

APPENDIX A1



Taking pride in our communities and town

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 Stride**

(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 Bar H 254, High Street, Langley, Berkshire	
Post town Slough	Post code (if known) SL3 8HA

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

Number of premises licence or club premises certificate (if known) LBHIL2586
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Part 2 - Applicant details

I am Mr David Stride

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)

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

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

Mr David Stride, Housing & Enforcement Officer, Place & Development, Neighbourhood Services Department, Slough Borough Council, St.Martin's Place, Slough SL1 3UF.

I am authorised by Mr Mike England the Interim Director of Place & Development, Neighbourhood Services, with delegated authority by the Chief Officer under the scheme of delegation as detailed below:

Part 3.6 of the Scheme of Delegation to Officers allows the Chief Officer to authorise officers to carry out those functions, listed in sub section 2e of the scheme, at an operational level on behalf of the Chief Officer, in accordance with departmental procedures. These procedures may, without limitation, authorise the carrying out of activity under statutory powers, including entry and inspection of premises and the issuing of notices, orders, licences, tenancies and other official communications. The authentication of any such documentation, signing Statements of Truth, providing witness statements and statutory declarations in respect of matters within their own knowledge and giving evidence in person on behalf of the Authority.

A copy of the delegated decision is attached to this application, Appendix A

Telephone number (if any)

██████████

E-mail address (optional)

██

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

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

Please tick one or more boxes ✓

-
-
-
-

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

The Prevention of crime and disorder
and
The prevention of public nuisance

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

Between January 2009 and the 1st September 2018 Slough Borough Council's Neighbourhood Services Department has opened 7 cases of noise related nuisance that has been centred around customers and occupants of Bar H, 254, High Street, Langley, Slough, SL3 8HA. In most cases warnings and advice was provided to the manager and staff however it has been difficult to pursue these complaints due to complainants feeling and being intimidated by the visitors and occupants.

Mrs Kaushalya Jnagal and Mr Anil Jnagal are the Directors of Galaxy Corporation Ltd, [REDACTED] and are the licence premises holders for Bar H.

Mr Ajay Jnagal of [REDACTED] is the manager and Designated Premises Supervisor for Bar H.

A complaint was received from a resident in Elmhurst Road, to Slough Borough Council on the 27th March 2018 regarding noise and unacceptable behaviour from the customers and visitors to Bar H, 254, High Street, Langley. These complaints related to noise from loud amplified music played at high volume, noise from people shouting, swearing and talking loudly to each other from inside and outside of the premises, especially in the smoking area, between 20:30hrs to 06:00hrs.

Noise diaries were sent to the occupants in Elmhurst Road, Langley all within the vicinity of Bar H. Of the 5 diaries sent, 3 were completed from April 2018 to the end of September 2018, however 1 resident wishes to remain anonymous due to possible intimidation and reprisals from individuals connected with Bar H. **Copies of the diaries are attached to this application, Appendix B.**

On the 4th June 2018, I visited Bar H and spoke to a female employee. She confirmed that the manager was not present and I left a business card with her and requested that he contacted me to discuss the matter further.

The manager did not contact me and on the 20th July 2018, I visited the premises with my colleague Dorota Lega and spoke to the manager and DPS, Mr Ajay Jnagal. The issues with regards to loud music and customers shouting and swearing were discussed which he was aware of and has been trying to keep the noise down. He further stated that he was going to install a new door leading to the smoking area and would keep it shut, not allowing anyone into the smoking area after 10pm. The security officers would ensure that this happens and the customers could enter the High Street in front of the premises to smoke. He was unaware if he had a noise limiter installed, which is part of his licencing agreement and would make enquiries into obtaining one.

Due to the unacceptable levels of noise continuing to emanate from this premises, I sent advice letters on the 24th July 2018, to the manager Mr Ajay Jnagal and the Company Directors informing them that Slough Borough Council had received further complaints relating to Bar H and that I was carrying out an investigation. **Copies of the letters are attached to this application, Appendix C.**

On the 3rd August 2018, I visited Bar H with Melanie Sagar a senior licencing officer for Slough Borough Council to conduct a licensing review and to discuss the noise nuisance.

A copy of the licence report is attached to this application, Appendix D.

Further contact with the complainants on the 14th August 2018, confirmed that the level of noise together with people shouting from Bar H into the early hours was continuing and recorded in the noise diaries.

On the 17th August 2018, I visited Bar H together with my colleague Stephen Isabelle and served a Noise Abatement Notice on the manager and DPS, Mr Ajay Jnagal. The conditions of the notice and appeals procedure was explained to him which he accepted from me.

Further Noise Abatement Notices were posted to the directors of Galaxy Corporation Ltd, Mr Anil Jnagal and Mrs Kaushalya Jnagal.

At 15:58hrs I visited number [REDACTED] with my colleague Stephen Crundwell and hand delivered Abatement notices to Mr Surinder Jnagal and Mrs Kaushalya Jnagal who are the owners of the property, Bar H, 254, High Street, Langley. **Copies of the letters and notices are attached to this application, Appendix E.**

Prior to leaving [REDACTED], I saw a Silver coloured Audi park up behind my vehicle and saw that an Asian male vacated and walked towards number [REDACTED]. I turned my motor car around and then saw the same male who had disappeared from my view walking back to his car holding a white envelope and was reading what looked like a document. I believed that this was Mr Ajay Jnagal's brother Anil who had returned to the property to intercept the notices. On the notice served to Mr Ajay Jnagal earlier at Bar H the notice contained addresses where copies were being sent. The Registration number of the Audi was [REDACTED]. The male then drove away heading back towards the direction of Langley. This incident was recorded in my pocket note book, number 110, pages 30 to 31. **A copy of my pocket note book is attached to this application, Appendix F.**

I returned to my office and located the contact details for Mr Surinder Jnagal and contacted him to explain that I was investigating a noise complaint regarding his son's business and that I had hand delivered a noise Abatement Notice addressed to him and his wife. He was unaware of the complaint and investigation and when asked he confirmed that his son has a Silver coloured Audi. I informed Mr Jnagal that I would send a noise abatement notice to him and his wife at [REDACTED].

On the 24th August 2018, I received an email from Thames Valley Police containing details of reports to them relating to incidents at Bar H.

URN 1412 31/03/18 female kicked caller and bitten security guard (immediate)
URN 1602 31/03/18 female drinking in bar, does not have insurance for car and will be leaving to drive
URN 1734 03/06/18 fight (immediate)
URN 1115 07/07/18 male been punched, trying to take can of beer into bar (immediate)
URN 1124 07/07/18 male causing issues outside of pub (immediate)
URN 105 17/08/18 persons on roof screaming/shouting, fight imminent (immediate)

A copy of the email is attached to this application, Appendix G

At 03:20hrs on the 21st August 2018, the councils out of hours duty officer, Stephen Isabelle, was contacted by a resident in Elmhurst Road confirming that she could hear music and people talking from Bar H and which had woken her up.

At 03:25hrs the resident contacted Stephen Isabelle to confirm that the music and

talking had stopped therefore he did not respond and attend the address. No further calls were received.

At 22:59hrs on Saturday the 25th August 2018, the councils out of hours duty officer Miss Dorota Lega was contacted by the same resident in Elmhurst Road, Langley, complaining of noise nuisance coming from Bar H.

At 23:51hrs Dorota Lega arrived at the address and entered the property. She went up to the occupants bedroom which is at the rear of her house and could hear people talking in the background together with loud Bass music. This was witnessed with the bedroom windows both open and closed.

The music and loud Bass continued and was audible over her conversation with the occupants. A DJ's male voice was heard in between songs and she could clearly hear different types of music which included Asian and Rap music.

At 00:30hrs Dorota Lega left the property and walked to the front of Bar H in Langley High Street. There were about 20 people outside and in front of Bar H, all talking loudly, smoking and drinking from glass bottles.

At 00:36hrs Dorota Lega left the High Street with the music continuing and people talking. **A copy of the statement is attached to the application, Appendix H.**

At 21:30hrs on the 31st August 2018, the councils out of hours duty officer, Richard Palacio, a Qualified Environmental Health Officer, was contacted by the resident in Elmhurst Road confirming that she could hear noise from Bar H which was causing a disturbance to her.

Richard Palacio arrived at the address at 23:08hrs and went to the first floor rear bedroom and where the window was open. He could hear male voices from outside which were raised, shouting and screaming. He specifically heard the words "Why don't you come here".

At 23:16hrs he heard the words "Right I'm going".

During this period he could hear bursts of predominantly bass music.

Richard Palacio left the property at 23:32hrs and walked to the front of Bar H, in Langley High Street. There he saw approximately 20 customers of Bar H in the external front area and on the pavement. They were all talking very loudly and very intimidating.

The sound was identical to that which he had heard from the residents house.

Whenever the entrance door at the front of the premises opened it caused a blast of very loud music to come out onto the street. There appeared to be very few people inside and it was his opinion that it was uncomfortably loud in the premises which is why the large number of people were outside.

Richard Palacio further commented that the noise level inside the bar was likely to have caused a temporary threshold shift in their hearing which resulted in the raised voices as they spoke to each other.

As Richard Palacio walked past the bar he saw a man leave the front area of Bar H, run across the main road and appear to defecate in the gap in the hedge. He then returned to the bar.

Further observations were made between 23:42hrs and 00:11hrs from his car which was parked approximately 30 meters from Bar H. The window was partly open and from this position he could clearly hear the voices and blasts of music.

At 23:48hrs he estimated that there were approximately 15 people outside of Bar H

and shortly afterwards more people came out and partly blocked the pavement. The noise of voices and shouting was likely to be disturbing the residents of the flats above the adjacent shops.

The slow door closing mechanism was causing approximately 13 second bursts of music every time people passed through the door

At 00:11hrs Richard Palacio left the High Street and saw approximately 10 people outside and the noise of raised voices and music was continuing.

On the 1st September 2018 Richard Palacio was contacted by the resident at 21:40hrs. The very loud music coming from Bar H was causing a disturbance to her. Richard Palacio arrived at 23:30hrs and briefly parked up in front of Bar H. He saw approximately 6 people in the external front seating area and on the pavement. They were shouting and whistling and there was very loud rap music coming from the premises as the front door was fixed open.

At 23:48hrs He entered the residents home and went to the first floor bedroom. A small top vent window was open and he could hear clearly voices of the people coming from the front of Bar H. The music was at a low level however at 23:50hrs it became significantly louder. In his opinion this would have been sufficient to have disturbed him and prevent him from sleeping, particularly if it was a frequent occurrence.

At 00:15hrs Richard Palacio walked to the front of Bar H and saw approximately 10 people outside and on the pavement. They were all talking loudly and the front door was left wide open with loud music coming outside. He walked to the dental practice on the High Street approximately 150 meters away and could still hear the music and voices which were still clearly audible. This would be causing a nuisance to 1A Elmhurst Road and the residential flats next to Bar H.

As he walked past Bar H, with the door still wide open, he heard about 8 times the DJ shouting over the sound system, what sounded like, "█████ Nigel Casey"

At 00:35hrs a man shouted "My ██████ knee is gone".

At 00:50hrs the DJ stopped and the door was wide open with people leaving.

At 01:18hrs 1 person was still standing outside talking loudly on his phone however the metal shutter was down and the premises closed.

It is Richard Palacio's opinion, following these visits that the noise that he had witnessed from Bar H was breaching the requirements of the abatement notice dated the 17th August 2018. **A copy of this statement is attached to the application, Appendix I.**

Similar incidents relating to Bar H continued in the month of September 2018 and relate to loud music and loud talking coming from the smoking area.

A resident from Elmhurst Road together with her friend walked past the front entrance to Bar H on the 21st September 2018 at 23:00hrs and saw many people standing outside making a noise. No one moved away from the pavement and they both felt intimidated and uneasy whilst passing. The manager was present however just stood and watched as they passed and said nothing to his customers. This information is recorded in the noise diaries from the complainant for the month of September 2018.

On this basis and the evidence provided, I on behalf of Slough Borough Council will be prosecuting the Licence Holders for Bar H, namely Galaxy Corporation Limited,

[REDACTED], for breaching the Abatement
Notice served on the 17th August 2018.

It is evident from the information and evidence contained within this review application that there has been ongoing problems at Bar H since the 31st March 2018 (see Appendix G) as well the continual noise complaints that have resulted in a noise abatement notice being served together with the subsequent breaches of the noise abatement notice as witnessed by the Council's out of hours duty officers.

In light of this I would recommend to the Licensing Sub Committee that the premises licence should be revoked.

tick ✓ yes

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

Please

If yes please state the date of that application

Day Month Year

↓	↓	↓	↓	↓	↓	↓	↓
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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, 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 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

15th OCTOBER 2018

Capacity

HOUSING & ENFORCEMENT OFFICER

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