

**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.

RECEIVED AT
LICENSING OFFICE
11 SEP 2003
TIME

I Sujita Dunning

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Jamesons Bar 34 South Parade Mollison Way	
Post town Middlesex	Post code (if known) HA8 5QL

Name of premises licence holder or club holding club premises certificate (if known) Mr James Francis Kelly

Number of premises licence or club premises certificate (if known) 0806-GHLT-4GGJ-YNMH
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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)

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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

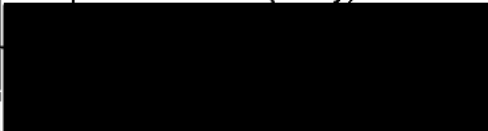
(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sujita Dunning Environmental Health Harrow Council Civic Centre P.O. Box 18 Station Road Harrow Council HA1 2UT
Telephone number (if any) 

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)

On the 17th August 2013 I was on shift for the Councils Out Of Hours Noise service when a complaint of loud music emanating from Jameson's was received at 00.21. Prior to going to the premises we checked the Councils database to find that the premises was only licensed to sell alcohol until 01.00 hours and that members of the public were not allowed to enter or re-enter the premises after 11.00 hours. My colleague and I drove to the premises and noted that from the front the pub appeared to be closed. We contacted the complainant who advised us that the pub was still open and that she could hear the music within her property. The complainant advised us to approach the property from the rear service road. We walked down the rear service road and could hear loud music and people talking loudly emanating from the licensed premises as there were many patrons at the back of the licensed premises going in and out to smoke cigarettes. The music was loud and clearly audible from the premises to the rear therefore we decided to speak to the license holder. We went in to the premises at 01.00 hours and approached a female member of bar staff who was still serving alcohol at the time of our visit we identified ourselves and asked to speak to the person in charge, the designated premises supervisor. The lady said that she was in charge and the DPS therefore we requested if we could go out the back where it was quieter to talk. At that point I asked my colleague Maher Khan to caution the lady as it appeared that the premises was in breach of its licensing conditions. I asked the lady what her name was she identified herself as Miss Eva Okun the bar manager and licensee. I advised Miss Okun that it was past the licensing hours for the sale of alcohol to which she replied she was just about to close down for the evening. I advised Miss Okun that the music was far too loud and that it needed to be switched off. I also requested to see a copy of the premises license to which Miss Okun said 'oh what my personal license?' to which both my colleague and I responded no and said the premises license. Miss Okun returned with the premises license with a male standing amongst us who I assumed at the

time was a patron as appeared to be under the influence of alcohol as I could smell it off his breath and he appeared to be unsteady on his feet. Mrs Khan pointed out to Miss Okun that the DPS and the licensee was a Mr James Francis Kelly and not her as she had previously indicated to us. At that point Miss Okun pointed to the male who was stood with us and advised us that he was the licensee Mr James Francis Kelly. I asked the gentleman who was in charge and he said that he was. At that point I said to him that I felt he was under the influence of alcohol as he was unsteady on his feet and I could smell alcohol off his breath. He asked me if I was going to breathalise him to which I replied 'no I am not a police officer'. I advised both Miss Okun and Mr Kelly that they were in breach of several licensing conditions and that they would be contacted by the licensing department in the week. Miss Okun became argumentative and said 'I know many other premises that are open late into the night serving alcohol but nothing is done about them' to which I replied 'If you report them to us we will investigate them' to which she replied 'I'm not a grass'. At that point Mrs Khan and I decided to leave as Mr Kelly and Miss Okun were becoming incredibly argumentative.

On the 31st August 2013 I again was working on the Councils Out of Hours Noise Service with Mrs Maher Khan when a complaint regarding Jamesons public house was received at 22.57 hours. The complainant advised that they were again being disturbed by loud music from the premises and that they were finding it difficult to rest and relax in their home. At 11.08 hours we were inside the complainants bedroom and could clearly hear loud music from the licensed premises. The music was in the form of a live band which appeared to go up and down in volume. The complainant advised us that it was louder before we arrived and had started at approximately 22.00 hours. The complainant and her husband advised us that the playing of loud music and bands at the premises is a regular occurrence mostly on the weekends. They advised us that the music usually goes on until 02.00- 03.00 hours and in an extreme case 08.00 hours the next morning. The complainant advised us that they had once called down to the pub to ask them to turn the music down but they did not. We were in the complainants property for approximately 10 – 15 minutes. Both my colleague and I were satisfied that a statutory nuisance was emanating from the premises and decided that we would serve legal Notices under the Environmental Protection Act 1990 section 80.

We called in for police assistance (CAD Number 11208) as we were going to serve legal Notices. Two officers assisted us in the service of legal Notices under the aforementioned legislation, QA560 & QA558. Whilst sitting in the car drawing up the Notices and waiting for police assistance we noted a number of persons entering and re-entering the licensed premises past the 23.00 hour licensing condition for no entry or re-entry to patrons. We entered the premises and saw Miss Okun, I asked her where the licensee Mr Kelly was she said he was not on site but only ten minutes away. I asked her if we could go out the back where it was quiet so that we could talk. I advised Miss Okun that I was serving two legal Notices CSS/SDMNK/01 & CSS/SDMNK/02 (Exhibit One & Two) under the aforementioned legislation. I explained that the music needed to be switched off with immediate effect (22.45 hours) at the premises as it was causing a statutory nuisance. Miss Okun asked if the band could finish the set to which I said no this was a legal Notice and breach of the Notice would be an offence. Miss Okun was a bit argumentative however the police officer spoke with her and explained that she needed to comply with the Notice straight away. Miss Okun went into the premises and told the band to cease playing. I then requested to speak to Miss Okun again once the music was off to advise her to ask her clientele to keep their voices down as they were being very loud and causing a nuisance. Miss Okun was very upset and I advised her that the music was not to go back on and that they were to comply with the Notices. If a breach of the Notice was to be witnessed further action would be taken. Miss Okun wanted to know who had complained to which I advised her that I was not at liberty to divulge that information.

Miss Okun angrily assured me that the music would not go back on.

During that evening I noted that there were no door supervisors present on site. The licensee was also not on site. As stated before patrons were seen entering and re-entering the premises after 23.00hours. These are all breaches that I witnessed on the evening of the 31st August 2013. I also noticed that there were no door supervisors and patrons entering and re-entering the premises on the evening of the 17th August 2013.

I have since been advised that the Councils licensing officer and police licensing officer visited the premises on the 2nd September 2013 as a result of our enforcement actions over the weekend. From my discussions with the officers I believe the premises is in breach of at least 12 out of 18 of its premises license conditions of which I witnessed 4 on the nights of the 17th and 31st August 2013.

I understand that Mr James Francis Kelly has been the licensee since 2005. The London Borough of Harrow has received 20 complaints since 2006, of which 6 complaints have been received since the 24th June 2013 regarding loud noise nuisance emanating from Jameson's Public House.

I therefore am applying for a review of the license on the grounds that a statutory nuisance is emanating from the premises and the licensee and management staff do not have any regard of the licensing conditions imposed on them. I am therefore requesting that their licensing hours of operation for the sale of alcohol be reduced to 00.00 with drinking up time until 00.30. The premise does not currently have a closure time therefore I request that a closure time of 00.30 be implemented.

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

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

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

Please tick yes

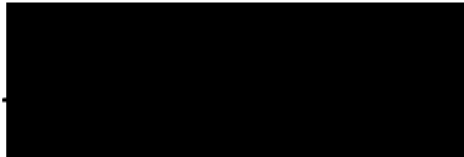
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

11/9/2013

Capacity Responsible Authority

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.