

# Licensing Panel AGENDA

**DATE:** Tuesday 13 August 2019

**TIME:** 7.30 pm \*

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

\* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 5.

## **MEMBERSHIP** (Quorum 3)

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**Chair:** (To be appointed)

### **Councillors:**

Michael Borio  
Maxine Henson

Ramji Chauhan

### **Reserve Members:**

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

**Contact:** Daksha Ghelani, Senior Democratic Services Officer  
Tel: 020 8424 1881 E-mail: [daksha.ghelani@harrow.gov.uk](mailto:daksha.ghelani@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 5 August 2019**

## **AGENDA - PART I**

### **1. 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.

### **2. APPOINTMENT OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### **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 THE REVIEW OF THE PREMISES LICENCE FOR MAYA PUB, 3 SHAFTESBURY PARADE, SHAFTESBURY AVENUE, SOUTH HARROW, MIDDLESEX HA2 0AJ (Pages 7 - 50)**

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.*



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**REPORT FOR: LICENSING PANEL**

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**Date of Meeting:** 13 August 2019

**Subject:** Application for review of the premises licence for Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, HA2 0AJ

**Responsible Officer:** Paul Walker – Corporate Director – Community Directorate

**Exempt:** No

**Wards affected:** Harrow on the Hill

**Enclosures:** Application for review (appendix 1)  
Location map and image (appendix 2)  
Current premises licence and plan (appendix 3)  
Representations (appendix 4)  
Licence review guidelines (appendix 5)

**Section 1 – Summary**

An application has been received from the Environmental Health Department to review the premises licence for Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, HA2 0AJ on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

## Representations received

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

## Representations from other persons

No representations received from other persons

## Section 2 – Report

1. An application has been made on behalf of the Environmental Health Department to review the premises licence for Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, HA2 0AJ on the grounds of preventing crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (appendix 1).
2. Description of premises  
The premises are located on Shaftesbury Circle. The premises comprises of a three storey building. Primarily, the ground floor is a pub and the first and second floors are residential.
3. An image of the premises and a location map are provided at appendix 2.
4. Licensing history  
A premises licence was first granted in 2005 through conversion. The premises licence was transferred to the current premises licence holder on 27 June 2017. The latest application to vary the designated premises supervisor was received on 20 March 2019
5. On 6 June 2018, a variation application was submitted to the authority to extend hours for hours open to public, late night refreshment and the retail sale of alcohol. As no representations were received, the application was granted as applied for.
6. The current premises licence and plan are attached at appendix 3.
7. Details of the application  
Received: 18 June 2019

The application has been advertised in accordance with the prescribed regulations.

8. Representations

One representation has been received from the Metropolitan Police.

9. Officer observations

The application has been submitted to the authority by the Environmental Health Department as they have received multiple complaints about noise nuisance and anti-social behaviour that is allegedly directly linked to the premises. The application indicates that Enforcement Officers from the Environmental Health Department have witnessed ASB and Noise Nuisance, and have tried to work with the licensee to remedy the issues but despite this, the licence conditions are continually breached and the licensing objectives consistently undermined. The application requests the revocation of the premises licence or alternatively, to reduce hours for licensable activities and to remove all present conditions that appear on annex 2 and 3 and to impose new conditions that are suggested by the applicant. The Metropolitan Police recognise that the applicant has requested that the licence be revoked, however, where the panel would be minded not to do so, they have suggested a reduction in hours for licensable activities and additional conditions to be added. The police have also listed the incidents that have taken place at the premises since January 2019.

10. Statutory guidance

The following passages and paragraphs of the statutory guidance issued by the Secretary of State in April 2018 are relevant to this application.

11. Paragraph 11.10 of the guidance refers to good practice for responsible authorities to engage with premises to resolve concerns at an early stage without the need for formal action such as a review.

12. Paragraph 11.20 of the guidance refers to the need for licensing authorities to ensure remedial action should be addressed to the causes identified in the application or representations, and that decisions must be appropriate and proportionate to those concerns.

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

14. *“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.”*

15. 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.

16. 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.

17. 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.

18. 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
- f. and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition added.
- g. If the Panel takes a step mentioned in 1 or 2 of paragraph 2.13 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.

19. It should be noted that –

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

20. 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.

21. 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.
22. 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).
23. The Panel, when exercising its powers, must consider section 17 of the Crime and Disorder Act 1998 which states:
24. '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***

25. There are no financial implications.

***Appeals***

26. If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court within 21 days from notification of the decision.

**Section 3 - Statutory Officer Clearance**

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 30 July 2019		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 30 July 2019		

Name: Paul Walker



Corporate Director

Date: 01 August 2019

**Ward Councillors notified:**

Yes

## **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

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

## 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 **John P Rattray**

(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 (delete as applicable)

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Maya Pub 3 Shaftesbury Parade Shaftesbury Avenue South Harrow Middlesex	
<b>Post town</b> Harrow	<b>Post code (if known)</b> HA2 0AJ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Rubindra Gurung
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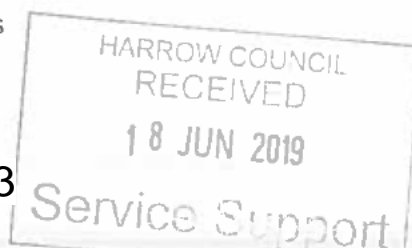
<b>Number of premises licence or club premises certificate (if known)</b> LN/000000605
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#### Part 2 - Applicant details

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**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Environmental Health John P Rattray First floor unit 1 Central Depot Forward drive HA3 8NT
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

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

Please tick one or more boxes ✓

- 
- 
- 
-

**Please state the grounds for review (please read guidance note 2)**

**Crime and disorder**

Numerous incidents reported to the police this has resulted in police attendance. The police reports confirm that the crime and disorder objectives have been undermined. The breach of a licence condition is a criminal offence under the Licencing Act 2003.

**Public nuisance**

Numerous complaints of noise reported to Environmental health with respect to the amplified music and live bands. Also reports of people noise which is linked directly to this venue. This has been witnessed by council officers who have carried out numerous enforcement and monitoring visits. This clearly undermines the public nuisance objective under the Licencing Act 2003. This has also been identified as a statutory nuisance under the Environmental Protection Act 1990.

**Public safety**

The over- intoxication of patrons allowing them to be put in dangerous situations. For example as witnessed by officers a young girl who was almost unconscious and locked in the garden/ outdoor area 'with her boyfriend'. On the same visit there were several other people vomiting in and around the premises. This clearly undermines the public safety objective of the Licencing Act 2003.

**Protection of children from harm**

Taking into account the possible mental and emotional stress and impact from noise and disturbances from criminal activities that could impact children and young adults living in close proximity of the premises. And the copious amounts of vomit and half empty alcoholic drink containers. This will have a detrimental effect on any young persons that may pass in the morning. This should be taken in to consideration in regards to the protection of children from harm objective of the Licencing Act 2003.

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

22/06/2017

Application for transfer received from Maya pub limited.

02/08/2017

Licensing officer visit to premises on 2nd Aug at 15:55 for a compliant inspection following a Transfer and DPS Variation. Rubindra Gurung director of the company and also the DPS assisted me with the inspection. He advised me was looking at making it a family pub focusing more on food. He wasn't happy about the two conditions in Annex 2 and Annex 3, both contradicting each other, I advised him to put in a Minor Variation to have them removed completely but would discuss with my Principle as the premises had previous issues and whether the MV would be a waste of money. Rubindra was aware of the issues and that is why he wanted to change the image. Spoke to Jeffrey Leib he agreed with the advice given. 05/09/2017 this minor variation to licence granted.

30/11/2017

Complaint received from a member of the public who lives in the vicinity of the premises:

"I am writing to you in regards to the very loud music, singing, drumming etc occurring every Friday and Saturday from 8.30pm."

14/12/2017

Licensing Act 2003 - Breaches of conditions found on visit to premises following complaint. Warning letter issued attached to this application (Exhibit 1)

28/12/17

Complaint received from resident regarding late night disturbances and noise nuisance.

Sent: 28 December 2017 16:09

To: license

Subject: URGENT INFORMATION (breach of licensing conditions)

Dear Sir/Madam

I am writing to you to bring your attention that MAYA PUB 3, Shaftesbury Parade, Shaftesbury Avenue, Harrow HA2 0AJ does the live music event every Saturday until 2 to 3 am, whereby their authorised hours for live music and sale of alcohol is until 00:00 hrs. This is to inform you that they are breaching the licensing condition by selling the alcohol and entertaining the customers till 2 to 3am in the morning inside the premises but closing the main door from outside. I am not 100 percent sure that the CCTV is being operated within the premises, but for your reference you can ask for the CCTV footage of the last event held on 15 & 16 December 2017.

I confirm that the information I have provided you is true and genuine. Please note that the next event they are doing the New Year Special on Saturday 30 December 2017 and they will be doing the live music and sale of alcohol until 2-3am which would be a breach of the licence.

I request you to look into this matter seriously and send someone from your team for the inspection on Saturday, 30 Dec 2017 after the licence hour

29/12/17

Warning email from licencing sent.

Sent: 29 December 2017 11:19

To: 'mayapublondon@gmail.com'  
Subject: Maya Pub 3 HA2 0AJ

FOR THE ATTENTION OF THE DIRECTORS OF MAYA PUB LIMITED:

SIDDHARTHA BHANDARI

RABINDRA GURUNG

Dear sirs,

WARNING:

The licensing authority has received information that you are possibly carrying on with licensable activities without the correct authorisation under a premises licence or temporary event notice.

The information received alleges that you are carrying on with the provision of live music every Saturday until 2:00 - 3:00 hours.

You are reminded that to carry on with a licensable activity without the correct authorisation under a premises licence or temporary event notice is an offence under section 136 of the Licensing Act 2003 and a person found guilty on summary conviction is liable to a fine or to a term of up to six months imprisonment or both.

As a result of the information that the authority has received, your premises will now be monitored and if any breaches are found, enforcement action may be taken against you.

If you have any enquiries regarding the above, please do not hesitate to contact this authority.

Regards

Ash Waghela | Licensing Officer

29/12/17

Response from director of May Pubs:

From: Mayapub Ltd [mailto:mayapublondon@gmail.com]

Sent: 29 December 2017 13:45

To: Ash Waghela

Subject: Re: Maya Pub 3 HA2 0AJ

Hi Ash,

We are surprised to get your email about playing live music every Saturday 2-3 hrs, which is not true in any angle.

As this is our new venture, we seriously look these kind of issues and looking forward to resolve these and any other kind of issues immediately.

Our live music finishes at 11:30 every time. So we are certainly sure that some neighbors just want to make the issue and complain to the council.

We are looking forward for the council cooperation and understanding in this matter

Many thanks

Siddhartha Bhandari

Rabindra Gurung

Maya Pub Ltd.

04/01/2018

Complaint received by concerned resident. Highlighting public nuisance.

Re continuation of anti-social behaviour on Shaftesbury Circle.

I knew that the Maya pub was to be open until 5 am on New Year's Day when I saw a board advertising this fact outside the pub.

I now know how strongly I shall object if I become aware of a similar future licensing application. When I came home with my husband at 1am on New Year's Day, we walked past a couple of smashed bottles and perhaps 25 men standing around on the pavement near the pub. We noticed that every one of them was oriental in appearance - noticed because that is not the group that usually hangs around outside Coral who then use the bottom of the steps to our flats as a toilet. I thought it a bit odd until the next day when someone told me that the pub is now run by some Chinese.....

Every time I came to that night, I could hear loud men's voices. I sleep at the back of the flat - had my son been home, in his room at the front of the flat, he would have had no sleep at all. The men were not shouting or singing, they were not swearing (well not in English anyway) - they were just being very loud. My other son who has a room at the back told me there had been largish groups at the bottom of the steps. At about 5am I gave up trying to sleep. While making tea I looked out of my kitchen window. In the time I was there I saw two men urinate at the bottom of the steps - judging by the liquid and the smell there during Jan 1st, these 'facilities' must have been used quite a lot that night.

I then watched the activity out on the pavement in front of the pub and shops. There was still a largish group of the men outside, and one stocky man dressed in pale clothes seemed quite keen to pick a fight either with the same man twice or two different men - I'm not sure. But twice I had the phone in my hand because I was quite scared that a fight was about to start - on each occasion other men held back the would-be fighters and nothing happened.

The circle only became quiet at about 6.30am when most of the men streamed off along Shaftesbury Ave in the direction of Pinner. By which point there was not really time to sleep as we had plans to drive to visit friends during the day.

In my books, this was an unnecessarily unpleasant start to 2018.

14/02/2018

Joint visit between licencing and police licencing. For witness statement of police licencing officer. Please see exhibit 2

18/02/2018.

Officers visited premises between 01:39 and 03:22 whilst there they witnessed poor crowd dispersal. Door Supervisors appeared reluctant to disperse large group of patrons. Noisy group remained outside premises

23/03/2019

Police reported Males fighting with bottles, one police officer assaulted. The suspect claimed in his defence that he got so drunk in the pub that he was not himself.

07/4/2019

00:07am) - Compliance visit with Environmental Health and Licensing Officers following above fight and other environmental health noise complaints.

Officers visited the premises to monitor the noise issue. Observing the premises after midnight, there were approx. 5-6 people standing outside in front of the premises. It appeared that loud music was still playing inside after midnight. At 00:16 hrs - 3 people left the premises. At 00:20 hrs - officers checked the noise level in the service road at the back of the pub: music was coming out from the back of the premises which was too loud and in all likelihood disturb the neighbours. Officers spoke with the manager. Officers asked what time they usually close and the manager said that they would close at 01:30am. Officers requested to see the premises licence and pointed

out on the licence that live music is only allowed until 23:30pm and the sale of alcohol until 01:30 on Sunday. Officers advised of the noise issue and the manager admitted that it's was his fault. Officers advised that he had stood in the service road for approx. 10 mins and that there was loud music. (Additionally Alcohol is served in plastic cups. This was implemented by the manager following the fight on the 23/03/2019). Officers advised the manager that an offence was committed under the LA 2003 act and he may in due course call the DPS and owner for a PACE interview with a view to review the licence. When asked about the incident that happened recently in front of the premises that involved police, manager said that incident took place at the back of the premises and the security person went to resolve it but he couldn't control the fight so called the police. Manager said he was prepared to show CCTV. Manager employs Ace Security' officers. Officers also advised of the noise issue which was too loud and advised to set up acoustic curtains to control the noise. Manager said he would do that asap.

It was not necessary to call the licensee and DPS for a PACE interview as this matter is now being dealt with as part of this review.

12/05/19.

Compliance visit with Environmental Health and Licensing

00:58 The officers walked past the pub doors which were closed and he could hear music.

01:00 The officers went to the alleyway behind the pub and saw the musicians loading up their car with their equipment.

Officers went round the front again and saw 10 people outside the pub talking loudly and drinking with no door supervisors present outside.

Officers went inside the pub. Officers noted background music was still on, with lots of people still inside and very noisy. The officers went to the back and found that there were two sets of double doors. One set was blocked by music equipment and a pool table restricting access to these doors and the other set had a rope wrapped around the handles to prevent people going into the back garden/ smoking area. Officers shone a light through the windows and found that a couple (male and female very intoxicated) were sitting on chairs outside on the right hand side as you face the garden from the pub. At this point, The officers were greeted by Mr Rai. Officers requested access into the garden. the doors were then opened. The female was feeling unwell as she had far too much to drink and had been vomiting and was in not in a fit state to look after herself. Officers asked Mr Rai why this young female had been allowed to get into this state on his premises and he could not really answer. One of the staff got her a bottle of water.

Officers went back inside and notice that a male was lying on a sofa – clearly intoxicated.

Another male tried to enter the ladies toilet and vomited in the doorway to the toilet which Mr Rai cleaned up. Officers asked again why are people allowed to get into this state and had his staff been trained on how to refuse the sale of alcohol to someone they may have reason to believe is drunk. He answered that if they refuse alcohol, people get angry at the staff and start to argue.

01:43 – Officers then went outside the pub and noted lots of people outside making noise.

01:47 – Officers noted that there were still people outside making noise. Door supervisors sent out by Mr Rai- manager to disperse people. Although there were a lot of people outside, three people in particular caught Officers' attention situated on the green, one female, clearly intoxicated as she nearly tripped over a road sign and could not walk straight and two males who ended up sitting under a tree.

One of the door supervisors approached officers and asked if they should be dispersing people who have already left the boundary of the premises. Officers responded by saying that technically, they are only responsible up to the curtilage of the premises, however, this is the only premises that is open at this time in this vicinity and that all of the people that are around are from this premises and the disturbance is attributed to the premises. It was explained that situation this undermines the public nuisance objective. Mr Rai was present during this conversation.

Officers stated that the management were clearly not in control of their customers and that it seemed that they have no regard for the public nuisance and public safety objectives. Previously,



The leader of the council has accompanied police on visits where problems have arisen. This may be on record.

History of the premises shows that these problems are consistent with the premises and the management doing nothing or very little to resolve these problems out.

Furthermore during Officers visit on 12 May, Mr Rai did mention that he was going to meet with the police licensing on the 20 May. Officers asked Mr Rai who would be attending and he replied just himself. Officers stated that the licensee is Maya Pub London Limited and asked if the directors will attend, initially he said that they would not. Officers informed him that he had been called for a meeting by the police and it would be a good idea and in the interest of the premises if the directors were to attend the meeting. Officers stated that in his opinion, and his alone, that this indicates a complacency and disregard by the licensee's.

The police requested information from licensing about any issues that would need to be discussed at the meeting that was arranged to take place on 20 May 2019. The police informed Licensing that they were interested in asking the licensee to vary the licence to tighten up the conditions of the licence. Licensing advised the police that at the current time, a variation would not be appropriate to further uphold the licensing objectives as the conditions that are already attached to the licence are consistently being breached. There seems to be very little or no point in adding additional conditions at this point. On reviewing the incidents that had taken place at the premises, the police agreed with Licensing and cancelled the meeting with the licensee and informed licensing they will be interested submitting a representation in respect of any review application made by Environmental Health.

#### Summary

Despite numerous visits and correspondence the staff at Maya Bar have failed to meet the following licencing objectives under the Licencing Act 2003:

#### Crime and disorder

Section 2.5 of the Statutory Guidance issued under the Licensing Act 2003 states:

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.

For your information a log of incidents reported by the police to the local authority.

- (1) Wed 17/01/2018 @16.39 hrs Staff member assaulted cris no 2015675/18.
- (2) Sat 14/04/2018 @01.55 hrs GBH cris no 2004418/18 Cad 193 male fighting bouncers.
- (3) Sat 02/06/2018 @1130 hrs Cad 3439 2 males fighting o/s the pub.
- (4) Tue 03/07/2018 @21.55 hrs Crim dam cris no 2008075/18 Cad 9143.
- (5) Thur 08/11/2018 @1917 hrs Cad 6945 male arrested at location for assault.
- (6) Sat 08/12/2018 @04.55 hrs Crim dam cris no 2015821/18 Cad 807.
- (7) Tue 01/01/2019 @03.42 hrs Cad 2306 five people fighting SIA.
- (8) Tue 01/01/2019 @05.08 hrs Cad 3100 15 to 20 males fighting outside the pub
- (9) Tue 01/01/2019 @05.40 hrs Cad 3161 males returned and are fighting again
- (10) Sun 17/03/2019 @03.30 hrs Cad 4692 complaint from resident re noise till gone 4am Ten in

place till 03.30hrs

(11) Sat 23/03/2019 @01.50 hrs Cad 809 25 Males fighting with bottles, one police officer assaulted cris number 2004431/19, suspect claimed in his defence that he got so drunk in the pub that he was not himself.

(12) Sat 20/04/2019 @18.17 hrs Cad 5867 Resident states people using the steps to flats as a toilet.

#### Public Nuisance:

Section 2.16 of the Statutory Guidance issued under the Licensing Act 2003 states (in part): 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.

Section 2.17-2.19 of the Statutory Guidance issued under the Licensing Act 2003 states:

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.

#### Protection of children from harm.

Section 2.22 of the Statutory Guidance in part states. "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"

#### Public safety.

2.8 of the Statutory Guidance states 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.

#### Recommendations

**It is noted by the authority that the licensee is currently not adhering to the conditions that already exist on the premises licence and not upholding the licensing objectives. This is made clear by the observations of local authority officers. Currently the authority's view is that the licensee is not able to meet his commitments to the objectives and therefore the licence should be revoked.**

If, however, the committee is minded to allow licensable activities to continue then the following conditions are recommended:

To remove the sale of alcohol for consumption on and off the premises and to replace this with the sale of alcohol for consumption on the premises only.

Licensable activity late night refreshment is removed.

Licensable activities for the sale of retail alcohol, live music, recorded music and the performance of dance should be restricted to:

Sunday to Thursday 08:00 - 22:30.

Friday to Saturday 08:00-23:00.

Licensable areas open to the public. This should be restricted:

Sunday to Thursday 08:00-23:00

Friday to Saturday 08:00-00:00 – this is to allow reasonable and controlled dispersal.

To remove all current conditions in annex 2 and annex 3 of the premises licence.

The following conditions be placed on to the licence under annex 3:

1. At least one First Aider trained to deal with problems associated with alcohol and drugs or anything else that may arise that require his assistance will be on duty when premises are open for licensable activities. An adequate and appropriate supply of First Aid equipment and materials must be available on the Premises. Records must be maintained in relation to the supply of any First Aid treatment. These records must be produced immediately on request of the Metropolitan police or officers of the local authority.
2. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests. The medium upon which the images are recorded will be clearly identifiable, stored securely and retained for a period of not less than 31 days and will be made available to Police and Licensing Authority Officers immediately upon request.
3. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which the footage is transferred must be provided by the premises.
4. A member of staff who is trained to operate the system and supply the footage

must be present at the premises at all times when licensable activities are taking place.

5. The Designated Premises Supervisor or authorised person by him must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date.
6. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
7. The Designated Premises Supervisor shall ensure there are at least 2 door supervisors on a Friday and Saturday night, one of which should be female. If the number of patrons exceeds 50, a ratio of at least 1 door supervisor will be employed for every 25 patrons will be used.
8. The Designated Premises Supervisor shall be responsible for implementing a dispersal management plan agreed (and revised from time to time) with the Harrow Police Licensing Officer and the Licensing Authority. They will also ensure that licensed door supervisors remain on duty outside the Premises for at least 30 minutes after the Premises close to assist with dispersal of persons from the Premises and the vicinity of the Premises. The door supervisors will remain on duty until patrons have been adequately dispersed to ensure that the licensing objectives are not undermined.
9. 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.
10. All licensed door supervisors must wear high-visibility clothing of a style and type agreed with the Harrow Police Licensing Officer when working at entrances or exits to the Premises.
11. The Premises must employ the Scannet electronic identification system (or an alternative electronic identification system if agreed in writing with a Harrow Police Licensing Officer in advance). All customers must have their identity verified using the system before entry, except at times agreed in advance in writing by the Police Licensing Officer.
12. Any faults with the electronic identification 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 until the fault is rectified or an alternative system agreed with Harrow Police Licensing Officer.
13. The Designated Premises Supervisor must ensure that all data recorded on the Scannet (or alternative electronic identification) system is kept for at least 31 days and not deleted during that period.
14. Data recorded by the Scannet (or alternative electronic identification) system shall be made immediately available upon request by the Police providing that such request is in connection with the prevention or detection of crime.
15. No more than 6 customers are permitted in the designated smoking area at any

one time this is to be monitored when in use by designated premises supervisor.  
(new plans for premises to be provided highlighting the smoking area)

16. No customers shall be permitted to take food or drink into the smoking area after 22:00.
17. The Premises Licence Holder and/or Designated Premises Supervisor shall cooperate with reasonable requests made by authorised officers of responsible authorities under the Licensing Act 2003 to ensure the licensing objectives are not undermined, providing such requests do not involve additional expenditure.
18. There shall be a personal licence holder on duty on the premises on Friday and Saturday when the premises are open to the public.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
21. The number of patrons permitted in the premises at any one time shall not exceed 90 persons, and such number shall be prominently displayed by each entrance to the premises. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place and the results are securely recorded in a log-book for a period of at least 12 months.
22. All staff to undertake training with respect to the licencing act 2003 with respect the effects of alcohol and in addition the refusal of alcohol to people already under the influence. All training should be recorded and staff updated as required. Logs of training will be provided immediately on request of an officer of the metropolitan police or the licencing authority.
23. A detailed log should be kept all incidents regarding the refusal of sale of alcohol.
24. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
25. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
26. Appropriate automatic noise control device must be fitted to all amplified sound equipment. The device must be: a) Set so that the volume of any amplified sound emanating from the premises does not cause a public nuisance. A Compliance Certificate must be supplied to the licensing authority for the installation of the unit before any regulated entertainment is carried out stating the operating parameters of the unit. The installation must be carried out by a competent/qualified person and submitted to licensing authority for approval. The compliance certificate should contain the following. Min. 5 minute LAEQ Frequency analysis between 200Hz - 35Hz The devices must be fitted to all power outlets to the premises (i.e. to the main distribution unit) The Premises

Supervisor must ensure that any amplified sound from the premises does not cause a public nuisance by ensuring that amplified sound is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.

27. Obtain a written report from an acoustic engineer who is a member of the Institute of Acoustics. The report should identify the type of entertainment to be carried out and recommend any active or passive measures required to prevent airborne or structural noise and vibration transmission from adversely affecting local residents. A copy of the report shall be provided to the Environmental Health Domestic Team. All recommended works shall be completed to the satisfaction of the EHD Team within two months from the date of the acoustic engineer's report.
28. The designated premises supervisor or his/her representative shall conduct regular assessments of the noise coming from the premises on each occasion there is regulated entertainment, and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be kept in a log book and shall include the time and date of the checks, the person making them and the findings, including any remedial action. This log will be provided immediately on request of an officer of the metropolitan police or the licencing authority.

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

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

**Part 3 – Signatures** (please read guidance note 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



Date

14<sup>th</sup> June 2019

Capacity

Local Government Enforcement officer / Applicant

**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.



EXHIBIT

21st December 2017  
Our ref: UL/CSS/LIC/WK/000639760

Community Directorate  
Corporate Director  
Paul Walker

Maya Pub  
3 Shaftesbury Parade  
Shaftesbury Avenue  
South Harrow  
Middlesex  
HA2 0AJ

Dear Sir/Madam,

**Licensing Act 2003 - Breaches of conditions**

**Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ**

I am writing about a visit to the above premises on 14/12/17 at 16.25 hours. During the visit the following breaches of the licence were found:

**(Mandatory Licensing Conditions) (Amendment) Order 2014**

1. Condition 4, states - The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises.

These measures were not displayed in your drinks menu as required.

2. Annex 3, Condition 1: CCTV SYSTEM SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE SPECIFICATION DETAILED BY THE METROPOLITAN POLICE SERVICE. THE SYSTEM SHALL BE IN USE AT ALL TIMES DURING LICENSABLE ACTIVITIES WHEN THE PREMISES IS OPEN. RECORDINGS WILL BE MADE AVAILABLE FOR 31 DAYS IF AN ANALOGUE SYSTEM OR 14 DAYS IF A DIGITAL SYSTEM AND PROVIDED TO THE POLICE ON REQUEST.

Please ensure the date and time is accurate as the date was incorrect at the time of my visit.

3. Annex 3, Condition 2: THE DESIGNATED PREMISES SUPERVISOR OR A PREMISES REPRESENTATIVE SHALL, WHERE ONE IS IN EXISTANCE, ACTIVELY PARTICIPATE IN THE LOCAL PUBSAFE/PUBWATCH SCHEME

The DPS should contact Patrick Moran the Licensing police officer at [patrick.a.moran@met.pnn.police.uk](mailto:patrick.a.moran@met.pnn.police.uk); to participate in the local pubwatch scheme.

#### **Additional Items**

4. Your fire extinguishers were last tested in 2013. They need to be tested annually.
5. There was no incident log at the venue. It is strongly recommended that you have an incident log to be kept at the premises for at least 12 months, and examined on a regular basis by the DPS and the date and time of each examination will be endorsed in the register.

The register shall be made available on request to an authorised officer of the licensing authority or the Police, which will record the following:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs, offensive weapons, fraudulent ID or other items
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

6. I note there was signage at the premises relating to under age sales however the signage was very difficult to read and I would suggest you display additional signage in a prominent position, so that customers are aware that an age verification policy exists.

It is essential that you adhere to all of the conditions that are on your premises licence. Failing to comply with the conditions on your licence is a criminal offence, which can lead to a maximum penalty on conviction or a fine and/or up to 6 months' imprisonment. Your licence may also be reviewed which either can lead to it being revoked, suspended or additional conditions added to it.

I would be grateful if you would pass this information to the relevant person(s) for attention to ensure further breaches do not occur.

No further action is proposed on this occasion. This warning will be kept on our files and may be referred to should other enforcement action be required in the future. If you require any further details, please contact the licensing team as shown.

Yours sincerely

Derek Fergus  
Licensing Team (CSS)  
Licensing Officer  
Environment and Enterprise

Email: [licensing@harrow.gov.uk](mailto:licensing@harrow.gov.uk)

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [ ] [ ] [ ] [ ]

Statement of: Patrick Moran

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Sign: [Redacted] b b j. Q A Date: 14<sup>th</sup> February 2018

This statement is with reference to my visit on Wednesday 14<sup>th</sup> February 2018 at 12.00 at THE MAYA PUB, SHAFTESBURY PARADE, SHAFTESBURY CIRCLE, and HARROW. I was accompanied by Mr Ash Waghela Harrow Licensing Department. The purpose of our visit was to investigate a complaint which was made by a resident. The premises was carrying out licencing activities after closing time on Saturday 10<sup>th</sup> February 2018.

When we arrived at the premises it was closed, Mr Rabindra GURUNG opened the door and let us in. I explained we were on an official visit, we had come regarding a complaint made by a resident. I explained to him an allegation had been made that the premises closed at midnight on Saturday 10<sup>th</sup> February 2018, but licencing activity was continuing on after closing on Sunday 11<sup>th</sup> 2018.

I asked Mr GURUNG if he had a lock in. he replied, "Yes for friends" I asked if I could see the till transactions after closing time. He showed me the till, I asked if it was an EPOS till? He replied, "Yes". Mr GURUNG was not able to show me the transactions after midnight, but was able to show the transactions total for the day.

I asked him if he could show me the CCTV in the premises for the dates from midnight on Saturday 10<sup>th</sup> until Sunday 11<sup>th</sup> morning till 1.00am. I noticed the clock was running 1 hour fast. This was taken into consideration when he was asked to play back the selected images.

On viewing the CCTV it is apparent that licence activity is still being carried out behind the bar. Drinks are being served and money taken. I asked for the footage to be moved onto 02.00 am and still there are patrons in the bar drinking. There was more than a handful of patrons in the premises.

Ash Waghela explained to Mr Gurung that Harrow Licensing Department had a meeting with him on the 18<sup>th</sup> January 2018 to discuss complaints from residents that public nuisance and licencing activilles were being carried out beyond closing times. Where I was present. You Mr Gurung informed us you wanted to work with the authority and co-operate and such activities were not being carried out. Mr Waghela explained you were warned what the consequences would be if it was found licencing conditions were breached.

Mr Gurung explained it was a new business and it was difficult to make ends meet. The premises is quite during the week and weekends was the time it was busy. He could not see why residents were complaining when the doors were closed. I informed him that if he wanted to stay open longer then there were systems in place for this, i.e. application for a TEN or application to do a full variation to amend the opening hours etc. You know the process as you have a TEN in place for this coming Saturday 17<sup>th</sup> and 18<sup>th</sup> February 2018 where you are open until 02.30.

Ash Waghela explained to him again the four licencing objectives set out in the premises licence and all business have to adhere to them. I informed Mr Gurung that I had personally visited the premises prior to its opening, explained the problems we had with the previous designated premise Supervisor where I requested a licence review.

Witness Signature: [Redacted]

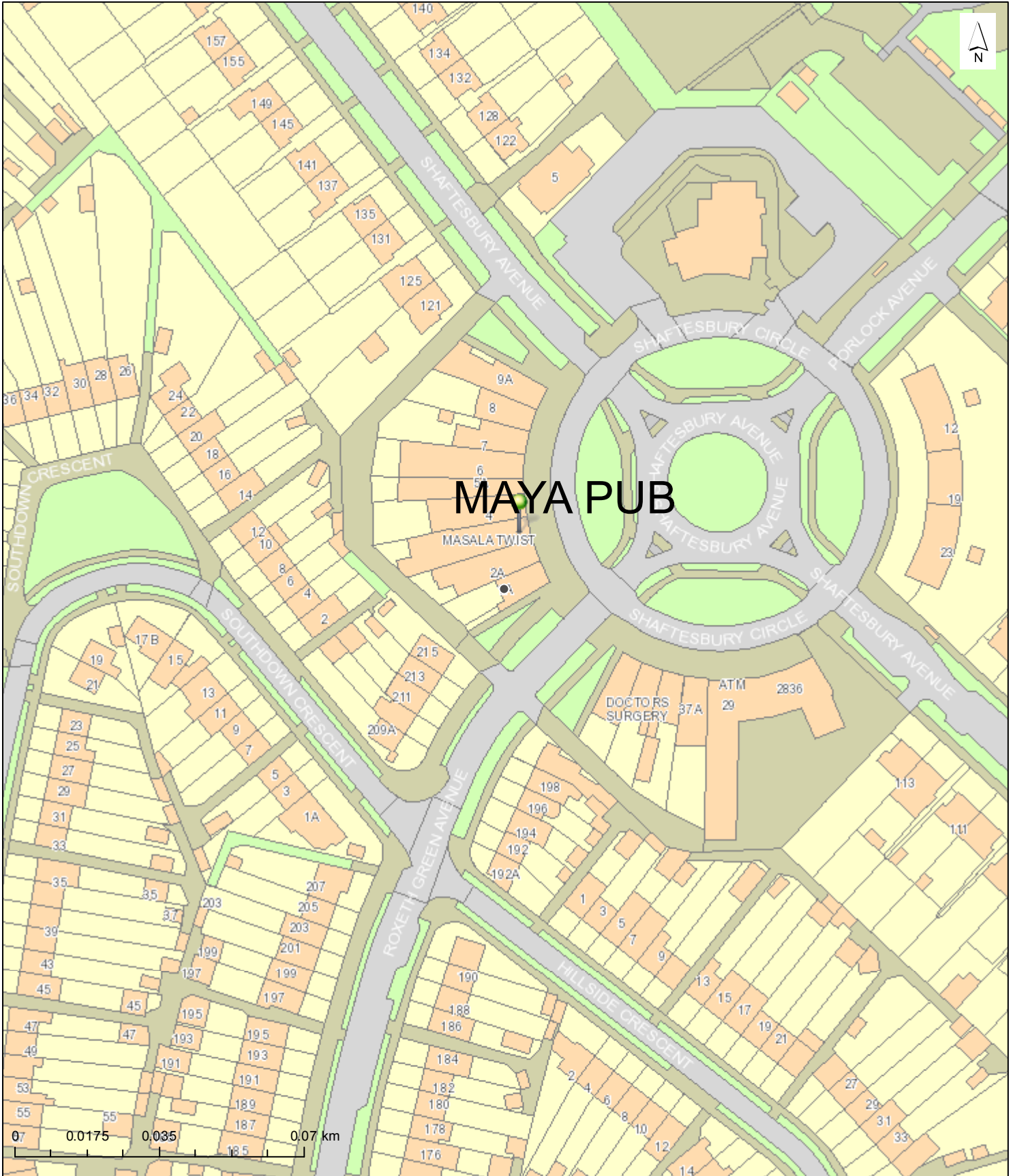
Signature Witnessed by Signature: .....

Continuation of Statement of: [REDACTED]  
Mr Gurung accepted that he had breached the licence conditions on our visit and he was not obstructive. Ash Waghela explained to him he would discuss our visit with Harrow Principal licence officer next week after he returns from holiday. He also informed him to read his premises licence and to ensure he follows all the conditions set when his TEN is in operation on Saturday 17/18<sup>th</sup> February 2018.

He was asked to download the CCTV onto media, he opted for using disc to store the footage.

Witness Signature: [REDACTED]

Signature Witnessed by Signature: .....

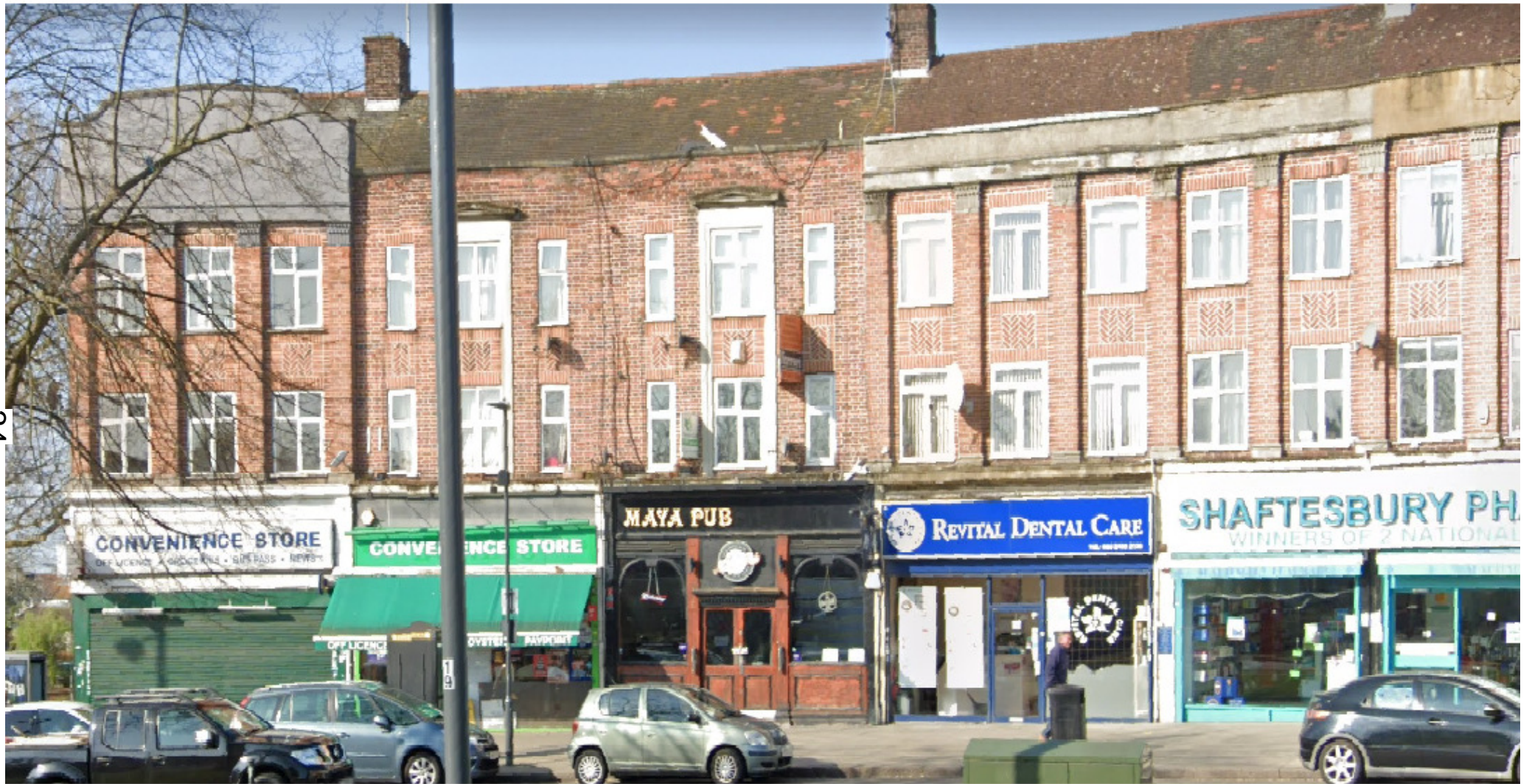


Legend

**Points**

- Override 1





# LICENSING ACT 2003

# Premises Licence

**APPENDIX 3** Schedule 12  
Part A (Regulation 33,34)  
HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number: LN/000000605//22A

Part 1 – Premises details

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

Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ

Telephone Number:

Where the licence is time limited, the dates: N/A

Licensable activities authorised by the licence:  
Exhibition of films, 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)





**Licensable area**  
**Hours open to public**

Sunday	00:00 - 01:30	08:00 - 23:30
Monday	08:00 - 23:30	-
Tuesday	08:00 - 23:30	-
Wednesday	08:00 - 00:00	-
Thursday	08:00 - 00:00	-
Friday	08:00 - 00:00	-
Saturday	00:00 - 01:30	08:00 - 00:00

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

**Location: Licensable area**

**Exhibition of films (e) Live music (f) Recorded music (g) Performance of dances (g)**

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

**Location: Licensable area**

**Late night refreshment**

Sunday	00:00 - 01:30	23:00 - 23:30
Monday	23:00 - 23:30	-
Tuesday	23:00 - 23:30	-
Wednesday	23:00 - 00:00	-
Thursday	23:00 - 00:00	-
Friday	23:00 - 00:00	-
Saturday	00:00 - 01:30	23:00 - 00:00

**Location: Licensable Area**

**Sale of retail alcohol**

Sunday	00:00 - 01:00	10:00 - 23:00
Monday	10:00 - 23:00	-
Tuesday	10:00 - 23:00	-
Wednesday	10:00 - 23:30	-
Thursday	10:00 - 23:30	-
Friday	10:00 - 00:00	-
Saturday	00:00 - 01:00	10:00 - 00:00

**The sale by retail of alcohol can be extended between the terminal hour on new years eve and the commencement hour the following morning.**



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

**Part 2**

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

Maya Pub Limited  
Maya Pub  
3 Shaftesbury Parade  
Shaftesbury Avenue  
South Harrow  
Middlesex  
HA2 0AJ

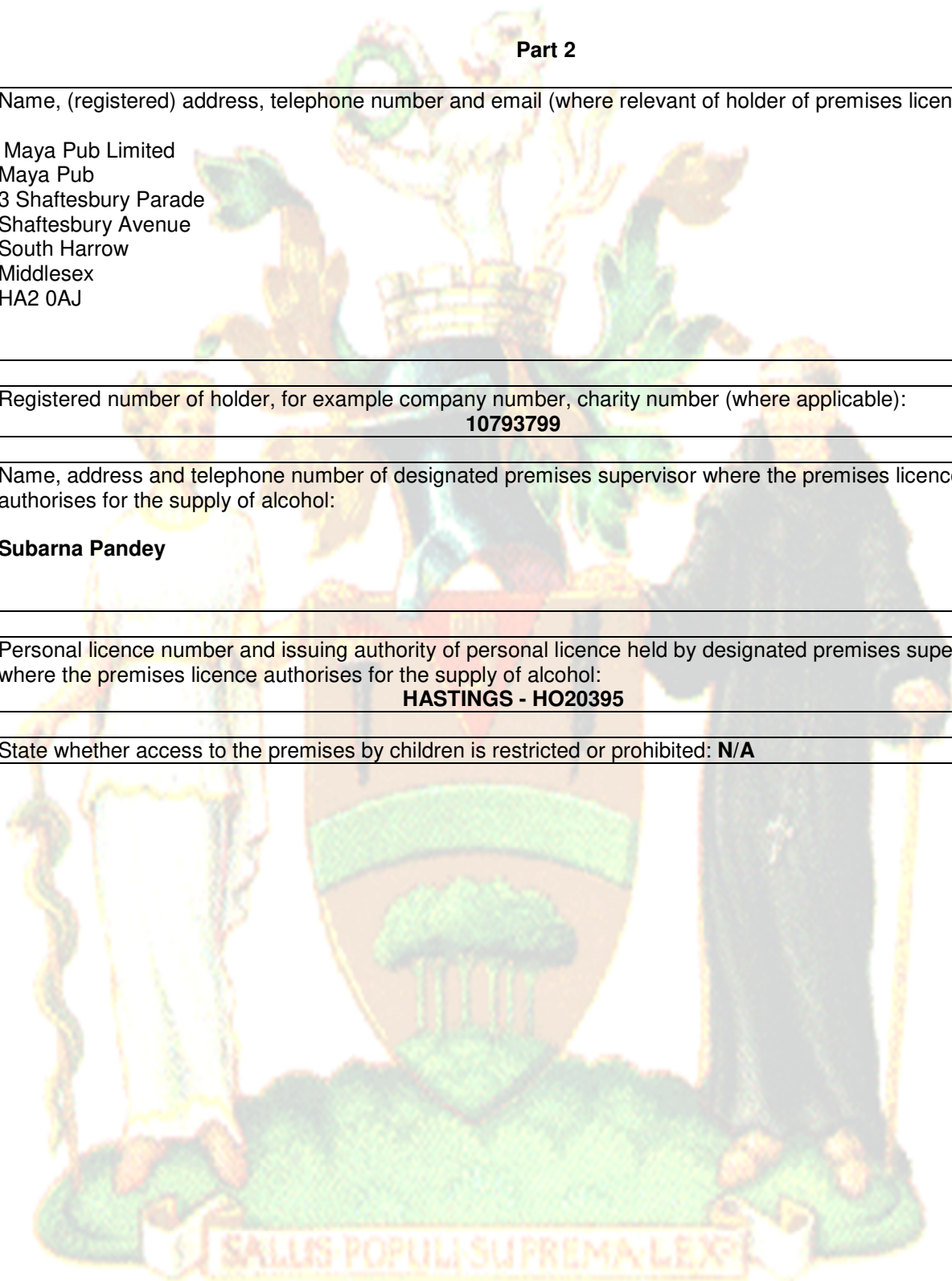
Registered number of holder, for example company number, charity number (where applicable):  
**10793799**

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

**Subarna Pandey**

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:  
**HASTINGS - HO20395**

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



## **Annex 1 – Mandatory Conditions**

### **Mandatory conditions where licence authorises supply of alcohol:**

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

### **Mandatory condition where licence requires door supervision:**

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

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to



customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

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

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Mandatory conditions where licence authorises exhibition of films:**

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

(2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

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

1. No customers carrying open bottles upon entry shall be admitted to the premises at any times the premises is open to the public.

2. Toughened glass shall be used for draught beers and lager at all times the premises are open to the public.

3. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

4. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

5. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan

Police's reasonable requests. The medium upon which the images are recorded will be clearly identifiable, stored securely and retained for a period of not less than 30 days and will be made available to Police and Licensing Authority Officers immediately upon request.

6. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which the footage is transferred must be provided by the premises.

7. The age verification policy shall apply to persons who appear to be under the age of 25 years old ("Challenge 25 policy").

8. Children will be accompanied by a responsible adult at all times whilst they are on the premises.

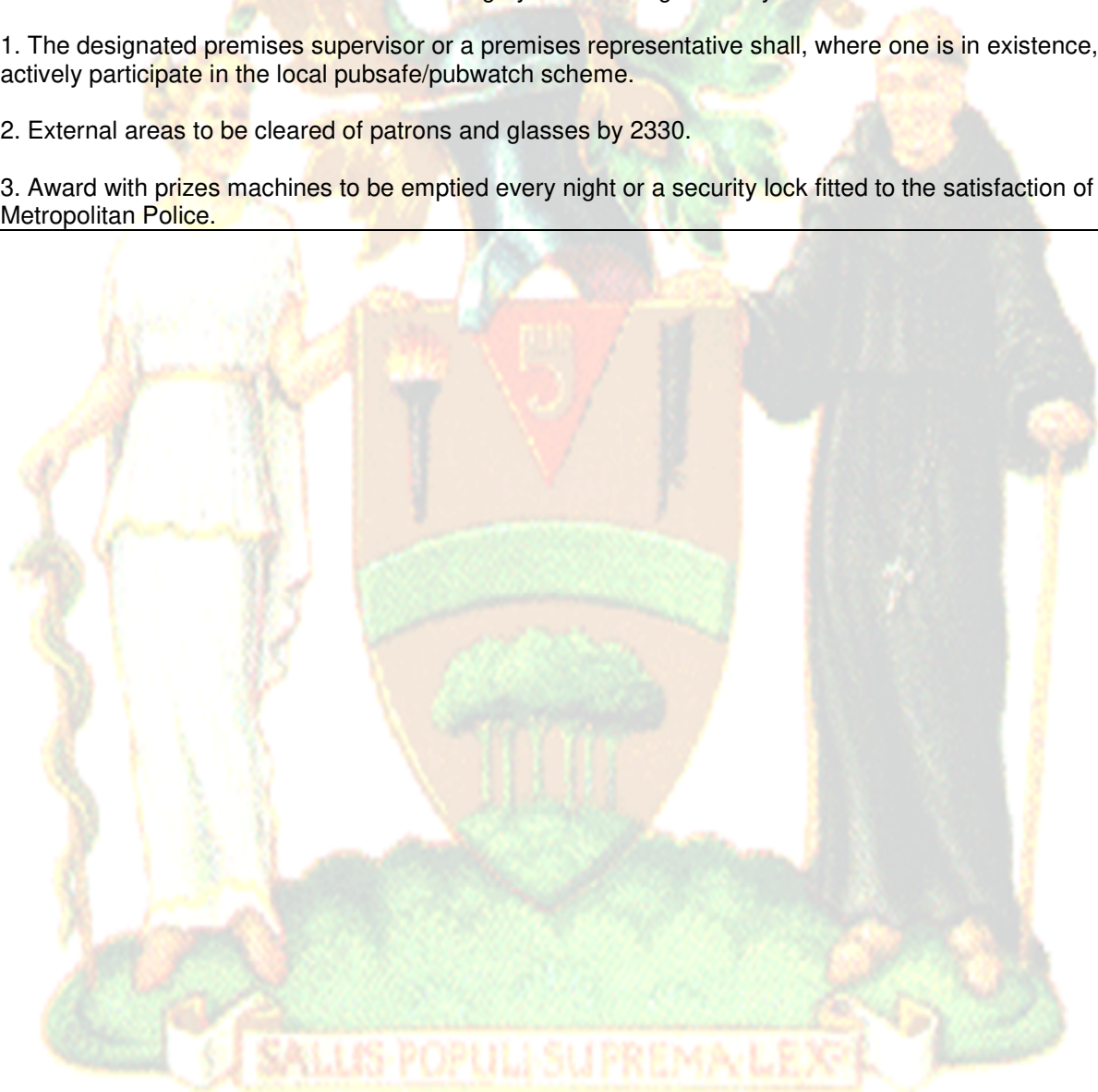
9. No children will be allowed on the premises after 21:00 hours on any day.

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

1. The designated premises supervisor or a premises representative shall, where one is in existence, actively participate in the local pubsafe/pubwatch scheme.

2. External areas to be cleared of patrons and glasses by 2330.

3. Award with prizes machines to be emptied every night or a security lock fitted to the satisfaction of the Metropolitan Police.





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# APPENDIX 4



**METROPOLITAN  
POLICE**

Working together for a safer London

## TERRITORIAL POLICING

**NW Police Licensing Unit**  
*South Harrow Police Station*  
*74 Northolt Road*  
*Harlow*  
*HA2 0DN*  
**Tel:** [REDACTED]  
**Email:** [REDACTED]  
**Web:** [www.met.police.uk](http://www.met.police.uk)

**Harrow Borough Licensing  
Department**  
*Harlow Council*  
*Station Road*  
*Harlow*  
*Middlesex*  
*HA1 2XY*  
**Email:** [www.harlow.gov.uk](http://www.harlow.gov.uk)

**Your ref:**

**Date:** 24/06/2019

**Our ref:** 165QA/19/2548

**Police representation to the Premises Licence Review Application for  
'Maya public house 3 Shaftesbury Parade Harlow HA2 0AJ.**

**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 nuisance and crime and disorder.

**It is understood that the applicant is asking for the licence to be revoked if however it is decided to allow the premises to continue then 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.**

No more than five persons outside at one time using the smoking area.

Notices shall be displayed near the smoking area requesting patrons to use the area quietly.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

Customer will not be permitted to drink outside the premises no glasses or bottles to be taken outside at any time.

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

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any faults in the CCTV system
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service.

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 to aid a gradual dispersal.

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

The premises shall maintain a comprehensive CCTV system to the satisfaction of the police. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. 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. Recordings shall be made available immediately upon the request of Police or authorised officer in accordance with the Data Protection Act 1998 throughout the preceding 31 day period. A CCTV monitor screen shall be displayed in full view of customers.

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 recent data or footage with the absolute minimum of delay when requested.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

There shall be a dispersal policy for the premises agreed with the relevant responsible authorities and approved by an authorised officer of the Licensing Authority.

At least one First Aider trained to deal with problems associated with alcohol and drugs will be on duty when premises are open for licensable activities.

An identification recognition system will be installed and used whilst premises are open and fully maintained, and records made by the system retained for 31 days in a format to be made available to a police constable on request.



The Designated Premises Supervisor shall ensure there is a ratio of at least 1 door supervisor licensed by the Security Industry Authority for every 50 customers on duty at the Premises at all times licensable activities are taking place (unless authorised by Harrow Police Licensing Officer otherwise in writing for a particular event).

All licensed door supervisors must wear high-visibility clothing of a style and type agreed with the Harrow Police Licensing Officer when working at entrances or exits to the Premises.

The Designated Premises Supervisor shall be responsible for implementing a dispersal management plan agreed (and revised from time to time) with the Licensing Authority. They will also ensure that licensed door supervisors remain on duty outside the Premises for 30 minutes after the Premises close to assist with dispersal of persons from the Premises and the vicinity of the Premises.

The Designated Premises Supervisor shall maintain a register/log of licensed door supervisors indicating the number of licensed door supervisors on duty, their identity, and 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.

All assaults resulting in physical injury to a customer or member of staff must be reported immediately to the Police contact centre (999 or 101 telephone numbers).

The Premises must implement a "Challenge 25" policy whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or Proof of Age Scheme (P.A.S.S) approved identification before being allowed to enter the Premises whilst licensable activities are taking place.

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

#### Previous incidents 2019.

1. Tuesday 01/01/2019 @03.42 hours (cad 2306) caller informs Police that five (5) people are fighting with the SIA inside the venue.
2. Tuesday 01/01/2019 @ 05.08 hours (cad 3100 & cad 3039) caller informs Police that fifteen to twenty (15/20) males are fighting outside the venue.
3. Tuesday 01/01/2019 @ 05.40 hours (cad 3161) caller tells Police that a group of males are outside the venue fighting each other.
4. Sunday 17/01/2019 @ 03.30 hours (cad 4692) complaint from resident regarding noise from the venue till 4am. Venue had a TEN in place till 03.30 hours.
5. Saturday 23/03/2019 @ 01.50 hours (cad 809) details twenty five (25) males at venue fighting with bottles, one (1) Police officer assaulted crime number (2004431/19) the suspect claimed in interview to be so drunk that he was not himself.

6. Sunday 28/04/2019 @ 00.36 hours (cad 257) four males talking loudly on residential stairway having left the Maya, one (1) of the males was urinating.
7. Thursday 09/05/2019 @10.30 hours annex 3 licensing condition one (1) the DPS or representative to participate in local pub watch scheme. No persons from the Maya attended the meeting with PC Downes.
8. Sunday 26/05/2019 @ between 00.00 and 02.00 hours (cad 5617) six males outside the venue drinking and being very loud, complaint from resident.

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.

### Summary

The Maya public house is situated on Shaftesbury Parade with residential properties in close proximity. Historically there have been a number of incidents of crime and disorder between the hours of midnight and 5am outside this venue which have impacted on the local community.

The combination of closing at late times and the extensive supply of alcohol often lead to a detrimental impact on licensing objectives, especially in areas already suffering issues such as crime, disorder and public nuisance.

Customers who drink alcohol over longer periods are likely to become more inebriated and less inhibited, leading to irrational and violent behaviour i.e. increased drunken disorder, crime and noise.

Even if the premises patrons have no intention to commit crime, or cause ASB, they may find themselves a vulnerable victim of criminality, robbed, assaulted or involved in an affray in a hot spot area already known for such issues. Criminals often target prey upon the vulnerable, such as the heavily intoxicated out late at night.

Often patrons will remain in the area long after the Pub has closed and staff have gone which results in a disturbing of the peace, car doors banging and engines revving and music playing from parked vehicles will all increase public nuisance issues.

### Police recommendations in addition to the licence conditions:

A reduction in hours open to the public on Friday, Saturday and Sundays to 23.30 hours, Monday, Tuesday, Wednesday and Thursday to 23.00 hours. This is requested as the majority of incidents have occurred after midnight and due to lengthy consumption of alcohol.

Yours Sincerely

Darren Cowley PC2548NW

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# Appendix 5

## APPENDIX 1

### Licence review guidelines

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

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