

LICENSING ACT 2003

REPRESENTATION BY LICENSING AUTHORITY

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

1. Summary of the application

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

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

(a) from the existing closing time of

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

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

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

2. Details of premises location

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

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

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

3. Any previous history of applicant/premises

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

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

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

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

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

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

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

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

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

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

4. Impact on licensing objectives

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

5. Summary/observations about other representations

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

6. Specific questions to be addressed

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

7. Proposed actions and conditions

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

granted for the extension of the existing hours until:

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

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

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

Prevention of crime and disorder

1 CCTV

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

2 Door supervisors

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

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

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

3 Entry control

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

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

4 Staff training

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

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

5 Record keeping

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

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

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

6 Misuse of drugs

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

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

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

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

Prevention of public nuisance

9 External areas and areas for smoking

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

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

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

10 Customer dispersal

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

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

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

11 Noise management

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

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

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

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

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

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

Protection of children from harm

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

Ash Waghela

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

Dear Sir/Madam,

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

Many Thanks

[REDACTED]

Ash Waghela

From: [REDACTED]
Sent: 26 August 2017 10:56
To: license
Subject: Late licence till 4.00AM

Categories: Licensing Act, Actioned AW

I am objecting to this application

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

Please don't issue this licence to

CLUB KTB 32 RAILWAY APPROACH

HA3 5AA

THANKS

Sent from my Samsung device

Ash Waghela

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

To whom it may concern,

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

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

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

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

Yours faithfully,

[REDACTED]

Ash Waghela

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

Categories: Actioned JL, Licensing Act

dear sir, madam

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

thank you for your efforts and time

[REDACTED]

Ash Waghela

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

Dear SirS

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

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

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

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

For the record I will be opposing this application

Regards

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

[REDACTED]

3rd September 2017

Dear Sir/Madam,

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

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

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

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

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

If permission is granted the situation can only worsen.

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

[REDACTED]





Dear Sir

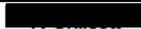
I sincerely hope that Club KTB application to open until HAM is refused. To allow this would be grossly unfair to residents as this would undoubtedly attract undesirable elements.

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

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



Yours faithfully



[REDACTED]

Dear Sir

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

[REDACTED]

