

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

Making an Objection against an Application to Transfer a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, Police Sergeant Carl Davis, make this representation under Section 42(6) of

the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
FunkyBrownz, 28 Belmont Circle, Harrow , Kenton Lane, Kenton	
Post town Harrow	Post code HA3 8RF

Name of premises licence holder or club holding club premises certificate (if known)
Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

Please tick ✓ yes

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

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

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address

(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Metropolitan Police South Harrow Police Station 74 Northolt Road South Harrow HA2 ODN
Telephone number (if any) 0208 733 3415
E-mail (optional)

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Police consider that there are exceptional circumstances regarding this application and consider that granting the application would seriously undermine the crime prevention objective.

The current Premises Licence for this premises (Spanish Arch Public House) enables opening until 0030 Monday to Tuesday, 0130 on a Thursday, 0200 on a Friday and Saturday and 0100 on a Sunday.

The premises operated as a Public House and has only one condition in Annex 2 & 3 , which is :

“The consumption of beverages in external areas of the premises shall cease after 2330”.

Police have generally had no problems with the running of the premises under the old management regime.

The applicants who have submitted this Transfer application (FunkyBrownz) have apparently two other premises in North London.

One, in Haringey, is apparently shut.

The other , in Colindale, is situated at 63-65 The Hyde West Hendon London NW9 6LE

Under the same management and Licence Holders the premises has traded under the name Ash Bar/Waterfalls and Funky Brownz.

I have contacted the Police Licensing Sergeant for Barnet Borough- Sergeant Mark Altman - who has experience of dealing with this premises and he has informed me of the two Reviews of the Premises Licence and sent me supporting documents which I produce as exhibits.

The first document (CD/1) is an application for Review of the Licence by London Borough of Barnet Environmental Health Group Manager - Ralph Haynes, dated 10.09/2007

I note that the applicant explains the daily running and management structure and at the premises and refers to the owners son "Ash".

The second (CD/2) is a Representation in support of the above Review application which was completed by Sgt Altman on 3/10/2007.

Despite the seriousness of that situation in 2007 , I now refer the panel to the next document (CD/3)- an application by Sgt Altman to London Borough of Barnet Licensing Authority under S.53A Licensing Act 2003 for an expedited Review of the Premises Licence (premises associated with serious crime & disorder) , dated 23/03/2009.

I produce the Certificate under S.53A(1)(b) as CD/4

The information provided in support of a S.160 Closure document is CD/5 and the information document in support of the S.53A(1)(b) - which gives details of the Judge's Closure Order - is CD/6.

I produce the Licence (as at November 2009 - post Review hearings) as CD/7 and it can be seen in Annex 3 of the Premises Licence that it has taken the addition of 23 conditions , on top of the 18 conditions proffered in the Operating Schedule, to allow the management to hold onto its Licence and avoid having it revoked.

It can also be seen that the hours of premises opening and licensable activities are very similar to that of the Spanish Arch(this current Premises Licence).

I produce three(3) Companies House reports relating to Ash Bar Ltd (CD/8) , FunkBrownzLtd (CD/9) and FunkBrownz2Ltd (CD/10) to show the link to the applicant.

Additionally, the DPS variation (CD/11) combined with this Transfer application was to vary the DPS at the premises to Shrayash PATEL dob [REDACTED] and recorded that he held a Brent Personal Licence. When my colleague - Sergeant John Crump completed a police national computer check on Mr Patel he saw that he was [REDACTED]

Section 128(1) of the Licensing Act 2003 denotes that "Where the holder of a personal Licence is charged with a relevant offence, he must, no later than the time he makes his first appearance in a magistrates court in connection with that offence:-

- (a) produce to the court the personal licence, or
- (b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing Authority and of the reasons why he cannot produce the licence.

Enquiries are still in hand to establish if this was done.

S.129 allows the Court to order suspension or forfeiture of the licence.

Mr Patel has verbally agreed with Sgt Crump to withdraw his application but up until the time I write this application no such written formal withdrawal has been received by the Licensing Authority.

Both Sergeants Altman and Crump will attend any hearing to provide evidence/clarify questions etc.

Police have serious misgivings as to whether this company/applicant should be granted Transfer onto this Licence and request the applicant be rejected.

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

See all attached documents/exhibits as listed above

Please tick

Have you made a representation relating to this premises before

NO

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

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

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IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

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

Signature

.....

Date 16th February 2011

.....
 Capacity Police Licensing Officer

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

Notes for Guidance

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

Relevant Representations means;

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

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