



Brent

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

**Wednesday 27 January 2016 at 10.30 am**

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

**1. Declarations of personal and prejudicial interests**

Councillor McLeish declared that he had visited Charlie's Wine Bar to watch football matches. He confirmed that he would approach the application with an open mind.

**2. Application by Mr Raad Hamza Wetwet for a new premises licence to supply alcohol and remain open from: 00:00hrs to 23:59hrs Monday to Sunday at Booze 24 (53 Cricklewood Broadway, NW2 3JX), pursuant to the provisions of the Licensing Act 2003.**

The Sub-Committee were informed that the application had been withdrawn.

Decision

That as the application by Mr Raad Hamza Wetwet for a new premises licence to supply alcohol and remain open from: 00:00hrs to 23:59hrs Monday to Sunday at Booze 24 (53 Cricklewood Broadway, NW2 3JX), pursuant to the provisions of the Licensing Act 2003 had been withdrawn the Sub-Committee did not consider the application .

**3. Application by the Metropolitan Police for the review of a premises licence held by Mr Aziz Ahmed and Mrs Bhadravati Ahmed at the premises known as Jamies News & Convenience Store (Lyon Park Avenue, Wembley HA0 4HG), pursuant to the provisions of the Licensing Act 2003.**

Responsible Authority

Paul Whitcomb	Brent Licensing Police
Michael Sullivan	Brent Licensing Police

Applicant

Noel Samaroo	Agent
Aizaz Ahmed	Premises Licence Holder

Decision

That the application by the Metropolitan Police for the review of a premises licence held by Mr Aziz Ahmed and Mrs Bhadravati Ahmed at the premises known as Jamies News & Convenience Store (Lyon Park Avenue, Wembley HA0 4HG), pursuant to the provisions of the Licensing Act 2003 be granted with additional conditions as requested by the Police.

The full record of the Sub-Committee's decision and the reasons are as set out in the decision letter, set out 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 Jamies News & Convenience Store Lyon Park Avenue Wembley HA0 4HG. Mr Aizaz Ahmed and Mrs Bhadravati Ahmed are the premises licence holders. Mr Navin Prajapati is the designated premises supervisor (DPS). The premises is currently licensed for the sale of alcohol from 08:00hrs to 23:00hrs Monday to Saturday and from 10:00hrs to 22:30hrs Sunday.

In summary, the Police raised concerns about the prevention of public nuisance. The Police visited the premises on 23 October 2015. Four Asian men were seen standing directly outside the premises drinking cans of beer and they had white plastic cups on the window ledge. There were several empty beer cans on the floor next to where the men were standing as well as several empty miniature bottles. One of the men appeared to be drunk. Inside the shop Police officers saw a tube of white plastic cups behind the counter similar to the ones that the men were drinking from outside. Officers asked Mr Prajapati why he had a half tube of white plastic cups behind the counter, to which he admitted to selling the cups to street drinkers for ten pence each. In response to questioning from the Police Mr Prajapati stated that the men drinking outside were regulars who brought alcohol from his shop and stood outside drinking.

During the course of their visit Police officers observed large volumes of people coming into the shop most bought single cans of beer some of whom the Police would describe as street drinkers. None of them were challenged. There were also several people who appeared to be young and who should have been asked for identification under the 'Challenge 25 policy'. No one was asked to verify their age. The Police informed the Sub Committee that Mr Prajapati seemed more interested in serving one customer after another as quickly as possible to avoid a queue and possibly losing money by people not wanting to wait to be served, rather than running the shop in accordance with the licensing objectives. The Police also noted that Mr Prajapati spoke very limited English.

The Police confirmed that the premises licence allows for the alcohol to be consumed off the premises but should not be sold in open containers. The Police requested that Mr Navin Prajapati be removed as the DPS and that a number of conditions be added to the premises licence.

The full details of the application made by the Police, 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.

### **The hearing**

Mr Aziz attended the hearing and was represented by his agent Mr Noel Samaroo.

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 took into account paragraph 11.21 of the guidance which states that if it emerges that poor management is a direct reflection of poor company practice or policy, the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated

premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

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.

The Police referred the Sub Committee to several crime reports in the document pack taken from Police intel systems relating to drunken behaviour around the location of the shop over the last few months, highlighting a street drinking culture in this residential area which also has a Primary School nearby.

A Statement from the dedicated ward officer PC Manjit Aulak at pages 31-32 of the document pack, referred to males mainly Asians loitering outside of the premises from 09:00hrs to late at night involved in alcohol related disorder, debris such as cans broken glass plastic cups and food containers littering the road and footpath and fresh urination being smelt and seen on a regular basis in the immediate vicinity of the shop. This had resulted in him arresting these males for numerous offences including drink related anti social behaviour and issuing PND tickets for public order offences and threatening behaviour. Despite the area being a controlled drinking zone PC Aujlak had received regular complaints of persistent noise, crime and disorder from residents.

Mr Samaroo told the Sub Committee that a number of the concerns raised by the Police emanating from the premises were not disputed in particular cups being sold and people drinking alcohol outside of the premises. However, this shop has been there since 1965 and to blame Jamies News for being solely responsible for the problems in the area was totally unfair. There were 4 Off-Licences within 50 metres of each other in the area. Mr Samaroo stated that some of the debris and street drinking described by the Police could have been caused by alcohol being purchased from one of the 2 other Off-Licenses closest to the premises in Heather Park Drive.

Mr Samaroo went on to say that some of the conditions the Police had requested have already been implemented, that the shop has been cleaned up a great deal especially at the front where a fence has now been put up to prevent people from congregating there and miniature bottles of alcohol are no longer being sold. Furthermore, Mr Prajapati has now stood down as the DPS.

In relation to single cans of beer being sold, Mr Samaroo stressed that the business will be crushed if they are no longer allowed to sell single cans of beer and that small business such as this are already struggling in the market place. He said that Mr Aziz would ideally like to sell 3 specialist beers which were not the cheap high strength beers consumed by street drinkers. Mr Samaroo suggested that in order to give further assurances to the Police, Mr Aziz would be happy for all

the cans/beers/bottles to be labelled with the name and address of the premises and that this practice has already been implemented by other local authorities. This will assist the Police and Brent Licensing Officers to identify/pin point the shops causing the problems in the future.

**We noted that the main concerns that had led to the Police bringing this review application are being addressed. We also acknowledge that the street drinking problems in the area are not solely related to this premises. We did however find that Mr Parajapati has failed to manage the business in accordance with the licensing objectives and have decide to remove him as the DPS . We also agree that the additional conditions requested by the Police be added to the premises licence along with conditions imposed by the Sub Committee as follows:**

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.
2. A CCTV camera shall be installed to cover the entrance of the premises
3. A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
4. A “Challenge 25” policy shall be adopted and adhered to
5. A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection
6. No high strength beers, lagers and ciders above 6.0% ABV shall be stocked with the exception of :  
Foreign Guinness (Also know as Nigerian Guinness) 7.5%ABV and Dragon Stout 7.5%ABV
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 incidents of disorder
  - (e) All seizures of drugs or offensive weapons
  - (f) Any faults in the CCTV system
  - (g) Amy refusal of the sale of alcohol
  - (h) Any visit by a relevant authority or emergency service
8. 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
9. 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
10. All alcohol stocked and sold (**shall have the shop label? Exact Wording Yogini to confirm after checking with Ealing**)
11. Miniature bottles of spirits shall not be sold
12. A clear and unobstructed view into the premises shall be maintained at all times
13. Licensing training shall be provided and all such training shall be logged.

## **Informative**

In the event that there is any evidence of street drinkers congregating in the alleyway adjacent to the premises, this should be reported to the Police.

**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.

**Dated** 2 February 2016

4. **Application by the Metropolitan Police for the review of a premises licence held by Mr Phidias Xapalambous Charalambous at the premises known as Charlies Wine Bar (238-240 Neasden Lane NW10 0AA), pursuant to the provisions of the Licensing Act 2003.**

Responsible Authority  
Paul Whitcomb  
Esther Chan  
Lavine Miller Johnson

Brent Licensing Police  
Licensing Inspector  
Licensing Inspector

Applicants  
Bob Dear  
Phidias Xapalambous Charalambous  
Ms Camilia Mihoc  
Rober Patel

Agent  
Premises Licence Holder & DPS  
Bar Manager

**Decision:**

That the application by the Metropolitan Police for the review of a premises licence held by Mr Phidias Xapalambous Charalambous at the premises known as Charlies Wine Bar (238-240 Neasden Lane NW10 0AA), pursuant to the provisions of the Licensing Act 2003 be upheld.

The Sub-Committee decided to remove Mr Charalambous as the Designated Premises Supervisor (DPS). Due to the gravity of concerns regarding serious crime and disorder at the premises the Sub-Committee also decided to reduce the licensable hours and suspend the licence for a period of 8 weeks in order to allow the management time to implement the changes requested by the Police.

The full record of the Sub-Committee's decision and the reasons are as set out in the decision letter, set out 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 Charlies Wine Bar 238-240 Neasden Lane NW10 OAA. Mr Phidias Xapalambous Charalambous is the premises licence holder and is also the designated premises supervisor (DPS).

The premises are currently licensed for regulated entertainment from 10:00hrs to 00:00hrs Monday to Wednesday, 10:00hrs to 01:00hrs Thursdays and 10:00hrs to 02:00hrs Friday to Sunday. Late Night refreshments from 10:00hrs to 00:00hrs Monday to Saturday and 12:00hrs to 23:30hrs Sunday. The sale of alcohol from 10:00hrs to 00:00hrs Monday to Wednesday, from 10:00hrs to 01:00hrs Thursday, from 10:00hrs to 02:00hrs Friday and Saturday and from 12:00hrs to 23:30hrs on Sunday.

In summary, the Police raised concerns about the following licensing objectives: crime and disorder, public safety and the prevention of public nuisance. The Police alleged that Mr Charalambous had breached the requirements of the Licensing Act 2003, in that the venue has a long history of serious crime and disorder dating back to 2009, the most serious of which resulted in the victim's skull being cracked and him being placed into an induced coma in hospital. He now has permanent memory loss. There was recent evidence of class 'A' drug use on the premises, fights, criminal damage, sexual assault, theft and the seizure of two firearms from the premises by the Police which relate to a current on-going investigation. The Police also informed the Sub Committee that staff have raised concerns about their safety on the premises and that the Police have had to close some criminal investigations due to the CCTV system not working and/or staff not knowing how to operate it.

The Police requested that Mr Charalambous be removed as the DPS, that the licence be suspended for a period of at least 8 weeks, that various additional conditions be added to the licence and that the current permitted operational hours be reduced.

Representations were also made by the Council's Licensing Enforcement Officers. The full details of the application made by the Police and the representations made by the Licensing Enforcement Officers, amongst other information, is contained within the Document pack and Supplementary packs (1-3) attached to the Agenda for our meeting. This information is publicly available and is therefore not repeated in detail in our decision notice.

### **The hearing**

Mr Charalambous attended the hearing and he was represented by his agent Mr Bob Dear. Ms Camilia Mihoc, the Bar Manager also attended.

PC Paul Whitcomb represented the Police.

Esther Chan and Lavine Miller-Johnson represented Regulatory Services.

### **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.

The evidence from the Licensing Enforcement Officers Ms Chan and Ms Miller-Johnson was that during the course of their visit to the premises on 12 December 2015 they were subject to harassment and intimidation from members of staff one of whom ripped down a statutory notice they had placed on the lamppost outside of the premises which is an offence.

Mr Dear informed the Sub Committee that some of the long catalogue of concerns submitted by the Police related to theft and there are no concerns about noise or any alcohol related offences arising from the premises. The CCTV system at the premises has been updated and there are now 16 cameras in total. Mr Dear stated that Mr Charalambous does apologise for the behaviour of a particular member of the security staff towards the Brent Licensing Officers during their visit in December and that member of staff has now gone. Mr Dear confirmed that Mr Charalambous does agree to the majority of the additional conditions requested by the Police being added to the licence. However, he would consider that any suspension of the licence would be totally disproportionate in light of all the work already done - namely changes to the CCTV system which can now store footage for up to 2 months, improvements to toilets to deter drug use. Mr Dear admitted that the premises has never had a good reputation but the same could be said of most of the Bars in Neasden.

We found that the evidence submitted by the Police demonstrated that the premises had been badly managed and supervised by Mr Charalambous in particular from March 2015 to date during which the report from the Police records a number of assaults including sexual assault, criminal damage caused by a patron who had been bar hopping since 10am that morning and was drunk, fights, evidence of drug use in both the male and female toilets, threats to a member of staff and seizure of 2 firearms found on the premises. Staff had looked after a customer's suitcase for a period of time. Apparently unbeknown to staff 2 firearms were inside. We were informed by the Police that the sexual assault took place at 01:30 on 23 January 2015. A man had squeezed a female patron's buttocks. Her boyfriend warned the man who he also saw touching other female customers bottoms. The boyfriend made a complaint to both the manager and door supervisor. No action was taken. The female victim then went to the toilet. As she came out she saw the man who had touched her bottom in the other toilet with the door open so that she could see him clearly. The man looked at her and exposed his penis at her. He then began masturbating. This was relayed to the door supervisor and it was only after this incident that the management decided to call the Police.

The Police stated that the management of the premises was shambolic and that this was not simply a case of changing the DPS or putting in extra security cameras. A fundamental change is required regarding the way in which this premises is run, staff recruited, trained and treated. The Police also said that the security firm who had supplied the door staff should not be used again.

During the course of the hearing, Mr Charalambous was asked to name the licensing objectives. His response was that he did not understand the question. The bar manager Camilia Mihoc was only able to do so by referring to the piece of paper in front of her upon which they were written. She also said that she would not serve anyone who was 'too drunk'. When asked by the Sub Committee to explain how she would identify someone who was drunk she said she didn't know. The Agent Mr Dear answered the question for her.

**We have therefore decided to remove Mr Charalambous as the Designated Premises Supervisor (DPS). Due to the gravity of concerns regarding serious crime and disorder at the premises we have decided to reduce the licensable hours and suspend the licence for a period of 8 weeks in order to allow the management time to implement the changes requested by the Police.**

We discussed the conditions the Police requested be added, varied and removed from the premises licence and have made the following changes as an appropriate, necessary and proportionate means of promoting the licensing objectives.

**Conditions to be removed**

1. The pavement seating outside the premises shall not be used by patrons past 11pm or other such earlier time required by Planning or Liquor licence consents.
2. Between Monday and Thursday at least two registered doormen are to be present at the entrance of the premises and one within the licensed area.

**Conditions to be varied and added**

1. There shall be a minimum of (2) two door supervisors who have been accredited by the Security Industry Authority, on duty from 20:00hrs on Friday and Saturday who shall remain on duty until the premises closes and customers have left.
2. Door supervisors shall wear clothing that can be clearly and easily identified on CCTV
3. A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.
4. From 20:00 hrs on Friday Saturday and Sunday there shall be at least one member of staff who is a personal licence holder on duty. They shall remain on duty until the end of the permitted hours for the sale/supply of alcohol, or at any such time that alcohol sales/supply concludes
5. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers shall undergo regular training of Licensing Act 2003 legislation. This will be documented and signed 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.
6. 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.
7. CCTV cameras shall be installed to cover the entrance of the premises.
8. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering the premises.
9. A drugs Policy shall be prepared and implemented and notices clearly explaining the licensee's drugs Policy shall be displayed at the entrance, in all the toilets and at suitable places throughout the premises .
10. Toilets shall be checked every (2) two hours for the use of drugs and other illegal activities.
11. A toilet check list shall be displayed on the wall in all toilets. Staff shall use these checklists to record their name and certify the time of the check. Checklists are to



be replaced daily and old checklists must be retained and made available for inspection by the Police and authorised officers from Brent Council.

12. The pavement area outside the front entrance of the premises shall be used for smoking only. This area shall be limited to (5) five persons and will be suitably supervised.
13. 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 incidents of disorder
  - (e) All seizures of drugs or offensive weapons
  - (f) Any faults in the CCTV system or searching equipment or scanning equipment
  - (g) Any refusal of the sale of alcohol
  - (h) Any visit by a relevant authority or emergency service

For the reasons set out above, we have reduced the permitted hours as follows:

**Reduction of Permitted Hours**

**All permitted Regulated Entertainment:**

Monday-Thursday 10:00 – 23:30

Friday –Saturday 10:00 – 00:30

Sunday 10:00 – 23:00

**Supply of Alcohol**

Monday – Thursday 10:00 – 23:20

Friday – Saturday 10:00 – 00:30

Sunday 10:00 – 23:00

**Provision of Late Night Refreshment**

Monday – Thursday 23:00 – 23:00

Friday – Saturday 23:00 – 00:00

Sunday permission withdrawn

**The Opening Hours of the Premises**

Monday –Thursday 10:00 – 00:00

Friday –Saturday 10:00 – 01:00

Sunday 10:00 – 23:30

The above hours give the management half an hour drinking up time (half an hour to one hour for eating food)

We also felt that the above conditions were necessary, proportionate and appropriate and we therefore decided to add them to the licence.

**Informative**

All current and new staff should attend drug awareness training.

**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.

**Dated** 22 February 2016

The meeting closed at 3.41 pm

J LONG  
Chair