

Schedule 8

regulation 16

Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow. 00AQ

Application for the review of a premises licence or 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 ...P Sivashankar, Service Manager, Community safety Services..... apply for the review of a premises licence under section 51 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 club premises, or if none, ordnance survey map reference or description Monique Bar and Club 59 High Street Edgware	
Post town Edgware	Post code (if known) HA8 7DD

Name of premises licence holder or club holding club premises certificate (if known) SV Design & Development Ltd
Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

- I am
- | | Please tick ✓ yes |
|-------------------------------------------------------------------------------------|--------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | X |

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

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address P Sivashankar Service Manager, Community Safety Services P O Box 18 Civic Centre Harrow HA1 2UT
Telephone number (if any) 0208736 6237
E-mail (optional) licensing@harrow.gov.uk

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 checked="" type="checkbox"/> |

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

An application to Review the above Premises Licence is brought due to the following grounds;

On 10 September 2012 the Licensing Authority was served with an application to transfer the premises licence for 59 High Street Edgware (MBC) from Monique PL Ltd to SV Design & Development Ltd and an application to vary the Designated Premises Supervisor on the same premises licence from Mr Mohammed Enus to Mr Mustafizur Rahman.

The Licensing Authority had indicated to Monique PL Ltd that the Authority is seriously concerned with the operation at the premises and had informed their Solicitor that an application to review the premises under all 4 of the licensing objectives is imminent.

It is the Authority's concern that the application to transfer the premises licence is an attempt to prevent a pending Review Application and is not an actual change in the operation at the premises. The Authority and the Police have invited the new Licensees and the proposed Designated Premises Supervisor for a meeting to find out the new arrangements; however neither party nor their solicitors have responded to this request.

SV Design and Development Ltd are operating their business from 385 Uxbridge Road, HatchEnd, the same premises from which Mr Mohammed Enus (the Director of Monique PL Ltd) operates his phone business. SV Design & Development Group (by one of the Directors, Merlin Diavova) provided a test certificate to validate a claim by Mr Mohammed Enus that the CCTV images from the premises were unobtainable on 18 May 2012; the report is not signed. The CCTV images were required by the Licensing Authority and the Police to

investigate the physical contact one of the male customers had with the dancer and other breaches of the Licence condition.

Furthermore, the Proposed Designated Premises Licence Holder appears to be a relative of Mr Mohammed Enus, the previous DPS, and the Authority is unable to establish the experience of this person as to operating a late night venue that has a serious crime and public nuisance concern.

It is the Authority's view that these applications are served with the intention to change personnel on paper and not in practice and the premises are likely to be continued to be operated by Mr Enus (the previous licence holder and DPS).

The concerns regards to the previous Premises Licence holder and DPS are as follows;

The previous Premises Licence Holder and DPS were selling alcohol out side the licensed hours

The previous Premises Licence Holder was providing Regulated Entertainment out side the permitted hours.

The previous premises Licence Holder was playing recorded music to levels to cause public nuisance.

The previous Premises Licence Holder was providing Licensable Activities in breaches of the Authorisation.

The Premises Licence Holder was providing entertainment that would require licensing under the Sexual Encounter Venues (SEV) and in breach of the current Authorisation

The previous Premises Licence Holder was wilfully obstructing the Licensing Authority from investigating breaches of the Authorisation.

The previous owner was found to be flouting the Heal Act 2006 by him self smoking inside the premises.

On 7 September 2012 the Licensing Authority and Police visited the premises with an electrician to ascertain whether CCTV at the premises was operational further to claim by the Premises licence holder and DPS, Mr Enus, that the circuit supplying the CCTV recorder was faulty. This claim was made after a second request to the premises licence holders and DPS, Mr Enus to provide CCTV from 4th August 2012 to investigate further breaches of the premises licence. Whilst Mr Enus indicated that he would be providing an electrician's report to substantiate this claim, no such report has been provided to the licensing authority despite repeated requests. At the time of the visit on 7 September 2012 the electrics at the premises were found to be dangerous and not to the standard required for places for public entertainment. Please see attached Electricians Report and video recordings.

Further to this Report a Prohibition Notice was served under the Health & Safety of Work Act 1974 by the Environmental Health Team.

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

There are additional papers attached to this application, namely, photographs taken on 4th August 2012 and 7 September 2012 and witness statements from Officers of Licensing Authority and Police. There is also attached a Notice under s19 of Criminal Justice and Police Act 2001.

Additional documents to support this application may follow during the period of consultation of this application and any additional papers will be provided within the time scales allowed under the hearing regulations under the Licensing Act 2003

Please tick

Have you made an application for review relating to this 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 this premises please state what they were and when you made them

The Licensing Authority provided a witness statement to Police's Representation for the Transfer Application by Mr Enus in November 2011. This statement is attached

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 [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

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

Signature

.....

Date 18 September 2012

Capacity Service Manager, Community Safety Services

.....

CLOSURE NOTICE (UNLICENSED PREMISES)

(Section 19 of the Criminal Justice and Police Act 2001 as amended by Sections 126 & 127 of Schedule 6 of Licensing Act 2003)

Details of Notice Service and Premises:

Date of the Closure Notice:

²⁶
27 February 2012

Time Served 1945

Local Authority:

London Borough of Harrow

Person making the Notice: P Sivashankar

Signature: [Redacted]

Name (if applicable) & address of the affected Premises:

Monique Bar & Club, 59 High Street, Edgware, Middlesex, HA8 7DD

Details of alleged unauthorised use of the Premises [Section 20(6)(a)]:

The grounds for this notice are that the above premises are being used, undertaking a licensable activity otherwise than in accordance with a licence and there is a reasonable likelihood that the premises will be so used again in the future.

The specific alleged use of the premises to which these grounds apply (details of use, sales and likelihood of further use):

Knowingly allowing or carrying on an unauthorised licensable activity, contrary to Sec 136 Licensing Act, 2003. Sale of Alcohol and Recorded Music at 0223 on 26th Feb 2012. Also breach of licence conditions 3 and 5 of Annex 2.

Effect of Section 20(6)(b) of the Act (see overleaf for full details):

Under Sec 20 of the Act, an application for a Sec 21 Closure Order may be made to

Brent Magistrate's Court,

unless the above use of the above premises has ceased and there is no reasonable likelihood that it will be so used in the future. Steps that may be taken to ensure this are suggested below.

Steps which may be taken to end the alleged unauthorised use of the premises, or prevent it from re-occurring [Section 20(6)(c)]:

The premises should be shut until such time as the situation is remedied and the provisions of the Licensing Act 2003 are fully complied with. There must not be any sales of alcoholic drinks or other licensable activities until that time.

In particular, a noise limiting device should be installed to the satisfaction the Head of Community Safety Services and a calibration certificate to that effect should be kept at the premises. All Licensable activities must stop as per the Authorisation under Licence no: LN/000000587/2012/9

The Person (if applicable) on whom the Closure Notice has been served:

Name: M. M. Evans

Signature:

Notes Accompanying This Closure Notice

1. A Police Officer, or an authorised officer from the Local Authority, has decided to issue this Closure Notice under the terms of Section 19 of the Criminal Justice and Police Act 2001 (CJPA). The Notice alleges that the said premises has been operating illegally without the authorisation to sell alcohol in compliance with the Licensing Act 2003 ('the Act'), being a licensable activity within the meaning of Sec. 14 of the Act. It also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.

Section 20 of the 2001 Act – Closure Orders

2. Your attention is drawn to Section 20 of the 2001 Act. This provides that the Police, or as the case may be the Local Authority, can take action against the said premises by applying to a Justice of the Peace at the local Magistrates' Court for a Closure Order if the unauthorised sale of alcohol (as alleged in this Closure Notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a Closure Order must be made not less than 7 days, and not more than 6 months, after the date on which this Closure Notice was served.
3. After an application for a Closure Order is made, the Justice of the Peace may issue a summons requiring the applicant, and also the person or persons on whom the Closure Notice was served, to attend a hearing at the Court on a specified date and time. At the hearing the Court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.
4. In accordance with the Magistrates' Court Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the Court before any decision is taken.

Appeals – Section 24 of the 2001 Act

5. An appeal against a decision by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order, can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences – Section 25 of the 2001 Act

6. It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a Closure Order made by the Magistrates' Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.
7. It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.
8. Police Officers and authorised officers from the Local Authority have the power to enter the said premises at 'any reasonable time', and do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However, when exercising this power, the Constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or person in charge of the premises).
9. It is an offence for a person to intentionally obstruct Police Officers or authorised Local Authority officers from exercising these powers. Any person convicted of obstructing an authorised Local Authority officer is liable to a fine not exceeding £5,000.

STATEMENT OF WITNESS

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

Statement of : (name of witness) [REDACTED]

Age of witness : Over 21

Occupation of witness : Licensing Enforcement Officer.

1 This statement (consisting of 2 page(s) and signed by me) is true to the best of my knowledge and belief
2 and I make it knowing that, if it is tendered in evidence, I should be liable to prosecution if I have wilfully
3 stated in it anything I know to be false or do not believe to be true.
4

5
6 Signature Date 15/07/09

7
8 I am a Trainee Licensing Enforcement Officer employed by the London Borough of Harrow and am
9 authorised by that authority to investigate offences committed under various statutes, including the
10 Licensing Act 2003, and the Health Act 2006.

11 On Monday 30th July 2012 whilst at work Mr Sivashankar had asked me if I was able to do an
12 evening shift over the weekend to monitor if Moniques Bar was stopping their licensable activities on time.
13 I was asked if I could visit Monique Bar as a customer to observe and report on activities at the premises.
14 On Friday 4th August 2012, I and two of my friends arrived at Moniques Bar at approximately 00:30am.
15 There was one door supervisor at the entrance who asked if we had been to the venue before, when I
16 replied no he radioed for someone to come out. An Asian man in a red t-shirt came to the door and asked
17 me what we were here for, I replied and said to have some drinks, his response was that this was not a
18 place for drinks but a place for dancing, I replied and said we were here for that as well. We were then
19 allowed to enter and told of the one rule, which was not to touch any of the girls.
20 Mr Sivashankar had asked me to keep him updated by text messaging through out the evening, which I
21 had done.

22 We went straight to the bar and ordered 1 beer, 1 coke and a whiskey, which came to £11.50. We took
23 the drinks and sat on the sofa against the window on the left hand side of the bar. There were
24 approximately around 25 people, 6 female dancers, 1 male bar staff and the DJ, who was the gentleman
25 in the red t-shirt that came to the door.

26 I noticed the table next to us had some black coloured vouchers, which they were giving to the dancers, I
27 had seen no element of touching between the customers and dancers. Through out the night the DJ had
28 been getting a stack of these vouchers from the bar and rewarding the dancers with them, sometimes by
29 throwing all of them at once at the girls.

Signature

Date 15/07/09

STATEMENT OF WITNESS continued - [REDACTED]

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

30 The DJ controlled when the dancers came onto the dance floor, by waving them on and off. If the
31 dancers were not on the dance floor then they were sat on the opposite side to us, next to the bar in the
32 corner.

33 I had purchased another round of drinks, 1 beer, 1 coke and a bottle of water which came to £10.00.

34 At approximately 01:39am there were only eleven customers plus me and my friends left in the bar. The
35 customers were either stood at the bar or sat around the dance floor, at this point only one person was
36 dancing with the girls.

37 There was two white males in their late 20's that were dancing on their own in a corner seating area,
38 which was on our far right hand side, it seemed like they knew the DJ and some of the dancers. A black
39 male started bringing in the tables from outside. At this point another six people entered the venue and
40 went straight to the bar. They ordered a number of drinks and went to the sitting area where the two white
41 males were dancing.

42 At approximately 02:00am more customers started to arrive. I went to the bar to ask the barman what
43 time the bar was closing, he replied by shrugging his shoulders and saying he didn't know. I ordered a
44 whiskey and coke, even thou I had not finished the bottle of beer to do a test purchase. I had noticed that
45 bar man kept clearing the till by putting the money into a money bag and into his pocket. When taking my
46 drink back to my seat I noticed that the DJ was smoking shisha behind the DJ desk, he kept blowing the
47 smoke onto the dance floor.

48 At approximately 02:15am one of my friends went to the bar to purchase a bottle of beer. I noticed that
49 the barman was drinking a beer behind the bar as well. Three more people entered the venue.

50 At approximately 02:20am one of the customers purchased a whole bottle of Vodka and took it to the
51 back corner where his friends were.

52 At approximately 2:40am we had left the venue, at this point the music was still playing and the bar was
53 still open. When leaving the DJ came to open door and shook our hands to say bye. I had called Mr
54 Sivashankar once I had left the venue and arranged to meet him in the car park around the corner to give
55 him and [REDACTED] a brief on what I had seen.

Signature

Date 15/07/09

STATEMENT OF WITNESS

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

Statement of : (name of witness) **Puthrasingam SIVASHANKAR**

Age of witness : Over 21

Occupation of witness : Service Manager/ Licensing Enforcement Officer.

1 This statement (consisting of 2 page(s) and signed by me) is true to the best of my knowledge and belief
2 and I make it knowing that, if it is tendered in evidence, I should be liable to prosecution if I have wilfully
3 stated in it anything I know to be false or do not believe to be true.
4

5
6 Signature Date 15/08/12

7
8 My name is Puthrasingam Sivashankar (PS) and I am employed by the London Borough of Harrow as a
9 Service Manager/Licensing Officer and as part of my duties I manage the Licensing Department and also
10 process applications and make compliance visits to premises.

11 On 11 November 2011, an application for Transfer and an application to Vary a Designated Premises
12 Supervisor (DPS) for the premises 59 High Street Edgware, Monique Bar and Club, (MBC) was made by
13 Monique PL Ltd, 385 Uxbridge Road, Hatch End, HA5 4JN. These applications were the result of Officers
14 from the Licensing Department witnessing licensable Activities at MBC. One of the activities provided
15 under the pretence of "Bollywood Dancing" was deemed in the past by the Licensing Authority (LA) and
16 the Metropolitan Police Service (MPS) as "MUJRA", a type of dancing provided by young dancers to male
17 audiences. The audience participate by tipping the dancers to provide personal dancing. There have
18 been concerns raised by many Police Authorities and Councils around England as to the nature of these
19 performances and connections to prostitution and people trafficking. In Harrow there were three premises
20 which used to provide similar types of dancing and the LA with the assistance of the Police had imposed
21 certain conditions to minimise and control the impact to performers and the possible adult nature of the
22 performance.

23 As MBC was providing MUJRA, the MPS objected to the Transfer Application made by Monique PL Ltd.
24 This objection was made by Sergeant Crump (PSC) on behalf of the Commissioner of MPS. The
25 objection was received on 24 November 2011 and is attached to this statement labelled MBC/01. Further
26 to this objection, the Director of Monique PL Ltd, Mr Mohamed Enus (ME) through his agent agreed to
27 certain conditions to satisfy the concerns of MPS. The Premises Licence (PL) issued further to this
28 agreement is attached to this statement labelled MBC/02.

29 On Friday February 25 2012, Peter Coates (PC), Licensing Enforcement Officer and I were on
30 compliance visits. We parked in the Lidl car park which is about 50m from MBC and we could very

Signature

Date 15/08/12

STATEMENT OF WITNESS continued – P Sivashankar

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

31 clearly hear Indian Film music being played nearby. As we started to walk closer to MBC the volume of
32 this music got louder and louder. As we approached MBC, I could see the premises were open and there
33 was a doorman at the door. At 0223 PC and I were just outside the door at MBC and were stopped by
34 the doorman from entering the premises. PC and I showed our authorisation to the doorman and warned
35 him that denying entry to authorised Officers is an offence under the Licensing Act 2003 and went past
36 him. As we walked in I saw about 6-8 white females in Indian clothing dancing to very loud Indian cinema
37 music. I saw ME behind the bar and saw him handing over a bottle of beer to one of the customers.

38 I introduced myself to ME and read out the caution from my note book at 0226 and asked him why the
39 premises was providing licensable activities after the hours permitted by the Premises Licence. ME
40 replied saying that it is only 23 minutes over and they were just finishing. I also asked him that the
41 Licence Condition 3 of Annex 2 requires 2 door staff to be present on Friday and Saturday nights and I
42 could only see one door staff. ME said that the other door staff left at 0200 as they were about to close.

43 As per Condition 5 of Annex 2, I asked him whether the Noise limiter had been set to a level agreed by
44 the Council, ME was not aware of any such requirement. I asked ME to show me the noise limiter and
45 ME pointed out to the DJ console and said the console also acts as a noise limiter and he did not have
46 much knowledge about the operational details of this equipment.

47 As per conditions 12 and 14 of Annex 2, I asked ME whether any tokens have been issued for that night
48 and ME answered one token had been bought, however no records of this issue was kept as per
49 Condition 14(1) & (2). PC and I left the premises at 0243.

50 On Sunday 26th February 2012, 1945 hours I visited MBC and met with ME and handed him a Closure
51 Notice under the Criminal Justice and Police Act 2001. I explained to him the effects of the Notice and I
52 requested ME to sign the Notice for acceptance and ME refused to sign the Notice. I asked ME for the
53 contact details for the DPS, MR Pradip Bhika (PB), ME replied that he did not have the contact details at
54 that time for PB. I left the premises after that.

55 On 14 March 2012, PB was interviewed under caution at the Civic Offices and PB confirmed that he did
56 not have management responsibilities at MBC and ME took charge of all management and all other
57 activities. PB confirmed that he was present at MBC on 26th February 2012 but he had left the premises
58 by 0200 that morning as the permitted hours for sale of alcohol had expired. PB confirmed that he had
59 told ME to close the bar before he left the premises.

Signature

Date 15/07/09

STATEMENT OF WITNESS continued – P Sivashankar

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

60 On 20th April 2012 Licensing Enforcement Officer Bernadette Forde and Police Licensing Sergeant John
61 Crump were on compliance visits in the Borough. ON 21st April 0110 hours they visited MBC and
62 witnessed breaches of the premises licence and unacceptable behaviour from patrons towards dancers;
63 their witness statements are provided separately.

64 ME was interviewed under caution at the Civic Offices on 29th April 2012 for the alleged breaches on 26th
65 February and 21 April 2012. ME maintained that he had not breached any licence conditions and the
66 Officers have misinterpreted what they saw. ME was also asked to provide a copy of the CCTV recording
67 for the 20th to 21st April 2012. On 18 May 2012 ME confirmed via email, that the hard drive in the CCTV
68 recorder was damaged beyond repair and he was unable to provide a copy of the required footage. He
69 also confirmed that he has now installed a new CCTV system which will in future be able to provide
70 adequate recordings if needed.

71 On 17 July 2012 this Department received an email from a member of public alleging that premises are
72 open to public and selling alcohol and providing music and dancing till 6am and further alleged that
73 women are dancing for payments from men. This complaint (a redacted version) is attached to this
74 statement labelled MBC/03. Further to this email I asked [REDACTED] (AK), Trainee Licensing
75 Enforcement Officer to visit MBC as a customer on Friday night, 3rd August 2012. AK's witness statement
76 is attached to this statement labelled MBC/04.

77 On 4th August 2012 at 0245 hours BF and I met with AK and his friends at the Lidl car park. AK
78 confirmed that he left MBC by 0240 and the music was still playing loudly and ME was at the DJ desk
79 smoking a shisha pipe and blowing the smoke towards the dancers. BF and I walked up to the premises
80 and were met by a door staff. We identified ourselves to the doorman and entered through the lobby
81 doors. ME was sitting in front of the DJ desk and there were no dancers on the floor and all the
82 customers were standing in front of the bar facing the entrance doorway as though they were waiting for
83 some one. ME stood up and shook my hands and said good to see you Mr Sivashankar, we are closing.
84 There was no music playing. I went behind the DJ desk and saw the Shisha pipe with burning coal on it. I
85 asked ME whether any one was using the Shisha pipe and ME replied that he does not smoke and this
86 was kept there by mistake by his staff and he took me to the rear of the premises to show the rest of the
87 pipes stored. I asked him why the coal was still burning and ME did not reply. I asked ME whether the
88 CCTV was in operation and ME confirmed that it was working. However, ME confirmed that there is no

Signature

Date 15/07/09

STATEMENT OF WITNESS continued – P Sivashankar

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

89 monitor provided to view the images in real time or able to do a quick view of recent recordings. I noticed
90 another display monitor at the bar which was displaying images of front to MBC and ME confirmed that
91 this monitor is connected two external cameras facing either side of the front pavements. From looking at
92 this external camera angles it is possible to understand how ME would have been able to keep a look out
93 for any person coming towards the premises in good time. On Monday 6th August 2012 I asked ME via
94 email CCTV footage for the 3/4th August 2012 and requested that this be provided by Friday 10 August
95 2012.

96 On Friday 10 August 2012 I received an email from ME, stating that they had a blown fuse at the
97 premises which had caused the CCTV to stop working, and due to this fact he is unable to provide a
98 requested recording.

99 After considering all the evidence in front me, I made the conclusion that ME is not only providing
100 unauthorised licensable activities, but also going to such lengths to deceive the Licensing Authority.

101 Given the case the Licensing Authority has no option but to apply to the Courts for the Closure of the
102 premises.

Signature

Date 15/07/09

STATEMENT OF WITNESS

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

Statement of: (name of witness) **B [REDACTED] F [REDACTED]**

Age of witness: Over 21

Occupation of witness: Licensing Enforcement Officer

1

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

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6

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Signature

Date 30th April 2012

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I am a Licensing Enforcement Officer employed by the London Borough of Harrow and am authorised by that authority to investigate offences committed under various statutes, including the Licensing Act 2003. On Friday 20th April 2012 I was working with Police Licensing Sergeant John Crump ('Sgt Crump') and we continued working into the early hours of Saturday 21st April 2012. At approximately 01.10am Sgt Crump and I visited a licensed premises (Premises X) and while at this premises, a number of males were leaving the premises and indicated to Sgt Crump and I that if we were looking for a drink that the premises around the corner, 'Moniques', would be open and serving drinks. At approximately 01.20am on Saturday 21st April 2012, Sgt Crump and I drove to Monique Bar and Club, 59 High Street, Edgware, HA8 7DD ('the Premises'). A premises licence (exhibit BF1) is issued by Harrow Council in respect of this Premises. On approaching the Premises the front door was closed and there was one male door supervisor wearing an SIA badge on his upper arm and one other male standing next to the door supervisor. Sgt Crump and I introduced ourselves to the door supervisor and requested to enter the Premises. The door supervisor firstly indicated that he would get the manager and I advised him that we would accompany him into the Premises. Sgt Crump and I entered the Premises and upon entering we were greeted by one of the male customers with whom Sgt Crump and I had just met at another nearby licensed premises, Premises X, that we had attended at 01.10am on 21st April 2012. I had noted the time of our visit to this nearby licensed premises in my PACE notebook. Whilst the door supervisor went to get the manager, I observed that sale of alcohol was taking place at the bar, recorded music was being played and there were a number of female dancers performing dance in amongst the customers who were all male and congregated primarily around the bar area, although some were seated at the surrounding tables. I saw the door supervisor emerging from the bar area and as he returned to the front door, he switched off the recorded music from the booth adjacent to the front door. Many of the

Signature

Date 30th April 2012

STATEMENT OF WITNESS continued -

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

30 customers whined at the recorded music being switched off and most of the dancers immediately
31 proceeded to the corner seating adjacent to the bar and sat down. Sgt Crump and I were then
32 approached by Mr Mohammed Enus, who was known to Sgt Crump as the owner of the Premises. I
33 introduced myself to Mr Enus as we had not previously met, however I was aware that Mr Enus was the
34 sole director of Monique PL Ltd, the premises licence holder. Sgt Crump enquired with Mr Enus as to
35 what time the male customer who had greeted us upon entering the Premises, had been admitted to the
36 Premises. Mr Enus indicated that he was unaware of what time as he was very busy and had been
37 assisting behind the bar. Sgt Crump also enquired if Mr Enus was selling any tokens to which Mr Enus
38 indicated that he had not sold any as he was too busy that night and Sgt Crump then enquired that was it
39 the case that the dancers were not being tipped to which Mr Enus responded that they were being tipped
40 by the customers as he had sold tokens but he had not taken the token purchasers' details as he was too
41 busy. At that point I informed Mr Enus that I would need to caution him as I suspected that there were
42 offences under the Licensing Act 2003. I cautioned Mr Enus noting this in my PACE notebook (exhibit
43 BF2) and explained that it appeared that the procedure for the sale of tokens as set out in the premises
44 licence conditions was not being adhered to and that persons were admitted to the Premises after 11pm
45 which was in breach of the premises licence conditions. Mr Enus replied that he thought that new
46 admissions should cease at 01.00am and not 11.00pm. I advised Mr Enus that the premises licence
47 clearly provided that there should be no admissions after 11pm and Mr Enus appeared surprised at this
48 stating that he would need to change this condition as his Premises only gets busy after midnight. At that
49 point a male entered the Premises through the front door. Mr Enus stated that his person was family /
50 friend and not really a member of the public. I noted the time as 01.32am. Sgt Crump then pointed out to
51 Mr Enus and I that a male customer who was standing directly in front of the bar was man-handling a
52 female dancer who appeared to be uncomfortable with this. Mr Enus immediately went over to the male
53 customer and the female dancer and spoke with them, and the female dancer was shown to the seats in
54 the corner where she went and sat with the other female dancers. Mr Enus returned to Sgt Crump and I
55 and again explained that he believed the last admission time to be 01.00am. I advised Mr Enus that he
56 was still under caution and that he did not need to say anything further. Sgt Crump and I then left the
57 Premises at approximately 01.38am.

Signature

Date 30th April 2012

WITNESS STATEMENT

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

Statement of **John CRUMP PS89QA** URN:

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

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

Signature: Date: **1**.....

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

On Saturday the 21st April 2012 I was on duty in plain clothes in company of B [REDACTED] F [REDACTED], a licensing enforcement officer for Harrow Council. My duty for that night was to conduct licensing visits on various premises across the borough.

At about 01:10 I attended a premises in EDGWARE. As I approached the doors to the venue I saw four (4) MALES exiting the venue. One of the males said there was no point me going in there as I wouldn't get a drink and he told me to go to MONIQUES BAR and offered me directions.

At about 01:20 I attended MONIQUES BAR, HIGH ST EDGWARE. On entering the premises I saw the MALE that had offered me directions and he acknowledged me. Condition 2 of Annex 2 of the licence for the premises states "There shall be no new admission of persons to the premises after 2300". These males had clearly entered the premises shortly before my visit. There were approximately 30 MALES inside the premises who were customers. Sat in the corner were several FEMALES in dance costume. I was then approached by the owner who I know to be Mr ENUS. I asked Mr ENUS what time the male customer who acknowledged me had entered the bar and he informed me that he was unaware as he had been assisting behind the bar and was busy. Condition 14 of Annex 2 on the licence is concerned with the use of a token system to enable customers to tip the performers. Each sale of a token should be recorded along with the name and contact number of the customer. I asked Mr ENUS if he was using the token system and said he was but informed me that he had not recorded the information that night. Ms F [REDACTED] then cautioned Mr ENUS explaining that she suspected that offences were being committed under the licensing act namely that the last admission

Signature: Signature witnessed by:

Continuation of Statement of **John CRUMP**.....

condition and use of a token system conditions were not being adhered to. Mr ENUS replied stating that he thought the last admission was 01:00 hours. Whilst speaking with Mr ENUS I saw one of the MALE customers engage in physical contact with one of the FEMALE performers by placing his arm around in what I would describe as an overly friendly manner. I pointed this out to Mr ENUS informing him that I did not think that was appropriate and he went over and spoke to the MALE and FEMALE. The FEMALE returned to the corner of the room to join the other dancers. Condition 11 of Annex 2 states "*There shall be no physical contact between members of the audience and the performers*". Ms F [REDACTED] and I then left at about 01:40 hours.

Signature: Signature witnessed by:

Witness contact details

Home address: Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

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

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

Dates of witness non-availability

Witness care

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

Witness Consent (for witness completion)

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

Signature of witness: Print name:

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

Address and telephone number if different from above:

Statement taken by (print name): **John CRUMP PS89QA** Station: **Harrow**.....

Time and place statement taken:

STATEMENT OF WITNESS

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

Statement of : (name of witness) **Puthrasingam Sivashankar**

Age of witness : Over 21

Occupation of witness : Licensing Services Manager

1

2 This statement consisting of (3) page(s) and signed by me) is true to the best of my knowledge and belief
3 and I make it knowing that, if it is tendered in evidence, I should be liable to prosecution if I have wilfully
4 stated in it anything I know to be false or do not believe to be true.

5

6

7

Signature

Date 23112011

8

9 I am responsible for managing the Licensing Team at harrow Council since 2004. Since 1998 I was
10 employed as a Licensing Officer at harrow Council to administer and inspect premises that fell under the
11 London Government Act 1963 for Public Entertainments.

12

13 The premises, 59 High Street, Edgware (currently named Monique Bar) have been trading under
14 different names since 1998. During the transitional arrangements in 2005, the then licence holder,
15 Enmore Developments Ltd, applied to transfer the Public Entertainment Licence to the new Premises
16 Licence. As per the Regulations under the Licensing Act 2003 this transfer was made and all conditions
17 attached to the Public Entertainment Licence were transferred to the new Premises Licence. One of
18 these conditions was that the premises must operate as per the Rules of Management for Places for
19 Public Entertainments. Rule 4 of the Rules of management is

Prohibition on use

4. **No form of performance, service, entertainment or exhibition of pictures (other than the public performance of plays) shall take place in the premises which would, but for the proviso contained in paragraph 3(A) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986, require the premises to be licensed as a sex establishment.**

18

19

20 The Greater London Council (General Powers) Act 1986, 30 (a): premises at which performances
21 which are not unlawful are given by one or more persons present and performing, which wholly or
22 mainly comprise the sexual stimulation of persons admitted to the premises (whether by verbal or
23 any other means);

23

24

25

24 Since 1998, the above premises have been witnessed providing entertainment contrary to Rule 4 at
25 more than one occasions and under the control of different licensees. In most cases the threat of legal
proceedings have resulted in termination of such activities.

Signature

Date

STATEMENT OF WITNESS continued -

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

26 The Police and the Licensing Authority has since taken a proactive role to control activities at
27 premises with a history of such entertainment through additional conditions specifically designed to help
28 new operators to stay with in Rule 4. These conditions were specifically designed to stop the types of
29 performances provided or advertised or are deemed as "MUJRA" dancing. This particular dancing is
30 provided by young and mainly Asian girls dancing to Bollywood songs depicting particular scenes from
31 Bollywood movies. These performances were mainly or wholly provided for a male audiences and the
32 dancers were encouraged to perform for certain songs at the request and additional payments by the
33 audience. To protect the welfare of the performers the Police and the Licensing Authority after
34 consultation with the organisers of such performances have come up with particular conditions to regulate
35 this type of activity.

36 Speaking to Mr Eunis, the current Licence holder at 59, High Street, Edgware, he has confirmed that
37 he is providing dancers to perform for Bollywood music to depict scenes from movies. The Authority also
38 has received complaints relating to the type of performances that are being provided at the premises.

39 There are two other premises in Harrow where the Licensing Authority has imposed similar conditions
40 due to the history and the type of performances provided in the past. The following conditions have been
41 provided to Mr Eunis for consideration:

- 42 1) **After 2300 all performers shall be at least 18 years of age or over.**
- 43
- 44 2) **Records of identity and address, passports and, where applicable, work permits of all**
45 **performers performing after 2300 shall be held by the licensee and produced to the**
46 **licensing authority or the police upon request.**
- 47
- 48 3) **No performance of mujra or similar kind will be offered.**
- 49
- 50 4) **The performances shall not be advertised, or in any way publicised, as mujra.**
- 51
- 52 5) **There shall be no physical contact between members of the audience and the performers.**
- 53

Signature

Date

STATEMENT OF WITNESS continued -

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

- 54 6) The licensee shall ensure that no money shall be paid by any member of the audience or
55 other customer at the premises, to any performer(s), whether directly, or to the licensee
56 or any member of staff, for the performers.
- 57
- 58 7) Notices to this effect shall be placed throughout the premises.
- 59
- 60 8) Records of CCTV shall be kept for at least 30 days and be made available to officers of
61 the police or licensing authority upon request.

Signature

Date

The POWER

YOUR FIRST CHOICE FOR SAFETY

Unit 4, Reliant House, Oakmere Mews, Oakmere Lane, Potters Bar, Hertfordshire EN6 5DT

Email: [REDACTED] www.thepowerservice.co.uk
VAT No. 132 0565 50
Mr Sivashankar
Harrow Council
Licensing Enforcement
1 Forwards Drive
Harrow
HA3 8NT

10 September 2012

Dear Mr Sivashankar

Electrical Inspection at Monique Bar and Club, 59 High Street, Edgware, HA8 7DD

The Power Service's Qualifying Supervisor [REDACTED] visited the above premises on the evening of Friday 7 September 2012. A visual inspection of the electrical installation was found to be in a poor condition.

The findings were as follows:-

The CCTV was a standard system that required plugging in, and was in perfect working order if the supply to the circuit powering the CCTV failed it would have been very easy to plug into an alternative socket.

I noticed that the fire protection system was not energised and would not perform in any way in the event of fire; this was also the case with the emergency lighting.

We found that some of the fittings were broken or missing and would not give adequate lighting in the event of an emergency.

At the electrical consumer unit it was evident that the lid was not fixed and there were blanks missing that would give access to live parts very easily.

There was no RCD protection on any of the circuits, which were also completely unlabeled. This would make it very difficult to isolate a particular circuit in the event of an emergency.

Some of the circuit breakers had signs of major overheating which could lead to fire. There were a variety of other issues including broken sockets, live exposed cables in old kitchen and sub standard wiring behind the bar.

I am in no doubt that these premises are in a dangerous condition to customers and staff, it is in our opinion that there is the up most urgency to rectify the above observations and any other defects found under a full inspection. The electrical installation does not conform to BS7671 2008 Requirements.

Yours sincerely

[REDACTED]

[REDACTED]
Director

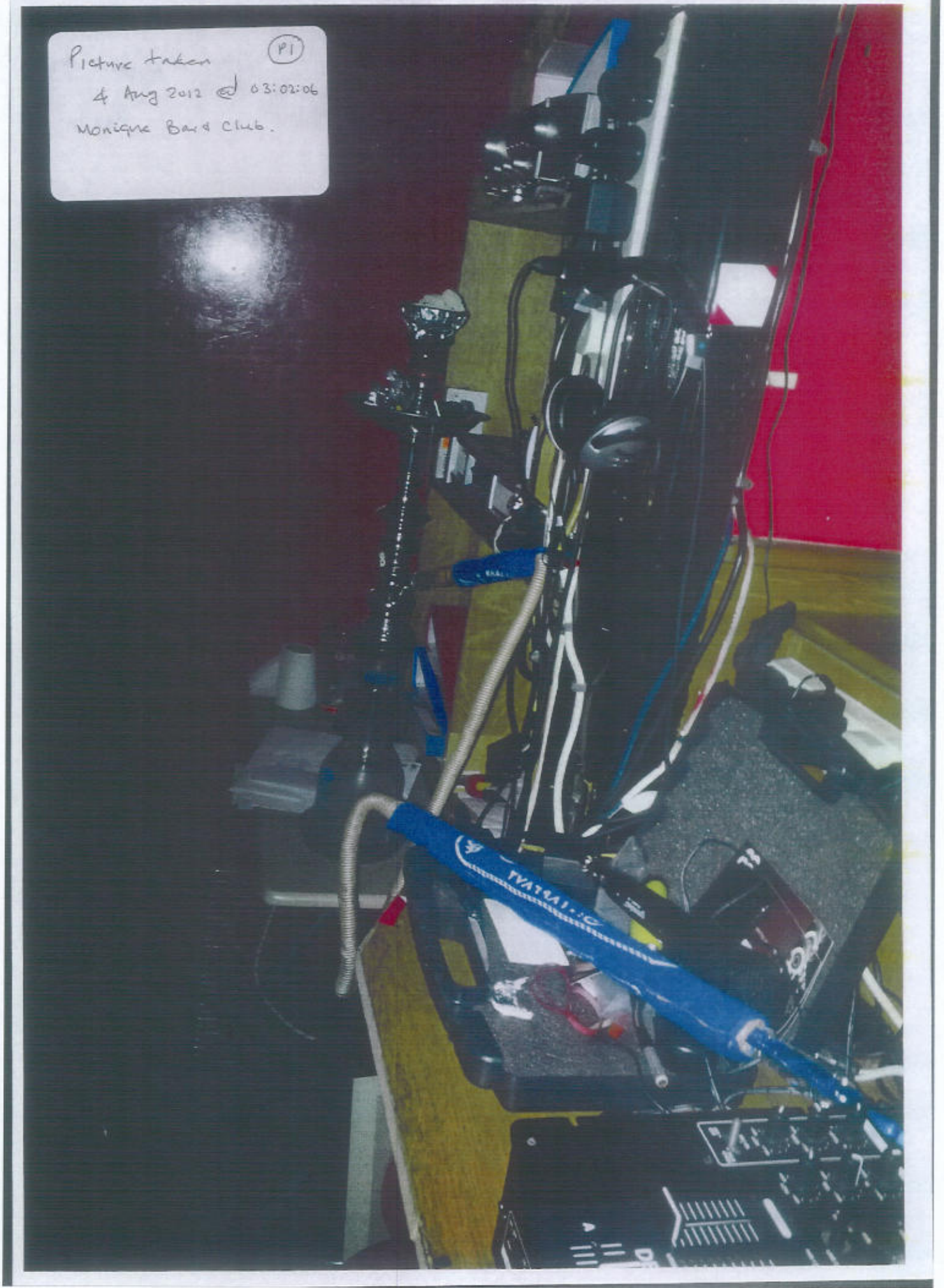


Picture taken

(PI)

4 Aug 2012 @ 03:02:06

Monique Bard Club.



Picture Taken

(P2)

4 August 2012 @ 03:02:14

Monique Bar & Club.



Picture Taken

(P3)

7 September 2020 19:18:26

Monique Bar + Club



Picture Taken

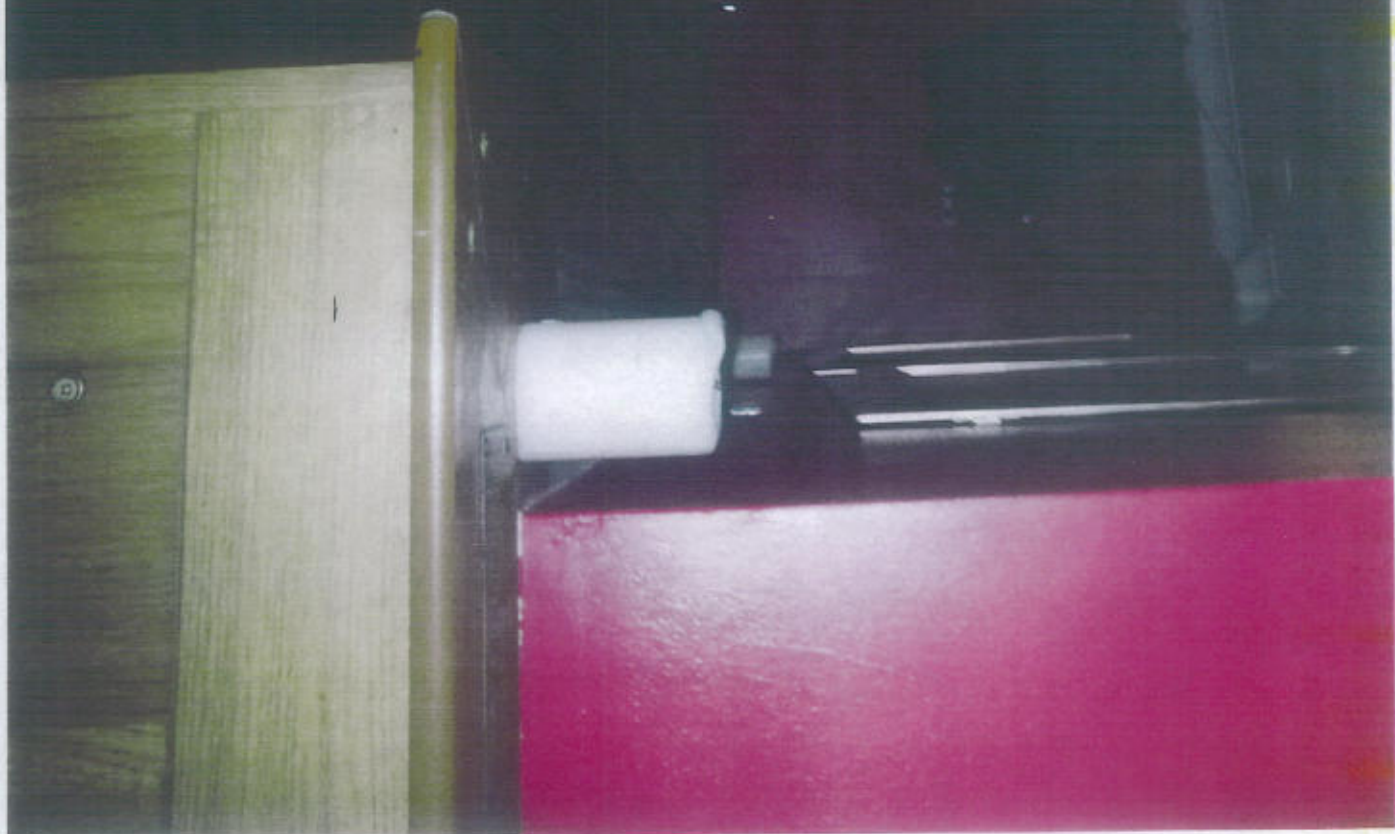
(P4)

7 September 2012 @ 19:28:42

Message Board etub



Picture taken (P5)
7 September 2012 @ 19:23:56
Wanigya Boat Club



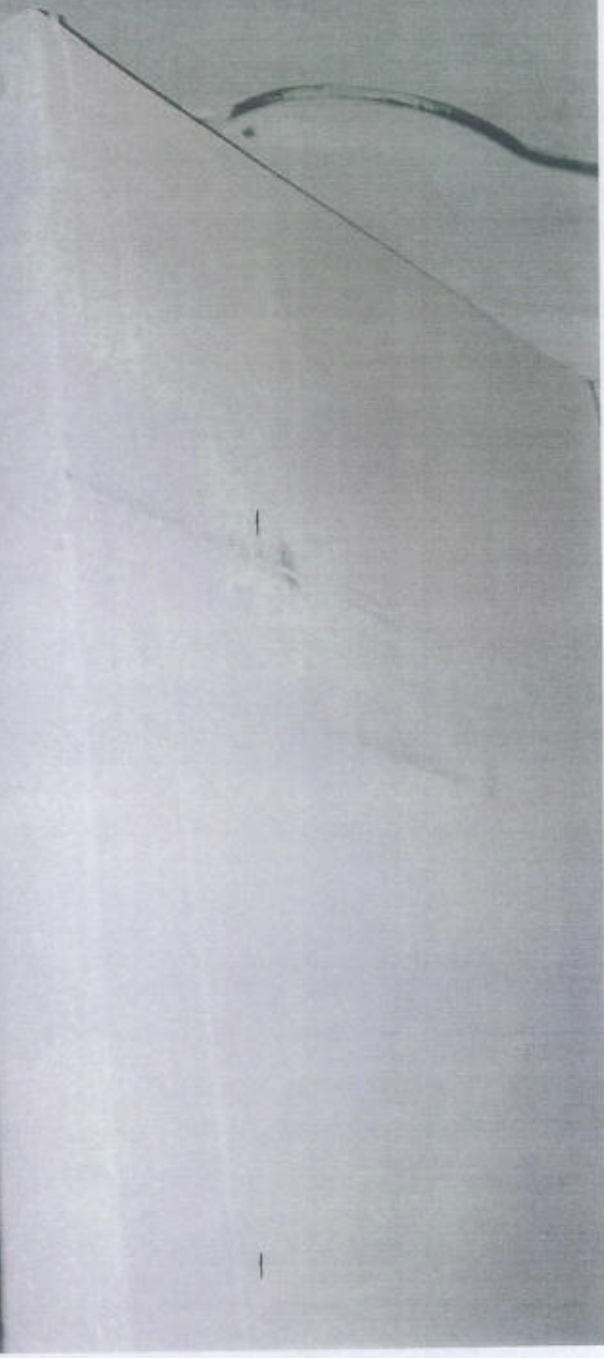
Picture Taken

(P6)

7 September 2012 @

19:28:46

Manogue Bar + Club



Picture Taken

(PT)

7 September 2012 @

19:31:40

Monique Rose + plus



Picture Taken

(P8)

7 September 2012 @

19:32:04

Monique Bar + club



Picture Taken (P9)

7 September 2012 @

19:32:16


Monique Bar + club



Picture Taken (P10)

7 September 2012 @

19:32:36

Monique Bard  dms



Picture Taken

(PH)

07 September 2012 @

19:32:58

Monique Bore Club



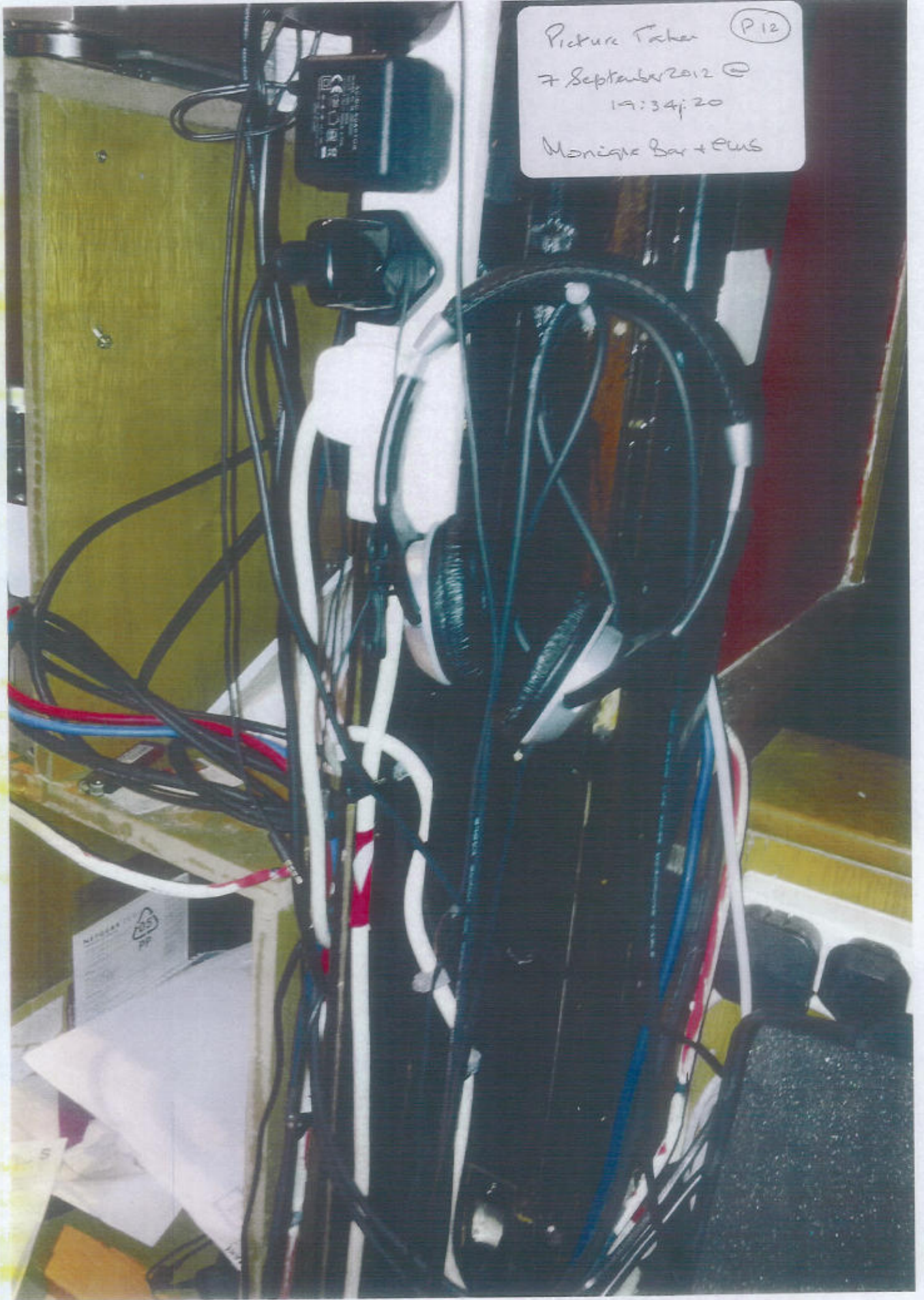
Picture Taker

P12

7 September 2012 @

19:34:20

Monique Bar + EWS





(P13)
Picture Taken
7 September 2012 @
17:35:50
Monique Bar & Club.