

APPENDIX A

Application forms and existing licence

LONDON BOROUGH OF HARROW

PUBLIC ENTERTAINMENT LICENSING

APPLICATION FOR THE TRANSFER OF LICENCES

I/We apply for the transfer of the entertainment licences currently in force at the following premises:

1. Name and address of the premises: **CLUB MEHFIL**
32 Railway Approach, Harrow, Middx HA3 5AA

The application should be made in the name of the occupier of the premises.

2. Full names of applicant(s): **DAWN ROBSON**

3. Private address of applicant(s): **22 Jennings Road** Fax:
St Albans AL1 4NT

4. Telephone:

If a limited liability company makes the application, please answer questions 5 –9 and furnish a separate statement giving details of the directors.

5. Company Name:

6. Registered Office: Fax:

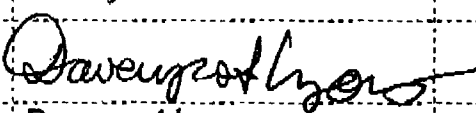
7. Telephone:

8. Main trading address of the company, if different: Fax:

9. Telephone:

10. Fee enclosed: **Cheques payable to London Borough of Harrow**

11. Date of application: **13 May 2004**

12. Signature(s) of applicant(s): 

13. Name(s) printed: **Davenport Lyons**

14. Capacity in which you are acting: **Applicant's Solicitors**


Where a limited liability company makes the application, the secretary or director should sign. In case of a partnership each partner should sign. Solicitors and other duly authorised agents may sign in their stead.

15. Address to which correspondence relating to this application should be sent: **Davenport Lyons** Fax:
1 Old Burlington Street
London W1S 4NL **020 7434 2732**
DX 37233 Piccadilly 1

16. Telephone: **020 7468 5564** Ref: **TOM/TB**

NOTES: This form should be completed and forwarded to the Health Safety and Licensing Section, Environmental Health Services, London Borough of Harrow, P.O.Box 18, Civic Centre, Station Road, HARROW, Middlesex, HA1 2UT with a cheque for the fee shown.

Written notice of the application must be given by the applicant without delay to the Superintendent A Fish, Harrow Police Station, 74 Northolt Road, HARROW, HA2 0DN, and to the LFEPA, London Fire Brigade Western Command – Fire Safety, 61-63 Staines Road, HOUNSLOW, Middlesex, TW3 3JO.

S 76384
 £2,447
 Rec Sek


**Application for renewal of annual licence
 for premises to be used for public entertainments**

The Licensee

Glass Palace Limited, Club Moonlight 30-32 Railway Approach, WEALDSTONE HA3 5AA ☎ 8427
 7685/8952 1829/8952 7124

hereby applies to the Council of the London Borough of Harrow for the premises

Club Moonlight, 30-32 Railway Approach WEALDSTONE HA3 5AA

to be re-licensed on the day following **31 January 2003** for public entertainments under the provisions of the above mentioned Act on the same basis as currently applies i.e.

	Music & Dancing	Music on Sundays	Dancing on Sundays	Extension of hours	Video	Film exhibitions	Plays
Fee £	1,976	Included	135	336	0	0	0

for a maximum patronage of up to 280

on the evenings of:

	Mon.	Tue.	Wed.	Thur.	Fri.	Sat.	Sun.
until	02:00	02:00	02:00	02:00	03:00	03:00	02:00

I / We hereby declare:-

- that the particulars of this application are true to the best of my/our knowledge and belief.

I / We enclose the prescribed renewal application fee of **£2,447**
 Cheques should be made payable to "London Borough of Harrow"

CERTIFICATES REQUIRED: Please indicate in the following table the certificates you are forwarding;

Electrical Installation NICEIC	Required <input checked="" type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Emergency Lighting Test Certificate	Required <input checked="" type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Automatic Control of Projector (ACOP)	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Ceiling Certificate	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Other:	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>

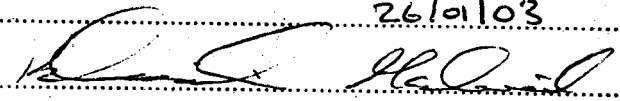
Agent dealing with licensing administration

Glass Palace Limited, Club Moonlight, 30-32 Railway Approach, WEALDSTONE HA3 5AA

Date

..... 26/01/03

Signature of agent / applicant(s)

..... 

Full names in capitals

..... ARVIND Sachdeva-Asst. KHALID MANMOOD

Position(s) in business

..... OWNER

Please photocopy the completed form and send one copy each to:
 Superintendent A. Fish, Metropolitan Police Service, Harrow Police Station,
 74 Northolt Road. SOUTH HARROW, Middlesex, HA2 0DN

AND TO

LFEPA, London Fire Brigade Western Command - Fire Safety
 61 - 63 Staines Road, HOUNSLOW, Middlesex, TW3 3JQ

Please return the original completed form and any enclosures together with the prescribed fee to:-
 Licensing Officer, Environmental Health Services, Civic Centre PO Box 18, Station Road, HARROW, Middlesex, HA1 2UT

Failure to return this form with the full fee before the renewal date shown will automatically result in loss of the licence.

Date: 24 October, 2002

Chief Environmental Health Officer:
Gareth Llywelyn Roberts

Environmental Health Manager:
Andy Appleby

Contact person: P Sivashankar
Tel. 020 8420 9605



PUBLIC ENTERTAINMENT LICENCE

Licence End:

31 Jan 2003

Lic No:

LONDON GOVERNMENT ACT 1963

The London Borough of Harrow under the provisions of Section 52 and Schedule 12 of the London Government Act 1963, as amended, hereby licenses:

Glass Palace Ltd

to use the premises known as

CLUB MOONLIGHT

32 Railway Approach, Wealdstone

for:

Music and Dancing on Weekdays and Sundays

Special permission has been granted to hold these entertainments on the evenings of:

	MON	TUE	WED	THU	FRI	SAT	SUN
Until:	02:00	02:00	02:00	02:00	03:00	03:00	02:00

This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for Places of Public Entertainment R1" and to the following specific conditions

- The maximum number of patrons accommodated at any one time should not exceed **280**
- There shall be no admission of persons to the premises after 12:30am on Sundays to Thursdays (inclusive) and 1am on Fridays and Saturdays.
- The management to organise and run a membership scheme which encourages patrons to join as club members. The success of this scheme will be reviewed at time of annual renewals. A register of all members should be kept at the premises and available to Police and Council Officers at all reasonable times.
- Before organising any under 18s events (discos, parties, etc.), prior permission should be sought from the Council.
- The premises must employ a suitable number of trained badged door staff at all times of trading.
- Full details of the door supervisors should be supplied to the Police and the Council and a register of the door staff employed should be kept at the premises.
- Closed circuit television recording should be in operation both inside and outside the premises throughout the trading areas of the premises during all of the times the premises are open.

Signed: Chief Environmental Health Officer

APPENDIX B

Letters of Objection and summary observations

*Your Reference: EHS/ent/PS
Our Reference: 21/61/03/QA
Date: 10th March 2003



Mr Shankar Sivashankar
Environmental Health Department
PO Box 18
Civic Centre
Harrow
HA1 2UT

METROPOLITAN POLICE
Harrow Station
74 Northolt Road
South Harrow
Middlesex HA2 0DN
Telephone 020 8423 1212.
Direct Line 020 8733 3415.

Dear Mr.Sivashankar

With reference to an application being made by:

Glass Palace Limited , Club Moonlight , 30-32 Railway Approach , Wealdstone HA3 5AA.

to renew the Annual Public Entertainment Licence for the premises Club Moonlight

On 3rd March 2003 police served notice of intention to apply to revoke the Justice's licence on Harrow Magistrates Court .

This was on the grounds that the premises was not being run in a fit and proper way and that the mismanagement of the premises has led to breaches of the conditions of the licence and that this continues to lead to public nuisance and the threat to public order and safety.

Police will on the same grounds be making formal objection to this renewal.

Yours sincerely


.....
Carl Davis
Police Sergeant 12QA
Licensing Department



STATEMENT OF EVENTS - P Sivashankar, Licensing Officer

As a result of the shooting inside the premises in June 2002, a meeting was arranged at this Division's request at the Civic Centre on 27th June 2002. At this meeting the existing licensees stated that a new management team would be taking over the management at the premises with immediate effect and that they will be making an application to transfer the Public Entertainment Licence on their names.

As the new managers, Mr A Sachdeva and Mr K Hussain, did not have a background in late night entertainment venue management and also due to the history of the premises, Officers suggested that they should consider undergoing an appropriate training before the transfer is made. There was agreement in general to this suggestion and also it was confirmed that in accordance with the licence conditions, registered door staff have also been appointed to enforce the new tightened door policy at the premises.

Further to this Division receiving the transfer application on 15th July 2002, a visit was made on 5th September 2002. The lack of details and recording of members and guests were pointed out to the applicants in writing. At this time the applicants were also asked to supply an operating schedule and details of their training records to this Division. On 16th October, the applicants provided an operating statement, which was found to be inadequate, and appeared reluctant to gain any training.

Due to the lack of response, another meeting was held at the Club to resolve matters and inform this Division's requirements and the licensees' responsibilities to maintain licence conditions. Further to these discussions, the applicants wanted a postponement of the 28th October 2002 hearing of their transfer application. The applicants also proposed meetings with this Division to resolve the outstanding matters, but the applicants appear to have made little or no progress on these management issues.

Further to their renewal application, a further visit on 16th February 2003 was made. At this time, breach of the following conditions 3,5 and 6 were observed:

A further visit was made on 5th July 2003, and the findings are outlined in the letter dated 7 July 2003.

On the above evidence, the Licensing Justices revoked the liquor licence at the premises on 14 November 2003, stating that the applicants were not suitable to manage such a late night venue. Since, the Management have employed a more experienced licensee and reinstated the liquor licence.

The following observations were made on 8th May 2004.
No records of door supervisors were kept at the premises. The door supervisors were not wearing any badges to confirm that they were registered. There were only computer record was available regarding members contrary to club rules, which requires a signing in book.

LONDON BOROUGH OF HARROW SOCIAL SERVICES

Director of Social Services: RUTH VINCENT
Head of Housing and Environmental Health Services: MICHAEL WRIGHT

Chief Environmental Health Officer: GARETH LLYWELYN-ROBERTS
P.O. Box 18, Civic Centre, Harrow, Middlesex, HA1 2UT
Fax: 020-8427 0389 DX 30450 Harrow 3 Minicom 020-8424 1844
Web site: www.harrow.gov.uk Email: shankar@harrow.gov.uk



ENVIRONMENTAL
HEALTH SERVICES

Mr Arvind Sachdeva
Club Mehfil
32 Railway Approach
Wealdstone

Your contact is: Mr P. Sivashankar

Telephone: direct line: 020- 8420 9605
or use main switchboard: 020- 8863 5611 ext. 5605

Our ref: EHS/LIC/ PS

Date: 7th July 2003

Dear Mr Sachdeva

Club Mehfil, 32 Railway Approach, Wealdstone,
London Government Act 1963 - Public Entertainment Licensing

Further to my visit to the above premises on 5th July 2003, Saturday at 1:05 am, I would like to confirm my findings.

Membership Records.

At the time of the visit, a members and guests record book was kept at the front desk and it appears that all customers were asked to sign this book. However, the details on the book were hardly readable and also it appeared that no check on the identity of guests been made at time of their visit.

There were great emphasis made regarding the computer aided membership scheme and swipe cards by Mrs Mihaylova, Mr Bhimji and yourself, but there was hardly any evidence of proper use or compliance with conditions were found on the night.

- There were about 25 patrons signed in the book
- There was only one member's name in the computer as record of attendees that night
- The computer operator appeared to be not well trained in the use of the software
- The computer records did not bear any relation to who were in attendance.

It was also not possible to extract information regarding who is whose guest nor the type of IDs used to verify signatures.

CCTV.

At the time of the visit, there were 3 cameras out of action but the rest of the system appeared to be in working order. However, there were only 24 tapes available for recording and there were no evidence to suggest that recordings were made on a daily basis with traceable record keeping.

Registered Door supervisors.

There were two door supervisors present on the night. One of the supervisors was able to produce his badge for inspection. However, there were no records available on site and no evidence was produced regarding the registration details of the Head doorman.

Last entry condition

Doc ref: PS3046.doc



INVESTOR IN PEOPLE



Awarded for excellence
to Environmental Health



Awarded for excellence
to Animal Services



Awarded for excellence
to Renovation Grants

The last entry condition for Fridays and Saturday nights was 1am. However, there was no apparent control was exercised at the door regarding this condition. The patrons seem to be arriving at all hours expecting entry to premises and there was no mention of last entry times neither by the door staff nor by Mr Sachdeva or Mr Hussain.

Conclusions.

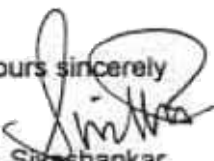
With Mr Sachdeva and his team qualifying through the National Licensees (Liquor and Entertainment) courses, this Division was expecting improvements in the operation of the premises. Unfortunately, the findings on the night were that licence conditions were not being complied with despite the presence of both applicants for the licence transfer.

The membership scheme is merely a token gesture to the requirements of the liquor and entertainment licensed conditions and fails to address the serious issue of control at the premises. The same attitude is shown with the CCTV recordings and again fails to meet the minimum of standards.

The current management has not shown that they understand the seriousness of breaches of conditions nor demonstrated that they are able to provide a satisfactory standard of management to run a late night establishment to Officers of this Division.

Whilst these concerns remain unresolved it is unlikely that this Division is able to provide a positive report to the Licensing panel. It is likely that this letter will be attached to the report to the forthcoming Licensing Panel on 29th July 2003.

Should you wish to contact me I can be contacted on the above numbers at the Civic Centre.

Yours sincerely


P. Sivashankar
Licensing Officer (Health, Safety & Licensing)

COPIES TO: Mrs Mihaylova, Sgt. Davis

APPENDIX C

Applicant's Response

Club Mehfil

The trendiest Asian
Bar & Restaurant

Attn : Mr Shiva Shankar
Dept : Environmental Health
Fax Number : 0208 427 0389
Date : Monday, 07 July 2003

Dear Mr Shiva Shankar

Thank you for your visit on Friday Evening 4th July 2003. We have noted your points you advised us of and have already carried out the actions.

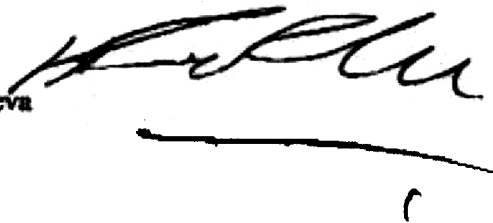
We realised that we had only 30 Video Tapes instead of 31 and have now bought a set of 31 new tapes as you advised and these are in operation now. We have developed a catalogue book referencing dates to tape numbers to accommodate easy tracking.

With regards to our new software, I did stress at the time it was a new system and hence we parallel running with the membership diaries. There has also been updates to the system which now enables you to enter guest details with members. And in the instance a members has forgotten his/ her membership card we could already search by membership number, but now also by surname, postcode etc.

These were the main points you mentioned and I would like to invite you in at your convenience to see the updates.

Best Regards

Harry Sachdeva



Eastern Arts Promotions T/A Club Mehfil, 32 Railway Approach, Harrow, Middlesex, HA3 5AA.
Tel No 020 8427 7685 Fax No 020 8861 5556
Worldwide Web www.clubmehfil.co.uk Email: info@clubmehfil.co.uk

APPENDIX D

Guidance - Procedure for the determination of the application

PROCEDURE AT AND AFTER ORAL HEARINGS IN PUBLIC

- 27 The procedure at the meeting will, in general, be similar to that in a Court of Law. Although the strict rules of evidence will not apply, they will be observed to a great extent because this is the best way of hearing the evidence from all parties. Members may seek clarification of any procedural, technical or legal matter from officers at any time during the proceedings.
- 28 A report will be put before the Panel, prepared by the appropriate officer of the Council. In addition an appropriate officer will provide a location plan showing the premises. A copy of the report will be sent to the applicant in advance of the meeting.

WARD COUNCILLOR'S SUBMISSION

- 29 The Councillor for the Ward in which the applicant's or objector's premises are situated may either:
- (a) Object to an application in accordance with numbers 10 to 26 of these rules or
 - (b) Appear as a witness on behalf of an applicant or objector or
 - (c) Give evidence by way of Ward Councillor's submission as detailed in rule 30 below.
- 30 If a Councillor for the Ward, who has not made a formal objection, wishes to give evidence he may either address the Panel or may submit written representations in respect of the application regardless of whether or not he is an objector called by any party as follows:
- (a) If a Ward Councillor wishes to give oral testimony this will normally be given after the Chief Environmental Health Officer has introduced the report.
 - (b) Before a Ward Councillor addresses the Panel he must first make a declaration that he has not previously discussed the application with the Members of the Panel and will take no part in the determination of the application.
 - (c) Evidence given by way of oral testimony is subject to questioning by the parties to the application and by members of the Panel.

- (d) If representation is given by way of written submission the Chairman will indicate that the Panel will take into account the fact that the submission of the Ward Councillor cannot be tested by questioning.
- (e) Any evidence presented by a Ward Councillor by way of a Ward Councillor's submission shall only relate to those issues already known to the applicant by way of the Report to Panel or otherwise.
- (f)
 - (i) Evidence given by way of written submission under this rule shall be provided to the Chief Environmental Health Officer at least 10 working days in advance of the Hearing.
 - (ii) Notice of evidence to be given by way of oral testimony under this rule shall be provided to the Chief Environmental Health Officer at least 10 working days in advance of the hearing. If he wishes to raise issues which are not already known to the applicants, such notice shall be in writing and shall set out in general terms the issues to be raised.
 - (iii) The Chief Environmental Health Officer shall on receipt of evidence under (i) or a notice under (ii) above send a copy to the applicant as soon as possible and at least 5 days in advance of the hearing.
- (g) If there is an objection to the Ward Councillor's submission, the Ward Councillor and both applicant and objectors may give their reasons for or against the submission to the Panel. The Legal Advisor to the Panel may also give advice before the Panel decides whether to allow the submission in as evidence. If the Panel decides to hear the submission it may be appropriate to adjourn the proceedings after it has been made so as to allow the party objecting to it time to consider the submission in detail.

Note: It should be noted that a Ward Councillor's involvement in a hearing under this rule is limited solely to making representations i.e. there is no right of questioning of other parties or making a closing address.

ORDER OF PROCEEDINGS

- 31 At the start of the hearing the Chairman will introduce himself and other members of the Panel.
- 32 The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing which will have been prepared in advance by the appropriate officer and he will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:
- (a) The Chief Environmental Health Officer will introduce the report and will outline the matter before Panel. He will give any relevant background information and explain the reasons for any recommendation.
 - (b) The applicant (or his representative) is then entitled to address the Panel and call evidence in support of his application.
 - (c) All the objectors then present their cases by addressing the Panel and/or calling witnesses. The objector may address the Panel either before or after calling his witnesses.
- Note: In appropriate cases the Panel may during or at the end of the objector's case wish to establish whether the objectors are opposed to the application in its entirety or, for example are objecting to the lateness of the hours sought and not to the grant of the licence itself.
- (d) Council officer(s) wishing to give information in support of any recommendation or to give any other relevant factual information will now present their information. These officers can be questioned by any of the parties present or questioned by members of the Panel on matters relating to their professional expertise and are subject to further questioning by the Chief Environmental Health Officer.
 - (e) When all the evidence has been presented the objectors may each make a closing statement. An objector is not entitled to call new evidence at this stage and his closing statement must be limited to commenting on matters raised by the applicant either in the applicant's opening statement or the evidence called in support of the application.
 - (f) When the objectors have made their closing statements the applicant (or his representative) may make a closing statement to the Panel.

- 33 Each person giving evidence may be questioned by the opposing party or parties and by Members of the Panel. A person may decline to be questioned but less importance would then be attached to his evidence.

Note: Objectors to an application may not question each other but an objector may question his witness(es).

- 34 When a person gives evidence:
- (a) He is first asked to state his full name and address.
 - (b) He either makes a statement or, if appropriate, is questioned by the person calling him.
 - (c) He may be questioned by the other party or parties or their representative.
 - (d) Throughout the presentation of the respective cases for the Objector and the Applicant questions may be put by Members of the Panel. Such questions will normally be put immediately following the questions by the opposing party or parties. (Following the questions by Members of the Panel they may have to consider whether another opportunity for further questioning should be afforded to the other party or parties on "new" evidence introduced as a result of the replies to Members' questions).
 - (e) He may be questioned further (if appropriate) by the person who called him. These questions must be limited to matters which have already arisen in previous examination or Members' question. This is solely an opportunity to ask questions and not a time to make statements. No new matters may be raised at this stage.

DOCUMENTARY EVIDENCE

- 35 Documentary evidence on which it is intended to rely shall be submitted to the Chief Environmental Health Officer not less than 10 working days before the date of the Hearing so that it may be included with the report to be submitted to the Panel. If documents are not easy to photocopy on an A4 machine, (eg photographs) then normally eight copies must be supplied. If an applicant does not comply with this requirement the hearing may be adjourned. The date for any reconvened meeting will be arranged at the convenience of the Panel after receipt of the information.

- 36 Where one of the parties wishes to submit a document at the hearing the following procedure should be followed:
- (a) The party concerned should explain why the document concerned was not submitted in advance.
 - (b) If the Chairman accepts the explanation he shall then establish whether the opposing party or parties (or their representatives) have already seen the document and whether they have any objection to its submissions.
 - (c) If the other parties have not previously seen the document the Chairman will request that it first be passed to them (or to their representative) so that they can decide whether they object to it being submitted to the Panel and if so the grounds of their objection.

Note: For this purpose it may be necessary to allow time for the study of the document.

- (d) If there is an objection to the submission of the document both parties may give their reasons for or against the proposed submission to the Panel. The Legal Adviser to the Panel may also give advice before the Panel decide whether to allow the document to be submitted.

Notes In some cases it may be necessary for them to see the document before making a decision.

Clearly rules 35 and 36 have to be interpreted flexibly in relation to models, colourboards etc. A party wishing to produce such models etc. should give notice in advance to the Chief Environmental Health Officer.

- 37 If there has been no objection to the submission of a document or if the Panel has ruled that it may be submitted, the document will normally be read aloud by the party submitting it or by his representative. If the submission is a letter or written statement by someone who is not present and its submission has been opposed by one of the parties, the Chairman, (if the Panel have ruled that it should be admitted) will indicate that the weight of evidence (importance) that the Panel will attach to the document and will take into account the fact that the signatory of the letter or the maker of the statement is not present to be questioned. In some cases it may be appropriate to adjourn the proceedings so as to allow the party objecting to the submission time to consider the submission in detail.

Note: At least 8 copies should be provided of any document which is to be submitted at the meeting.

DECISION

- 38 At the end of a hearing the Chairman will announce that the hearing is adjourned to enable the Panel to deliberate in private and will return as soon as possible to announce their decision (which can be reached by majority decision). The Panel will normally be accompanied by the Legal Advisor and the Clerk but the decision shall be arrived at by Members of the Panel only. Sometimes the Panel will go to a private room or they may ask the parties concerned, their witnesses and the public to leave.
- 39 The Panel may decide to grant part or all of an application, or may refuse an application. The Panel may attach conditions to any licence granted, or in the case of variations, vary existing conditions. The Panel is also able to revoke or refuse to renew a licence.

NOTIFICATION OF A DECISION

- 40 The Chairman will normally announce the Panel's decision in public at the end of the hearing and the reasons for this decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

WAIVERS OF RULES

- 41 In any particular case, any of these rules may be waived, altered or modified by the Council's Environment and Transport Committee or by the Panel.

APPEALS

- 42 A person refused an application in respect of an entertainment or indoor sports licence or licensee aggrieved by any term, condition or restriction attached to the licence can appeal to a Magistrate's Court (the Crown Court in the case of cinema licences). The Council is the party who defends any such appeal but the Court rehears all the evidence for and against the grant of the application or the imposition of the term, condition or restriction as the case may be. A person aggrieved by the order of a Magistrates Court on such an appeal has a right of appeal to the Crown Court.
- 43 An objector aggrieved by the decision of Panel does not have these rights of appeal but is entitled to object again when the licence comes up for renewal or may be called by the Council as a witness on the hearing of any appeal by the applicant.

END