



## **Supplementary: Alcohol and Entertainment Licensing Sub-Committee (C)**

**Monday 26 February 2018 at 12.00 pm**  
Members Suite - 4th Floor, Brent Civic Centre,  
Engineers Way, Wembley, HA9 0FJ

### **Membership:**

#### **Members**

Councillors:

Long (Chair)  
Harrison (substituting for Khan)  
McLeish

#### **Substitute Members**

Councillors:

Ahmed, Allie, Daly, Denselow,  
Duffy, Eniola, Jones, Kansagra,  
Maurice, Pavey and Stopp

**For further information contact:** Devbai Bhanji, Governance Assistant  
Tel: (020) 8937 4011; Email: [devbai.bhanji@brent.gov.uk](mailto:devbai.bhanji@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

# Agenda

Item	Page
3 Application for a New Premises Licence by Co-operative Group Food Limited for the premises known as Co-Op (Unit 2, Unite Student Accommodation, 25 Olympic Way, Wembley HA9 0FR), pursuant to the provisions of the Licensing Act 2003	60 - 71
4 Application for a New Premises Licence by Delipod Ltd for the premises known as Delipod Hub (The Cafe, The Library at Willesden Green, 95 High Road, NW10 2SF), pursuant to the provisions of the Licensing Act 2003	72 - 85

## Conduct of the Hearing:

The hearing shall proceed as follows:

- General introduction by the Regulatory Services Manager
- Case for the Responsible Authority – Police/Regulatory Services
- Questioning of the Responsible Authority by Applicant and Members
- Representations by interested parties (if any)
- Case for the Applicant
- Questioning of the Applicant by the Responsible Authority and Members
- Summing up by the Responsible Authority
- Summing up by a representative of interested parties (if any)
- Summing up by the Applicant

## Members' Deliberation

The Chair will then ask the representatives of the Responsible Authority and the Applicant to leave the meeting room whilst the panel goes into close session to deliberate the application. The applicant and the representatives of the responsible authority will be recalled to the meeting room when the Sub-Committee has made its decision. The decision will be confirmed in writing to the applicant within 7 days



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

**From:** Richard Arnot [<mailto:Richard.Arnott@wardhadaway.com>]  
**Sent:** 09 February 2018 09:44  
**To:** McDonald Nicola - QK <[Nicola.McDonald@met.pnn.police.uk](mailto:Nicola.McDonald@met.pnn.police.uk)>  
**Subject:** Our client COOP and Olympic Way, Wembley [WH-WH.FID2753631]

Hi Nicola,

I have tried calling a couple of times . Can you give me a ring when you're free and we'll try to make progress with conditions.

Kind Regards

Richard

\*\*\*\*\*

**From:** McDonald Nicola - QK  
**Sent:** 13 February 2018 12:34  
**To:** 'Richard Arnot' <[Richard.Arnott@wardhadaway.com](mailto:Richard.Arnott@wardhadaway.com)>  
**Subject:** Our client COOP and Olympic Way, Wembley [WH-WH.FID2753631]

Richard

Apologise for missing you I am not always office based.

I have taken in to consideration your change your proposed conditions but can not agree to all the wording. That and my experience working in the area of the shop I recommend the following conditions that are proportionate, clear and practicable for your client.

Regards

Nicola

A CCTV system shall be installed and maintained in a good working order at the premises.

CCTV cameras shall be installed to cover the entrance of the premises.

The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.

A summary of the premises licence including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises (*this does not have to be the Part B*)

An age verification scheme, such as Challenge 25, shall be implemented at the premises.

A suitable intruder alarm complete with panic button shall be fitted and maintained.

All staff should receive training in their responsibilities under the Licencing Act 2003  
Training documents shall be kept for each individual member of staff and made available for inspection by the Police of an authorised officer of Brent Council upon request.

No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked or sold.

No single cans or bottles of beer, lager or cider shall be sold.

An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:

- All crime reported to the venue
- Any complaints received
- Any faults in the CCTV system
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service

On major event days at Wembley Stadium the following shall apply:

Customers shall not be allowed to congregate outside the premises.

Sale of alcohol shall cease one hour before designated kick-off time and not re-commence until 15 minutes after the actual kick off.

The DPS or deputy shall work in partnership with the Police and if necessary comply with any direction given by a senior Police Officer on duty at the event.

No alcohol or "alcopop" type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.

No more than 4 cans of alcohol shall be sold per customer.

A door supervisor shall be employed

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**From:** Richard Arnot [<mailto:Richard.Arnott@wardhadaway.com>]

**Sent:** 14 February 2018 09:26

**To:** McDonald Nicola - QK <[Nicola.McDonald@met.pnn.police.uk](mailto:Nicola.McDonald@met.pnn.police.uk)>

**Subject:** Our client COOP and Olympic Way, Wembley ( Without Prejudice ) [WH-WH.FID2753631]

Hi Nicola,

It would be helpful if we can have a chat about your proposed conditions but here are my thoughts.

Firstly, thanks for agreeing to most of what we have proposed by way of amended conditions.

So far as ABV is concerned, we understand the issue with street drinkers and the need to remove the sort of products that they are attracted to from the equation. My version of the condition, which is regularly agreed with your Police Licensing colleagues throughout London ( and I haven't come across anybody with the exception of yourself who has an issue with the logic of what we're trying to achieve ) does that. It is , however , also sufficiently sophisticated to avoid prohibiting the sale of other products that would be of no interest to street drinkers, if only because of cost. Your version would prohibit the sale of craft and speciality products etc. and this would take the condition way beyond its intended purpose. As you might be aware, the lawfulness of ABV conditions is questionable in any event but we're prepared to accept what is almost now standard elsewhere in London.

I accept that there is no definition of ' premium product ' but, by giving examples of what a premium product might be, we are setting out a framework for that definition. We would not for an example, as a consequence, be able to argue that high strength cheap ciders are premium ( not that we would have any desire to do so ). And for information, the Licensing Authority ( with whom we're also discussion conditions ) have no problem with accepting an exception for premium products.

The LA also accept, I understand , the very basic point that the Licensing Act is concerned only with the regulation of the sale and consumption of alcohol ( and the provision of certain entertainments ). The preamble to the Act is explicit in this regard. This being so, conditions can only qualify what the Act allows. This being so, the incident log ( in terms of conditions on the licence ) ought only to record matters as related to the permitted licensable activity. A simple example being that you would oblige us to record ' all complaints received ' . Conditions must always be read literally so if, for instance, a customer complained about an out of date yoghurt, it would have to be recorded in our incident record. Equally, if the fire service attend to check smoke alarms it would have to be recorded too even though that visit has nothing to do with our licensable activity.

I appreciate that defining ' major events ' is problematic. However, need to have a stab at a definition otherwise the condition is uncertain and could, arguably be unenforceable as a consequence. We understand the need to account for the Stadium but again conditions needs to be appropriate and proportionate, and achievable.

You would require us to prevent customers from congregating outside the premises. We would have no lawful basis for moving customers on who are on the public highway outside our premises. What if, for example, a group of perfectly sensible middle chaps where standing chatting outside the store? Your condition would require staff to tell them to move on. And if they said no...?

I think that a conversation would be helpful so please give me call . We're keen to work with you but we need to discuss workable, and lawful, conditions.

Kind Regards,

Richard

**From:** Richard Arnot []  
**Sent:** 20 February 2018 10:39  
**To:** 'Susana.Figueiredo@brent.gov.uk' <[Susana.Figueiredo@brent.gov.uk](mailto:Susana.Figueiredo@brent.gov.uk)>; McDonald Nicola - QK <[Nicola.McDonald@met.pnn.police.uk](mailto:Nicola.McDonald@met.pnn.police.uk)>  
**Subject:** Our client COOP and Olympic Way, Wembley [WH-WH.FID2753631]

Good morning,

Just to let you both know that we're not being deliberately evasive and are keen to continue discussing conditions. My Area Manager's little has been poorly so he's been out of the loop but he and I will hopefully speak today. I would intend drafting a schedule of what we can at least agree so that the Committee appreciates that we're not entirely at odds.

Might we not benefit from a quick meeting before the hearing starts to hammer out what we can? The Committee will appreciate us trying our best to narrow the issues.

Kind Regards,

Richard

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**From:** [Nicola.McDonald@met.pnn.police.uk](mailto:Nicola.McDonald@met.pnn.police.uk) [<mailto:Nicola.McDonald@met.pnn.police.uk>]  
**Sent:** 20 February 2018 15:45  
**To:** Richard Arnot  
**Cc:** [Susana.Figueiredo@brent.gov.uk](mailto:Susana.Figueiredo@brent.gov.uk)  
**Subject:** Our client COOP and Olympic Way, Wembley [WH-WH.FID2753631]

Dear Richard

I am happy to meet with you or a representative on Sunday 25<sup>th</sup> Feb which is a football event day at Wembley stadium and you may understand my requests for those Football event day conditions. You could witness the difficulties the neighbouring premises have on these days and why a door supervisor is relevant.

I will also be in the Brent Civic centre before the hearing on Monday.

As I mentioned previously Police still have concerns about the wording of the high strength Premium beer conditions.

Today Susana and I paid a visit to Co Op 171-173 Church lane NW9 8JS .

Premises licence Conditions 6 'No Beers/Ciders in single cans, bottles, or multipacks with an ABV of more than 5.5% will be displayed/sold or offered for sale at the premises. The aforementioned restriction shall not apply to brands of beer or cider which might be described as 'premium brands'. Such brands may be sold/displayed or offered for sale at the premises with the prior consent in writing of Wembley Police Licensing unit, such consent not to be unreasonably withheld.

On display was Brewdog PUNK IPA 5.6%ABV and Goose IPA 5.9%ABV both retailing at £1.99 each. I purchased two single bottles.

Brent Licensing unit (based at Wembley Police Station) have received no written consent. Neither Susana nor I could decide if this was a breach of the premises licence. I have since consulted with other police colleagues who do not work regular in the licensing world and they were completely confused. Conditions like this and what you have propped for Olympic Way are unmanageable and not practicable for your client or authorities.

I could see the type of beers you are selling and understand why you are trying to state 'premium' however all those products on display in the Church lane branch can be sold in the Olympic way branch by virtue of the simply condition I suggested 'No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked or sold'.

I did send you a draft of my proposed conditions do you have any further comment to make.

Regards

Nicola

**From:** Richard Arnot [  
**Sent:** 20 February 2018 16:01  
**To:** McDonald Nicola - QK <[Nicola.McDonald@met.pnn.police.uk](mailto:Nicola.McDonald@met.pnn.police.uk)>  
**Cc:** 'Muhammad Rahman (Food Operations - South)' <>; 'Andrew Leaper (Retail Support Centre)'  
**Subject:** RE: Our client COOP and Olympic Way, Wembley [WH-WH.FID2753631]

Hi Nicola

Rest assured that we're not disputing that match days are challenging. We simply want a condition that is clear, appropriate and proportionate. I have drafted what I think might be acceptable to you in that regard and am awaiting instructions. Hopefully, I will be in a position to send a version to you tomorrow.

And so far as ABV is concerned, we agree an exception for premium beers ( the type of products that street drinkers are attracted to and the purpose of the condition ) throughout London. I can't think of any of your Met licensing colleagues who have resisted. Indeed, some have their own preferred version.

Whilst I take your point about the products seen in Church Lane, we may want to stock products ( again which aren't of interest to street drinkers ) with an ABV of above 6% and shouldn't be prohibited from doing so unless there is evidence that the condition is necessary to promote the licensing objectives. I presume that you have evidence of street drinkers in the area? We ought not to lose sight of the fact that ABV conditions aren't about prohibiting the sale of perfectly legal, albeit high strength products per se. It's all about street drinkers. Your definition prevents perfectly sensible customers who may like craft or speciality products from purchasing them from us, which would be disproportionate. As an example, your former colleague at Westminster, Jim Sollars, is fond of Western's Cider which is 8.2% but I doubt that anyone would argue that he is likely to engage in disorder as a consequence.

In addition, I note that the Council's own Policy describes the ABV scheme as ' voluntary '. I'm not sure how we can reconcile this approach with your insistence that we agree to your condition otherwise you will continue to object.

Kind regards,

Richard

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**Richard Arnot**  
**Partner | Licensing & Regulatory Unit**

**From:** Richard Arnot [<mailto:Richard.Arnot@wardhadaway.com>]  
**Sent:** 09 February 2018 09:29  
**To:** Figueiredo, Susana <[Susana.Figueiredo@brent.gov.uk](mailto:Susana.Figueiredo@brent.gov.uk)>  
**Subject:** Our client COOP and Olympic Way, Wembley [WH-WH.FID2753631]

Hi Susana,

Further to our recent conversation, I attach an amended schedule of conditions for comment.

1. CCTV  
I'm keen to always keep CCTV conditions simple. Technology advances so quickly that it's important that we try to future-proof licences. I have asked COOP's Retail Risk Manager for a summary of the specification for the system to be installed and I'll pass that on once I have it. The difficulty with referring to a third party document is that we could easily be in breach if, unbeknownst to us, that guidance changes. I have also attached, for information, the Institute of Licensing's draft guidance on conditions which makes the point.
2. ABV  
I have expanded on your condition so that we have consistency with similar conditions agreed across London. I have also added a 'no single cans' condition.
3. Incident log  
I have redrafted the condition so that it is clear that it applies only to alcohol related incidents.
4. Shutters  
I have redrafted your version to remove 'staff'. As explained, staff need access to re-stock, stock take etc. Alcohol can't be sold outside of licensable times because the tills are time locked. Each product is barcoded and the till won't accept a sale outside of the permitted hours.
5. Training  
Bearing in mind COOP's aspiration to be paperless, training records are kept electronically in Manchester. As a consequence, Data Protection considerations are relevant.

With respect to your 'clear and unobstructed view' condition, I think that it's too ambiguous and I'm still not entirely sure what purpose it serves. I note what you say about Central Square but that store closed 5 years ago. I acknowledge that the condition was agreed but that was in the days when discussions were undertaken by Area Risk Managers who may not have been entirely aware of the implications of a particular condition or the law underpinning conditions.

I have also included conditions relating to a 'Major Event'. I'm in discussion with Nicola and I anticipate that we'll find another way of defining 'Major Event'. The version I have proposed was agreed recently in respect of a store near to The Emirates Stadium

Let me have your thoughts.

Richard

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**From:** Figueiredo, Susana  
**Sent:** 14 February 2018 13:39  
**To:** 'Richard Arnot' <[Richard.Arnot@wardhadaway.com](mailto:Richard.Arnot@wardhadaway.com)>  
**Subject:** Consult: Co-operative, 25 Olympic Way, HA9 0FR

Dear Richard,

Please find attached changes made to my initial representation.

I look forward to hearing from you soon

Kind Regards

Susana Figueiredo  
Licensing Enforcement Officer  
Planning, Transportation & Licensing  
Brent Council

Co-operative Group Food Ltd  
Unit 2  
Unite Student Accommodation  
25 Olympic Way  
Wembley  
HA9 0FR

14 February 2018

Our Ref: 10657

**Licensing Representation to the New Application for a Premises License for Co-operative Group Food Ltd, Unit 2, Unite Student Accommodation, 25 Olympic Way, Wembley, HA9 0FR**

Further to your recent contact, I have made the following changes.

The Licensing Authority propose that the following applies;

**Sale of Alcohol**

You did not make comment on this section of my initial representation in relation to alcohol but I am happy to accommodate alcohol being sold from 07.00hrs as a result of the tills that you have in the premises.

**Conditions to be added to the Premises Licence**

- A CCTV system shall be installed and maintained in a good working order at the premises.
- CCTV recording shall be kept for 31 days and shall be made available to the police or an authorised officer of Brent Council upon request.
- The CCTV system shall provide coverage of the customer entrance to the premises.
- The CCTV system shall be capable of obtaining clear facial recognition images of every person entering the premises.
- The CCTV images shall be kept in an easily downloadable format.
- Signage indicating the store operates a Challenge 25 policy shall be displayed at the point of sale.

- The only forms of identification which shall be acceptable for the purposes of identification shall be a valid passport, UK driving licence, any form of identification incorporating the PASS logo, military identification or any other form of identification from time to time approved by the Secretary of State.
- No high strength beers, lagers and ciders above 6% ABV shall be stocked.
- No single cans or bottles of beer, lager or cider shall be sold at the premises save that this prohibition shall not apply to premium products described above

**After seeking legal advice, it was verified that my original wording of ‘premium beers’ and your subsequent wording of ‘premium products such as craft or microbrewery products, speciality beer, lager or cider or products brewed to commemorate a local or national event’, are too vague.**

- Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers.
- A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises
- An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any faults on CCTV
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.

**This will apply to all incidents. It should not be for the staff in the premises to decide whether they are alcohol related or not and therefore should apply to every incident related to the above list from (a)-(f).**

- A sign stating “No proof of age - No sale” shall be displayed at the point of sale.
- Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
- Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation (at least every 12 months). The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept centrally and made available for inspection by police and relevant authorities upon request.

In order for the Licensing Team to withdraw this representation, it will be necessary for you to confirm the above.

Yours faithfully,



Susana Figueiredo  
Licensing Inspector



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Hi Richard,

Following the attached representation I sent you on **14<sup>th</sup> February 2018**, I can confirm that the following has so far been agreed/not agreed.

### **Agreed Conditions**

- A CCTV system shall be installed and maintained in a good working order at the premises.
- CCTV recordings shall be kept for 31 days and shall be made available to the police or an authorised officer of Brent Council upon request.
- The CCTV system shall provide coverage of the customer entrance to the premises.
- The CCTV system shall be capable of obtaining clear facial recognition images of every person entering the premises.
- The CCTV images shall be kept in an easily downloadable format.
- Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers.

### **Additional Conditions Added by Agent and Accepted by Licensing Authority**

- The only forms of identification which shall be acceptable for the purposes of identification shall be a valid passport, UK driving licence, any form of identification incorporating the PASS logo, military identification or any other form of identification from time to time approved by the Secretary of State
- No single cans or bottles of beer, lager or cider shall be sold at the premises save that this prohibition shall not apply to premium products described above.

### **Discrepancies in Conditions between Agent and Licensing Authority**

**Agent:** An age verification scheme, such as Challenge 25, shall be implemented at the premises

**Licensing Authority:** Signage indicating the store operates a Challenge 25 policy shall be displayed at the point of sale.

**Agent:** All staff shall receive training in their responsibilities under the Licensing Act 2003.

Training documents shall be kept for each individual member of staff and made available for inspection by the Police or an authorised officer of Brent Council upon request.

All staff shall receive refresher training at least every 12 months

**Licensing Authority:** Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act

2003 legislation (at least every 12 months). The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept centrally and made available for inspection by police and relevant authorities upon request.

**Agent:** No beer, lager or cider with an ABV of 6% or above shall be sold at the premises save that this prohibition shall not apply to premium products such as craft or microbrewery products, speciality beer, lager or cider or products brewed to commemorate a local or national event.

**Licensing Authority:** No high strength beers, lagers and ciders above 6% ABV shall be stocked.

**Agent:** An incident log shall be kept at the premises (whether in written or electronic form) and made available for inspection upon request by the Police or an authorised officer of Brent Council.

The incident log shall record the following all alcohol related crime reported to the premises.

- Any complaints received in respect of the sale and consumption of alcohol.
- Any faults in the CCTV system.
- Any refusal for the sale of alcohol.
- Any visit by the relevant authority or emergency service in relation to the sale of alcohol.

**Licensing Authority:** An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any faults on CCTV
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

**Conditions not agreed by Agent which have been provided by Licensing Authority**

A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises

A sign stating “No proof of age - No sale” shall be displayed at the point of sale.

Notices asking customers to leave quietly shall be conspicuously displayed at all exits.

If you can confirm all of the above, we will then be in a better position to deal with the remaining issues. I look forward to hearing from you as soon as possible.

Kind Regards

Susana Figueiredo  
 Licensing Enforcement Officer  
 Planning, Transportation & Licensing  
 Brent Council

\*\*\*\*\*

**From:** Peter Howson []  
**Sent:** 13 February 2018 10:28  
**To:** Sullivan Michael J - QK <[Michael.J.Sullivan@met.pnn.police.uk](mailto:Michael.J.Sullivan@met.pnn.police.uk)>  
**Subject:** New Premises Licence Delipod Willesden Library

Dear Michael,

Please see my responses for the proposed condition below.

I look forward to hearing from you.

Regards,  
Peter

Peter Howson | Managing Director

Police Request the following conditions be added to the new premises licence:

1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

The primary function of the Delipod Hub is a café attached to a library. The ceiling of the café is concrete with highly designed visible metal conduit being used to house the wiring and lighting points therefore any CCTV cameras will be highly visible; the requirement to install CCTV cameras to meet Home Office Guidance we believe will be seen as intrusive during the café operating hours, which is the primary business of the establishment. There is currently steel conduit and wiring in place for one CCTV camera to assist with managing the business, this has been shown in the plans submitted. We propose that as a condition we commission this existing CCTV point. However, the CCTV would be discreet and not necessarily meet Home Office Guidance. We believe this would be sufficient as a deterrent and a proportionate record of events given the nature of the establishment.

Furthermore, there is a public CCTV camera within metres of the outside seating area. See picture below.



2 Customers shall not be permitted to take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.

Agreed, but can this be linked directly to alcoholic beverages as we are a café and patrons of the café frequently purchase take away coffee, for example.

3 A “Challenge 25” policy shall be adopted and adhered to at all times.

We are happy to adopt Challenge 25, but if this comes with the condition that we must create an incident log of every occurrence where we may need to refuse to serve alcohol to a patron, who may be 24 year of age but does not have ID, we would only want to adopt Challenge 21, simply to reduce the administrative burden of creating the potential volume of occurrences.

4 There shall be no vertical drinking.

Agreed

5 An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

During the day to day running of the café there are situations occur, e.g. a cup is broken, a spillage happens. We could choose to record these incidents and create a log of them, but we don't, we deal with them as they happen and if they were to happen frequently we would deal with them differently.

While recording the incidents listed above would create a record of the incidents, it is unclear how the act of recording these incidents, which we understand if accepted would become a legal requirement upon us and prosecutable if not adhered to, would serve the ultimate objective of meeting the four licensing objectives.

6 No drinks shall be served other than in plastic or toughened glasses.

Agreed

7 Notices requesting customers to leave quietly shall be displayed at each exit.

Following consultation with the Public Safety Officer, Chris Pearce the internal exit (now referred to as Exit 2) will be unlocked at certain times but it will only be used in case of emergency. Therefore, I would request that the condition above relates to Exit 1 only as the notices by Exit 2 will be confusing. See attached amended plan.

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**METROPOLITAN  
POLICE**

Working together for a safer London

TERRITORIAL POLICING

The Licensing Officer  
Health, Safety and Licensing  
Brent Civic Centre  
Engineers Way  
Wembley  
HA9 7FJ

**Your ref:** N/A

**Our ref:**

**Brent Borough Licensing Unit  
Brent Civic Centre  
Fifth Floor  
Engineers Way  
Wembley  
HA9 7FJ**

**Tel:** 020 8733 3206

**Mob:** 07500 993897

**Email:** michael.sullivan3@met.police.uk

**Web:** www.met.police.uk

**Date:** 13<sup>th</sup> February 2018

**Police representation to the application for a new Premises Licence at Delipod Hub (the Café only) The Library at Willesden Green 95 High Road, NW10 2SF**

**I certify that I have considered the application shown above and I wish to make representations that the likely effect of the grant of the application is detrimental to the licensing objectives for the reasons indicated below.**

**If conditions suggested below were accepted in full I would withdraw my representation.**

Officer: **Michael Sullivan PC 368QK**  
Brent Borough Police Licensing Constable

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the act. The Police representations are primarily concerned with the prevention of crime and disorder and the protection of children from harm.

**The applicant has responded to the conditions police have requested in the first Representation letter, I will address each point below.**

**Police Request the following conditions be added to the new premises licence:**

**1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.**

**Applicants Reply** - *The primary function of the Delipod Hub is a café attached to a library. The ceiling of the café is concrete with highly designed visible metal conduit being used to house the wiring and lighting points therefore any CCTV cameras will be highly visible; the requirement to install CCTV cameras to meet Home Office Guidance we believe will be seen as intrusive during the café operating hours, which is the primary business of the establishment. There is currently steel conduit and wiring in place for one CCTV camera to assist with managing the business, this has been shown in the plans submitted. We propose that as a condition we commission this existing CCTV point. However, the CCTV would be discreet and not necessarily meet Home Office Guidance. We believe this would be sufficient as a deterrence and a proportionate record of events given the nature of the establishment.*

*Furthermore, there is a public CCTV camera within metres of the outside seating area. See picture below.*

**Police response** – Police would ask that the condition around CCTV be implemented to comply with the licensing objective, namely **The Prevention of Crime and Disorder**, the applicant makes reference to the venue being a Café, however the application states that the venue wants to have live music, and the sale of alcohol daily until 23.45 hours which makes this more than just a café, and will be used as a music venue that sells alcohol, during my meeting with the applicant he stated that he would also be looking to take private bookings for events.

The applicant has said that the venue currently has a CCTV camera that does not meet the Home office guidance, police would say that this is not sufficient to uphold the licensing condition **the Prevention of Crime and Disorder**, as police would look to rely on CCTV as part of any investigation to crime that may happen at the venue, he also says that there is a public CCTV camera outside the venue, this would not form part of a condition that would be able to be attached saying that a public camera a few meters away will be part of the cafes condition.

**2 Customers shall not be permitted to take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.**

**Applicants Reply** - *Agreed, but can this be linked directly to alcoholic beverages as we are a café and patrons of the café frequently purchase take away coffee, for example.*

**Police response** – *the conditions within this application refer to the sale of alcohol.*

**3 A “Challenge 25” policy shall be adopted and adhered to at all times.**

**Applicants Reply** - *We are happy to adopt Challenge 25, but if this comes with the condition that we must create an incident log of every occurrence where we may need to refuse to serve alcohol to a patron, who may be 24 year of age but does not have ID, we would only want to adopt Challenge 21, simply to reduce the administrative burden of creating the potential volume of occurrences.*

**Police response** – *the applicant has mentioned several times within his schedule that he will be adopting challenge 25, however he now wants to change this to Challenge 21 as it will be inconvenient to record the fact that a refusal has taken place, again under the licensing Objectives namely Prevention of Children from harm police would ask that this condition remain, and that the applicant adopt Challenge 25 to uphold the objective.*

**4 There shall be no vertical drinking.**

**Applicants Reply - Agreed**

**5 An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:**

- (a) all crimes reported to the venue**
- (b) all ejections of patrons**
- (c) any complaints received**
- (d) any faults in the CCTV system**
- (e) any refusal of the sale of alcohol**
- (f) any visit by a relevant authority or emergency service.**

**Applicants Reply -** *During the day to day running of the café there are situations occur, e.g. a cup is broken, a spillage happens. We could choose to record these incidents and create a log of them, but we don't, we deal with them as they happen and if they were to happen frequently we would deal with them differently.*

*While recording the incidents listed above would create a record of the incidents, it is unclear how the act of recording these incidents, which we understand if accepted would become a legal requirement upon us and prosecutable if not adhered to, would serve the ultimate objective of meeting the four licensing objectives.*

**Police response –** This condition is not concerned with the spillage or a broken cup, a record is required under the licensing objectives to show police that an incident has happened and been recorded, if a complaint or an allegation is made the Licensee will be able to produce a legible record of the incident and show what action was taken, it also asks for things like faults with the CCTV are recorded as this will possibly be a licence condition to have recording CCTV and shows that action to repair any faults have been implemented.

**6 No drinks shall be served other than in plastic or toughened glasses.**

**Applicants Reply - Agreed**

**7 Notices requesting customers to leave quietly shall be displayed at each exit.**

**Applicants Reply -** *Following consultation with the Public Safety Officer, Chris Pearce the internal exit (now referred to as Exit 2) will be unlocked at certain times but it will only be used in case of emergency. Therefore, I would request that the condition above relates to Exit 1 only as the notices by Exit 2 will be confusing. See attached amended plan.*

**Police response –** I'm am unsure how a sign asking customers to leave quietly will confuse patrons, the exit will be signed as an emergency exit.

I have now received and looked at the updated plans and note that the applicant wants to use the outside area for the consumption of alcohol, this area is just a few meters from a residential block of flats and feel that allowing the outside area to be used past 9pm would impact on the residents of these flats. Due to this I would ask that a further condition be implemented that reads

**8. The outside area shall not be used after 9pm daily**

Yours Sincerely,

**Michael Sullivan PC368QK**  
**Licensing Constable**  
**Brent Borough Police**

Dear Mr Howson,

Thank you for responding to my representation, please see my comments highlighted in red below each point.

Kind Regards  
Esther Chan  
Licensing Inspector  
Planning, Transportation & Licensing  
Brent Council

Tel: 0208 937 5303

\*\*\*\*\*

**From:** Peter Howson [<mailto:peter.howson@delipod.uk>]  
**Sent:** 13 February 2018 08:04  
**To:** Chan, Esther <[Esther.Chan@brent.gov.uk](mailto:Esther.Chan@brent.gov.uk)>  
**Subject:** RE: CONSULT: New Premises - Delipod Hub (The Cafe Only), The Library at Willesden Green, 95 High Road, NW10 2SF - 10755

Dear Esther,

As discussed on the phone, please see below my comments on your proposed conditions.

I look forward to hearing from you.

Regards,  
Peter

Peter Howson | Managing Director  
Delipod® Ltd

1. The licensee shall ensure that any activity associated with the premises shall be carried out in such a manner so as not to cause a public nuisance to neighbours.

Agreed if confirmed that this is linked to the licensed activity hours only, as we currently operate as café without this condition.

Please confirm your actual trading days/times. According to your application form, you stipulated that you will open from 18:00hrs every day.

2. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.

Following consultation with the Public Safety Officer, Chris Pearce the internal exit (now referred to as Exit 2) will be unlocked at certain times but it will only be used in case of emergency. Therefore, I would request that the condition above relates to Exit 1 only as the notices by Exit 2 will be confusing. See attached amended plan.

This condition applies to all exits. I do not believe that this will cause confusion with your customers in respect to placing a notice by Exit 2.

3. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

The primary function of the Delipod Hub is a café attached to a library. The ceiling of the café is concrete with highly designed visible metal conduit being used to house the wiring and lighting points therefore any CCTV cameras will be highly visible; the requirement to install CCTV cameras to meet Home Office Guidance we believe will be seen as intrusive during the café operating hours, which is the primary business of the establishment. There is currently steel conduit and wiring in place for one CCTV camera to assist with managing the business, this is shown in the attached drawing. We propose that as a condition we commission this existing CCTV point. However, the CCTV would be discreet and not necessarily meet Home Office Guidance. We believe this would be sufficient as a deterrence and a proportionate record of events given the nature of the establishment.

According to your application, you have applied for various licensable activities, which includes live music nights. As such, it would appear that the venue is not a standard traditional café. This condition is proposed to uphold the licensing objective, which concerns The Prevention of Crime and Disorder.

4. A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the entire front external seating area.

Again, given the nature of the establishment it is not believed that this is necessary. Furthermore, there is a public CCTV camera within metres of the outside seating area. See picture below.



Unfortunately, the public cameras are not designed to focus solely on your premises. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person in the seating area or entering and leaving the premises.

5. The front outside seating areas shall cease being used at 21:00 hours daily. All tables and chairs must be removed.

All tables and chairs being removed would create a problem as they would need to be moved into the Delipod Hub (café) when in still in operation and this would be impractical. However, the planned type of table and chairs would flip-up and lock when closed to avoid use and misuse when the café is closed, therefore no need to remove.

The requirements to cease using the outside area a 21.00 hours is too restrictive we believe. Many areas of London have an outdoor seating area near residential property and is often seen by residents, especially in flats, who do not have an outside space, as an attractive feature of urban life.

The outside area is a small part of a pedestrianised area and if the patrons were not to be allowed to use the seating area shown in the plan during opening hours then there is a possibility, that those patrons who wish to be outside, would congregate in the pedestrianised area (without drinks) nearer to the adjacent flats which would create a situation which would be difficult to manage, and be counterproductive. We believe it would better to have patrons in a managed area.

We believe that Condition 1 above is sufficient to allow the proprietors to manage the use of this space without additional conditions. If the use of this space becomes a public nuisance to neighbours then Condition 1 would be broken, and therefore the use of this space would need to be managed accordingly by the proprietors.

I am happy to amend the condition to 'The front outside seating areas shall cease being used at 21:00 hours daily'. In light of residential dwellings surrounding the premises, this condition is for the prevention of public nuisance.

6. Customers shall not be permitted to take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.

Agreed, but can this be linked directly to alcoholic beverages as we are a café and patrons of the café frequently purchase take away coffee, for example.

This condition applies to the supply of alcohol.

7. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.

During the day to day running of the café there are situation occur, e.g. a cup is broken, a spillage happens. We could choose to record these incidents and create a log of them, but we don't, we deal with them as they happen and if they were to happen frequently we would deal with them differently.

While recording the incidents listed above would create a record of the incidents, it is unclear how the act of recording these incidents, which we understand if accepted would become a legal requirement upon us and prosecutable if not adhered to, would serve the ultimate objective of meeting the four licensing objectives.

This condition is related to important and relevant incidents that occur at the premises such as accidents/injuries, lost and found property, refused sale of alcohol, thefts, allegations against staff, banned and ejected persons, fight, complaints etc.

8. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).

Currently, as cafeteria, we have deliveries prior to 09:00. This condition would restrict the current operations of the cafe, which there are no issues with, so it is not believed that there is a need for any additional specific conditions here, unless they are linked directly to alcoholic beverage deliveries, and if so we would strongly suggest that 09:00 to 18:00 is not a normal working day.

The purpose of this condition is to avoid disturbance to local residents.

9. A "Challenge 25" policy shall be adopted and adhered to at all times.

We are happy to adopt Challenge 25, but if this comes with the condition that we must create an incident log of every occurrence where we may need to refuse to serve alcohol to a patron, who may be 24 years of age but does not have ID, we would only want to adopt Challenge 21, simply to reduce the administrative burden of creating the potential volume of occurrences.

According to section M on your application, you stated that challenge 25 would be implemented, however I understand you wish to change this to challenge 21 due to administrative reasons. The Licensing Authority does not deem this to be a valid reason. The ability to determine the age of young people has become increasingly difficult over the years, therefore challenge 25 would promote the licensing objective concerning the protection of children from harm.

10. No drinks shall be served other than in plastic or toughened glasses.  
Agreed

No Comment

Dear Peter

Thank you for your correspondence dated the 14 February 2018, stating that you accept the conditions set out in our representation.

I confirm that the Public Safety Team now withdraw the current representation and do not make any further representations regarding the application.

Kind regards

Mr Chris Pearce  
Public Safety Officer  
Community Protection  
Regeneration & Environmental Services  
Brent Council  
020 8937 1031

[www.brent.gov.uk](http://www.brent.gov.uk)  
[@Brent\\_Council](#)

**From:** Peter Howson [<mailto:peter.howson@delipod.uk>]

**Sent:** 14 February 2018 13:18

**To:** Pearce, Chris <[Chris.Pearce@brent.gov.uk](mailto:Chris.Pearce@brent.gov.uk)>; Business Licence <[business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk)>; Legister, Linda <[Linda.Legister@brent.gov.uk](mailto:Linda.Legister@brent.gov.uk)>

**Subject:** New Premises - Delipod Hub (The Cafe Only), The Library at Willesden Green, 95 High Road, NW10 2SF - 10755

Dear Chris,

Thank you for taking the time to understand what we are trying to achieve and our premises.

I accept all of the conditions listed below.

Regards,  
Peter

**From:** Pearce, Chris [<mailto:Chris.Pearce@brent.gov.uk>]

**Sent:** 13 February, 2018 1:50 PM

**To:** 'Peter Howson' <[peter.howson@delipod.uk](mailto:peter.howson@delipod.uk)>; Business Licence <[business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk)>; Legister, Linda <[Linda.Legister@brent.gov.uk](mailto:Linda.Legister@brent.gov.uk)>

**Subject:** RE: New Premises - Delipod Hub (The Cafe Only), The Library at Willesden Green, 95 High Road, NW10 2SF - 10755

Dear Mr P Howson

**RE: Licensing Act 2003, Application for the Grant of a New Premises - Delipod Hub (The Cafe Only), The Library at Willesden Green, 95 High Road, NW10 2SF - 10755**

I refer to the application for a new licence for the above named premises. After assessing the reviewed information, the Public Safety Team will be making the following representations to the Licensing Authority on the grounds of Public Safety.

- Exits are not obstructed (including by curtains, hangings or temporary decorations), and accessible via non-slippery and even surfaces, free of trip hazards and clearly identified.
- The locks and flush latches on the exit doors and gates shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
- The socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).
- Where chairs and tables are provided, internal gangways are kept unobstructed
- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.
- Subject to risk assessment, the maximum number of persons permitted on the Premises (not including staff) shall be: 60 persons when only Exit door one (1) is in use.
- Subject to risk assessment, the maximum number of persons permitted on the Premises (not including staff) shall be: 100 persons when only Exit door one (1) and two (2) are in use.
- Exit doors will be as defined in plan WGLC- Cafe License Plan-4 attached

In order for the Public Safety Team to withdraw this representation, it will be necessary for you or your client to confirm in writing or via Email that you accept the above licence conditions.

We will require these conditions to appear on the licence schedule should the licence be granted.

A fire risk assessment is essential in keeping your premises safe for everyone. You must keep a written record of your fire risk assessment if your business has five or more people. More information can be found here:

<http://www.london-fire.gov.uk/FireRiskAssessment.asp>

Kind regards

Mr Chris Pearce  
Public Safety Officer  
Community Protection  
Regeneration & Environmental Services  
Brent Council  
020 8937 1031