



Supplementary Alcohol and Entertainment Licensing Sub-Committee (C)

Monday 27 July 2015 at 10.00 am

Boardroom - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Long (Chair)
Hylton
McLeish

Substitute Members

Councillors:

Bradley, Chohan, Harrison,
Hector, Naheerathan and
Shahzad

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354, joe.kwateng@brent.gov.uk

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Item	Page
4 Objection by the Metropolitan Police and the Licensing Officer to the application by Hamid Raza for a variation of the premises Licence for Arada Mini Market, 17 Malvern Road, NW6 5PS pursuant to the provisions of the Licensing Act 2003.	1 - 12

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Ged HASSE

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: POLICE OFFICER

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: Date: 26.06.2015

I am the above named person and currently work as a Safer Neighbourhoods Officer attached to Kilburn Police Station.

I make this statement in relation to ARADA MINI MARKET 17 MALVERN ROAD NW6.

On the 06/06/2015 I received an email from Brent Police Licensing who in informed me that ARADA MINI MARKET has applied to vary their current premises licence, to sell alcohol 24 hours a day, 7 days a week.

I get many complaints from the local community in Malvern Road NW6 about drug dealing, drug users loitering / using drugs and gangs. These problems are often associated with thefts from shops / cars and even burglaries, robberies, gang fights and shootings.

Malvern Road is a residential road with a few shops. It is not that busy that will require a 24 hour licence to be issued to any shop. If ARADA MINI MARKET is allowed to sell alcohol 24 hours a day, 7 days a week it will increase anti-social behaviour / crime in the area. Local trouble makers will now have a reason to be in the area and that sole reason will be that there is a shop that can provide alcohol day and night.

There are alcohol related problems in Malvern Road that are associated with domestic violence and drug dealing. I often stop and talk to drug users drinking on a corner waiting for a drug supplier to arrive. I will always remove the alcohol and disperse those involved. Gang members on the estate will often have late night gatherings where they would play loud music, drink and eat takeaways. The result is often vast amounts of litter and numerous angry residents.

I am not in favour of a 24 hour licence to sell alcohol in an already problematic area for both residents and the police.

Witness Signature:

Signature Witnessed by Signature:.....

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Viechweg, Dennis

From: LicensingServicesAgency@ntlworld.com
Sent: 03 July 2015 14:13
To: Paul.Whitcomb@met.pnn.police.uk; susana.figueirdo@brent.gov.uk
Cc: business licence
Subject: Arada Mini Market

I have been contacted by Mr Hamid Raza regarding his premises licence variation application he has made recently and the representations made by both the Police and the Licensing Authority. Having visited Mr Raza at his shop yesterday I have the following comments to make:

With regard to the Police representation made by Paul Whitcomb I understand that you visited the premises on 10th June and met with Mr Raza. Mr Raza advised me that the high strength beers and cider that you found on the shelves that day had been bought at cash and carry by Mr Naseef, an employee, while Mr Raza was on holiday for a few weeks in April/May and Mr Raza had not realised that these had been purchased and were on sale until you noticed them. He immediately removed them from sale and they are no longer at the premises but have been given to another local shop that is allowed to sell them. Mr Raza knows that he should have made it clear to Mr Naseef that he was not to buy any high strength beers due to the condition on the premises licence. Mr Naseef was fired from the shop and no longer works there.

With regard to the CCTV system, this was working and operating correctly on the day of your visit but the DVR machine was kept in the ceiling in case of a robbery at the shop. Normally they can access this by ladder but this had been recently lent to a local neighbour and had not yet been returned. Since then Mr Raza has had another DVR system delivered and installed as the previous one was complicated to operate, and the new one is kept above the fridge where it can be easily accessed. Both staff who work there know how to operate the system. Mr Raza has always operated Challenge 21 and understands the age verification policy but when you asked him about it he thought you were talking about the poster which was not very visible, and which was later removed to a more prominent position. Since then they have now adopted Challenge 25 and have a poster behind the counter advising customers of the fact. Mr Raza has always operated a refusals register ever since they opened the shop back in 2008, and I understand that he showed you this when you visited.

When the visit was made to the shop by Susana Figueirda on 13th June at 00.40 hours she found the shop open and alcohol being displayed. As the opening hours are not a licensable activity Mr Raza was not aware that this was an offence under the Licensing Act to open after the hours shown on his licence. He had only been opening later at night since he made the variation application to gauge the likely customer footfall after 11pm. Mr Ejaz was working that evening, and he has a personal licence, and is aware that alcohol must not be sold after 11pm. Ms Figueirda did not witness the sale of alcohol during her visit. There was a sign displayed in the alcohol area saying "no alcohol" which regular customers knew meant that they were not allowed to buy alcohol after 11pm and in fact Ms Figueirda witnessed a customer coming in to the shop to buy alcohol while she was there and leaving again when he saw the sign. They are now closing at 11pm every day and 10.30 pm on Sundays.

I have been through all of the conditions that PC Paul Whitcomb has requested and those are to be replaced by new conditions and Mr Raza agrees to them all, however with the following comments:

Please clarify condition 2. There is already a CCTV system which covers the entrance to the shop.

With regard to condition 10 staff can already see outside the shop from the counter and the front door is always open. If they remove any other notices or posters from the shop windows anyone passing by will be able to look in and see the till which Mr Raza is not happy about. I would be grateful for your comments regarding this condition and wonder if it could be amended accordingly.

Having discussed the hours Mr Raza has applied for he is willing to amend the hours for the sale of alcohol to 8am – 2am Sunday – Thursday and 8am – 4am Friday and Saturday, with the opening hours of 24 hours daily. There are already a number of premises open until the early hours in the close vicinity, including another convenience store AM – PM which is a few hundred metres away and two or three Shisha cafes which stay open to 3 or 4am so there is already plenty of activity in the area which we feel will remain unchanged if Mr Raza is granted the additional hours he requires. After 2am weekdays and 4am Friday and Saturday Mr Raza will operate a window service only so there is no opportunity for customers to help themselves to alcohol after licensable hours.

With regard to Ms Figueirda's visit on 13th June she witnessed Mr Naseef refusing alcohol, so the shop was not in breach of the Licensing Act in selling alcohol after licensable hours. Mr Naseef's English was not good which was why he was nervous when she came into the shop. He had only been asked to work behind the counter for a short while that evening while Mr Ejaz took a friend home after he had visited the shop. Normally he only worked stocking shelves and making the occasional visit to cash and carry. As already mentioned Mr Naseef now no longer works at the shop.

While visiting the shop Mr Figueirda mentioned that she came across a number of mattresses and some cooking equipment in the basement so she presumed that it was being used as living accommodation. We would like to make it clear that Mr Raza has never used the premises as a residential flat at any time, though perhaps on occasions members of staff have used one of the mattresses for a short nap in between shifts. No one has ever slept there overnight or while the shop is closed. Since your visit all the mattresses have now been removed and all of the basement rooms are now virtually empty except for a few old tyres and a small cupboard, and some old gas canisters and gas stove which they will be getting rid of in the next few days.

On 19th June, the date of your second visit, the only breach of conditions was that the shop was open after the hours shown on the licence. As already mentioned Mr Raza now closes promptly at 11pm daily and 10.30 on Sundays.

With regard to Mr Mehdi's personal licence he had not advised the Council of his change of address as his ex wife and daughter still live at that address so he still has access to any mail that is sent there. He has now applied to change the address on his licence.

I would like to point out that Mr Raza is not in breach of the conditions on his licence by alcohol being displayed outside the hours of licensable activity as it is not a condition on his licence that the area is covered outside of these hours. With regard to your view that the licensee has failed to comply with the Licensing Act 2003 by opening after licensable hours this he accepts and has done something about, even though the opening hours are not a licensable activity. The fact that there was not a personal licence holder present when you visited at 00.40 hours was not an offence as this was not within the hours of licensable activity and no alcohol was being sold. The premises have never been used as a residential property and therefore no planning permission was required and no Council tax would be payable. We would like to reiterate that this is not being used as a three bedroomed flat therefore there has been no dishonesty on the part of any of the staff or the licence holder.

Mr Raza would be happy to take you around the premises at any time to show you that all of the issues that you have concerns about have been dealt with and if you would like to contact me to arrange a time and date he can make sure that he is there to show you around.

Please email me on receipt of this email if you have any other concerns or queries or would like to visit the premises to see for yourselves that all the above matters have been dealt with.

Yours sincerely

Debra Silvester
Licensing Services Agency

Tel: 01992 584959 / 07931 484635

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Witness Statement

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **PC 782QK Paul Whitcomb - Licensing
Constable Brent Police**

Age if under 18 'over 18' (if over 18 insert 'over 18') Occupation **Police Officer**

This statement (Consisting of: page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated; 22/07/2015

Signature: *P. Whitcomb PC 782QK*

I attached the followingFour (4).....(Insert no.) photograph(s) in relation to a variation applica received from Arada Mini Market, 17 Malvern Road, kilburn, London NW6 5PS.

* Delete as appropriate



Picture One (1)

Description: High Strength alcohol found on display at Arada Mini Market following a police licensing visit on 29/06/2015.

Signature: *P. Whitcomb PC 782QK*

Signature Witnessed by:
Page 7



Picture Two (2)

Description: Various high strength alcohol found on display at Arada Mini Market following police licensing visit on 29/06/2015.



Picture Three (3)

Description: Various discarded tin cans showing evidence of street drinking in the alleyway which runs between Malvern Road and Carlton Vale, Kinburn NW6. Picture taken 29/06/2015.

Signature:

P. Whitcomb
PC 782QK

Signature Witnessed by:

Continuation Statement Of PC 782QK Paul Whitcomb



Picture Four (4)

Decsription: Discarded alcohol bottles found behind the shop on Malvern Mews, NW6. Again, more evidence of street drinking taking place. Pictire taken 29/06/2015.

Signature:

P. Whitcomb

Signature Witnessed by:



Picture Five (5)

Description: Outdoor seating area opposite Arada Mini Market which I suspect will be used at all hours of the day and night should this application be granted. Picture Credit: Google Maps.

Signature: *P. Whitcomb* PC 782 QK Signature Witnessed by:
Page 10

Continuation Statement Of PC 782QK Paul Whitcomb



Picture Six (6)

Description: Picture showing the the shop front and it's close proximity to neighbouring residential properties. Picture Credit: Google Maps.

Signature: *P. Whitcomb PC 782QK* Signature Witnessed by: **Page 11**

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