



Brent

**MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE
(C)**

Thursday 13 August 2015 at 10.00 am

PRESENT: Councillor Long (Chair), Councillor and Councillors Hylton and McLeish

1. Declarations of personal and prejudicial interests

None.

2. Application for a new premises licence by Mohammad Makaram Akram to supply alcohol and remain open from 08:00hrs to 02:00hrs Monday to Sunday for the premises "7 Star Express", (203 Church Road, NW10 9EJ), pursuant to the provisions of the Licensing Act 2003.

Responsible Authority

Nick Mortimer	Brent Licensing Police
Michael Sullivan	Brent Licensing Police
Esther Chan	Licensing Inspector, Public Health

The applicant/agent did not attend the hearing.

Decision

The Sub-Committee were informed that the application for a new premises licence by Mohammad Makaram Akram to supply alcohol and remain open from 08:00hrs to 02:00hrs Monday to Sunday for the premises "7 Star Express", (203 Church Road, NW10 9EJ) had been withdrawn following the applicant's agreement to the conditions requested by the Police.

3. Application for variation of condition 9 on the licence held by Sudbury Retail Ltd for the sale of alcohol at premises "Budgens", (959-963 Harrow Road, Wembley, HA0 2SF), pursuant to the provisions of the Licensing Act 2003.

Responsible Authority

Nick Mortimer	Brent Licensing Police
Michael Sullivan	Brent Licensing Police

Applicants

Mark Davoren	Premises Licence Holder
Ryan O'Leary	Premises Licence Holder

Decision

The Sub-Committee decided that the application for variation of condition 9 on the licence held by Sudbury Retail Ltd for the sale of alcohol at premises "Budgens", (959-963 Harrow Road, Wembley, HA0 2SF) be refused.

Informative

The Sub-Committee added an informative that in view of the number of personal licence holders within the management structure of this business, a staff rota should be in place which would ensure a licence holder was present during opening times, so there would be no requirement for **every single** member of staff to be trained.

The record and the reasons for the Sub-Committee's decision are as set out below.

The application

The Sub-Committee has given careful consideration to an application by the premises licence holders, under section 34 of the Licensing Act 2003, to vary the premises licence relating to Budgen's 959-963 Harrow Road Wembley HAO 2SF, in that **Condition 9** of the licence - **A personal Licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol**, be removed. Mr Mark Davoren and Mr Ryan O'Leary are the premises licence holders. Mr Chiragkumar Chapipaklal Ghandi is the designated premises supervisor (DPS). The premises are licensed for the provision of late night refreshment and the sale of alcohol Monday to Wednesday from 06.00 hours to 00.00 hours and Thursday to Sunday from 06.00 hours to 01.00 hours.

The police objected to the application raising concerns about the following licensing objectives: prevention of crime and disorder, public safety, public nuisance and the protection of children from harm. The Police alleged that Mr Davoren and Mr O'Leary have failed to operate the premises within the limits of the licence and breached the requirements of the Licensing Act 2003 namely no personal licence holder present on two occasions, challenge 21 Policy not adhered to, shop lifting and an assault. According to the Police, advice, and a formal written warning has not been heeded by Mr Davoren and Mr O'Leary.

The full details of the application made by the premises licence holders as well as the police objection amongst other information, is contained within the document pack attached to the Agenda for our meeting. This information is publicly available and is therefore not repeated in detail in our decision notice. Mr Davoren and Mr O'Leary did not respond in writing to the complaints or allegations levelled against them and their premises in advance of the hearing.

The hearing

Mr Davoren and Mr O'Leary both attended the hearing. Mr Chiragkumar Chapipaklal Ghandi the designated premises supervisor did not attend the hearing. PC Michael Sullivan represented the police.

The decision

We have listened to all the representations and have read all the material. We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy. We have taken into account our duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of our discretion on, and the need to do all we reasonably can, to prevent crime and disorder in our area and the misuse of alcohol.

We confirm that in making our decision we have sought to promote the licensing objectives.

We also confirm that we have imposed further regulation only if satisfied that it was necessary, proportionate and appropriate to do so and justified on the facts of this particular case.

On the facts of this application, it is particularly noteworthy that, according to statutory guidance, we should accept all reasonable and proportionate representations made by the Police unless we have evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the Police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

We found that the evidence submitted by the Police demonstrated that the premises have been badly managed and supervised by Mr Davoren and Mr O'Leary resulting in police interventions. Examples of eight shoplifting offences and an assault most of which could not be progressed by the police due to the shops CCTV system not working, the sale of high strength beer above 5.5%, not all alcohol tagged or alarmed, no incident log or refusal book related to crime and disorder associated with the premises, were given by the Police. We also found that there has been a flouting of the law. The evidence demonstrated persistent failures on the part of Mr Davoren and Mr O'Leary to manage the premises properly and responsibly. This is unacceptable and harmful to the licensing objectives.

During the course of the hearing we heard evidence from Mr Davoren that aside from himself and Mr O'Leary, the assistant manager also has a personal licence, that there are currently 12 members of staff, 7 of whom have a personal licence and that he is in the process of getting the remaining staff trained in order for them to have a personal licence. Mr Davoren stated that the cost of training amounted to approximately £300 for each member of staff, that the business had a fairly high turnover of staff and that if this condition remains on the licence it would be likely to have a crippling financial impact on the business which at the present time is not making any profit.

We took note of evidence from the police that Condition 9 of the licence was put in place in order to ensure the shop runs efficiently but that the number of breaches to date demonstrates a lack of management inside the premises. If this condition were to be removed we would not be confident that there would be a responsible person present during opening hours who would be able to uphold the licensing objectives.

We therefore refuse the application to vary the premises licence by removing Condition 9.

Informative

In view of the number of personal licence holders within the management structure of this business, we feel that a staff rota should be in place which would ensure a licence holder is present during opening times, so there would be no requirement for **every single** member of staff to be trained.

Furthermore, the training undertaken at the request of Budgen's is not a substitute for personal licence training.

The effective date of this decision

This decision takes effect immediately.

Right of Appeal

The parties have a right of appeal to Brent Magistrates' Court against this decision. If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

4. **Application by the Metropolitan Police for the review of a premises licence held by Wembley General Store Ltd for the premises "Premier Convenience Store", (4 Neeld Parade, High Road, Wembley, HA9 6QU), pursuant to the provisions of the Licensing Act 2003.**

Responsible Authority

Nick Mortimer Brent Licensing Police
Michael Sullivan Brent Licensing Police

Mr Singh Premises Licence Holder and DPS did not attend.

Decision

The Sub-Committee decided that that application by the Metropolitan Police for the review of a premises licence held by Wembley General Store Ltd for the premises "Premier Convenience Store", (4 Neeld Parade, High Road, Wembley, HA9 6QU) be agreed subject to the following conditions:

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

A "Challenge 25" policy shall be adopted and adhered to.

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 crimes reported at the venue

All ejections of patrons

Any complaints received

Any incidents of disorder

Any faults in the CCTV system

Any refusal of the sale of alcohol

Any visit by a relevant authority or emergency service

A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

A clear and unobstructed view into the premises shall be maintained at all times.

A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

Any staff directly involved in selling alcohol for retail to consumers, will undergo training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

All other existing conditions are to remain the same subject to the following amendments:

Annexe 2

Conditions 2 and 3 (b) be amended to 6% ABV

Police Conditions

1. A CCTV camera shall be installed to cover the front entrance of the premises.

The record of the Sub-Committee's decision and the reasons are as set out in below.

The application

The Sub-Committee has given careful consideration to an application by the Police, under section 51 of the Licensing Act 2003, to review the premises licence relating to Premier Convenience Store 4 Neeld Parade High Road Wembley HA9 6QU. Mr Singh is the new designated premises supervisor (DPS). The premises are licensed for the sale of alcohol, late night refreshment and to remain open from 06:00hrs to 00:00hrs Monday to Wednesday and until 01:00hrs Thursday to Sunday.

The Police reported that they had no faith in the ability or willingness of the management of the premises to operate the premises responsibly. The Police said they were concerned about the selling of high strength beers, CCTV not working correctly, the absence of a designated premises supervisor (DPS) and the lack of a Time Delay Safe all of which were detrimental to the licensing requirements. According to the police the premises was contributing to the unacceptable number of street drinkers in the vicinity.

The Police sought the removal of the DPS and the imposition of additional conditions on the licence.

The hearing

The new premises licence holder and (DPS) Mr Singh did not attend the hearing and was not represented.

PC Mike Sullivan represented the police.

PC Sullivan informed us that a meeting had taken place between the police Mr Singh and his legal representative Mr Panchal. The previous DPS Miss Otvos was no longer involved with the business and Mr Singh now agrees that the additional conditions requested by the police be added to the licence. The police confirmed that all of their review objectives had been met.

The decision

We also agreed that the conditions, as set out below, are appropriate, necessary and proportionate and we therefore decided to add them to the licence.

1. A copy of the premises licence summary including hours which Licensable activities are permitted shall be visible from the outside of each entrance to the premises.
2. A "Challenge 25" policy shall be adopted and adhered to.
3. 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 at the venue
 - (b) All ejections of patrons

- (c) Any complaints received
 - (d) Any incidents of disorder
 - (e) Any faults in the CCTV system
 - (f) Any refusal of the sale of alcohol
 - (g) Any visit by a relevant authority or emergency service
4. A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
 5. A clear and unobstructed view into the premises shall be maintained at all times.
 6. A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
 7. Any staff directly involved in selling alcohol for retail to consumers, will undergo training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

All other existing conditions are to remain the same subject to the following amendments:

Annexe 2

Conditions 2 and 3 (b) be amended to 6% ABV

Police Conditions

2. A CCTV camera shall be installed to cover the front entrance of the premises.

The effective date of this decision

This decision does not take effect until the end of the period for appealing this decision or, if appropriate, the outcome of the appeal.

Right of Appeal

The parties have a right of appeal to Brent Magistrates’ Court against this decision. If you wish to appeal you must notify Brent Magistrates’ Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

The meeting closed at 12.30 pm

J LONG
Chair