

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Environmental Health, Harrow Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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, if none, ordnance survey map reference or description

Funky Brownz, 28 Belmont Circle, Belmont Circle, Belmont, Harrow

Post town Harrow

Post code (if known) HA4 8RF

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

Funky Brownz 2 Ltd.

Number of premises licence or club premises certificate (if known)

LN/00000000827/2011/7

Part 2 - Applicant details

I am

Please tick yes

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

- 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)

RECEIVED AT
LICENSING OFFICE
30 APR 2012
TIME

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

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

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health Community Safety Services London Borough of Harrow P O Box 18 Station Road HA1 2UT
Telephone number (if any) 0208 901 2600
E-mail address (optional) eh@harrow.gov.uk

This application to review 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 note 1)

The premise is being operated in a way that undermines the public nuisance objective as the premise are causing a nuisance from persons leaving the premise who are not being properly controlled. People on leaving the building were allowed to congregate in Funky Brownz car par and on the public highway outside Funky Brownz. Noise levels were not being controlled as no door supervisors were outside moving people on as they left the building.

The public safety objective is being undermined as the recent visit raised concerns for the safety of the customers. Some CCTV cameras were not operational so certain areas had no coverage. Persons were able to enter the premise with no door checks as there were no door supervisors on the door the majority of the time. Some people leaving the premise had clearly been drinking in excess and were very unsteady, with girls been carried to waiting vehicles. No door supervisors were seen checking this activity in the car park of the Funky Brownz. Funky Brownz closed their doors in the early hours and for approximately the next 30 minutes there were no door supervisors outside. Groups of people were allowed to congregate outside Funky Brownz without any door supervisors moving people on. A fight started amongst the customers standing outside Funky Brownz with people going onto the main road around Belmont Circle roundabout, causing the traffic to stop and drive around the people in the road, again no door supervisors were seen.

The protection of children from harm objective is being undermined as a child was able to freely enter the premise at 02.05 AM. There were no door supervisors on the fire exit doors where the child entered and the child walked freely around the bar, in view of the bar staff. The child was seen inside the bar for approximately 10 minutes.

Premise Licence hours open to the public clearly breached. Premise should have closed at 02:00AM on Sunday as per the licence.

Annex 2 - Conditions breached:

8. No new patrons or customers to be admitted to the premises after 12 midnight on Thursdays and Sundays and on Fridays and Saturdays after 00:30 hours.

Condition breached

11. A digital CCTV system shall be installed and maintained at the premises to meet the reasonable requirements of police within 28 days of such date when the premises licence is transferred to the premises licence holder.

Condition breached.

The premises did not have reasonable steps to check persons entering the premise especially in terms of age.

The actions of the persons connected to the premise were contrary to the reasonable behaviour that would be expected of those intent on preventing public nuisance and protecting customers.

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

A visit on the above premise on Sunday 19th February 2012, at 02:03AM found the premise open and accepting customers. The premise should have closed at 02:00AM.

At 02:03AM the double sided fire exit doors at the front of Funky Brownz (see attached Plan) were open onto the pavement closest to the shops on Belmont Circle. Both fire exit doors were wide open with people walking freely in and out of the premise. Many people were still visible drinking within the premise. People noise was clearly audible from our monitoring position 1 on Belmont Circle (marked on the attached Plan). This was noted as a breach of the Premise Licence Licensable hours and Annex 2(8) condition.

There were no staff on controlling access or egress at the open fire exit doors. At 02:05AM a young boy walked into the premise, via the open fire exit doors, unchecked. The young boy was aged approximately 9 to 11 years old. He wandered freely within the bar area. Bar staff were still visible working behind the bar and people were still visible standing at the bar, sitting at tables and moving freely in and out of the premises via the open fire exit doors. People were standing and sitting on the public pavement outside the premise, smoking and talking.

At 02:10AM a man with three-quarters of a pint of lager was seen standing in the fire exit doorway. A girl was seen sitting at a table with a full glass of wine. A door supervisor approached the open fire exit doors, left them open and walked back into the bar. A member of staff in the first floor accommodation at the front of Funky Brownz appeared to notice us making notes in a car on Belmont Circle. A little bit later a member of staff could be heard calling out "can you start drinking up now" the time was noted as 02.11AM.

At 02:12AM people were still seen going in and out of the open fire exit doors with no supervisors on the door.

At 02.15AM the young boy came out the open fire exit doors and joined a group of 26 people now standing on the public pavement outside Funky Brownz. There was people noise from this group of people and from people leaving Funky Brownz via the main doors and standing in car park. The people noise was loud enough to cause nuisance to neighbours in residential properties on Belmont Circle and in nearby adjacent roads. There were no door supervisors controlling the situation or moving people on etc. People were seen fooling around outside the premises.

Finally at 02.18am a door supervisor appeared at the open fire exit doors and we changed monitoring position.

At 02.25AM approximately 50 people were still standing in the car park of Funky Brownz and on the public pavement outside Funky Brownz. A fight started up and moved onto the highway around the Belmont Circle roundabout. Cars on the highway had to stop or slow down to go round the people on the road. No door supervisors were seen. The fight subsided but people continued with drunken arguing and people noise, still there were no door supervisors outside Funky Brownz taking any action. The main doors of Funky Brownz were closed, a shadow of male inside the premise, appeared to be looking through the etched/frosted glass doors. The front doors opened to let a male and female inside the premise and the doors were closed again.

At 02.30am 33 people were still outside making noise.

At 02.35 am the remaining people were mainly congregated to the side of the car

park nearest the pavement. General drunken behaviour continued for example girls screaming, boys shouting across the road to friends, a girl screaming and being lifted into car. Still there were no door supervisors controlling behaviour and noise.

At 02.40am 26 people still remained in and around the car park of Funky Brownz, a girl who could hardly stand was seen falling into a bush and then being helped into a car by a male. No door supervisors were visible.

At 02.43AM I telephoned the telephone number on the premise licence (0208 341 2900) and requested that the door supervisors come outside and move people on. A few moments later 3 males appeared and started to approach the groups of people and move them on and put them in taxis.

At 02.47AM The area was finally cleared. I telephoned the telephone number on the Premise Licence again to be told it was the Harlesden Branch, I was given the number for Belmont Circle Branch of Funky Brownz. I telephoned Belmont Circle Funky Brownz (0208 907 6392) and spoke to the Manager Ash Patel, I informed the Manager what we had witnessed and Ash Patel informed me he had CCTV to prove he had door supervisors outside which is contrary to what we had witnessed. I informed him we would be passing our findings to the Licensing team and we left the area.

The following week the Licensing team contacted Funky Brownz to obtain CCTV coverage. The management reported several cameras were not available (cameras 1, 5, 9 and 14) this left some internal areas of the bar and some external areas of the Funky Brownz with no CCTV coverage. The key camera number 14 used for coverage of the front external area outside the fire exit doors, the public pavement area, the public highway and part of the car park was not available even though the Manager had stated he had CCTV coverage.

OVERALL KEY POINTS

The visit highlighted the premise was operating beyond their permitted hours open to the public and breaching license conditions Annex 2(8) and Annex 2 (11).

Neither management nor door supervisors were upholding the licensing objectives 2,3 and 4.

Customers were allowed to drink to excess and the staff did not appear to assist customers to get home safely. The lack of controls and supervision presents a public safety risk. Intoxicated customers were seen to be lifted and put in vehicles by members of the public and some of these areas were later identified as not having CCTV coverage, presenting a risk to public safety.

The lack of door supervisors taking action inside and outside the premise presents a risk to public safety and public nuisance was witnessed.

The lack of checks on persons entering the premise for identification or age is of concern. Of particular concern with regard to the objective the protection of children from harm was the a young boy entering the premise after hours, when there were several customers intoxicated with alcohol and being allowed to walk freely around the bar for 10 minutes before he left the bar area.

Recommendations

Funky Brownz has been contacted by Environmental Health and Licensing on several occasions over the past 12 months with regard to noise complaints and still the licensing conditions were breached during this recent visit.

See the attached exhibits:

Exhibit 1

Letter dated 25th October 2011 from Licening Team

Exhibit 2

Witness Statement by Maheru Khan regarding a visit on 29th January 2012 at 01.30am

Exhibit 3

Witness Statement by Jennifer Hopkins regarding a visit on 29th January 2012 at 01.30am

Exhibit 4

Witness Statement by Lois Smith regarding visit on 19th February 2012 at 02.00am.

Public nuisance is not being controlled by the premise; if the premise is to be licensed I recommend that the hours on the Premise Licence be reduced and the premise should close by midnight on Thursdays, Fridays and Saturdays and 11pm on Sundays.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

Please tick yes

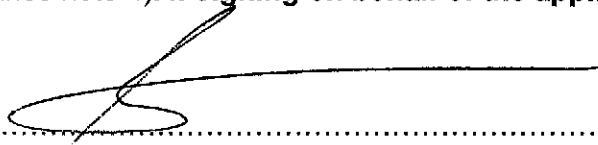
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date 30th April 2012

Capacity Environmental Health Officer

Contact name (where not previously given) and postal 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 e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review 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 review 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 application.