

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

## Making a Representation against an Application (New or variation) for 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, Ash Waghela on behalf of the licensing authority for Harrow make this representation under 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 club premises, or if none, ordnance survey map reference or description</b>	
Pinner Lounge 14A Broadwalk Pinner Road	
<b>Post town</b> Harrow	<b>Post code (if known)</b> HA2 6ED

Name of premises licence holder or club holding club premises certificate (if known) Mr Narendra Patel
Number of premises licence or club premises certificate (if known) <b>LN/000002645/2015/9</b>

#### Part 2 - Applicant details

I am	Please tick <input checked="" type="checkbox"/> 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 Mr Ash Waghela Licensing Officer Licensing Department Harrow Council PO Box 18 Civic Centre Harrow HA1 2UT
Telephone number (if any) 020 8736 6257
E-mail (optional) licensing@harrow.gov.uk

**This representation relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input 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 form harm | <input type="checkbox"/>            |

**Please state the ground(s) for representation**

This representation is in respect of an application for a variation to the premises licence for Pinner Lounge, 14A Broadwalk, Pinner Road, Harrow, Middlesex, HA2 6ED. It is an Indian restaurant and bar. Live Bollywood music is provided at the premises. The premises can probably accommodate approximately between 75-100 people.

The premises benefits from a premises licence granted under the Licensing Act 2003 with the following licensable activities and times:

**Sale of retail alcohol**

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

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

Sunday	-	-
Monday	-	-
Tuesday	-	-
Wednesday	-	-
Thursday	-	-
Friday	18:00 - 23:00	-
Saturday	18:00 - 23:00	-

The hours open to public are:

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

In addition to the mandatory conditions under Annex 1, the conditions that appear under Annex 2 of the licence are:

1. CCTV is installed, operated and maintained in accordance with the recommendations of the Metropolitan Police.
2. SIA registered door supervisors will be in operation when organised functions take place.
3. Drinking water is available for patrons.
4. Doors and windows will remain closed during opening hours except for access and egress.
5. Notices will be displayed at all exits requesting that the public need to respect the local residents and leave the premises quietly.
6. Noise or vibration shall not be permitted to emanate from the building so as to cause a nuisance.
7. The premises shall operate a 'Challenge 21' policy.

There are no conditions applied to the licence under Annex 3 – Conditions that would be attached to the licence following a hearing by the Licensing Authority.

The Licensing Authority was notified of a noise complaint by the Environmental Protection department on 21 January 2015. As a result of our investigations, breaches of the Licensing Act 2003 were identified on the following dates:

**Friday 22 January 2016 (continuing into the following morning)**

**Undermining of public safety objective. Exceeded hours for licensable activities namely late night refreshment, sale of alcohol and regulated entertainment.**

**Friday 5 February 2016 (continuing into the following morning)**

**Carrying of licensable activities without the correct authorisation namely the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment**

**Sunday 7 February 2016**

**Allowing members of the public to be on the premises after permitted hours (hours open to public)**

**Friday 11 February 2016 (continuing into the following morning)**

**Allowing members of the public to be on the premises after permitted hours (hours open to public)**

**Saturday 12 February (continuing into the following morning)**

**Carrying of licensable activities without the correct authorisation namely the sale of alcohol, the**

**provision of regulated entertainment and the provision of late night refreshment**

**Friday 19 February 2016 ( continuing into the following morning)**

**Undermining of licensing objective – the prevention of public nuisance, the carrying on of licensable activities – regulated entertainment and late night refreshment after permitted hours. Verbal caution read out to Mr Patel.**

The times that the noise was occurring at the premises was of concern to the Licensing Authority as this was outside of the hours of open to public and authorised licensable activities authorised by the premises licence. This is a criminal offence under the Licensing Act 2003 section 136 and also undermines the statutory licensing objectives.

Two joint visits were conducted by the Licensing and Environmental Protection departments and on each visit it was found that, the prevention of crime and disorder, the prevention of public nuisance and public safety objectives were constantly being undermined at the premises. It was found that the premises were carrying on with licensable activities outside the authorisation provided under the premises licence and or temporary event notice.

On the 28 January 2016, the premises licence holder had given two Temporary Event Notices (TEN)s to the authority. One was a Late TEN for 5 – 7 February and the other a Standard TEN for 12-14 February.

Following objections from the Environmental Protection Department, the Late TEN was vetoed and the Standard TEN was withdrawn. Despite this, the premises licence holder continued with the events and carried on with licensable activities without the correct authorisation. These were witnessed by Environmental Protection Officers.

**Please provide as much information as possible to support the representation**

**Date: 2<sup>nd</sup> December 2015**

Licence Transfer received and accepted. Transfer from Jatinkumar Patel to Narendra Patel  
Application to vary the designated premises supervisor (DPS) received and accepted. DPS varied from Jatinkumar Patel to Himanshu Ramchandra Vyas.

The Licensable activities should end at 23:00 and the premises should be closed at 23:30

**Date: Friday 22 January 2016**

**Time: 23.50**

Visit with Lois Smith (an Environmental Health Officer).

Sat in the car just opposite Pinner Lounge for about 10 minutes to monitor. Front shutters were down (this undermines the public safety objective as it restricts peoples egress from the premises especially in the case of an emergency for example: fire). There was a small green light just showing through the shutters. Could not hear any music whilst sat in the car with the windows open.

Went to the front of the premises and looked through the shutters. Saw about 14 people including staff inside the premises still sitting having meals and bar was still operating. There was a gentleman singing with a microphone in his hand. The music could be heard through the closed doors and shutters.

We made our way to the back entrance of the premises and entered. The till was still operating. There

were several people at the bar with full glasses of lager or beer on the counter suggesting that alcohol is being sold after the authorised hours. The music stopped. Spoke to Jitendra Vernecar - the manager on duty for the night. He advised that the licensee was not well and went home early. The DPS was in India and had to extend his stay due to a family emergency. I left him with my card to for the licensee to contact us so that we can arrange a meeting with him. Lois left him her card as well.

We left the premises at 00.25. As we left, all of the customers were leaving the restaurant well after the permitted time.

*As the shutters were down on the premises with customers inside the premises, the issue of public safety arises. This is dealt with in the statutory guidance section 2 which states in part:*

*2.6 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.*

*2.7 A number of matters should be considered in relation to public safety. These may include Fire Safety.*

The Licensing Authority did ask the Fire Authority to attend the premises and they did so and provided a report. The report indicates that the premises are broadly compliant however a fire risk assessment was not available at the time of the inspection. Attention should also be drawn to page 5 – General Notes of the inspection report: where it states:

Mr Patel was questioned about his closing down procedures and he explained that although they would draw down the main shutter covering the front window the smaller shutter covering the front door was always kept open until the occupants had left the premises.

The above statement contradicts the findings of the 22 January 2016 at 23:50 when a visit was carried out by the Environmental Protection and Licensing Authority officers when all of the front shutters were down with the public still on the premises. This included the front shutter covering the door.

It should also be noted that the time of the inspection was 22:00. This is within the authorised hours of the premises licence. The undermining of the objective for public safety normally occurs outside of the licensed hours.

A copy of the fire inspection report is attached to this application.

**Date: Tuesday 26 January 2015**

**Time: 13:40**

Email from Jeffrey Leib to Narendra Patel

Dear Mr Patel

I am writing as my records show you are the holder of the licence for Pinner Lounge.

Officers from the Council have become aware of potential breaches of your licence requirements over recent weeks. I would be grateful if you could contact the licensing team either by phone or email in order to arrange a meeting to discuss these and to prevent them occurring again.

\*\*\*No response received to this email\*\*\*

**Date: Wednesday 27 January 2016**

**Time: 15:50**

Telephone call with Mr Narendra Patel, Premises Licence Holder. Meeting at premises arranged for 01/02.2016 at 14:00.

Mr Leib attended the premises at the given date and time but Mr Narendra Patel did not attend. No communication was received from him to cancel the meeting or reason given to Mr Leib as to why he could not attend.. The premises were shut at this time.

Licensable Activities should end at 23:00 and premises closed by 23:30.

**Friday 5 February – Monday 7 February 2016**

A late temporary event notice was received on the 28 January 2016. The dates for the event were 5-7 February 2016 between the hours of 18:00 – 02:00. This notice was vetoed as an objection was received from Lois Smith of the Environmental Protection Department. An objection notice was served on the premises user.

Below is an email from Lois Smith that confirms Mr Patel allowed this event to continue:

*From: Lois Smith*

*Sent: Saturday, February 06, 2016 01:55 AM*

*To: Jeffrey Leib; Ash Waghela*

*Cc: John Rattray*

*Subject: Pinner Lounge 14 B Broadwalk, Pinner Road FRIDAY 5/2/2016*

*Dear All*

*Went to location as above:*

*5/2/2016 at 2307: inside Pinner Lounge, woman singing at the rear of the main customer portion to left of bar as facing from road, with a microphone / shutter up / around 15 people inside (customers).*

*5/2/2016 at 2310: enter complainants living room - no music heard.*

*5/2/2016 at 2338: left flat. Discussed complainants location. Walked back to Pinner Lounge - main shutter down.*

*5/2/2016 at 2347: man and lady sat at a table right hand side, 3 persons sat around bar area, 1 man, where the woman previously was that was singing, was here putting his coat on, 1 man with striped top behind the bar ....*

NB. This is 20 minutes after the premises should be closed and 56 minutes after the end of licensable activities.

*5/2/2016 2356: separate shutter to actual front door goes down; lights off inside, 2 persons seated by bar and 2 persons looking at us from inside -*

*6/2/2016 0002: about 6 persons on site now.*

*6/2/ 2016: 0003: Natrandra Patel came outside to greet us and I told him what we had saw with the female singer - he replied that he had made her keep singing as he knew*

*we were around, so that I could listen to it in complainants property .....(!)*

*I made it clear - for him to NOT to do this ie go over his licensed hours so that we could assess. I told him to keep to the hours he had been given. He said only family and staff there now.*

*0016 left him and he said he hoped to make it on Thursday to the hearing.*

*I may try and go Saturday as well.*

*To discuss Wednesday.*

*Thanks*

*Lois*

*From: Lois Smith*

*Sent: 08 February 2016 10:52*

*To: Jeffrey Leib; Ash Waghela*

*Cc: John Rattray*

*Subject: Re: Pinner Lounge 14 B Broadwalk, Pinner Road FRIDAY 5/2/2016*

*Apologies Pinner Lounge is 14 A.*

*I parked outside Pinner Lounge on 7/2/2016 at 0029.*

*0032 - 5 women with balloons came out of the front door of Pinner Lounge and the shutter over the front door closed behind them. They got into a parked car.*

*0034 shutter over front door goes up and a man came out and walked down street.*

*Shutter remains half up - same man goes back in to premises.*

*0037 lights out inside - but can see outline of people still inside - looks like they stood up from the table at the front - 4 persons possibly.*

*0044 shutter goes up to front door and 2 men come out and walk to a car.*

*Shutter then goes down with 2 staff members at the door.*

*Left 0047.*

*Had texts from Complainant about late night noise too ...*

*Did you see my email about Friday night too ?*

*I will come and see Licencing on Wed !*

*Thanks*

*Lois*



**Friday 12 February 2016 – Sunday 14 March 2016**

A standard temporary event notice was received on the 28 January 2016. The dates for the event were 12 – 14 February 18:00 – 02:00. After receiving an objection from Lois Smith from the Environmental Protection Department, a hearing was arranged and subsequently cancelled as the premises user withdrew the notice.

Although the date on the subject title reads 5/2/2016, this visit was carried out on 11 February 2016:

*From: Lois Smith*

*Sent: 16 February 2016 09:44*

*To: Jeffrey Leib*

*Cc: Ash Waghela*

*Subject: Re: Pinner Lounge 14 B Broadwalk, Pinner Road FRIDAY 5/2/2016*

*Dear Jeffrey*

*Again on Friday night - Pinner Lounge was past it's licensing hours -*

*Arrived at 2322 - male singing from inside and base beat...(off 2325)*

*We stood at front taking notes.*

*Shutter for main window and the door - both down (will you liaise with FB on this ?)*

*0015 - we left and still public inside seated and at bar*

*Please can I come and see you about way forward with this premises - on Wed / tomorrow - thanks*

*Lois*

Copies of the notices and the email confirming the withdrawal of the standard TEN are attached to this application.

The premises user Narendra Patel knew full well that he could not proceed with the events as no authorisation had been obtained for them. He had submitted the TENs and had been served with an objection notice for the events for 5 – 7 and 12 – 14 February 2016. Since the notice for 5-7 February was classed as a Late Ten, following the receipt of the objection notice, this notice was vetoed. With regard to the notice for 12-14 February 2016, Mr Patel – the premises user, withdrew the notice. This was confirmed by email which is submitted as exhibit 1

**Date: Friday 19/2/2016**

**Time: 22.49**

Arrived with Lois Smith and park outside opposite Pinner Lounge. The Shutters were up and lights were on inside. There were two men smoking outside the front door of the premises.

22.52

The two men now joined by a third man outside the premises.

22.53

We got out the car and visited the person who has been complaining about the noise emanating from the premises.

Lois and I stood in the sitting room of the flat and I could hear music. The windows and doors of the flat were closed. The windows are double glazed. I went to the bedroom and could clearly hear the

music. It was an Indian song and a man and a woman were singing to music. Lois Smith came into the bedroom and could hear the music and singing.

23.05

Music had stopped and just restarted.

23.06

Again, a man and a woman singing. Windows are double glazed in the bedroom and closed but could clearly hear the music. As you face the bedroom from the door, the music sounds like its coming from the left. The song is Hindi.

23.09

The music stops.

23.10

The music starts again.

23.22

The music has stopped.

23.40

Lois told me that the music that could be heard can be classed as a statutory nuisance.

23.48

Left the complainants premises.

23.49

Shutters were still up at the premises and customers still inside.

Photos taken of the outside – Exhibit 2

23.58

Went to the back of the premises and people standing outside the back door (3 males).

20/2/2016

00.01

Met Narendra Patel - Licensee. Public still on the premises and kitchen still in operation.

00.05

Caution read out to Mr Narendra Patel, the Licensee.

Lois Smith was taking notes in her note book whilst I was questioning Mr Patel. Please see Mrs Smith's notes attached to this application Exhibit 3

00.25

Lois Smith had brought a copy of the premises licence with her and I explained the licence conditions and hours to Mr Patel.

He said that he will consider stopping the music altogether and asked about how to increase the hours on the licence.

I asked Mr Patel why he failed to meet Jeffrey Leib at the premises when a meeting was arranged to discuss the TENS and he said that he has another job and he could not make it.

00.33

concluded meeting

00.38

Left premises.

**Date: Thursday 25/2/2016**

Lois Smith received a telephone message from Narendra Patel. When she responded, Mr Patel asked if Lois Smith could pass on a message for Jeffrey Leib to call him:

**Time: 11:00.**

Telephone call with Mr Narendra Patel about possible variation to licence. Advised he needed 3 - 6 months without any breaches. Narendra Patel advised he was aware of breaches and that had only been operating business for 2 months; he had been unable to control his customers but now wanted to stop selling food at 2300 hours. He stated he had arranged an acoustic report and soundproofing, and had now taken his personal licence holders course. Details recorded in PACE book.

It is noted that on the first visit conducted by the licensing authority neither the licensee or the DPS was present. On the second visit, although the licensee was present, the DPS was not.

*The guidance issued under section 182 of the Licensing Act 2003 section 2.5 states that "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 Warning letter has been sent to the licensee on the 25 February 2016 which has been attached to this application (exhibit 4) for the breaches that have occurred. The letter was sent both to the licensee's address as stated on the premises licence and also the premises.

**Date: Friday 13/05/16 approximately 2200 hours**

Licensing officers and the Harrow police licensing officers visited the premises as part of routine compliance checks around the Borough. During the visit a conversation was held with Mr Patel in the rear service area where it was pointed out to him that sound was still audible despite standing some 6 – 10 metres away from the rear exit. Mr Patel was asked about the acoustic report to be supplied to the EHO and he replied he was still owed money by his consultants about it. Mr Patel was advised that the licensing authority would be making a formal representation about his variation application

The Licensing Authority has tried to work with the Premises Licence Holder and has given advice and guidance as to how to resolve the issues being raised at the premises. The licensee has clearly not taken this advice on board and instead is only interested in extending his hours on the licence as the notes taken by Lois Smith between 19 – 20 February 2016 and the licensee's telephone conversation with Jeffrey Leib on the 25 February 2016 shows.

Many of the breaches have arisen after 2300 hours – the Licensing Act allows small-scale regulated entertainment such as music and dancing to take place without a licence but only up until 2300 hours precisely because it is recognised that any later time can have a detrimental effect on neighbouring premises. The licensing authority is of the view that the premises licence holder has shown that he is not capable of complying with his current restrictions and furthermore applied to extend the hours in the knowledge that the abatement notice had been served.

The licensing authority is also concerned about the lack of any drinking-up or winding-down time on Friday and Saturday (presumably the busiest trading sessions of the week), with alcohol sales and late-night refreshment continuing until the close of the premises to the public. This is in contrast to the proposed operation on the other days of the week with a proposed half-hour close-down period.

Finally the licensing authority is concerned that the proposed conditions do not address the real issues presented by this application. The proposals relating to taxis is of limited application when the nuisance is caused within the premises; the conditions relating to the provision of water and a Challenge 21 scheme simply reinforce the requirements of the existing mandatory conditions.

It is the recommendation to the Licensing Committee that this application be refused in its entirety. There is evidence that the licensee is not in control of the premises (by his own admission to Jeffrey Leib) and has very little or no interest in upholding the four licensing objectives. Although the licensee is not seeking to amend the hours for regulated entertainment, he is already continuing with licensable activities without the correct authorisations being gained first. This can be regarded as committing a criminal offence under the Act. The authority is currently considering in commencing proceedings against the licensee in this case. There is also very little or no point adding extra conditions to the licence as the Premises Licence Holder has been operating the premises in breach of his licence conditions.

Adequate weight should be placed on the findings of the investigating officers and the premises licence holder's own admission to Mr Leib that he cannot not control his customers (the telephone conversation dated 25 February 2016). The Licensing Authority does not have confidence in the Premises Licence Holder/Designated Premises Supervisor to operate the premises in accordance with the conditions and hours authorised by the Premises Licence granted under the Licensing Act 2003 and the findings show that the licensing objectives have been clearly undermined.

**Please tick  
yes**

Have you made a representation relating to this premises before

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

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

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**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 Ash Waghela.....  
 Date.....23/5/2016.....

Capacity .....Licensing Officer.....

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

**Notes for Guidance**

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

Relevant Representations means;

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

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