

112418
05/02/19

Appendix B

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 David Braithwaite

(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	
Bombay Night Dance bar, 32 Belgrave Road, Leicester. LE4 5AS	
Post town Leicester	Post code (if known) LE4 5AS
Name of premises licence holder or club holding club premises certificate (if known)	
Dhanesh Prakash	
Number of premises licence or club premises certificate (if known)	
LEIPRM0983	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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

X

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 ✓ yes

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 David Braithwaite, Force Licensing Department, Leicestershire Police, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

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

Please state the ground(s) for review (please read guidance note 2)

The premises Bombay Night Dance Bar (commonly known as Bombay Nights) is a club positioned on the junction of Belgrave Road and Garfield Street in the Belgrave area of the city. The club is situated in a residential area where there are at least twenty families and other residents living on Garfield Street, Leicester. These include residents who are elderly and vulnerable. The club has two levels. The ground level leads to a bar area with a stage at the rear of the club. This is accessible from Belgrave Road, Leicester. There is also a basement which has a bar area and this is accessible from Garfield Street. The club has dancers that perform exotic dance and because of this the premises attracts mainly males of all ages at the weekends. They then consume large amounts of alcohol and get intoxicated and this in turn turns into disorder and ASB outside the club.

During the last 12 months there have been 8 reported incidents either within the club or outside it.

There is evidence to show that the premises in question is not supporting the following licensing objectives

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

The following list of incidents / events will support our opinion that the management of the said establishment are not engaging with the police to help eradicate the problems that are occurring either inside the club or outside it, when customers leave the building. They have shown no regard for the local residents/community who are constantly suffering due to the ongoing problems at the location, this in turn is having a detrimental effect on their day to day lives and the owners of the club have done nothing to address this.

The last recorded incident at Bombay Night Dance Bar was at 01:30 hours on 24/12/2018 where an assault took place outside the location.

The current PLH and DPS is a Mr Dhanesh Prakash and he started running the establishment on 06/06/2018.

The business owner is a Mr Vijay Chabra who purchased the company on 26/04/2018 (please see attached document from Companies House). However he was involved with the premises prior to this (see incident dated 16/04/2018). As you can see from the list of incidents, everyone bar the first, have taken place since he obtained ownership of the property.

This can also be said about the current PLH/DPS Prakash as it is shown that things have gradually got worse since he took control of the day to day running of the Establishment.

Please provide as much information as possible to support the application
(please read guidance note 3)

Around 04:30 hours on 16/04/2018 4 males within the location who are very drunk are asked to leave due to last orders being called. They then assault a Mr Vijay Chabra who owns the company that runs the said club, caused damage and items were also stolen [REDACTED]

The victim Chabra later withdrew his complaint, he stated that he had sorted it out with the offenders.

At 02:34 hours on 29/04/2018 a male was assaulted by two other males outside the said location. This case was closed No Further Action due to not being able to trace to suspects. There was also no CCTV available from the club due to it being upgraded. [REDACTED]

About 03:59 hours on 05/05/2018 a male rang the police stating he had just been assaulted by door staff at the said club, he also added that they had stolen his mobile. The case was closed No further Action due to the victim not engaging with the police [REDACTED]

At 04:44 hours on 25/08/2018 an assault took place (recorded as a Robbery initially) outside the Bombay Nights. Two males were inside the club and left with a group of other males. There was then a fight outside the club between all of these males, resulting in two people being assaulted. The victims declined to assist with the investigation and it was filed No further Action. [REDACTED]

On the evening of 06/10/2018 a call was received from a local resident complaining of loud music and shouting coming from people at Bombay Nights. [REDACTED]

About 01:13 hours on 07/10/2018 the victim (male) leaves the club and once outside becomes involved in a large fight with the report of weapons being used. During the incident he is hit over the head with a bottle. Upon police arrival the crowd disperse with some of those involved reportedly going back inside the venue. The victim declined to make any form of complaint so this case was closed No Further Action. [REDACTED]

On 21/11/2018 PC1122 Martin Rawlings had cause to visit Bombay Nights in regards to checking their CCTV in regards to another incident which was not linked to the club itself. Upon watching the footage he found that sections had been deleted and all of the timings were out. The footage from the date of the incident we were dealing with had also been recorded over. Due to the above a warrant was requested and the CCTV hard drive was seized.

Around 00:53 hours on 24/11/2018 a male alleged he was assaulted (recorded as a Public Order offence) outside the club by a group of 4/5 males after asking for a cigarette lighter. Upon the arrival of the police, the offender's had made off (even though the victim stated they had gone into the club, this was denied by door staff) Officers were told that there was No CCTV available from the club itself. This was filed No Further Action due to lack of cooperation from the victim. [REDACTED]

On 05/12/2018 PC Rawlings visited the basement bar at Bombay Nights, whilst inside the premises, he saw that there was around 15 customers drinking within the bar area and a male standing behind the bar, when questioned this person stated he

did not work there and was only helping out. PC Rawlings was also informed that the business owner Mr Chabra had served his customers in bulk about an hour ago before he left to cash up for the night. This has been captured on his body worn camera.

About 01:44 hours on 24/12/2018 a fight between a group of males was reported outside the Bombay Nights Club, upon police arrival the males had dispersed and made off on foot. All (5 in total) were detained a short distance away with each party blaming the other. There was no CCTV nor complaints so No Further Action was taken. [REDACTED]

Due to all of the above listed incidents and also numerous complaints that have been made to the local beat officer PC1122 Martin Rawlings from local residents, he instigated the following actions.

On 15/05/2018 he instructed a local PCSO to carry out a consultation with local residents who live on Garfield Street in regards to all of the issues that have been occurring in and around Bombay Nights.

Various people participated in this, and all of them complained of the following issues.

1. Loud music coming from Bombay Nights until the early hours of the morning.
2. Drunken males loitering in around the club making noise, dropping litter, smashing bottles and drinking in the street.
3. Fights taking place on a regular basis outside the club.
4. Reports of people buying alcohol from a nearby off licence and then taking it into the club.

Due to the nature of the incidents, very few of the occupants wanted to make a statement due to being in fear of what may happen to them.

On 01/08/2018 the witness PC1122 Rawlings held a meeting with the Dhanesh Prakesh who is the PLH, also present was PCSO Jethwa who assisted with translation (Gujurati) due to the Prakesh's English being limited and broken. As a result of this meeting an Action Plan for the said club was agreed with various recommendations being made (please see attached document) Mr Prakesh was also advised to consult with the business owner Mr Vijay Chabra about what had been spoken about.

On 02/10/2018 a further consultation was carried out with the residents on Garfield Street, as before there was various complaints in respect to the following issues.

1. Loud music and noise coming from the club.
2. Fights outside the premises.
3. People congregating outside the building.

Again most of the residents did not want to get involved any further and make statements (as outlined previously).

On 06/12/2018 a further meeting took place between Mr Dhanesh Prakesh (PLH), Mr Vijay Chabra, PC Rawlings, PCSO Jethwa and myself. This was a follow up to the action plan that was put into place on 01/08/2018 and the concerns we had about the club.

PC Rawlings will state that the management team of Bombay Nights have failed to comply with the requests laid out in the action plan from the previous meeting.

During the meeting it was put to them that they should apply for a variation to their opening hours and reduce them so that they operate until midnight Sunday through to Thursday and until 01:00 hours on Friday and Saturday nights.

Both the PLH and Mr Chabra refused to do this due the fact that their clientele do not arrive at the club until late on in the evening.

PC Rawlings also raised concerns in regards to the exotic dancers that perform at the club and the fact that we do not have any of their details even though they were requested at the previous meeting.

Statements and CCTV from officers involved in these incidents will be submitted along with witness statements from local residents of Garfield Street.

Having reviewed the evidence, I have no confidence that this venue can or will pro-mote the licensing objectives unless there is a change to its operating hours which the owners are opposed to.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓

yes

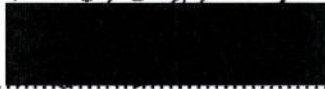
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

04/01/2019

Capacity Deputy Licensing Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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)

NOTE

Any personal data that you provide will be processed in accordance with current data protection laws. It will be used by Leicester City Council and our partners to deliver and improve services and fulfil our legal duties. We will not disclose any personal information to anyone else unless required or allowed to do so by law. Read more about how we use personal data in our Privacy Notice on our website www.leicester.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.

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