

# APPENDIX 4

## COMMERCIAL ENVIRONMENTAL HEALTH

### MEMORANDUM

**From:** David Norton

**To:** Licensing Officer

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

**My Ref: DNR/KTM/5/19**

**Your Ref:**

**Date:** 23 May 2019

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Dear Mr Waghela,

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

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

#### **1: Representation**

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

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

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

The grounds for this objection are:

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

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

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

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

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

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

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

## **2: Supporting detail for this representation**

### **2.1 Purposes and basis of this representation**

#### ***Purposes of this responsible Authority Representation:***

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

#### ***Full basis for this representation:***

Primarily,

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

## 2.2 Application of Licensing Act Guidance

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

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

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

In broad terms, in my opinion,

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

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

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

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

## 2.3 Visits to the area

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

### Close proximity of residential dwellings:

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

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

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

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

#### **Junction of Marlborough Hill with Station Road**

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

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

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

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

For example (my bullet points):

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

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

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

#### **2.4.2 Summary of how the Public Safety Objective is being undermined**

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

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

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

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

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

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

### **2.4.3 Developing recommendations for this Representation**

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

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

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

### **Dispersal and related Public safety**

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

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

Consideration needs to be given to, for example:

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

### **Safe Capacities**

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

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

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

## Annex 1

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

### **‘Proportionality**

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

### **Public safety**

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

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

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



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

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

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

## Safe capacities

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

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it.

## Public nuisance

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

## The review process

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

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

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

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

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

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

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

# DOMESTIC ENVIRONMENTAL HEALTH

## MEMORANDUM

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

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Dear Sir or Madam,

**Re: Review of Premises Licence - Licensing Act 2003**

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

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

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

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

The grounds for this objection are:

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

have failed to comply with multiple licensing conditions already imposed.

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

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

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

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

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

Yours faithfully,

Jo Smith  
Team Leader – Environmental Health Domestic

## **Appendix 1**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

## **Appendix 2**

### **Club KTM Previous Incidents Attended by Police**

02<sup>nd</sup> June 2018 time 04.24 hours (CAD 1506)

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

24<sup>th</sup> June 2018 time 04.14 hours. (CAD 1563)

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

30<sup>TH</sup> June 2018 time 04.34 hours (CAD 1562)

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

01<sup>st</sup> July 2018 time 01.42 hours (CAD 848)

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

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

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

09<sup>th</sup> September 2018 time 04.05 hours (CAD 1413)

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

09<sup>th</sup> September 2018 time 03.26 hours (CAD 1274)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



TERRITORIAL POLICING

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

**Web:** [www.met.police.uk](http://www.met.police.uk)

**Your ref:**

**Our ref:** 109QA/19/2548

**Harrow Borough Licensing  
Department**

*Harrow Council*  
*Station Road*  
*Harrow*  
*Middlesex*  
*HA1 2XY*

**Email:** [www.harrow.gov.uk](http://www.harrow.gov.uk)

**Date:** 20/05/2019

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

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

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

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a Review of the premises licence under section 51 of the Act.

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

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

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

Club KTM Previous incidents.

02<sup>nd</sup> June 2018 time 04.24 hours (CAD 1506)

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

24<sup>th</sup> June 2018 time 04.14 hours. (CAD 1563)

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

30<sup>TH</sup> June 2018 time 04.34 hours (CAD 1562)

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

01<sup>st</sup> July 2018 time 01.42 hours (CAD 848)

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

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

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

09<sup>th</sup> September 2018 time 04.05 hours (CAD 1413)

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

09<sup>th</sup> September 2018 time 03.26 hours (CAD 1274)

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

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

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

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

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

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

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

29<sup>th</sup> December 2018 time 02.16 hours (CAD 726)

Police called to the venue by door staff after they claimed a male had assaulted them, male ejected from venue.

29<sup>th</sup> December 2018 time 02.25 hours (CAD 757)

From above CAD male called saying the SIA staff had assaulted him, left prior to Police arrival.

13<sup>th</sup> January 2019 time 04.16 hours (CAD 1310)

Door staff called Police stating that a large fight had broke out at the venue. No victims came forward to report to Police.

13<sup>th</sup> January 2019 time 04.21 hours (CAD 1325)

Repeat call by staff re fighting.

20<sup>th</sup> January 2019 time 03.32 hours (CAD 1200)

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

13<sup>th</sup> January 2019 time 04.25 hours (Crime number 2000619/19)

Police called to venue after a call regarding a large scale fight, nine officers attend and arrest are made for an affray.

10<sup>th</sup> March 2019 time 04.27 hours (CAD 1362)

CCTV saw a suspect for an assault get into a vehicle which drove away from the venue, vehicle was stopped by Police and the driver was arrested for drink drive.

10<sup>th</sup> March 2019 time 04.30 hours (Crime number 2003764/19)

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

10<sup>th</sup> March 2019 time 0434 hours (Crime number 2003700/19)

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

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

Police called to a public order offence at the venue.

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

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

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

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

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

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

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

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

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

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

Yours Sincerely

Darren Cowley PC2548NW

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

**Subject:** RE: Supporting evidence for Club KTM License Review

Dear Ash,

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

These should work correctly:

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

**<https://www.youtube.com/watch?v=Q0KUccxgKn8>**  
(previous complaint made to council)

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

**<https://www.youtube.com/watch?v=EH-l1705KQg>**

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

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

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

**<https://www.youtube.com/watch?v=wyfZprvEiMk>**  
(previous complaint made to council)

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

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

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

Let me know if you need anything else.

Speak soon,  
Nabil

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

**Subject:** Supporting evidence for Club KTM License Review

Dear Ash,

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

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

**Videos:**

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

<https://youtu.be/Q0KUccxgKn8>

(previous complaint made to council)

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

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

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

<https://youtu.be/l6oqKP5Q08c>

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

<https://youtu.be/wyfZprvEiMk>

(previous complaint made to council)

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

<https://youtu.be/ah0yPrjVKT4>



**Photos:**

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

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

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

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

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

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

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

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

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

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

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

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

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

Speak soon,  
Nabil