit over the head with a bottle and need to attend Hospital.



TERRITORIAL POLICING

NW Police Licensing Unit
South Harrow Police Station
74 Northolt Road
Harrow
HA2 0DN

Web: www.met.police.uk

Your ref:

Our ref: 109QA/19/2548

**Harrow Borough Licensing
Department**

Harrow Council
Station Road
Harrow
Middlesex
HA1 2XY

Email: www.harrow.gov.uk

Date: 20/05/2019

**Police representation to the Premises Licence Review Application for 'Club
KTM 32 Railway Approach Wealdstone Harrow HA3 5AA.**

**I certify that I have considered the application shown above and I wish to make
representations.**

**Officer: Darren Cowley
Licensing Constable PC 2548NW**

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.
The application has been made for a Review of the premises licence under section 51 of the Act.

**The Police representations are primarily concerned with public safety, crime and
disorder.**

Police consider the addition of the following conditions to Annex 3 of the premises licence would promote the licensing objectives. They would assist staff and investigators and avoid any repeat scenarios.

I have examined the crime reports and the Police call out report (CAD) resulting to in the review application listed below.

Club KTM Previous incidents.

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Local resident complaint saying customers who left the club now playing loud music in the car park, ten vehicles around 50 people.

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Caller stated he is one of the DJ's at club KTM and that he has been assaulted by a member of the door staff, he also states the door staff member got into the vehicle to leave prior to Police arrival, the one which relates to CAD 1362.

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Female victim reports that she was sexually assaulted inside the club by a male who touched her behind.

09th April 2019 time 00.05 hours (Crime number 2005303/19)

Police called to a public order offence at the venue.

09th April 2019 time 02.24 hours (Crime number 2005306/19)

Local CCTV call Police after seeing people leave the club, enter the rear car park and start fighting, one male hit over the head with a bottle and need to attend Hospital.

Police reserve the right to give evidence on any further incidents which may take place at, or in the vicinity of the premises, between the service of this application and the hearing and/or during the time allowed for any appeal proceedings.

Police recommendations in addition to the current licence conditions and dispersal policy:

A reduction in hours open to the public on Friday, Saturday and Sundays to 2am, Monday, Tuesday, Wednesday and Thursday to 1am.

A copy of the premises fire risk assessment to be supplied to Police and local authority stating the capacity of the venue.

On days in which the venue is open for the sale of alcohol, it should be ceased one hour (60 minutes) prior to the closure of the outlet. Background music and lighting levels will be used to aid a gradual dispersal.

Dispersal will be managed so as to prevent public nuisance being experienced by neighbouring and nearby residents. The dispersal policy must include proactive patrols of the surrounding and opposite roads by stewards in high visibility clothing for one hour after the premises close to the public.

Club scan system to be used to capture the details of all attending the venue and to bar undesirable patrons who have previously been ejected.

Additional CCTV cameras to be installed to the front and side of the venue (currently only one visible camera at the front).

Yours Sincerely

Darren Cowley PC2548NW

From: Nabil Freeman [REDACTED]
Sent: 08 May 2019 17:28
To: license

Subject: RE: Supporting evidence for Club KTM License Review

Dear Ash,

I've recreated the list using the full YouTube URLs instead of the shortened share links.

These should work correctly:

12th Aug 2018 04:20am - Crowd fails to disperse and security staff go home early:

<https://www.youtube.com/watch?v=Q0KUccxgKn8>

(previous complaint made to council)

6th Oct 2018 4:14am - Assault outside the club, security didn't intervene:

<https://www.youtube.com/watch?v=EH-11705KQg>

17th Nov 2018 4:32am - Large police presence brought in after crowd failed to disperse, multiple cars searched and arrests made:

<https://www.youtube.com/watch?v=l6oqKP5Q08c>

9th Apr 2019 2:25am - Large police presence brought in to contain anti-social behaviour on a Tuesday:

<https://www.youtube.com/watch?v=wyfZprvEiMk>

(previous complaint made to council)

9th Apr 2019 2:44am - Large police presence brought in to contain anti-social behaviour on a Tuesday:

<https://www.youtube.com/watch?v=ah0yPrjVKT4>

I've also screenshotted the same list as an attachment to this email for verification in case your mail client is changing the format by accident.

Let me know if you need anything else.

Speak soon,
Nabil

From: Nabil Freeman [REDACTED]
Sent: 05 May 2019 18:24
To: Ash Waghela; license

[REDACTED]
Subject: Supporting evidence for Club KTM License Review

Dear Ash,

I hope you are well and enjoying the Bank Holiday weekend.

I've compiled a list of evidence with the help of my neighbors that I believe should be considered during the review of Club KTM's license. All evidence is timestamped.

Videos:

12th Aug 2018 04:20am - Crowd fails to disperse and security staff go home early:

<https://youtu.be/Q0KUccxgKn8>

(previous complaint made to council)

6th Oct 2018 4:14am - Assault outside the club, security didn't intervene:

<https://youtu.be/EH-11705KQg>

17th Nov 2018 4:32am - Large police presence brought in after crowd failed to disperse, multiple cars searched and arrests made:

<https://youtu.be/l6oqKP5Q08c>

9th Apr 2019 2:25am - Large police presence brought in to contain anti-social behaviour on a Tuesday:

<https://youtu.be/wyfZprvEiMk>

(previous complaint made to council)

9th Apr 2019 2:44am - Large police presence brought in to contain anti-social behaviour on a Tuesday:

<https://youtu.be/ah0yPrjVKT4>

Photos:

These photos supplement the above videos, with the exception of the 7th April photo which is a separate incident. At approximately 5am a car crash occurred outside the club with catastrophic results, one driver fled the scene and the other car's occupants were taken to hospital. Club staff can be seen in the photo.

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2018-08-12T04-18-00.jpg>

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2018-08-12T04-19-00.jpg>

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2018-08-12T04-19-01.jpg>

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2018-08-12T04-19-02.jpg>

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2018-08-12T04-23-00.jpg>

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2018-08-12T04-25-00.jpg>

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2018-08-12T04-30-00.jpg>

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2018-11-17T04-25-00.jpg>

<https://dz9tcnaek5flw.cloudfront.net/club-ktm/club-ktm-2019-04-07T05-46-00.jpg>

Of the 4 licensing objectives, I believe the supplied evidence strongly shows that Club KTM is undermining:

1. The prevention of crime and disorder
2. The prevention of public nuisance
3. Public safety

If necessary, I can come to Harrow Council this Wednesday the 8th and transfer all the attached files to one of your machines.

Speak soon,
Nabil

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APPENDIX 5

2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 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.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

- authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate

authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 6

APPENDIX 1

Licence review guidelines

	Aggravating factors	Mitigating factors
Prevention of crime and disorder	<ul style="list-style-type: none"> • Failure to heed police or licensing authority advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results from poor management • Previous track record • Deliberate or direct involvement in criminality 	<ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional conditions
Prevention of public nuisance	<ul style="list-style-type: none"> • Noise late at night in breach of condition or statutory abatement notice • Previous warnings ignored • Long and prolonged disturbances • Excessive noise during unsocial hours (relating to locality and activity concerned) 	<ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary proposal/acceptance of additional conditions
Public safety	<ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions 	<ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition
Protection of children from harm	<ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected/involved • Children not allowed on premises as part of operating schedule/conditions 	<ul style="list-style-type: none"> • Conduct occurred with lawful consent of persons with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol

	Aggravating factors	Mitigating factors
Application for review after other enforcement action taken by responsible authorities	<ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored • Previous review hearing held resulting in any corrective action • Premises licence holder previously convicted or cautioned for same or similar offences/contraventions • Offences over prolonged period of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard for licensing requirements • Offence likely to be repeated 	<ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or fixed penalty notice • First offence or warning • First review hearing • Single offence/breach • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated
Range of likely responses available to the Licensing Panel	<ul style="list-style-type: none"> • To take no action • To issue a written warning • To remove the designated premises supervisor (or require a designated premises supervisor in community premises without one) • Modify the conditions of a premises licence or club premises certificate, including adding new conditions or deleting old conditions • To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate • To suspend the licence for a period not exceeding three months • To revoke the premises licence or withdraw the club premises certificate 	